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hunt & hunt
lawyers

16 April 2015

Mr Greg Samardzic
Senior Town Planner
Hills Shire Council
3 Columbia Court
Baulkham Hills NSW 2153

Our ref: MBP
Matter no: 9576431

Attn: Mr Greg Samardzic

SCANNED

By mail

Dear Mr Samardzic

Universal Property Group Pty Limited v The Hills Shire Council
Land & Environment Court Proceedings No: 10656 of 2014
Property: 17 Balmoral Road, Kellyville

We refer to the above matter and **enclose** sealed orders as made by the Land and Environment Court on 10 April 2015 and entered on 16 April 2015.

Yours faithfully
Hunt & Hunt



Hasti Kalarostaghi
Partner
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encl

BATCH NO:
TIME:

17 APR 2015

THE HILLS SHIRE COUNCIL

135161655v1AVD

ORDER

COURT DETAILS

Court	LAND AND ENVIRONMENT COURT OF NEW SOUTH WALES
Division	Class 1
Registry	Level 4, 225 Macquarie Street, Sydney
Case number	10656 of 2014

TITLE OF PROCEEDINGS

Applicant	Universal Property Group Pty Limited
Respondent	The Hills Shire Council

DATE OF ORDER

Date made or given	10 April 2015
Date entered	16 APR 2015

TERMS OF ORDER

The Court notes that the parties or their representatives have reached agreement at a conciliation conference held pursuant to s 34 of the *Land and Environment Court Act 1979*, presided over by Commissioner Morris, as to the terms of a decision in the proceedings that would be acceptable to the parties (being a decision that the Court could have made in the proper exercise of its functions) as set out in the document entitled Agreement Between The Parties which is dated 9 April 2015 and executed by the parties' legal representatives.

By consent, the Court makes the following Orders:

- (a) The appeal in respect of Lot 38 in DP 10702 being land known as 17 Balmoral Road, Kellyville, is upheld.
- (b) Development Application DA 1121/2014/JP, as amended, for the proposed demolition of existing structures and construction of 290 residential apartments with eight (8) x five (5) storey buildings, including underground basement parking, internal and associated landscape works at 17 Balmoral Rd Kellyville 2155 (lot 38 DP 10702), is approved subject to conditions contained in **Annexure "A"**.
- (c) The Applicant is granted leave to amend the development application and rely upon the following amended plans, contained at **Annexure "B"**



Engineering Plans		
01066_DA100	Cover Sheet, Drawing Index General Notes & Locality Sketch	Revision 2, dated 13 March 2015
01066_DA110	Site Layout	Revision 2, dated 13 March 2015
01066_DA201	General Arrangement Plan Sheet 1	Revision 3, dated 13 March 2015
01066_DA202	General Arrangement Plan Sheet 2	Revision 3, dated 13 March 2015
01066_DA211	General Arrangement Plan Basement Level – Sheet 1	Revision 2, dated 13 March 2015
01066_DA212	General Arrangement Plan Basement Level – Sheet 2	Revision 2, dated 13 March 2015
01066_DA301	Road Longitudinal Section	Revision 3, dated 13 March 2015
01066_DA351	Typical Sections	Revision 2, dated 13 March 2015
01066_DA501	Stormwater Longitudinal Section, Overland Flow Sections & Pit Details	Revision 2, dated 13 March 2015
01066_DA611	Stormwater Drainage Catchment Plan	Revision 2, dated 13 March 2015
01066_DA701	Sediment & Erosion Control	Revision 2, dated 13 March 2015
01066_DA702	Sediment & Erosion Control Details	Revision 2, dated 13 March 2015
Other Documents		
BASIX Certificate No. 530094M_02, dated 20 March 2015		
Building Sustainability Assessments, Assessor Certificate No. 14911425, dated 20 March 2015		
Stormwater Management Plan, Revision B, dated March 2015, prepared by C&M Consulting Engineers Pty Ltd.		

- (d) The Applicant is to pay those costs of the Respondent thrown away as a result of amending the development application, as agreed or assessed, pursuant to section 97B(2) of the Environmental Planning and Assessment Act 1979.



01066_DA211	General Arrangement Plan Basement Level – Sheet 1	Revision 2, dated 13 March 2015
01066_DA212	General Arrangement Plan Basement Level – Sheet 2	Revision 2, dated 13 March 2015
01066_DA301	Road Longitudinal Section	Revision 3, dated 13 March 2015
01066_DA351	Typical Sections	Revision 2, dated 13 March 2015
01066_DA501	Stormwater Longitudinal Section, Overland Flow Sections & Pit Details	Revision 2, dated 13 March 2015
01066_DA611	Stormwater Drainage Catchment Plan	Revision 2, dated 13 March 2015
01066_DA701	Sediment & Erosion Control	Revision 2, dated 13 March 2015
01066_DA702	Sediment & Erosion Control Details	Revision 2, dated 13 March 2015
Stormwater Management Plan	Revision B	March 2015
		Prepared by C&M Consulting Engineers Pty Ltd

2. Development in stages

Consent is granted to the development, to be constructed in four stages:

- Stage 1: Buildings A & B plus basement car park.
- Stage 2: Buildings C & D plus basement car park.
- Stage 3: Buildings E & F plus basement car park.
- Stage 4: Buildings G & H plus basement car park.

3. Construction Certificate

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

4. Building Work to be in Accordance with BCA

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

5. External Finishes

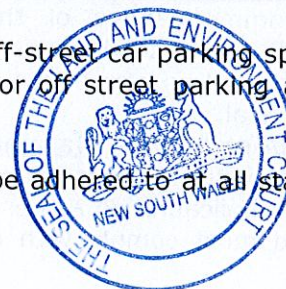
External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

6. Provision of Parking Spaces

The development is required to be provided with a total 540 off-street car parking spaces and 12 motorcycle spaces. These spaces shall be available for off street parking at all times.

7. Accessibility and Adaptability

The access compliance report dated 27 February 2014 must be adhered to at all stages. The development is to be designed according to the reports.



The application must nominate three suggested names per street, in order of preference, and the source of the names proposed.

18. Street Trees

Street trees must be provided for the section of Balmoral Road and Free Settlers Drive within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. 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.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges. The street trees must be planted in accordance with this condition of consent prior to the issue of an Occupation Certificate for any stage of the development.

19. 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.

20. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

21. Separate Application for Strata Subdivision

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

22. 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.

23. Vehicular Access and Parking

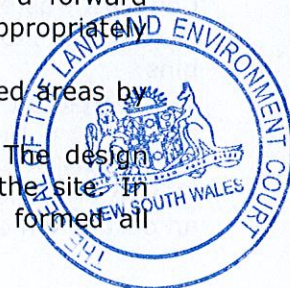
The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's 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. 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.



30. Recycled Water

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

31. Sound Level Output

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

32. Washing of Vehicles

Washing of vehicles/boats is to be conducted in a car wash bay, which is roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

33. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all dockets and paper work for the disposal shall be retained and made available to the Council if requested.

34. 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 Number 530094M_2 dated 20 March 2015 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

35. Design Verification

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

36. 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

37. Deleted.

38. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site, including the complete removal of Cumberland Plain Woodland, the development must purchase and retire one HN528, HN529 or HN526 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.

39. 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.



- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

42. 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 to the Principal Certifying Authority with certification from the designer confirming compliance with the above requirements prior to the issue of a Construction Certificate.

43. Works on Adjoining Land

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

44. Deleted.

45. 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 \$102,000 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 a 50m length of road either side of the development (100m) multiplied by the width of the road (12m).

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.

46. Engineering Works and Design

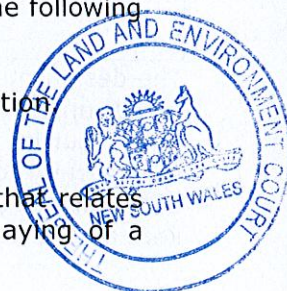
The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- 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:

- i. 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.
- ii. 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



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. This is the case for Balmoral Road, hence the verge on the development side is to be 3.56m wide.

The wider 4.5m verge must be located on the southern side of Balmoral Road, which does not form part of the subject development.

iii. Turning Heads

A cul-de-sac turning head must be provided at the end of all blind/ dead-end roads. The cul-de-sac must have a diameter of 19m measured from the face of kerb.

A turning head is required at the end of the private road.

iv. 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.

v. 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.

vi. Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of Balmoral Road in accordance with the DCP and the above documents. The works for this development will include constructing one of these concrete footpaths.

vii. Gutter Crossings

A heavy duty gutter crossing to the new private road is required to be constructed.

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

x. Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

xii. Stormwater Drainage – Swale

The proposed swale is to contain the overland flow from the neighbouring property to the east and direct it to the private road. The appropriate council easements are required to be created. The swale design should be such that the 1 in 100 year top of flood water level is contained wholly within the swale, and that 500mm freeboard is provided to the adjacent finished floor levels of the units. Where retaining walls are required on the edges of the swale to facilitate this 500mm freeboard they shall be provided.

xiii. Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of GPT's and rainwater re-use tanks are to be located generally in accordance with the plans and information submitted with the application.

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



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. 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).

56. Notification of Asbestos Removal

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

57. 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 available to Council on request.

58. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval prior to works commencing. 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.

59. 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.

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.

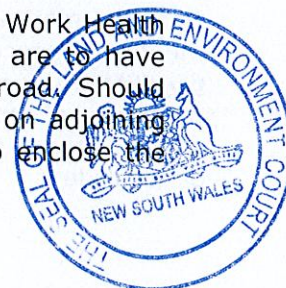
61. Public Infrastructure Inventory Report

Prior to works commencing, 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.

62. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. 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



69. 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.

70. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

71. 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)*.

72. Rock Breaking Noise

Upon receipt of a justified complaint/s in relation to noise or vibration pollution emanating from rock breaking as part of the excavation and construction processes, you will be required to cease all rock breaking operations until appropriate alternative methods are established and agreed to by an appropriate Officer of Council or restrictions imposed.

Restrictions may include but are not limited to:

- i. Rock breaking being restricted to between the hours of 9am to 3pm, Monday to Friday.
- ii. Community consultation to determine hours and timeframes for rock breaking operations.
- iii. Amended construction management plan to replace noisy equipment with quieter equipment.

73. 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.

74. Critical Stage Inspections – Road Construction Works

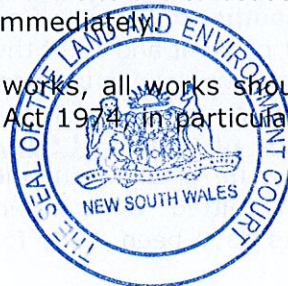
The road construction works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

75. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be notified immediately.

76. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974 in particular Section 90 regarding permits to destroy.



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.

88. Provision of Telecommunication Services

Prior to the issue of an Occupation Certificate 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, must be submitted to the Principal Certifying Authority. 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.

89. 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.

90. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans prior to the issue of an Occupation Certificate. A template is available on Council's website.

91. 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.

92. 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.

93. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval, prepared by a suitably qualified hydraulic engineer, must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

94. 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/ Positive Covenant – Water Sensitive Urban Design

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.

ii. Positive Covenant – Stormwater Pump

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

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.

94A. Rainwater Tanks

An Occupation Certificate must not be issued prior to the completion of the rainwater reuse tanks required by this consent.

95. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practising 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.



PERSON PROVIDING DOCUMENT FOR SEALING UNDER UCPR 36.12

Name	Universal Property Group Pty Limited , applicant
Legal representative	Maureen Barbara Peatman, Hunt & Hunt
Legal representative reference	MBP/HAK: 9576431
Contact name and telephone	Maureen Peatman, 9391 3252
Contact email	mpeatman@hunthunt.com.au

