

GENERAL MATTERS

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

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

The amendments in red include: -

- Drawing number DA21 to be amended in red to eliminate reference to the Windsor Road address and amend the street address to 1 Meryll Avenue.
- Substitute *Elaeocarpus reticulatus* (labelled 7-ER) on Drawing Nos. 0447.L.02 & 0447.L.05 with *Camellia sasanqua*.
- Substitute *Tristaniopsis laurina* (labelled 5-TL) on Drawing Nos. 0447.L.02 & 0447.L.05 with *Melaleuca ericifolia*.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
DA00	Cover Sheet	-	A	12/09/2013
DA03	Basement Level 4	-	A	18/05/2012
DA04	Basement Level 3	-	A	18/05/2012
DA05	Basement Level 2	-	B	14/01/2013
DA06	Basement Level 1	-	C	10/09/2013
DA07	Level 1	-	C	10/09/2013
DA08	Level 2	-	C	10/09/2013
DA09	Level 3	-	C	10/09/2013
DA10	Level 4	-	C	10/09/2013
DA11	Level 5	-	C	10/09/2013
DA12	Level 6	-	C	10/09/2013
DA13	Typical Levels 7	-	B	10/09/2013
DA14	Roof Level	-	D	10/09/2013
DA15	Site Elevations 1 & 2	-	C	14/01/2013
DA16	Site Elevations 3-5	-	C	14/01/2013
DA17	Site Elevations 6-8	-	C	14/01/2013
DA18	Site Elevations 9-12	-	C	14/01/2013
DA19	Site Sections a & b	-	C	14/01/2013
DA20	Site Sections c & d & e	-	C	14/01/2013
DA21	Site Details – Mail + Fence + Waste + Driveway Details	-	B	08/03/2013
DA22	Typical Unit Layouts Block A – Typical Levels 1-3	-	A	18/05/2012
DA23	Typical Unit Layouts Block	-	A	18/05/2012

	B – Level 1			
DA24	Typical Unit Layouts – Typical Levels 2, 3, 4 & 5	-	A	18/05/2012
DA25	Typical Unit Layouts Block B – Typical Levels 7 & 8	-	A	18/05/2012
DA26	Typical Unit Layouts Block C – Level 1, 2, Typical levels 5 & 6	-	A	18/05/2012
DA27	Typical Unit Layouts Block D – Ground Floor Level, Level 1 and Typical Levels 2 & 3	-	A	18/05/2012
0447.L.01	Key Plan	-	A	19/05/2012
0447.L.02	Landscape Plan – Block A	-	A	19/05/2012
0447.L.03	Landscape Plan – Block B	-	A	19/05/2012
0447.L.04	Landscape Plan – Block C	-	A	19/05/2012
0447.L.05	Landscape Plan – Block D	-	A	19/05/2012
0447.L.06	Landscape Details & Specification	-	A	19/05/2012

2. Construction Certificate

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

3. External Finishes

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

4. Compliance with NSW Transport – Roads & Maritime Services Requirements

Compliance with the following requirements of the NSW Transport – Roads & Maritime Services as outlined in their letter dated 10 September 2012:

- Traffic movements at the intersection of Windsor Road and Rembrandt Drive shall be restricted to left-in and left-out movements only. This is to be enforced by extending existing concrete median, at the centreline of Windsor Road, across Rembrandt Drive in accordance with the RMS's Road Design Guide.
- Restriction of traffic movements at this location will require preparation of a Traffic Management Plan (TMP) to address traffic impacts and community concerns. The TMP needs to be submitted to RMS and Council for approval prior to restricting traffic movements to left-in and left-out at the intersection of Windsor Road and Rembrandt Drive.
- The developer will be required to enter into a 'Works Authorisation Deed' (WAD) with RMS for the abovementioned road works.
- Certified copies of the civil design plans shall be submitted to RMS for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and the commencement of road works. RMS fees for administration, plan checking and project management shall be paid by the developer prior to the commencement of works.

- All works associated with the proposed development are to be at no cost to RMS.
- Bicycle parking spaces are to be provided for Block "A".
- Pedestrian access from the bus stop on Windsor Road to Block "A" is to be provided through the site.
- The layout of the car parking areas (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 2890-2002 for heavy vehicles.
- The circulation ramps shall be in accordance with AS 2890.1-2004.
- Consideration should be given to install speed humps at regular intervals within the car park for safety.
- The internal aisle ways are to be marked with pavement arrows to direct traffic movements in/out of the site and guide traffic circulation through the car park.
- The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2 metres (for cars and light vans, including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign and ventilation), according to AS 2890.1-2004.
- Turning areas at dead-end aisles within the basement car park are to be provided , and to be kept clear of any obstacles, including parked cars, at all times.
- All vehicles are to enter and leave the site *in a forward direction*.

The applicant shall liaise with the NSW RMS to ensure formal arrangements are made in relation to the above works.

5. Compliance with the Requirement of the NSW Police

The proposed development is to be undertaken in accordance with the requirements of the NSW Police – Local Area Command dated 2 April 2013 comprising the following:-

Surveillance

- Provide clear sightlines between public and private places and effective lighting of public spaces.
- Any vegetation around buildings, pathways and entrances should be chosen to provide low cover only and should be regularly trimmed to maintain foliage at low levels. Any taller trees should be trimmed to keep foliage at head height removing concealment opportunities for offenders. Shrubs and bushes should not be placed near entrances reducing opportunity for offenders to hide.
- Units at ground floor level and those with courtyard access are to be provided with adequate physical and electronic security to provide deterrence to opportunistic access of ground floor units.
- Lighting in car parks and road areas should meet AS/NZS 1158.
- Deactivation of the Light Emitting Diodes (LEDs) in any planned infra red detectors to reduce offenders from determining the line of sight of the detectors. Care needs to be taken to ensure that material does not interfere with the line of sight of the detectors.
- Inclusion of digitally recorded high definition CCTV in common areas, in particular the entry and exit points and the car park.

Access Control

- All public access points are to be well marked and inviting. There should be a form of definition between the residential and public sectors of the development.
- Garages and car parking areas should have access control with electronic control access and auto closing doors to deter unlawful entry.
- Fire exits and fire stairs in buildings and car parks must include self-closing mechanisms and self-locking street level egress doors.. Signage must be installed to warn of offences under legislation if these doors are interfered with.
- Avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes.
- Avoid porous building surfaces when selecting materials for construction to minimise maintenance cost relating to graffiti vandalism.

Other Matters

- Consider the use of security sensor lights and a licensed security company to monitor the site while construction is in progress.

Traffic

- Rembrandt Drive traffic flow be changed to left turn only and that a concrete dividing median strip be constructed on Windsor Road across the intersection of Rembrandt Drive to reinforce this "No Right Turn".

6. Provision of Parking Spaces

The development is required to be provided with 366 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

7. 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.

8. Construction Noise

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

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

9. Consolidation of Allotments

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

10. Dedication of Road Widening

The dedication of a strip of land as public road for road widening purposes as registered on the property title Lot 1 DP 164096 and at no cost to Council. The dedication is to be in accordance with the requirements of the RMS.

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. 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.

13. Structures Adjacent to Piped Drainage Easements

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

14. 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.

15. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. In urban areas, all driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

16. Street Trees

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

17. 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.

18. Separate Application for Strata Subdivision

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

19. Process for Council Endorsement of Legal Documentation

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

20. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Vipac Engineers & Scientists Ltd, referenced as 20C-12-0041-TRP-466855, dated 9th May 2012 and submitted as part of the Development Application are to be implemented as part of this approval.

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

The responsibility for property numbering is vested solely in Council.

The property address for this development is:

Units 1-147 / 1 Meryll Avenue Baulkham Hills

Please refer to approved numbering correspondence and plan. These unit numbers, as issued are to be displayed as per the marked plans provided.

All Blocks of mailboxes to be located at the Meryll Avenue frontage. There are to be no mailboxes located at the Windsor Road frontage of the site.

Drawing number DA21 Issue C dated 18/3/13 to be amended in red to eliminate reference to the Windsor Road address and amend the street address to 1 Meryll Avenue. No reference to 3 Meryll Avenue to be made in the street address.

A diagrammatic plan is to be erected on site at driveway entry points. Clear and accurate external directional signage is to be erected on all buildings, stairways, lift shafts, units and lobby entry doors.

It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency. Any amendments to this development application, which may affect the proposed numbering, must be referred to Council's Land Information Section for the reassessment of allocated numbers.

22. Australia Post Mail Box Requirements

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

23. 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.

24. 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.

25. 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.

26. Importation of Fill

All fill imported onto the site must be Virgin Excavated Natural Material (VENM) 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.

27. Commencement of Domestic Waste Services

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

28. Domestic Waste Management – eight (8) or more Units/Townhouses/Villas

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 15 x 660 litre bulk garbage bins (emptied twice per week) and 51 x 240 litre recycling bins (emptied fortnightly).

29. Odour Control

Ensure adequate natural or mechanical ventilation where bins are stored so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997.

30. Tree Removal

Approval is granted for the removal of (31) thirty-one trees as marked in the arboricultural impact assessment prepared by Redgum Horticulture Dated 03 May 2012.

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

31. Replacement Planting Requirements

To maintain the treed environment of the Shire (35) advanced (75 litres) replacement trees from the following list are to be planted elsewhere within the property.

Elaeocarpus reticulatus

(Blueberry Ash)

Tristaniopsis laurina

(Water Gum)

Backhousia citriodora

(Lemon Scented Myrtle)

32. Planting Requirements

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

PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

33. Section 94A Contribution

Pursuant to section 80A (1) of the Environmental Planning and Assessment Act 1979, and The Hills Shire Wide Section 94A Contributions Plan, a contribution of **\$339,055.04** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Shire Wide Section 94A Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate or Complying Development Certificate.

You are advised that the maximum percentage of the levy for development under section 94A of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

34. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming that satisfactory arrangements have been made for the under-grounding of existing electrical services and associated infrastructure or provision of under-ground electrical services. Street lighting is required in accordance with Council's Public Domain Plan for the Carlingford Precinct and a hinged lighting column is required where adjoining pedestrian links. The certificate must refer to the issued Development Consent No. 1363/2012/JP.

35. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming that satisfactory arrangements have been made for the undergrounding or provision of underground telecommunications, including

telecommunications cables and associated infrastructure. The certificate must refer to the issued Development Consent No. 1363/2012/JP.

36. 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 SEPP 65.

37. Approved Plans to be Submitted to Sydney Water

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

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

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

or telephone 13 20 92.

38. Notice of Requirements

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

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

39. 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.

40. Concept Engineering Design Approval

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

41. Engineering Works and Design

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

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

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

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) Four copies of the design plans and specifications.

- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.
- 2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/maintenance liability with respect to these assets once completed.

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

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

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

i. Drainage Works – Windsor Road

Submission of a set of construction plans endorsed by the RMS for the proposed drainage works on Windsor Road.

ii. 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.

iii. Stormwater Drainage Pipe Reconstruction

Reconstruction of the existing public stormwater drainage pipe along the south eastern boundary with a minimum 900mm diameter stormwater pipe generally in accordance with the Site Stormwater Drainage Layout prepared by HKMA Engineers drawing 1292-C DA 07 Revision B dated 14/02/2013. Such work shall include:

- a) new kerb inlet pit fronting the site on Windsor Road.
- b) Removal of all unused drainage pipes and structures within the development site and in the verge fronting to Windsor Road.
- c) Provision of appropriate junction pipes to Council's standards.
- d) Submission of appropriate hydrology and hydraulic calculations demonstrating the pipe flow

- e) Provision of overland flow ensuring the overland flow is contained within the southeastern setback area. (Note: should this require upgrading of drainage pipe, it is to be demonstrated with appropriate calculations.

iv. Stormwater Drainage Pipe Construction (Meryll Avenue)

provision of a minimum 450mm diameter stormwater pipe on Meryll Avenue generally in accordance with the Site Stormwater Drainage Layout prepared by HKMA Engineers drawing 1292-C DA 07 Revision B dated 14/02/2013. Such work shall include:

- a) New 'butterfly' gully pit in Meryll Avenue
- b) Piped connection to the existing kerb inlet pit/piped drainage network

v. Concrete Footpath – 1.5m wide – Windsor Road

Concrete footpath paving 1.5 metres wide across the Windsor Road frontage for the full frontage of proposed Lots 1 & 2 created in this development. The footpath shall extend, transition and connect into the existing adjacent concrete footpath. The footpath edge is to be constructed 600mm from the boundary and any existing footpath along the adjacent frontage shall be removed and reconstructed to ensure a smooth transition into the new footpath. The existing footpath fronting the site shall be removed and restored.

vi. Provision of Concrete Footpath – Meryll Avenue, Rembrandt Drive and Windsor Road

Provision of concrete footpath paving along the Meryll Avenue frontage of the development extending to Rembrandt Drive and Windsor Road frontages.

vii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge along Windsor Road and Meryll Ave frontages of 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.

viii. Gutter Crossings

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

ix. 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.

42. Onsite Stormwater Detention – Upper Parramatta River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plan prepared by HKMA Engineers Drawing 1292-C Revision B dated 14/02/2013 is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The complex drainage network in the vicinity of the driveway entrance shall be eased and to be directly connected to street drainage system wherever possible.

- b) The drainage pipes proposed across the basement driveway access must ensure gravitational discharge and without defeating the functionality of the OSD facilities.

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

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

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

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

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

43. 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.

44. 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 \$37,000.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site 500sqm plus an additional 50m on northern side and the width of the road measured from face of kerb on both sides 15m. 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.

45. 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.

46. Bank Guarantee Requirements

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 1363/2012/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.

47. No Deviation from Development Consent

The Principal Certifying Authority shall not authorise any variations to the development consent and the approved plans. If variations are required, a Section 96 modification shall be lodged and approved by council prior to the issue of the Construction Certificate or prior to the implementation of the variations during construction.

PRIOR TO ANY WORK COMMENCING ON SITE

48. 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.

49. 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.

50. Consultation with Service Authorities

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

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

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

51. Principal Certifying Authority

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

52. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

53. Site Water Management Plan

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

54. Builder and PCA Details

The builders name, address, telephone and fax numbers must be submitted to the before building works commence. Where Council is not the PCA, Council must be notified of the PCA in writing two days before building works commence in accordance with the Regulations.

55. 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.

56. 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.

57. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

58. 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).

59. Notification of Asbestos Removal

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

DURING CONSTRUCTION

60. Documentation On Site

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

61. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

62. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 466961M dated 05 March 2013 be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

63. 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.

64. Dilapidation Survey

If rock is encountered during excavation works and rock breaking equipment is required, all works are to cease immediately. A practicing professional structural engineer shall carry out a dilapidation survey of the adjoining townhouses at 17 Conie Avenue, Baulkham Hills and submit a copy of the survey both to the PCA and the property owner. Works are not to recommence until this survey has been provided.

65. Dust Control

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

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

66. 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.

67. 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) Prior to placing of fill;
- g) Road crossing; and
- h) Final inspection.

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

68. Stockpiles

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

69. Construction Noise

The recommendations of the Construction Noise Management Plan prepared by Rodney Stevens Acoustics, referenced as 13014 dated March 2013 are to be implemented as part of this approval. The emission of noise from the construction of the development shall also comply with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change (July 2009).

70. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council 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.

71. Sediment and Erosion Control

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/ or suitably revegetated. The controls shall be in accordance with the Sediment Erosion Control plan prepared by HKMA Engineers, drawing number 1292-ER DA01 and the Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

PRIOR TO THE ISSUE OF OCCUPATION OR SUBDIVISION CERTIFICATE

72. 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.

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. Overland Flow Extent Plan

A plan of survey prepared by a registered surveyor must be provided that shows the 1 in 100 year ARI storm event flood levels associated with the adjacent drainage system. The plan must reflect the WAE plans and clearly indicate the extent of inundation.

79. 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 systems.

ii. Positive Covenant – OSD Maintenance

A positive covenant to ensure the ongoing maintenance of the constructed onsite stormwater detention systems 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 – Vehicular Access

A restriction must be created restricting access to Windsor Road from the subject site.

vii. Restriction – Bedroom Numbers

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

viii. Creation of Rights of Maintenance Access

The creation of appropriate rights of access in favour of The Hills Shire Council to ensure authorised vehicles are entitled to enter the site from Meryll Ave for the purpose of carrying out any necessary maintenance works for stormwater drainage pipe and overland flow system draining the external upstream catchment. The easement shall be created at no cost to Council.

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.

80. Inspection of Bin Bay Storage Area(s)

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

81. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

82. 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.

USE OF THE SITE

83. 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.

84. Servicing of Bins

A caretaker is to be responsible for transporting bins to and from the bin rooms to the bin standing area for servicing, returning them shortly after collection on the same day. A tractor and trolley that can accommodate 660 litre and 240 litre bins is to be used.

85. 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*.