

DA 586/2014/JP - PROPOSED SEPP (AFFORDABLE RENTAL HOUSING DEVELOPMENT) 2009 - LOT 11 DP 280013, CORNER CIVIC WAY AND WHITE HART DRIVE, ROUSE HILL

CONDITIONS OF DEVELOPMENT CONSENT:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
A2000	Basement Plan	03.12.13 Issue G
A2001	Ground Floor Plan	24.01.14 Issue I
A2002	Level 2 Plan	03.12.13 Issue G
A2003	Level 3 Plan	03.12.13 Issue G
A2004	Level 4 Plan	03.12.13 Issue G
A2005	Roof Plan	03.12.13 Issue G
A8000	Area Calculations: Basement	03.12.13 Issue G
A8001	Area Calculations: GF/L1	24.01.14 Issue I
A8002	Area Calculations: L2	03.12.13 Issue G
A8003	Area Calculations: L3	03.12.13 Issue G
A8004	Area Calculations: L4	03.12.13 Issue G
A8005	Driveway Sections & Deep Soil Planting	03.12.13 Issue G
---	Drawing Index	---
A3000	East Elevation	03.12.13 Issue G
A3001	West Elevation	03.12.13 Issue G
A3002	South & North Elevations	03.12.13 Issue G
A3100	Section AA	03.12.13 Issue G
A3101	Section BB & CC	03.12.13 Issue G
A4003	Perspective	24.01.14 Issue I
2007LP-01	Landscape Plan	19/09/13 Issue 02

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

2. Construction Certificate

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

3. 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. Tree Removal

Approval is granted for the removal of trees 1-33 inclusive, 35-41 inclusive, 43-58 inclusive and 62 as proposed in Tree report by Stuart Pittendrigh dated July 2013.

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.

5. 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.

6. 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.

7. 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.

8. Minor Engineering Works

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

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

Any variance from these documents requires separate approval from Council.

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

i. Driveway Requirements

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

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

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

The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary.

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

ii. 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.

iii. Footpath Verge Formation

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

iv. Site Stormwater Drainage

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

9. 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.

10. 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.

11. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

12. Stockpiles

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

13. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by BGMA Pty Ltd, referenced as BGMA 130625 A, dated July 2013 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Minimum reduction weighting for construction methods.

14. Geotechnical and Salinity Assessment

The recommendations of the Geotechnical and Salinity Site Assessment and Report prepared by Geotechnique Pty Ltd, referenced as 12897/2-AA, dated 6 June 2013 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Section 7.0 – Salinity Assessment and Soil Management Plan; and

- Section 8.0 – Geotechnical Assessment.

15. Surplus Excavated Material

The disposal of surplus excavated material, other than to facilities that can lawfully receive waste, is not permitted without formal approval from Council. Any unauthorised disposal of surplus excavated material is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Receipts of tipping must be kept on site at all times and presented to Council when requested.

16. Commencement of Domestic Waste Service

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

17. Construction of Refuse Room

All work involving construction of the refuse room shall comply with the requirements of Council's *Bin Storage Facility Design Specifications*. Storage facility is to be provided for a minimum of three 1,100 litre bulk garbage bins and fourteen 240 litre mobile garbage bins.

18. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property address for this development is: -

Units 1-28/40 Civic Way Rouse Hill NSW 2155

Unit numbers are to be allocated as per plans submitted and dated 1 August 2013. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

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

19. Use of the Dwellings for Affordable Housing

For 10 years from the date of the issue of the occupation certificate:

- (i) the dwellings **will** be used for the purposes of affordable housing, and
- (ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider,

in accordance with Clause 17 of the State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009.

20. Police Requirements

The choice of materials is to have regard to the potential for graffiti and the on-going expense associated with cleaning. The building is to be maintained graffiti free at all times.

21. Protection of Internal Noise Levels

The maximum internal noise levels for the development must not exceed the following LAeq levels;

- In any bedroom in the building; 35dB(A) at any time 10pm -7am
- Anywhere else in the building (other than a garage, kitchen, bathroom or hallway); 40dB(A).

Prior to the issue of the occupation certificate an appropriately qualified acoustic consultant must certify that the abovementioned levels have been met.

22. Management of Construction Waste

Waste materials must be appropriately stored and secured in a designated waste area on site at all times, prior to its reuse on site or removal off site. Any waste material removed from the site must 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 disposal or resource recovery facility, or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timbers, masonry products, clean waste plasterboard and mixed plastics, cardboard and paper. This shall be achieved by source separation of materials on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste materials can be stored in one or more bins and sent to a transfer / sorting station that will sort the waste materials on their premises. 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. Receipts of all waste / recycling tipping must be kept on site at all times and presented to Council when requested.

23. Bin Stand Area

The bin stand area is to be of adequate dimensions to comfortably store fourteen 240 litre mobile recycling bins. The minimum length shall be 14m. The bin stand area must be clear of the vehicle layby and crossing.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

24. Section 94 Contribution

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

Payments comprise of the following:-

	<i>1br per Unit</i>	<i>2br per Unit</i>	<i>3br per Unit</i>	<i>1 Bedroom: 14</i>	<i>2 Bedroom: 13</i>	<i>3 Bedroom: 1</i>	<i>Sum of Units</i>	<i>Total Section 94</i>
Open Space - Land	\$ 3,553.01	\$ 5,739.47	\$ 7,379.32	\$ 49,742.14	\$ 74,613.11	\$ 7,379.32	\$ 131,734.57	\$ 131,734.57
Open Space - Capital	\$ 1,461.34	\$ 2,360.62	\$ 3,035.08	\$ 20,458.76	\$ 30,688.06	\$ 3,035.08	\$ 54,181.90	\$ 54,181.90
Community Facilities - Land	\$ 76.56	\$ 123.68	\$ 159.02	\$ 1,071.84	\$ 1,607.84	\$ 159.02	\$ 2,838.70	\$ 2,838.70
Community Facilities - Capital	\$ 662.84	\$ 1,070.75	\$ 1,376.67	\$ 9,279.76	\$ 13,919.75	\$ 1,376.67	\$ 24,576.18	\$ 24,576.18
Studies and Administration	\$ 101.93	\$ 164.65	\$ 211.70	\$ 1,427.02	\$ 2,140.45	\$ 211.70	\$ 3,779.17	\$ 3,779.17
Roadworks - Land	\$ 585.41	\$ 945.66	\$ 1,215.85	\$ 8,195.74	\$ 12,293.58	\$ 1,215.85	\$ 21,705.17	\$ 21,705.17
Roadworks - Capital	\$ 1,391.80	\$ 2,248.29	\$ 2,890.66	\$ 19,485.20	\$ 29,227.77	\$ 2,890.66	\$ 51,603.63	\$ 51,603.63
Total	\$ 7,832.89	\$ 12,653.12	\$ 16,268.30	\$ 109,660.46	\$ 164,490.56	\$ 16,268.30	\$ 290,419.32	\$ 290,419.32

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

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

This condition has been imposed in accordance with Contributions Plan No 8.

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.

25. 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.sydneypwater.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.

26. 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;

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.

27. 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.

28. 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 \$81,675 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 on White Hart Drive plus an additional 50m on either side (165m) and the width of the road measured from face of kerb on both sides (16.5m). 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.

29. 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.

30. Bank Guarantee Requirements (Development)

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

- a) Have no expiry date;

- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA 586/2014/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.

31. 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).

32. Soil Salinity Management Plan

A Soil Salinity Management Plan (SSMP) shall be submitted prior to the release of a construction certificate. The following should be considered as part of the SSMP:

- Erosion and Sediment Control Plans must be developed and implemented by the bulk site works contractors. All sediment and erosion controls proposed by the Erosion and Sediment Control Plans are to be installed prior to commencement of any excavation.
- Ensure that earthworks and construction activities do not affect the natural flow of groundwater. If groundwater is intercepted during development works/excavation, the flow should be diverted to stormwater drains or creeks by providing appropriate surface and sub-surface drainage.
- Reduce groundwater recharge through appropriate land use and land management practices. This can be achieved by minimising deep infiltration with provision of a well compacted implementable liner along surfaces of waterways (drains, channels, creeks etc.) and maximising vegetation cover, planting of deep rooted trees and salt tolerant plants.
- Construct a dish drain behind the crest of all slopes to divert water away from the slope face, to minimise erosion of the face.
- On cut batters provide a secured turf overlay to guard against erosion.
- Plant native and deep-rooted plants to minimise soil erosion.
- Where required, retaining walls for cut and fill slopes should be provided with adequate and appropriate drainage.
- Select construction materials and techniques suitable for the exposure classification (post site works). This would include but not be limited to the following;
 - AS2870-2011: Residential Slabs and Footings
 - AS3600-2009: Concrete Structures

- AS3700-2011: Masonry Structures

33. Waste Management Plan Required

Prior to a Construction Certificate being issued, a Waste Management Plan for the construction of the development must be submitted to and approved by Council. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. The plan shall address:

- (a) The type and estimated quantity of waste material to be removed from the site;
- (b) The location and method of waste disposal and recycling;
- (c) The name and address of the transport contractor/s; and
- (d) The reuse or recycling methods for waste remaining on site;

All requirements of the approved Waste Management Plan must be implemented during demolition and construction of the development.

PRIOR TO WORK COMMENCING ON THE SITE

34. Principal Certifying Authority

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

35. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

36. 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.

37. 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.

38. 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.

39. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b)

Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ
- Placement of fill within TPZ
- Parking of vehicles within the TPZ
- Compaction of soil within the TPZ
- Cement washout and other chemical or fuel contaminants within TPZ
- Damage to tree crown

40. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

41. Pre-Construction Public Infrastructure Dilapidation Report

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

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

42. 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.

43. Erection of Signage – Supervision of Work

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

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

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

44. Contractors Details

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

45. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

46. 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).

47. 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).

48. 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.

DURING CONSTRUCTION

49. 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.

50. 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.

51. 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. 495245M 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.

52. Roof Water Drainage

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

53. 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.

54. 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.

55. Engineering Construction Inspections

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

- a) Prior to commencement of work;
- b) Traffic control to AS 1742-3;
- c) Bedding of pipes in trenches;
- d) Trench backfill within roads;
- e) Formwork for concrete structures;
- f) Sub-grade proof roller test;
- g) Proof roller test for kerb;
- h) Sub-base course proof roller test;
- i) Base course proof roller test;
- j) Prior to placing of fill;
- k) Road crossing;
- l) Final inspection; and
- m) Asphaltic concrete surfacing.

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

56. Documentation

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

- a) Arborist Report/ Tree Management Plan
- b) Waste Management Plan
- c) Sediment and Erosion Control Plan
- d) Traffic Control Plan
- e) Salinity Management Plan
- f) Construction Management Plan

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

57. Compliance with Requirements of Development Consent

Compliance with all conditions of approval of the Development Consent on the subject property.

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

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

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

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

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

59. 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.

60. 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.

61. Final Acoustic Report

Within three months from the issue of an Occupation Certificate, an acoustical compliance assessment is to be carried out by an appropriately qualified person to ensure compliance with the criteria given in the *State Environmental Planning Policy (Infrastructure) 2007* for internal amenity in new residences and submitted to Council for consideration.

62. 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.

63. 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. 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.

ii. Restriction – Affordable Rental Housing

A restriction must be created to ensure, in accordance with SEPP Affordable Housing 2009, that for ten years from the date an Occupation Certificate is issued for the development:

- The dwellings/ units proposed to be used for the purposes of affordable housing will only be used for the purposes of affordable housing; and
- All accommodation that is used for affordable housing will be managed by a registered community housing provider.

iii. Restriction – Bedroom Numbers

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

b) Registration of Request Documents

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

64. 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.

65. Final Inspection of Waste Storage Area

Prior to an Occupation Certificate being issued, a final inspection of the refuse room and bin stand area 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.

66. Erection of Sign at the Driveway Entry

A sign is to be erected at the driveway entry which is visible from Civic Way stating 'Resident Parking' to ensure that it is clear that the parking is separate to the shopping centre parking.

THE USE OF THE SITE

67. Collection of Recyclables

Engagement of a caretaker or manager, responsible for the movement of all recycling bins to and from the bin stand area on the allocated day of collection. The empty bins are to be returned to the refuse room within two hours of collection.

68. Bin Collection Times

Bin collection is to be undertaken outside of peak times to ensure that there is no impact on traffic flow along White Hart Drive.