

2013SYW029 - The Hills, 824/2013/JP, Residential Development comprising 8 Residential Flat Buildings (233 apartments), two levels of basement car parking, landscaping & communal facilities, 28 Fairway Drive, Kellyville

Conditions of Consent

1. Development in Accordance with Submitted Plans

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:

- Deletion of bridge across SP2 zoned land in accordance with Sydney Water Requirements.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-1.05	Site Plan	H	13 August 2014
DA-02.01	Basement Plan (West)	G	1 April 2014
DA-02.02	Basement Plan (East)	H	13 August 2014
DA-02.03	Ground Floor Plan (West)	G	1 April 2014
DA-02.04	Ground Floor Plan (East)	H	13 August 2014
DA-02.05	Typical Floor Plan (West)	G	1 April 2014
DA-02.06	First Floor Plan (East)	H	13 August 2014
DA-2.07	Typical Floor Plan 2-3 (West)	G	1 April 2014
DA-2.07	Typical Floor Plan 2-3 (East)	H	13 August 2014
DA-3.01	North Elevation	H	13 August 2014
DA-3.02	South Elevation	H	13 August 2014
DA-3.03	East and West Elevation	H	13 August 2014
DA-4.01	Section A-A	H	13 August 2014
DA-4.02	Section B-B and C-C	H	13 August 2014
DA-4.03	Section D-D	H	13 August 2014
DA-1.03	Proposed Riparian Zone	D	15 August 2013

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. 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.

4. Compliance with NSW Office of Water

Compliance with the requirements of the NSW Office of Water as outlined in their letter dated 14 March 2013 Ref: 10 ERM2012/0981 attached to this consent as Appendix A.

5. Compliance with NSW Police Force Requirements

The following is required, unless otherwise agreed by the Police and Council in writing:

- i. Fencing must be vertical style to stop unauthorised access to ground floor units;
- ii. Materials chosen must have regard to the potential for graffiti.

Advice

- i. There is potential for unauthorised access to car parks and tenant storage areas. Police suggest a use of a swipe card or keypad access for residents to access these areas. Each garage door should be secured and it is recommended that an alarm system be installed.
- ii. It is recommended that during the construction phase security sensor lights be used and security guards monitor the site.

6. Liquid Storage - Pool Chemicals

All liquids onsite are to be stored within bunded areas so as to prevent water pollution. All secondary and site containment mechanisms are to be implemented as per Appendix 2: Technical Considerations within the Storing and Handling Liquids: Environmental Protection – Participants Manual prepared by the Department of Environment and Climate Change NSW dated May 2007.

7. Salinity Assessment & Site Salinity Management Plan

The recommendations of the Salinity Assessment and Management Plan prepared by Environmental Investigation Service, referenced as E26168KBrpt2-sal, dated November 2012 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

8.5 Surface-water, Stormwater and Drainage

Surface water, storm water and drainage design should include the following:

- *The disturbance of natural drainage patterns should be avoided;*
- *Where the drainage patterns are altered, appropriate, alternative artificial drainage should be installed;*
- *Slabs, foundations and retaining walls should be designed with subsoil drains and good drainage to avoid water logging;*
- *Stormwater should be managed appropriately in order to reduce infiltration. Stormwater infrastructure should be designed to minimise leakage;*
- *Guttering and down pipes should be properly connected and maintained;*
- *Subsoil drains should be provided in areas where seepage discharge from the underlying natural soil may occur, such as retained cuts, cut slopes, low lying areas or significant changes in grade, etc; and*
- *Surface water runoff should be directed around all stockpiles and work areas.*

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

The responsibility for property numbering is vested solely in Council.

Buildings 1, 2 & 3 will be addressed to Fairway Drive with one letterbox bank to be located at this frontage to accommodate units 1-84. Due to development that will occur along Fairway Drive in the future, current street numbers will be changed. As a result of

this the site **will not** have an address of 28 Fairway Drive. The new street number cannot be allocated at this time.

Buildings 4-6 will be addressed to the proposed new road Lucinda Avenue and will be allocated the street number one (1). One bank of letterboxes is to be located at the Lucinda Avenue frontage to accommodate units 85-176.

Unit numbers are allocated as follows

Building 1	-	Units 1-24 Fairway Drive Kellyville
Building 2	-	Units 24-44 Fairway Drive Kellyville
Building 3	-	Units 45-84 Fairway Drive Kellyville
Building 4	-	Units 85-124 / 1 Lucinda Avenue Kellyville
Building 5	-	Units 125-152 / 1 Lucinda Avenue Kellyville
Building 6	-	Units 153-174 / 1 Lucinda Avenue Kellyville

Please refer to approved numbering correspondence and marked plan numbers DA-1.05 (Revision D) & DA-2.03 to DA-2.09 (revision D). These numbers, unless otherwise approved by Council in writing, are to be displayed at street frontages and on all door entrances.

If this development is subdivided in stages and given different strata numbers, this will have an impact on the proposed unit numbers.

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.

9. Australia Post Mail Box Requirements

The number of mail boxes to be provided is to be equal to the number of residences and 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.

10. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

11. Approved Street Naming

Street naming must comply with Council's approved map which can be found on Council's website.

12. Street Trees

Street trees must be provided for the section of Fairway Drive, Horatio Avenue and Lucinda Avenue within or fronting the development site spaced between 7m and 10m apart. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

A performance/ maintenance bond is required to be submitted to Council once the street trees are planted. The bond will be held for one year and may be extended if replacement street trees are required to be planted. The bond is refundable upon written application to Council. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

13. 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.

14. 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.

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.

15. Separate Application for Strata Subdivision

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

16. 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.

17. Vehicular Access and Parking

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

- i. AS/ NZS 2890.1
- ii. AS/ NZS 2890.6
- iii. AS 2890.2
- iv. Council's DCP Part C Section 1 – Parking
- v. 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 design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

18. Detailed Design Requirements – Car Parking

The detailed design/ Construction Certificate plans must comply with the following requirements:

- i. Drawing DA-C-305 Issue B dated 12 February 2014 prepared by LP Consulting shows a gradient of 34.8% for the driveway/ basement ramp "Lucinda Avenue Basement East". This must be reduced to 25% (maximum), being the maximum driveway gradient permitted for passenger vehicles as per AS/ NZS 2890.1. Also, access to this driveway/ basement ramp will be limited to passenger vehicles only as a result of this steep grade. AS 2890.2 includes more stringent requirements relating to service vehicles, including waste collection.
- ii. All visitor parking spaces must be 2.5m wide (minimum).
- iii. All resident parking spaces must be 2.4m wide (minimum).
- iv. Blind aisles that include visitor parking spaces require a dedicated turning area as per AS/ NZS 2890.1.
- v. No security gates/ roller shutters or the like are permitted unless the design also includes a dedicated turning area in front of any such gate/ shutter, so that a person is able to turn and leave the site if access is not available. Also, the gradient of this queuing/ turning area in front of the gate/ shutter must have a gradient no steeper than 6%.

19. Gutter and Footpath Crossing Application

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

20. 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. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

i. Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

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

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.

21. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

22. Adherence to Waste Management Plan

All commitments of the Waste Management Plan submitted as part of the Development Application must be implemented during construction of the development. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. Receipts of all waste/ recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

23. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area on site at all times, prior to its reuse on site or being sent off site. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved off site must be transported to a place that can lawfully be used as a waste facility or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timber, masonry products, clean waste plasterboard and mixed plastics and cardboard. This can be achieved by source separation on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept on site

at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

24. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without formal approval from Council, prior to works commencing on site. 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. Receipts of all waste/ recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

25. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council no later than two days after occupancy and no earlier than two days prior to occupancy of the development. The service is to be arranged by telephoning Council on (02) 9843 0310. All requirements of Council's waste collection service must be complied with at all times.

26. Construction of Waste Storage Areas (Buildings One-Six)

All work involving construction of the waste storage areas is required to comply with the requirements of Council's Bin Storage Facility Design Specifications. Storage facility is to be provided for a minimum of:

Buildings One-Three: Nine (9) 1100 litre bulk garbage bins and forty (40) 240 litre mobile recycling bins.

Buildings Four-Six: Nine (9) 1100 litre bulk garbage bins and forty-two (42) 240 litre mobile recycling bins.

27. Construction of Waste Storage Area (Building 7)

All work involving construction of the waste storage area is required to comply with the requirements of Council's Bin Storage Facility Design Specifications. The storage area is required to be sized to comfortably store and manoeuvre a minimum of two (2) 660 litre bulk garbage bins and six (6) 240 litre mobile recycling bins. The waste servicing door to the storage area is required to open directly to the street, and have a direct access path leading to the street, with a maximum gradient of 5%, including kerb crossing.

28. Restricted Development Area Fencing

The Restricted Development Area, being the area labelled on the riparian zone plan (Reference: DA-1.03, revision D) is to be delineated with an appropriate fence (post and rail or similar) to distinguish the riparian zone from the landscaped areas. No barbed wire is to be used.

29. Vegetation Bond

Lodgement of a security bond of \$40,000.00 to ensure satisfactory completion and maintenance of the vegetation works.

The security bond will be progressively released at the following stages subject to the submission of progress reports and the satisfactory completion of works in accordance with the Council-approved Vegetation Management Plan (VMP):

- Release of 25%, 12 months after the initial planting;
- Release of a further 25%, 36 months after the initial planting;
- Final release of 50%, 60 months after the initial planting.

Progress reports are required to be submitted prior to each progressive partial bond release demonstrating compliance with the Council-approved VMP. The progress reports

shall be prepared by a professional ecologist/bush regeneration specialist and certified by Council's Manager – Environment and Health.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

30. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
 - b) Location of the adjoining roads
 - c) Contours
 - d) Existing vegetation
 - e) Existing site drainage
 - f) Critical natural areas
 - g) Location of stockpiles
 - h) Erosion control practices
 - i) Sediment control practices
 - j) Outline of a maintenance program for the erosion and sediment controls
- (NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

31. Section 94 Contribution – Balmoral Road Release Area

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

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom units: 65	No. of 2 Bedroom units: 89	No. of 3 Bedroom units: 20	Sum of Units	No. of Credits: 1	Total S94
Open Space - Land	\$ 12,930.96	\$ 17,904.40	\$ 18,865.47	\$ 18,865.47	\$ 840,512.40	\$ 1,593,491.60	\$ 377,309.40	\$ 2,811,313.40	\$ 18,865.47	\$ 2,792,447.93
Open Space - Capital	\$ 3,431.83	\$ 4,751.77	\$ 5,006.83	\$ 5,006.83	\$ 223,068.95	\$ 422,907.53	\$ 100,136.60	\$ 746,113.08	\$ 5,006.83	\$ 741,106.25
Transport Facilities - Capital	\$ 2,443.64	\$ 3,383.50	\$ 3,565.11	\$ 3,565.11	\$ 158,836.60	\$ 301,131.50	\$ 71,302.20	\$ 531,270.30	\$ 3,565.11	\$ 527,705.19
Community Facilities - Land	\$ 255.72	\$ 354.08	\$ 373.09	\$ 373.09	\$ 16,621.80	\$ 31,513.12	\$ 7,461.80	\$ 55,596.72	\$ 373.09	\$ 55,223.63
Community Facilities - Capital	\$ 1,047.63	\$ 1,450.57	\$ 1,528.43	\$ 1,528.43	\$ 68,095.95	\$ 129,100.73	\$ 30,568.60	\$ 227,765.28	\$ 1,528.43	\$ 226,236.85
Administration	\$ 179.48	\$ 248.51	\$ 261.85	\$ 261.85	\$ 11,666.20	\$ 22,117.39	\$ 5,237.00	\$ 39,020.59	\$ 261.85	\$ 38,758.74
Drainage Facilities - Capital	\$ 273.64	\$ 378.88	\$ 399.22	\$ 399.22	\$ 17,786.60	\$ 33,720.32	\$ 7,984.40	\$ 59,491.32	\$ 399.22	\$ 59,092.10
Total	\$ 20,562.90	\$ 28,471.71	\$ 30,000.00	\$ 30,000.00	\$ 1,336,588.50	\$ 2,533,982.19	\$ 600,000.00	\$ 4,470,570.69	\$ 30,000.00	\$ 4,440,570.69

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. 12.

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.

32. Underground of Overhead Services

A Construction Certificate cannot be issued until an agreement has been reached with Endeavour Energy, confirmed in writing, in relation to the undergrounding/ relocation of the existing high voltage overhead power lines and the removal of the associated easement from the title of the property.

33. Bank Guarantee Requirements

Any bank guarantee submitted in lieu of a cash bond must comply with the following:

- a) Have no expiry date;
- b) Be sent to Council direct from the bank;
- c) Reference the development application, condition and matter to which it relates;
- d) The amount must match that required to be paid;

e) If a single bank guarantee is used for multiple bonds, it must be itemised.

Should Council need to uplift the bank guarantee, notice in writing will be forwarded to the applicant 14 days beforehand.

34. Controlled Activity Authority – NSW Office of Water

A copy of the Controlled Activity Authority required to be obtained from the NSW Office of Water must be submitted to Council before a Construction Certificate is issued.

35. 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.

36. 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.

37. Stormwater Pump/ Basement Car Park Requirements

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

- a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;
- b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design 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 along with the remaining site runoff, under gravity.

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

38. Draft Legal Documents

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

39. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$118,320.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (174m) multiplied by the width of the road (8m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council 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 costs.

40. 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 amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

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) An electronic copy of the design plans and accompanying documentation.
 - 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 flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because

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

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

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

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

The following engineering works are required:

i. 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:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Lucinda Avenue	Road Type: DCP Access Street (1) 3.5m/ 8.5m/ 3.5m (15.5m total) Pavement Design: Access (Design Guidelines Section 3.12)

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

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)
Horatio Avenue	Road Type:

	DCP Access Street (1) 3.5m/ 8.5m/ 3.5m (15.5m total) Pavement Design: Access (Design Guidelines Section 3.12)
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The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

As partial width construction exists opposite, the completed road must comply with the overall requirements outlined in the table above.

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)
Fairway Drive	Road Type: DCP Enhanced Collector Road with Cycleway (3C) 4.5m/ 12m/ 3.5m (20m total) Pavement Design: Enhanced Collector (Design Guidelines Section 3.12)

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

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 footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

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.

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

The wider 4.5m verge must be located on the eastern side of Fairway Drive correlating with the cycleway required by the DCP at this location.

iv. Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

A temporary turning head is required at the southern end of Lucinda Avenue extending into the development site.

v. Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

vi. Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on one side of Lucinda Avenue and Horatio Avenue in accordance with the DCP and the above documents.

vii. Concrete Cycleway

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

viii. 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.

ix. Service Conduits

Service conduits to the development site, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

x. Stormwater Drainage – Temporary Works

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

xi. Stormwater Drainage – Creek Outlets

The two piped stormwater outlets/ connections to Strangers Creek must comply with the requirements of Council and the NSW Office of Water as well as Sydney Water, in the case of stormwater management zoned land.

xii. Water Sensitive Urban Design Elements

Water sensitive urban design elements, being those shown on the plans prepared by LP Consulting, are to be located generally in accordance with the plans and information submitted with the application. With respect to rainwater reuse, a 20,000 litre rainwater tank is required for each building (or an equivalent combined volume across the development site as a whole).

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

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

42. Design of Waste Storage Area (Buildings One, Two and Three)

Prior to a Construction Certificate being issued, amended plans are required to be submitted to Council to the satisfaction of the Resource Recovery Project Officer. The plans must demonstrate that the waste storage room is sized to comfortably store and manoeuvre a minimum of nine (9) 1100 litre bulk garbage bins and forty-two (40) 240 litre mobile recycling bins. Additionally, the bay width of the waste servicing area is to be increased to be at least 4m, and the bay is not permitted to have a dog leg angle.

43. Design of Waste Storage Area (Buildings Four, Five and Six)

Prior to a Construction Certificate being issued, amended plans are required to be submitted to Council to the satisfaction of the Resource Recovery Project Officer. The plans must demonstrate that the waste storage room is sized to comfortably store and manoeuvre a minimum of nine (9) 1100 litre bulk garbage bins and forty-two (42) 240 litre mobile recycling bins. Additionally, the bay width of the waste servicing area is to be increased to be at least 4m.

44. Relocation of Waste Storage Area (Building 7)

Prior to a Construction Certificate being issued, amended plans are required to be submitted to Council to the satisfaction of the Resource Recovery Project Officer. The waste storage room is required to be relocated to be within 8m of the street, unless it is within the building footprint, where the maximum distance is 12m.

45. Internal Pavement Structural Design Certification

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

46. Landscape Plan

A site specific Landscape Plan is to be submitted to Council's satisfaction prior to any works commencing on site. This plan is to show how landscaping will incorporate the use of local provenance plants native to the local vegetation communities being River-flat Eucalypt Forest and Cumberland Plain Woodland. Eighty percent of the plants used in the street tree planting and in common areas are to be of local provenance groundcovers, shrubs and trees (excluding turf and the riparian zone).

47. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site including the removal of Cumberland Plain Woodland, the development must purchase and retire seven (7) HN528 or HN529 ecosystem credits. A retirement certificate from the NSW BioBanking Office to demonstrate compliance with this condition is to be provided to The Hills Shire Council's Manager – Environment and Health prior to issue of a Construction Certificate.

48. Landscape Plan Bond

Lodgement of a landscape bond in the amount of \$10,000 to ensure satisfactory completion is to be lodged with Council. It shall be refunded six months following issue of the Final Occupation Certificate provided works are to the satisfaction of Council's Manager – Environment and Health. Works are to be certified by a qualified Landscape Architect via the submission of appropriate documentation demonstrating compliance with the approved landscape plan.

49. Landscape Plan Plant Procurement

The bush regeneration contractor shall order all local provenance plants that are required to be planted as part of the Council approved Landscape Plan. Invoices detailing the procurement shall be submitted to Council.

50. Vegetation Management Plan

A Vegetation Management Plan is to be submitted to Council prior to the release of the construction certificate. The Vegetation Management Plan must be prepared to the satisfaction of Council's Manager Environment and Health. The Vegetation Management Plan is required to include information regarding how the RDA will be rehabilitated and then managed into the future past the first 5 year rehabilitation plan.

51. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growth Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

PRIOR TO WORK COMMENCING ON THE SITE

52. Principal Certifying Authority

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

53. Consultation with Service Authorities

Applicants are 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.

54. 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.

55. Erosion and Sedimentation Controls – Minor Works

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

56. 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).

57. 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.

58. 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.

59. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

60. Sediment and Erosion Control

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

61. Service Authority Consultation – Subdivision Works

Before subdivision works commence:

- a) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the relocation, undergrounding and/ or provision of electrical services for the non-residue lots created by the subdivision.
- b) Documentary evidence, including a notice of requirements from Sydney Water, must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
- c) Consultation with the relevant telecommunications provider authorised under the Telecommunications Act regarding the installation of telephone conduits is required. The design and construction of these works must comply with current NBN standards, where applicable.

62. Public Infrastructure Inventory 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. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

63. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Occupational Health and Safety Regulations 2001 Part 8 and AS 2601-2001. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal

must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

64. Discontinuation of Domestic Waste Service

Prior to the commencement of demolition works, and where the site ceases to be occupied during works, the property owner or site manager must ensure to notify to Council to collect any garbage and recycle bins from any dwelling that is to be demolished. Trade workers are not permitted to use Council supplied bins for the disposal of any waste. The service is to be discontinued by telephoning Council on (02) 9843 0310.

65. Landscaping/ Planting – Seed Collection

Prior to clearance of the vegetation in the development area, all collectable floristic material shall be harvested for use in future landscaping on site. Seed and other genetic material collected from the site is to be placed in the care of a Council recognised bush regeneration specialist for use in bush rehabilitation projects in the local area.

Details prepared by the project ecologist (in writing) demonstrating compliance is to be submitted to The Hills Shire Council.

66. Tree Removal and Fauna Protection

A pre-construction survey is to be undertaken by a qualified ecologist to confirm no bats are roosting in buildings on the site. Any individuals found should be captured and released. A bat management plan shall be prepared to the satisfaction of Council to detail how this will be undertaken if the bats are present.

If hollow-bearing tree removal is unavoidably to occur during August to February in the hollow-dependant fauna breeding seasons, the following is required. A fauna breeding season action plan prepared by a suitably qualified and experienced ecologist prior to tree removal being undertaken is required. The plan must be to the satisfaction of Council and submitted and approved prior to tree removal works being undertaken.

Prior to the clearing of any trees, a pre-clearing fauna survey will be conducted by a qualified ecologist to identify and minimise impacts to resident fauna. All trees containing hollows are to be clearly marked as habitat trees.

During any tree removal a Project Ecologist is to be present to re-locate any displaced fauna that may be disturbed during this activity.

Trees marked as habitat trees will be shaken by machinery prior to clearing to encourage any fauna remaining to leave the hollows and move on.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.

An experienced wildlife handler/ecologist shall be in attendance during the felling of trees on this site in order to rescue any injured wildlife. Potential hollows in lowered trees or sections of trees shall be searched by an experienced ecologist and any fauna shall be removed and, if uninjured, either released into roost boxes on the site or fed, warmed and released in the evening, or, if injured, transferred to the care of a wildlife carer and released on the site when re-habilitated (microbats bats should only be handled by appropriately vaccinated persons).

Details prepared by the project ecologist (in writing) demonstrating compliance is to be submitted to The Hills Shire Council.

DURING CONSTRUCTION

67. 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.

68. 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.

69. 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.'s 460254M_02 (Building 1), 460269M_02 (Building 2), 460021M_02 (Building 3), 460276M_02 (Building 4), 460339M_02 (Building 5), 460342M_02 (Building 6), and 460344M_02 (Building 7) be complied with. Any subsequent version of these BASIX Certificates will supersede all previous versions of the certificate.

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

70. Roof Water Drainage

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

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

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

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

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

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

72. 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.

73. Dust Control

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

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

74. Construction Noise

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

75. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

76. Pool Discharge Water

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

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

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

77. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

78. Resuscitation Warning Notice

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

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",

and

(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

79. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

80. Temporary Fencing of Pools

This condition applies to unoccupied land.

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

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

81. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

82. Standard of Works

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

83. Safety Glazing for Pool Fencing

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

84. Compliance with NSW Office of Water Requirements

A letter from the NSW Office of Water must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

85. Completion of Subdivision Works

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

86. Deleted

87. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

88. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision 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/ bonded works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

89. Confirmation of Pipe Locations

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

90. Removal of Sediment and Erosion Control Measures

Where the sediment and erosion control measures are required to be retained post construction to allow the site to establish, as directed by Council's Construction Engineer, a \$5,000.00 bond must be submitted to ensure their eventual removal, along with any collected debris.

91. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

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

92. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

93. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

94. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

95. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

96. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

97. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

98. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

99. Final Plan and 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

i. Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication.

ii. Easement – Temporary Public Access

A temporary public access easement must be created over the temporary cul-de-sac turning head at the southern end of Lucinda Avenue using the "temporary public access easement" terms included in the standard recitals.

iii. Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

iv. Restriction/ Positive Covenant – Riparian Corridor

The site must be burdened with a restriction and a positive covenant using the "riparian corridor requirements/ restricted development area" terms included in the standard recitals.

100. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

i. Restriction – Bedroom Numbers

The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

ii. Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

iii. Positive Covenant – Stormwater Pump

The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

101. Security Bond – Temporary Turning Head

A \$20,000.00 security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

This bond is not required if the temporary cul-de-sac turning head is not required to be constructed.

102. 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.

103. Public Infrastructure Inventory Report - Post Construction

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 and the means of rectification for the approval of Council.

104. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/ road widening have been dedicated in accordance with the undertaking submitted relating to dedication.

105. 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.

106. Water Sensitive Urban Design Certification

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.

107. Internal Pavement Construction

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

108. Final Inspection of Waste Storage Areas

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

109. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies returned to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to service bins.

110. Planting Local Provenance plants for Landscaping purposes

Planting of the required local provenance plants is to be completed in accordance with the Council-approved Landscape Plan.

Invoices detailing the source of the local provenance plant species used for Landscaping shall be submitted to Council.

111. Final Plan and 88B Instrument

a) Restriction/ Positive Covenants – Restricted Development Area

A restriction must be placed on the title to ensure that any built form on the affected lot is located outside of the restricted development area, which must be shown on the final plan, in accordance with the requirements of Council.

b) Restriction/ Positive Covenants – Vegetation Management Plan

A positive covenant must be placed on the title of the property to ensure the ongoing maintenance of the restricted development area (see above) in accordance with the (approved) vegetation management plan, in accordance with the requirements of Council.

THE USE OF THE SITE

112. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*. Ventilation systems, car park exhausts and pumps and filters associated with the swimming pool shall be treated to minimise noise so that the noise is not more than 5 dB above the background noise level when measured at the boundary of any adjoining premise or at the window or balcony of any unit within the site.

113. 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*.

114. Waste and Recycling Collection

Engagement of a caretaker responsible for the movement of all bins provided to the development to and from the waste storage and collection points (as nominated by Council) on the day allocated by Council. Bins presented to the street for servicing must be removed from the street within 6 hours of servicing.

115. Landscaping

Landscaping is to be maintained in accordance with the Council-approved Landscape Plan in perpetuity.

116. Vegetation Management Plan

The Riparian Corridor is to be maintained in accordance with the Council-approved Vegetation Management Plan in perpetuity.