

JRPP PLANNING REPORT

JRPP NO:	2011SYW049
DA NO:	1374/2011/JP
PROPOSED DEVELOPMENT:	PROPOSED STAGED INTEGRATED HOUSING DEVELOPMENT OF EIGHTY-SIX (86) DWELLINGS AND ASSOCIATED SUBDIVISION
SUBJECT SITE:	LOT 1 DP 554972, LOT 48 DP 650441, LOT 100 DP 1143901 AND PART LOT SP 44999, NOS. 49, 49A, 53 AND 55 WINDSOR ROAD, BAULKHAM HILLS
APPLICANT:	SUBURBAN CONSTRUCTIONS PTY LTD
LODGEMENT DATE:	14 APRIL 2011
REPORT BY:	KRISTINE MCKENZIE PRINCIPAL EXECUTIVE PLANNER
RECOMMENDATION:	APPROVAL

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	49A Windsor Road – DL Hoyle. 53 Windsor Road – Suburban Constructions Pty Ltd. 55 Windsor Road – L Hoyle. Part SP 44999 – The Owners of Strata Plan 44999 (Castle Pines Retirement Village).	1.	<u>LEP 2005</u> – Satisfactory.
Zoning:	Residential 2(a2) and Special Uses 5(b) (Existing and Proposed Roads)	2.	<u>Draft LEP 2010</u> – Satisfactory.
Area:	24,002m ²	3.	<u>DCP Part E Section 17 – Balmoral Road Release Area</u> –Satisfactory.
Existing Development:	Single Dwellings and associated works.	4.	<u>Section 79C (EP&A Act)</u> – Satisfactory.
Capital Investment Value	\$17,000,000	5.	Section 94 Contribution – Currently \$2,430,000

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Not required.	1.	Capital Investment Value in excess of \$10 million pursuant to SEPP (Major Development) 2005.
2. Notice Adj Owners:	Yes, fourteen (14) days.		
3. Number Advised:	Thirteen (13)		
4. Submissions Received:	Nil		

EXECUTIVE SUMMARY

The Development Application is for the erection of eighty-six (86) integrated dwellings and the Torrens Title or Community Title subdivision of the site. The site is located within the Balmoral Road Release Area.

The proposed dwellings are two (2) storey in height and comprise twelve (12) alternate dwellings types and within each dwelling type the design may have a flat, hipped or pitched roof.

The development will be constructed in twelve (12) stages. The site is bisected by Stone Mason Drive which has not been constructed to date. A previous Development Consent (Development Application 195/2010/ZA) relates to the construction of Stone Mason Drive as a public road. Stone Mason Drive is in a north-south orientation and will link areas within the Balmoral Road Release Area.

DCP Part E Section 17 - Balmoral Road Release Area (BRRA) contains the applicable controls which apply to the land, however the BRRA component of the DCP does not contain any specific controls which apply to Integrated Housing developments. Accordingly a merit based assessment has been undertaken. The proposal is considered satisfactory in respect to its design.

The application was notified to adjoining property owners for a period of fourteen (14) days. There were no submissions received.

The application is recommended for approval subject to conditions.

HISTORY

- 14/04/2011** Subject Development Application lodged.
- 31/05/2011** Letter sent to the applicant seeking additional information regarding property description, Draft LEP 2010, staging of works, setbacks, embellishment of open space, site area, solar access, landscaping plan, arborist report, fencing, retaining walls, dwelling location and types, site drainage, vehicle access and parking, garbage collection, amended BASIX Certificate details and comments made by the RTA
- 08/06/2011** Briefing provided to the Joint Regional Planning Panel (JRPP).
- 16/06/2011** Part additional information provided by the applicant.
- 21/06/2011** Additional drainage information submitted by the applicant.

- 29/06/2011** Additional landscape and tree information submitted by the applicant.
- 13/07/2011** Additional tree information submitted by the applicant.
- 05/08/2011** Further letter sent to the applicant requesting an external colour schedule, property description, setbacks, solar access, dwelling location and type, fencing, elevations and floor plans for dwellings 7 and 8, amended BASIX Certificate details, vehicle access and parking, site drainage and subdivision.
- 15/08/2011, 16/08/2011, 24/08/2011 and 02/09/2011** Additional information submitted by the applicant.
- 14/09/2011** Meeting held with the applicant regarding the proposal.
- 15/09/2011** Further letter sent to the applicant requesting a subdivision plan, staging plan, temporary turning head details, vehicular access and turning, setback to dwelling 39, solar access, fencing and amended BASIX Certificate details.
- 21/09/2011 and 23/09/2011** Additional information submitted by the applicant regarding swept turning paths, fencing to Windsor Road and amended BASIX Certificates.
- 27/09/2011** Additional information submitted by the applicant.
- 28/09/2011** Email received from the applicant confirming that they are relying on the previous consents issued regarding road access to the site.
- 26/10/2011** Email sent to the applicant requesting revised plans for dwelling type 12 and subdivision plans.
- 26/10/2011** Additional information received from the applicant.
- 31/10/2011** Email sent to the applicant requesting revised plans for dwelling type 12.
- 31/10/2011** Additional information received from the applicant.
- 03/11/2011** Revised subdivision plans received from the applicant.

PROPOSAL

The proposal is for the construction of eighty-six (86) dwellings and the Torrens Title or Community Title subdivision of the site. The development will be constructed in twelve (12) stages. In broad terms, the Torrens Title component of the subdivision relates to those properties with direct access to Stone Mason Drive and Spurway Drive, and the Community Title subdivision relates to those properties with access to the internal driveways.

In general terms, the staging will occur as follows:

- Dwellings constructed west of Stone Mason Drive;

- Dwellings constructed east of Stone Mason Drive where they front Stone Mason Drive and Spurway Drive; and
- Dwellings constructed east of Stonemason Drive where they access the internal driveway.

The proposed dwellings are two (2) storey in height and contain living areas on the ground floor and bedrooms and ensuites/bathrooms on the upper floor. The dwellings generally are three (3) bedroom with a media room or four (4) bedroom.

The dwellings comprise twelve (12) alternate dwellings types and within each dwelling type the design may have a flat, hipped or pitched roof.

Development Application 195/2010/ZA for the subdivision of the site was approved at Council's Development Assessment Unit meeting on 1 June 2010. This approval included the construction of Stone Mason Drive as a public road. Stone Mason Drive is in a north-south orientation and will link areas within the Balmoral Road Release Area. This approval also included the construction of a temporary access to Windsor Road which is to remain in place until such time as alternate public road access is made available to Stone Mason Drive through adjacent development. Attachment 4 shows the approved subdivision layout.

Development Application 1338/2011/ZA was approved under Delegated Authority on 9 August 2011. This approval was for subdivision to excise the Residential 2(a2), Open Space 6(b) (Private Recreation) and Special Uses 5(b) (Existing and Proposed Roads) portions of SP 44999 and to construct the link section of Stone Mason Drive and upgrade works to Spurway Drive to allow its creation as a public road. Attachment 5 shows the approved subdivision layout.

It may be noted that the site also includes land which is zoned Open Space 6(b) (Private Recreation) and Special Uses 5(b) (Existing and Proposed Roads). Development Applications 1338/2011/ZA and 195/2010/ZA for subdivision of the site excise the Open Space 6(b) (Private Recreation) and Special Uses 5(b) (Existing and Proposed Roads) portions of the site. Attachment 3 shows the existing zoning of the site.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (Major Development) 2005

As part of the government's commitment to reform of the NSW planning system, from 1 October 2011 Joint Regional Planning Panels (JRPP) no longer determine:

- development applications for some designated development;
- development applications for smaller coastal subdivisions and other coastal development;
- development applications lodged from 1 October 2011 for residential subdivisions of more than 250 lots; and
- development applications lodged from 1 October 2011 for 'general development' with a capital investment value (CIV) of between \$10 million and \$20 million.

However, the subject application was lodged prior to 1 October 2011 and as such is subject to a savings provision which requires that applications with a CIV between \$10 million to \$20 million lodged with council before 1 October 2011 will continue to be determined by the relevant regional panel.

The proposed development has a capital investment value of \$17,000,000 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2. Statutory Requirements

(i) Local Environmental Plan 2005

The site is currently zoned Residential 2(a2) under Baulkham Hills Local Environmental Plan 2005. It may be noted that the majority of SP 44999 is zoned Open Space 6(b) however the portion of SP 44999 which forms part of the development site is zoned Residential 2(a2). All works are located clear of the Open Space 6(b) zoned land.

The proposal is defined as an "integrated housing" which is permissible with consent in the Residential 2(a2) zone.

Integrated Housing is defined as:

- "(a) the subdivision of land into two or more allotments, and*
- (b) the erection of one or more dwellings on each allotment so created, where the siting and design of each dwelling occurs prior to the determination of the subdivision boundaries but, in the Table to clause 13, does not include a form of development elsewhere specifically defined in this clause."*

The proposal is consistent with the definition of integrated housing.

In addition Clause 22 – Integrated Housing of the LEP also applies to the proposal. Clause 22 states:

"Despite any other provision of this plan, development for the purpose of integrated housing may be carried out, but only with development consent, on land:

- (a) that is within Zone 2(a), 2(b) or 2(c), and*
- (b) to which the Sydney Regional Environmental Plan No 19—Rouse Hill Development Area, as gazetted on 1 September 1989 applies, but excluding any land within Zone 2 (b1)."*

The site is zoned Residential 2(a2) and is within the SREP No. 19 Release Area and therefore is satisfactory in respect to Clause 22.

(ii) Draft LEP 2010

Draft LEP 2010 was placed on public exhibition from 29 March 2011 to 13 May 2011 and has been referred to the Department of Planning and Infrastructure for gazettal. Under the provisions of the Draft LEP the subject site is proposed to be zoned R3 Medium Density Residential.

The proposed development would sit within the group term 'residential accommodation' and is best defined as 'multi dwelling housing' which is defined as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note: Multi dwelling housing is a type of residential accommodation – see the definition of that term in this Dictionary.

It is noted that the above definition differs from that currently within Council's Draft LEP 2010. This is due to the fact that DOP have amended some standard definitions and all LEP's are required to be consistent with the standard instrument definition.

The proposed development is consistent with the standard instrument definition.

Clause 4.1B requires that in the R3 zone multi dwelling can only be carried out on land which has an area of 1800m². The subject site has an area of 24,002m² and as such is satisfactory.

Clause 4.1C states the following:

4.1C Exceptions to minimum lot sizes for certain residential development [local – model]

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to development on land in the following zones:*
 - (i) *R3 Medium Density Residential*
 - (ii) *R4 High Density Residential*
- (3) *Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) *the subdivision of land into 3 or more lots,*
 - (b) *the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:*
 - (i) *for the erection of a dwelling house - 240m² or*
 - (ii) *for the erection of an attached dwelling -240m².*

The proposed development is for an integrated housing development comprising both built form and the subdivision of the site. The proposed lots vary from 198.9m² – 317.6m² in area.

The Development Application was lodged during the exhibition of Draft LEP 2010. The proposal is considered to be consistent with previous approvals for similar built forms of development within the Balmoral Road Release Area. The proposal is considered appropriate in respect to the current LEP 2005 provisions and as such can be supported.

(iii) Compliance with Baulkham Hills LEP 2005 – Zone Objectives

The site is zoned Residential 2(a2) and Open Space 6(a) under Baulkham Hills LEP 2005.

The Residential 2(a2) zone objectives seek to provide housing choice and ensure that development carried out on the land is compatible with the surrounding area. No part of the integrated housing development is located within land zoned Open Space 6(b).

The proposed development has been assessed against the provisions of BHLEP 2005 and the following objectives of the Residential 2(a2) zone:

- “(a) to provide for the development of town-houses, villas, and the like in locations close to established public transport routes and the main activity centres of the local government area, and*
- (b) to ensure that building form (including alterations and additions) is in character with the surrounding built environment and does not detract from the amenity enjoyed by nearby residents or the existing quality of the environment, and*

- (c) *to ensure that any development carried out:*
 - (i) *is compatible with adjoining structures in terms of elevations to the street and building height, and*
 - (ii) *has regard to the privacy of existing and future residents, and*
 - (iii) *has regard to the transmission of noise between dwellings, and*
 - (iv) *minimises energy consumption and utilises passive solar design principles, and*
 - (v) *retains significant vegetation, and*
 - (vi) *incorporates landscaping within building setbacks and open space areas, and*
 - (vii) *incorporates adaptable housing to meet the needs of people with disabilities, and*
- (d) *to encourage a diversity of dwelling types, and*
- (e) *to allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours, and*
- (f) *to allow a range of development, ancillary to residential uses, that:*
 - (i) *is capable of visual integration with the surrounding environment, and*
 - (ii) *serves the needs of the surrounding population without conflicting with the residential intent of the zone, and*
 - (iii) *does not place demands on services beyond the level reasonably required for residential use."*

It is considered that the proposed integrated housing development has a built form that is consistent with the desired future character of the locality and will not detract from the amenity of existing and future nearby residents or the existing quality of the environment. The development has also had regard to the amenity of future residents, particularly in relation to privacy, open space and solar access.

As such the proposal is considered satisfactory in respect to the LEP objectives.

2. Compliance with DCP Part E Section 17 – Balmoral Road Release Area

The proposed development is located within the Balmoral Road Release Area. DCP Part E Section 17 - Balmoral Road Release Area (BRRA) contains the applicable controls which apply to the land, however the BRRA component of the DCP does not contain any specific controls which apply to Integrated Housing developments.

Accordingly a merit based assessment has been undertaken. Comments in relation to general design elements of the development are provided below.

The applicant has advised that they have used the integrated housing provisions within Part E Section 15 – Kellyville / Rouse Hill Release Area of Baulkham Hills Development Control Plan as a guide when designing the proposal.

(i) Streetscape

The development comprises two development areas given the future construction of Stone Mason Drive centrally through the site, one located east and one west of Stone Mason Drive. The site is also bounded to the east by Windsor Road, the west by the driveway entrance to Castle Pines Retirement Village and to the south by an Open Space 6(b) area of land and the public section of Spurway Drive with Norwest Business Park opposite.

The development provides a consistent setback pattern and built form throughout the site with dwellings fronting Stone Mason Drive to establish a streetscape. The land to the north has not yet been developed and as such the proposal will establish the streetscape within this area of Balmoral Road Release Area.

The dwellings are contemporary in design and provide sufficient articulation and opportunities for landscaping. The dwellings are finished in varying colours and tones.

(ii) Setbacks

The development adopts a 5 metre building setback and predominately 5.5 metre garage setback which is consistent with other integrated housing development in the Shire. The setbacks allow for appropriate landscaping and casual parking for residents or visitors on driveways. The setbacks are considered appropriate for the site. The Balmoral Road Release Area section of the DCP requires single dwellings to have a 6 metre building setback from non-classified roads, however it is considered that the 4.5 metre building setback proposed for this integrated housing development is satisfactory as there is a known outcome for this development site.

In respect to garage setback it is noted that dwelling 39 has a reduced setback which is addressed below in Section (a).

The Balmoral Road Release Area section of the DCP requires single dwellings to have a 10 metre building setback to a classified road and either a 4 metre rear setback for a single storey dwelling or 6 metre rear setback to a 2 storey dwelling. Units 1 – 20 and 81 have a rear setback to Windsor Road to the alfresco areas with varying setback from 6.4m to 7.6m. This is addressed below in Section (b).

(iii) Height

All dwellings proposed within the development are two storeys. All dwellings have been designed to ensure that, after earthworks have been completed on site, they are below an eave height from the ground level of 7.2 metres and ridge height from ground level of 10 metres. It is noted that the Balmoral Road Release Area section of the DCP requires single dwellings to have a an eave height from natural ground level of 7.2 metres and ridge height from natural ground level of 10 metres and in this regard the development outcome is satisfactory.

(iv) Open Space

The development provides three (3) areas of common open space area. There are two (2) areas to the east of Stone Mason Drive with areas of 140m² and 380m² and the area west of Stone Mason Drive has an area of 410m², with a total of 930m² provided for the development as a whole. The two (2) larger areas are centrally located within the development with the smaller area located at the corner of Spurway Drive and Windsor Road.

The applicant has advised that the common open spaces areas are provided for passive recreation and that barbeques and play equipment is not being provided for reasons of safety/public liability.

The Kellyville/Rouse Hill DCP states as follows:

Where an integrated housing development consists of more than five dwellings a common open space area comprising a child play area or recreation activities area is to be provided within the overall site.

It is considered appropriate that the common open space areas be embellished. In this regard, developments of a similar scale and nature have consistently been required to provide embellishment of common open space areas. In this respect a condition has been recommended requiring embellishment of these areas to provide a high level of amenity for residents (See Condition 40).

Each dwelling is also provided with a private open space area. Private open space areas are contiguous to internal living areas and achieve a minimum of 20% area of each allotments total area, minimum area of 24m² and minimum dimension of 4m. This is consistent with the integrated housing controls in Part E Section 15 – Kellyville / Rouse Hill DCP.

(v) Car Parking

The development provides a double garage for each dwelling. Council's DCP Part D Section 1 - Parking requires that all dwelling houses have one undercover space. The development achieves this for each dwelling as a minimum.

In addition, a total of twenty-four (24) visitor parking spaces are provided throughout the development site, of which two (2) spaces are disabled spaces.

In respect to setbacks to garages, a higher standard is required where dwellings front a public road in order to ensure no adverse impact occurs to traffic flow and traffic safety. A lesser standard is considered reasonable where dwellings front an internal driveway access.

The proposed dwellings fronting Stone Mason Drive and Spurway Drive all have a minimum setback of 5.5 metres to the garage with the exception of Dwelling 39. The variation for Lot 39 is temporary due to a temporary turning head. This will allow a car to park on the driveway and be clear of the public road.

The dwellings with direct access to the internal access driveways have varying setbacks to the garages with a minimal setback of 1.1 metres provided. Given this is to an internal driveway access only no objection is raised to the proposed setbacks.

(vi) Site Coverage

The development provides a site coverage of 31.4% of the site area. The proposal includes a large portion of communal open space which is landscaped. It is noted that the Balmoral Road Release Area section of the DCP allows for two storey single dwellings a maximum site coverage of 60%. As a whole the development is below the site coverage expected by a traditional subdivision.

(vii) Solar Access

Dwellings on the site will receive direct solar access to private open space and living areas. In this regard the Kellyville/Rouse Hill DP requires that at least half (50%) of the principle private open space area is to receive a minimum of 2 hours direct sunlight between 9am and 3pm during mid-winter. This is achieved for all dwellings.

In addition, the communal open space areas receive a reasonable level of solar access and are appropriately located for resident use.

(viii) Privacy – Visual and Acoustic

The development has been designed to minimise privacy impacts on internal neighbours within the development. Landscape screening is proposed within front and rear courtyards and the communal open space area provides a further buffer between dwellings.

The development as a whole is contained by open space and public roads to the east, west and south. A similar development outcome could be expected in the future to the north. The proposal has been designed as an all encompassing development which deals with subdivision, site planning and dwelling design holistically. The built form outcome for the dwellings is known and impacts on surrounding properties are therefore mitigated. The development is consistent with the planning intent for the Balmoral Road Release Area and will provide a unique housing choice for future residents.

(a) Variation to Front Setback of Lot 39

The proposed setback to Lot 39 to the temporary turning head is approximately 5 metres. The required setback has been reviewed on merit and a 5.5 metres setback is the applicable setback to Stone Mason Drive. The applicant has sought a variation to the setback required and has stated the following as justification:

The setback to dwelling 39 will comply upon completing of Stone Mason Drive which is reasonably expected given the provisions of Council's DCP. The short term variation does not compromise the amenity of the dwelling or the performance objectives of the control. As agreed at our meeting the short term variation to the setback is acceptable given these circumstances.

Comment:

The proposed setback is considered satisfactory given that the variation results from the provision of the temporary turning head required to provide adequate public road access through the site until such time as the adjoining property to the north undergoes development and creates a further extension of the public road network. Given that the reduced setback will only apply for a temporary period of time the proposed setback is considered satisfactory and can be supported.

(b) Setback to Windsor Road

The DCP requires a 10 metre landscape corridor to be provided adjacent to Windsor Road. The DCP states as follows:

- a) *A landscape corridor is shown on the BRRR DCP map and shall only be used for landscaping and passive private open space purposes.*
- b) *No signs of any type or for any purpose will be permitted within the landscape corridors.*
- c) *Masonry sound-attenuation walls will be permitted, but will be set back a minimum of two metres from the boundary.*
- d) *No structures other than as described in (c) above will be permitted within the landscape corridor.*

The proposed plan indicates that the alfresco areas at the rear of the proposed dwellings will be within the landscape corridor with setbacks varying from 6.4m to 7.6m. The alfresco areas are single storey in nature and are open structures.

The applicant has sought to justify the proposed setback as follows (summarised):

- The DCP states that '*no structures other than as described in (c) above will be permitted within the landscape corridor*'. (Note: Point (c) provides for masonry

sound attenuation walls). The DCP provision is very onerous such that compliance would be difficult in almost all sites. The control to a degree contradicts other DCP provisions such as those relating to dwellings within an exhibition village. Within an exhibition village it is stated that: *Buildings will be considered within the 10m Landscape Corridor providing acoustic and visual treatment is incorporated into the design to limit the impact of a Classified Road on any bedrooms and other habitable areas within the building.*

There is no reason to have different controls for the Windsor Road landscape corridor based on the 'type' of residential housing.

- The site falls from Windsor Road reducing the visual influence of and buildings on the streetscape. Given the changes in ground level the roofed alfresco outdoor recreation areas will not have a discernable visual impact on the Windsor Road streetscape.
- Given the high standard of landscaping and fencing that is to be provided adjacent to Windsor Road and within the landscape corridor it is reasonably concluded that the proposed development performs very well in respect of the primary planning objectives relating to acoustic amenity, landscaping and streetscape aesthetics and the quality of the development is not undermined or compromised by the proposed open alfresco roof structures.
- The landscape corridor also fulfils a significant function as private recreation space for the occupants of the dwelling.
- The objective of the alfresco area is to enhance the enjoyment of the recreation space promoting good residential amenity. The alfresco elements is essentially a roofed area protecting against the elements, it is not enclosed by walls and as such has a negligible visual impact (bulk and scale).
- The alfresco areas do not unduly restrict that land area available for deep soil and canopy tree planting, do not compromise the visual qualities of the corridor, and do not compromise the ability for significant planting that will contribute to the desired well vegetated Windsor Road streetscape. No acoustic issues arise from the roof structure.
- As these primary objectives are in no way compromised and as the alfresco areas will significantly enhance residential amenity promoting all weather use of outdoor space then variation in should be supported given that it promotes a superior planning and design outcome.

Comment:

The DCP does not contain any objectives in regard to landscape corridors however the following objectives relate to setbacks:

- (i) *To provide setbacks that complement the streetscape and protect the privacy and sunlight to adjacent dwellings in accordance with ESD objective 7.*
- (ii) *To ensure that new development is sensitive to the landscape setting, site constraints and desired future character of the street and locality.*
- (iii) *To ensure that the appearance of new development is of a high visual quality and enhances the streetscape.*

The inclusion of the 10m landscape buffer within the DCP was undertaken at the request of the RTA. The RTA have raised no objection to the proposal on the basis of the reduced setback. The purpose of the 10m buffer is for acoustic and streetscape purposes. In this regard the application was accompanied by an acoustic report which has been reviewed by Council's Health and Environment Co-ordinator. No objection was raised to the acoustic report on the basis of the imposition of a condition requiring compliance with the recommended mitigative measures of the report.

The proposed development is considered satisfactory in regard to the setback objectives of the DCP as the proposal will result in a satisfactory streetscape appearance from Windsor Road due to the slope of the site, retaining walls and landscape screen planting. In this regard the proposed dwellings are set below the level of Windsor Road and as such, when the proposal is viewed from Windsor Road, the area visible will be a partial view of the upper storey and roof of the dwellings. Attachment 9 shows a typical cross section of the site.

In addition, the alfresco areas are single storey in nature and are an open structure. They are accessed from the living areas of the dwellings and provide an attractive leisure area.

The setbacks will not result in privacy impacts due to the location of the site and shadow impact is reasonable.

The proposed dwellings are modern in design and are considered appropriate in regard to the desired future character of the area. A reasonable level of amenity is achieved to the dwellings.

As such the proposed setback is considered satisfactory and can be supported.

3. Road Location

Development Application 195/2010/ZA for the subdivision of the site was approved at Council's Development Assessment Unit meeting on 1 June 2010. Attachment 4 shows the approved subdivision layout. This approval included the construction of Stone Mason Drive as a public road. Stone Mason Drive has a north-south orientation and will link areas within the Balmoral Road Release Area. This approval also included the construction of a temporary access to Windsor Road which is to remain in place until such time as alternate public road access is made available to Stone Mason Drive through adjacent development.

The current application does not include the construction of any DCP roads. A condition of consent has been recommended which requires that all roadworks to provide suitable access be completed prior to occupation of any dwellings (See Condition 93).

As suitable public access is provided, no objection is raised to the proposal in this regard.

4. Retaining Walls

The proposal also includes the construction of retaining walls on the site. This includes a retaining wall with a maximum total height of 3.4m (constructed of a split design with each level approximately 1.7 metres in height) along the western boundary of the site adjoining the Castle Pines Retirement Village driveway. Retaining walls are also proposed internal to the site. The applicant has addressed the retaining walls and has stated the following:

Due to the substantial cross fall of the site earthworks and retaining walls are unavoidable if the subject land is to be redeveloped for residential development as promoted by planning objectives. By necessity a retaining wall will be constructed on the sites western property boundary. The architect has minimised the height of

the retaining wall by benching the site and designing split level dwellings responding to the site topography.

.....While the sections of the retaining wall may be visible to the casual passerby it will not be visually obtrusive. In this respect the following is noted:

- The verge along the retirement village driveway has a notably higher level than the subject site. When viewed from the driveway the retaining wall height will read relative to the verge level rather than the natural site ground level at the boundary. As such the height of the retaining wall that is potentially visible to the casual user of the driveway is considerably less than the actual wall height at the property boundary.*
- The driveway to the retirement village is particularly well landscaped. The elevated verge provides an avenue of canopy trees and understorey planting has recently been embellished. The existing site landscaping provides an intervening visual element that will be progressively strengthened as the recent understorey planting mature..*
- The architect and landscape architect have provided a terraced retaining wall design that is integrated with substantial landscape planting.*

The sectional diagrams provided with the architectural plans illustrate the above points. It would be reasonable to suggest that the landscaped setting of the retirement village access driveway will be enhanced rather than compromised by the proposed boundary landscaping/retaining wall design.

Comment:

The subject site has a substantial level difference from the Windsor Road frontage to the driveway entry to the Castle Pines Retirement Village. Attachment 9 shows a cross section of the subject site from Windsor Road to the driveway access. Attachment 10 shows the proposed retaining wall details and a photomontage of the completed wall.

In this regard the site has a level of approximately RL 116 at north-eastern corner of the site adjoining Windsor Road and a level of approximately RL 98 at the south-western corner of the site (worst case) adjoining the driveway entry to the Castle Pines Retirement Village. This is a cross fall of 20 metres.

The retaining walls are required to reasonably develop the site. The retaining walls are internal to the site with the exception of the wall located along the driveway access to Castle Pines Retirement Village. The wall will be screened along the driveway access by existing landscape screening and by additional planting undertaken along the tiered wall. As such the proposed retaining walls are considered satisfactory and can be supported.

5. RTA Comments

The application was referred to the RTA for review and comments and the following comments were provided (summarised) with a comment on each matter:

- An area of land coloured grey on the attached plan has previously been vested as public road along the Windsor Road frontage of the subject property. A further strip of land edged red on the attached plan is required by the RTA for the future widening of Windsor Road. However, the RTA would raise no objections to the submitted application on property grounds provided that any new buildings or structures are erected clear of the land required for road widening.

Further, the area required for road should be identified as a separate lot in any plan of subdivision. In this regard it is noted Spurway Drive, which comprises Lot 1 DP 563812, has not been dedicated as road but remains in the ownership of Australian Conference Association Ltd. The RTAs future road widening mentioned above continues across SP 44999 and this area is shown by red hatching on the attached plan.

Comment: All road widening affectation on the site has been taken into consideration as part of the previous subdivision of the site under Development Applications 195/2010/ZA and 1338/2011/ZA. Land subject to road widening is not part of the subject development.

- (b) All the redundant driveways along the Windsor Road frontage of the subject property shall be removed and replaced with kerb and gutter to match existing.

Comment: A condition of consent has been recommended requiring removal of redundant crossings (See Condition 4).

- (c) "No Stopping" restrictions, if not already installed, should be installed along Windsor Road frontage of the subject property and on both sides of Stone Mason Drive between Windsor Road and Spurway Drive. Installation of 'No Stopping' restriction requires approval from the RTA.

Comment: A condition has been recommended to this effect (See Condition 4).

- (d) The Traffic and Parking Assessment Report submitted with the application does not provide adequate information to ascertain the performance of the intersection of Windsor Road and Spurway Drive. The traffic volumes on Windsor Road and the traffic queue from the Showground Road intersection will impact on the operation of the intersection of Windsor Road and Spurway Drive. This may result in the need for a left turn slip lane to allow residents more convenient access to their properties. These impacts need to be identified and any required mitigation measures need to be implemented to the satisfaction of the Council.

Comment: This matter was raised during the assessment of Development Application 1338/2011/ZA and was reviewed by Council's Principal Traffic and Transport Co-ordinator who advised at that time that:

There will be no need for a left turn deceleration lane. At worst, there is already a breakdown/ cycleway lane at that location which could double as a deceleration lane.

The majority of left turns from Windsor Road to the future Stone Mason Drive collector road will occur at the new access road at the proposed Woolworths supermarket development about 1km north, an intersection that will have traffic signals.

- (e) The RTA raises safety concerns with the proposed access arrangements for dwellings 82-85 as vehicles are forced to make unsafe U-turns at the intersection of Stone Mason Drive and Spurway Drive. In addition, the proximity of the proposed driveways on Stone Mason Drive will impact the operational performance of the intersection at Windsor Road. It is recommended that these lots are accessed through the internal roads.

Comment: This matter has been addressed in detail below in the Traffic Comments however Council's Principal Traffic and Transport Co-ordinator has advised that the traffic

impact from the vehicles with direct access to Spurway Drive is minor and will have negligible impact on the operation of the Spurway Drive/Windsor Road intersection.

- (f) The proposed development should be designed such that road traffic noise from Windsor Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

Comment: An acoustic report was submitted with the Development Application. The report has been reviewed by Council's Health and Environment Co-ordinator who has raised no objection to the proposal on the basis of traffic noise.

- (g) Council should ensure that post-development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development discharge.

Comment: The proposed drainage arrangements are satisfactory and will not impact upon the RTA drainage system.

- (h) All works associated with the proposed development are to be at no cost to the RTA.

Comment: A condition has been recommended to this effect (See Condition 4).

6. NSW Transport (Railcorp) and Police Comments

(i) NSW Transport (Railcorp) Comments

The proposal was referred to Railcorp Property as the proposed development is in close proximity to the North West Rail Corridor alignment. A response was received from Railcorp who advised:

The proposed development involves a site with frontages to Windsor Road and Spurway Drive, Baulkham Hills. The site is outside the NWRL corridor protection zone covered by the provisions of the State Environmental Planning Policy (Infrastructure) 2007. Accordingly, there is no requirement to obtain RailCorp's concurrence for the development.

(ii) Police Comments

The proposal was referred to the NSW Police in accordance with the requirements of "Safer by Design Guidelines" prepared by the NSW Police Service in conjunction with Department of Planning and the Protocol between The Hills Shire Council and Castle Hill Police.

There were no comments provided by the NSW Police.

TRAFFIC MANAGEMENT COMMENTS

The original traffic report prepared by Varga Traffic Planning and follow up correspondence from Winning Traffic Solutions in response to several areas of concern raised by the RTA in their letter dated 24 May 2011 has been reviewed.

There are 86 dwelling units proposed as part of this development. Of the 86 dwellings 82 residences will have vehicular access either directly off, or via an internal road network, to the proposed future 9.5m wide collector road of Stone Mason Drive ultimately linking Spurway Drive to Fairway Drive as part of the Balmoral Road Release Area. The remaining

4 of these properties are proposed to access the divided carriageway of Spurway Drive directly.

The traffic report identifies that the total traffic generation from the development is expected to be in the region of 70 vehicle trips during the morning and afternoon peak hours.

The RTA have raised concern that when having regard to the existing PM peak hour queues on Windsor Road from Showground Road and when Stone Mason Drive is ultimately connected through to Fairway Drive the additional traffic loadings placed on the intersection of Windsor Road and Spurway Drive may result in the need for a left turn slip lane.

Winning Traffic Solutions have responded to the RTA comments on behalf of the applicant that the additional 70 peak hour trips will not impact on the operational efficiency of the intersection of Spurway Drive and Windsor Road further stating that as the delays are occurring on the State Arterial network the provision of a left turn slip lane into Spurway Drive will not significantly improve access for the residents.

The other issue raised by the RTA is in relation to the access for the four residences off Spurway Drive impacting on the efficient operation of the Spurway Drive/Windsor Road intersection when vehicles are reversing out of their driveways. The consultant indicates that 3.4 (two way) vehicles trips/hour will be generated by the 4 residences. Assuming half will be outgoing this equates to 1.7 vehicles will be reversing per hour. This number of reversing vehicles will have negligible impact on the operation of the Spurway Drive/Windsor Road intersection.

It is considered that the traffic consultant has provided comments that satisfactorily addresses both issues raised by the RTA in their letter dated 24 May 2011. In this regard there is no objection raised from a traffic engineering perspective to proposed development in its current form.

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

FORWARD PLANNING COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

CONCLUSION

The proposed development has been assessed having regard to Section 79C of the Environmental Planning and Assessment Act, 1979 and Baulkham Hills Development Control Plan Part E Section 17 – Balmoral Road Release Area and is satisfactory. The DCP

does not contain any specific standards for integrated housing development and as such a merit based assessment has been undertaken.

The proposal will provide additional housing choice for residents of the Shire. The external and internal design of the dwellings is satisfactory and will result in an appropriate streetscape outcome.

The proposal was notified to adjoining property owners for a period of fourteen (14) days however there were no submissions received.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget of forward estimates.

Hills 2026

The social and environmental impacts have been addressed in the report. The proposal will add to housing choice within the Shire and is a satisfactory design outcome.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

CONDITIONS RELATING TO ALL STAGES

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
13130/026	Topographic Survey	25/09/07
Sk1v	Site Plan	21.03.11
Sk2d	Elevations	21.03.11
Sk3c	Site Sections	04.04.11
Sk10.1e	Dwelling Type 10.1 Plans and Elevations	31.01.11
Sk10.2e	Dwelling Type 10.2 Plans and Elevations	31.01.11
Sk11.1f	Dwelling Type 11.1 Plans and Elevations	31.01.11
Sk11.2e	Dwelling Type 11.2 Plans and Elevations	31.01.11

Sk12.1g	Dwelling Type 12.1 Plans and Elevations	31.01.11
Sk12.2f	Dwelling Type 12.2 Plans and Elevations	31.01.11
Sk13.1d	Dwelling Type 13.1 Plans and Elevations	31.01.11
Sk13.2d	Dwelling Type 13.2 Plans and Elevations	31.01.11
Sk14.1e	Dwelling Type 14.1 Plans and Elevations	31.01.11
Sk14.2e	Dwelling Type 14.2 Plans and Elevations	31.01.11
Sk15c	Dwelling Type 15 Plans and Elevations	08.08.11
Sht-1	Common Areas and Street Trees	30/06/2011
Sht-1	DA Landscape Materials Schedule	29/11/2010 Rev. C
Sht-1	Western Boundary Details	29/11/2010
Sht-1	DA Landscape Plan_COS 1	29/11/2010
Sht-1	DA Landscape Plan_COS 2	29/11/2010
Sht-1	DA Landscape Plan_COS 3	6/4/2011
Sht-1	DA Landscape Plan_Type 10	8/2/2011 Rev. D
Sht-1	DA Landscape Plan_Type 11	8/2/2011 Rev. D
Sht-1	DA Landscape Plan_Type 12	29/11/2010 Rev. C
Sht-1	DA Landscape Plan_Type 13	29/11/2010 Rev. D
Sht-1	DA Landscape Plan_Type 14	29/11/2010 Rev. D
---	External Colour Schedule	---
0686 LP-01	Stage 1 - 11 Lot Torrens Title Subdivision Sheet 1 of 9	21 Oct 2011
0686 LP-01	Stage 2 - 4 Lot Torrens Title Subdivision Sheet 2 of 9	21 Oct 2011
0686 LP-01	Stage 3 - 4 Lot Torrens Title Subdivision Sheet 3 of 9	21 Oct 2011
0686 LP-01	Stage 4 - 5 Lot Torrens Title Subdivision Sheet 4 of 9	21 Oct 2011
0686 LP-01	Stage 5 - 3 Lot Torrens Title Subdivision Sheet 5 of 9	21 Oct 2011
0686 LP-01	Stage 6 - 3 Lot Torrens Title Subdivision Sheet 6 of 9	21 Oct 2011
0686 LP-01	Stage 7 - 3 Lot Torrens Title Subdivision Sheet 7 of 9	21 Oct 2011
0686 LP-01	Stage 8 - 5 Lot Torrens Title Subdivision	21 Oct 2011

	Sheet 8 of 9	
0686 LP-01	Stage 9 - 2 Lot Torrens Title Subdivision Sheet 9 of 9	21 Oct 2011
0686 LP-01	Stage 1 - 11 Lot Community Title Subdivision Sheet 1 of 4	21 Oct 2011
0686 LP-01	Stage 2 - 11 Lot Community Title Subdivision Sheet 2 of 4	21 Oct 2011
0686 LP-01	Stage 2 - 9 Lot Community Title Subdivision Sheet 3 of 4	21 Oct 2011
0686 LP-01	Stage 3 - 11 Lot Community Title Subdivision Sheet 4 of 4	21 Oct 2011
0686 LP-01	Stage 1 - 13 Lot Community Title Subdivision Sheet 1 of 5	21 Oct 2011
0686 LP-01	Stage 1 - 13 Lot Community Title Subdivision Sheet 2 of 5	21 Oct 2011
0686 LP-01	Stage 2 - 7 Lot Community Title Subdivision Sheet 3 of 5	21 Oct 2011
0686 LP-01	Stage 3 - 7 Lot Community Title Subdivision Sheet 4 of 5	21 Oct 2011
0686 LP-01	Stage 4 - 7 Lot Community Title Subdivision Sheet 5 of 5	21 Oct 2011

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. RTA Requirements

The following condition is required by the RTA or as otherwise agreed by the RTA and Council in writing:

- (a) All the redundant driveways along the Windsor Road frontage of the subject property shall be removed and replaced with kerb and gutter to match existing.
- (b) "No Stopping" restrictions, if not already installed, should be installed along Windsor Road frontage of the subject property and on both sides of Spurway Drive

between Windsor Road and Stone Mason Drive. Installation of 'No Stopping' restriction requires approval from the RTA.

- (c) All works associated with the proposed development are to be at no cost to the RTA or Council.

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. 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.

7. 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.

8. 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.

9. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by RSA Acoustics, referenced as Report 4956-R1, dated August 2010 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Section 5 – Treatment Recommendations and Section 6 – Fence.

10. Tree Removal

Approval is granted for the removal of those trees affected by the development as shown on Common Areas and Street Trees Plan prepared by Jamie King Revision E dated 30/06/2011.

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.

11. Planting Requirements

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

The Tristaniopsis laurina indicated for planting along Stonemasons Drive shall be replaced with Corymbia maculata.

The Callistemon salignus indicated for planting along private roads are to be replaced with Tristaniopsis laurina.

Groundcover species from the following list are to be planted at 1.5metre centres within the retaining wall located at the Western boundary to provide additional screening of the wall.

Myoporum debile

Grevillea "Royal Mantle"

12. Adherence to Approved Waste Management Plan

The Waste Management Plan submitted to and approved by Council must be adhered to at all stages in the demolition/construction/design of facilities and on-going use phases. All waste material nominated for recycling must be reused or recycled. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act (1997) and only to a place that can lawfully be used as a waste facility. Dockets/receipts verifying recycling/disposal must be kept and presented to Council when required.

13. Waste Storage and Separation - Construction and Demolition

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

- 1) masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/recycling;
- 2) timber waste to be separated and sent for recycling;
- 3) metals to be separated and sent for recycling;
- 4) clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- 5) mixed waste (plastic wrapping, cardboard etc) to be sent to a licenced recycling or disposal facility

This can be achieved by constructing a minimum of five trade waste compounds on-site. Each waste compound must be adequately sized to enclose the waste. Alternatively, mixed waste may be stored in one or more adequately sized waste compounds and sent to a waste contractor/waste facility that will sort the waste on their site for recycling. Waste must be adequately secured and contained within designated waste areas and must not leave the site onto neighbouring public or private properties. Personal waste must not litter the site. Copies of actual weighbridge receipts verifying recycling/disposal must be kept and presented to Council when required.

14. Commencement of Domestic Waste Services

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

15. Domestic Waste Management

Council will provide each unit with a minimum of one 140 litre garbage bin (emptied weekly), one 240 litre recycling bin (emptied fortnightly) and one 240L garden organics bin (emptied fortnightly). Allowance is to be made for:

- a. space for all garbage and recycling bins to be placed on the kerb for servicing on collection day.
- b. storage of bins allocated to each unit to be:
 - i. within the lot boundary of each unit;
 - ii. incorporated into the landscape design of each unit;
 - iii. screened and not visible from the street;
- c. adequate natural or mechanical ventilation where bins are stored in an enclosed cupboard; or storage compound so that odour emissions do not cause offensive odour as defined by the Protection of the Environment Operations Act 1997; and
- d. flat or ramped paved pathway, grade not to exceed 7% and distance not to exceed 75m (or 50m for aged persons or persons with a disability), to allow manoeuvring of the bins from the lot/unit to the kerb for servicing (and not over steps, landscape edging or gutters or through the unit).

- e. each bin to be clearly marked with individual unit numbers.

16. Subdivision Certificate Pre-Lodgement Meeting/ Check

Prior to the submission of a Subdivision Certificate application a final plan pre-lodgement meeting is required to establish that all conditions have been completed to the satisfaction of Council. Prior to a final plan pre-lodgement meeting a copy of the final plan and 88B Instrument must be submitted for checking.

17. Street Naming

Street naming must comply with Council's approved "Balmoral Road Release Area Road Names" map. The roads affected by this proposal are:

- Stone Mason Drive; and
- Spurway Drive.

A copy of this map can be accessed from Council's website:

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

18. Upgrading of Existing Water and Sewerage Services

Should the development necessitate the installation or upgrade of water or sewerage services within an area that is either heavily vegetated or traversed by a natural watercourse, services must be located in a route that causes the least amount of impact on the natural environment. Excavation by hand or small machinery is required where the ecological impact would otherwise be considered excessive.

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. Temporary Turning Heads

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

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

A temporary turning head is required at the northern end of Stone Mason Drive extending into the proposed lots on either side.

A security bond must be provided in order to guarantee the maintenance, removal, restoration and closure of the temporary cul-de-sac turning head. The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being removed, restored and documentary evidence being provided confirming closure of the temporary public road or removal of the easement for public access and services. The bond release application form is available on Council's website. Should Council be required to maintain, remove, restore or close the temporary cul-de-sac head, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

A security bond is not required to be provided if a similar bond has already been taken as part of the preceding subdivision approved pursuant to Development Consent DA 195/2010/ZA.

A temporary turning head is not required where the extension of a proposed road into an adjoining property, as part of a separate development application, is constructed and

dedicated concurrently. This will require the concurrent issuing of a Subdivision Certificate and plan registration for both subdivisions.

21. Temporary Public Road

A security bond must be provided in order to guarantee the maintenance, removal, restoration and closure of the temporary public road. The bond amount must be based on 150% of the total value of carrying out such works or \$20,000.00, whichever is the greater. The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being removed, restored and documentary evidence being provided confirming closure of the temporary public road. The bond release application form is available on Council's website. Should Council be required to maintain, remove, restore or close the temporary road, costs will be deducted from the security bond. Should costs exceed the value of the bond, Council will issue an invoice for the recovery of these remaining costs.

A security bond is not required to be provided if a similar bond has already been taken as part of the preceding subdivision approved pursuant to Development Consent DA 195/2010/ZA.

22. Process for Council Endorsement of Legal Documentation

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

23. Community Association Lot (Community Title Subdivision)

All lots or dwellings within the community scheme must be entitled to utilise the community allotment and share in the costs associated with its upkeep.

24. 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.

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

25. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a separate Engineering Construction Certificate required to be obtained by Council, as outlined elsewhere in this consent, then a separate road opening permit must be applied for and the works inspected by Council's Restorations Coordinator.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required or not.

26. Zero Lot Line Dwellings – Easement Encroachment

The easement for repair/ access and maintenance, in response to an adjacent zero lot line dwelling, must remain clear of overhanging guttering and fascia or any other encroachments at all times and maintained as such throughout the life of the development.

27. 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.

28. Structures Adjacent to Piped Drainage Easements

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

29. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

Provision for overland flow and access for earthmoving equipment must be maintained.

The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.

No fill, stockpiles, building materials or sheds can be placed within the easement.

New or replacement fencing must be approved by Council. Open style fencing must be used.

30. 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) DCP Part D Section 1 – Parking
- d) 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. The only exception to this requirement is for those lots that front either Stone Mason Drive or Spurway Drive, where reversing onto the street is permitted.
- ii. The private roadway and communal car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The pavement design must consider the largest design service vehicle expected to enter the site.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

31. 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.

32. Engineering Works – Design and Construction Approval Process

The design certification and construction approval of the engineering works nominated in this consent require separate approval prior to the commencement of any works.

Works on existing public roads or any other land under the care and control of Council require an Engineering Construction Certificate (ECC) in accordance with the Roads Act 1993 or the Local Government Act 1993. This includes the construction of new roads which are to be dedicated as public road. An ECC can only be issued by Council.

All other engineering works must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

For Council to issue an ECC the following must be provided:

- a) A completed application form.
- b) Four copies of the design plans and specifications.
- c) Payment of the applicable application and inspection fees.
- d) Payment of any required security bonds.

33. 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 individual driveways must be built to Council's residential standard.

The proposed shared driveway/ private roadway must be built to Council's heavy duty standard.

The proposed private roadway must be 6m wide (minimum) at the boundary splayed to 7m wide at the kerb. 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.

This includes any existing laybacks and driveways along Windsor Road.

iii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Stone Mason Drive and Spurway Drive 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.

34. 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.

35. 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.

36. House Numbering

The responsibility for house/unit/tenancy numbering is vested solely in Council in order to provide a consistent and accurate system of street numbering throughout the Shire.

To enable the dwellings that have access via the two internal roads be given unique house numbers, the two internal roads are required to be allocated two different street names. The dwellings accessing these roads will be numbered to these roads upon completion of the dwellings or the approved naming of the two streets.

The dwellings that have direct access to Stone Mason Drive and Spurway Drive will be allocated street numbers upon completion of the dwellings.

Upon completion of the stages and/or approved naming of the two internal roads, the Hills Shire Council's Land Information Section is to be contacted to determine accurate house numbers.

Clear and accurate external directional signage is to be erected on all buildings. It is essential that all directional signage throughout the development is clear and accurate to assist emergency service providers locate a destination with ease and speed in the event of an emergency.

PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE

37. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$50,000.00 is to be lodged with Council prior to the issue of the Construction Certificate. It shall be refunded 6 months following the issue of the Final Occupation Certificate and the submission to Council of certification from a qualified Landscape Architect or Council's Tree Management Team that the works have been carried out in accordance with the approved landscape plan.

38. Fencing along the Windsor Road Frontage

- (a) Fencing along the Windsor Road frontage of the site is to be set back a minimum of 1 metre from the realigned boundary ie: after dedication of road widening.
- (b) The fencing is to be constructed of masonry or similar to match the proposed dwellings. Details are to be provided to Council's Manager – Development Assessment for agreement prior to issue of the Construction Certificate.

39. Landscape Planting along Windsor Road Frontage

The landscape planting along the Windsor Road frontage of the site between the fence and the realigned boundary is to comprise *Lomandra longifolia* planted at 0.5 metre centres interspersed with *Syzygium paniculatum* 'Bush Christmas' planted at 3 metre centres.

40. Embellishment of Common Open Space Areas

The common open space areas are to be embellished with child play equipment, seating or other recreational facilities/amenities. The provision of only seating within each common open space area will not be supported. Details are to be provided to Council's Manager – Development Assessment for agreement prior to issue of the Construction Certificate.

41. 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).

42. Concept Engineering Design Approval

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

43. Construction Management Plan (Staged Applications)

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

44. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

45. 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.

46. 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 \$120,600.00 is required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The above amount is calculated at the rate of \$30.00 per square metre based on the public road frontage of the subject site (335m) and the width of the road measured from face of kerb on both sides (12m). The minimum bond amount is \$10,000.00.

The bond must be lodged with Council prior to the issue of a Construction Certificate for the first stage of the development and cannot be returned until the last stage is complete.

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.

47. Bank Guarantee Requirement

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 1374/2011/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.

48. Engineering Works and Design

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

- a) Council's Design Guidelines Subdivisions/ Developments

b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Preceding Subdivision Works

The subdivision works approved pursuant to Condition 28 of Development Consent DA 195/2010/ZA and Condition 24 of Development Consent DA 1338/2011/ZA must be completed, in full, in order to service the development site.

ii. Full Width Road Construction

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

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Private Road 1	Road Type: Private Road 0.75m/ 6m/ 0.75m (7.5m total) (minimum)	5 x 10(5)
Private Road 2	Road Type: Private Road 0.75m/ 6m/ 0.75m (7.5m total) (minimum)	5 x 10(5)

The intersection between the proposed private roads and Stone Mason Drive must distinguish the fact they are private roads/ driveways, as opposed to a public road. This will require pavement threshold treatment and a gutter layback, as opposed to an extension of the road pavement and corner splays. The private roads must be 6m wide at the property boundary splayed to 7m at the kerb-line in Stone Mason Drive.

iii. Temporary Turning Heads

Temporary cul-de-sac turning heads must be provided at the end of all roads that will be extended into adjoining properties. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

A temporary turning head is required at the northern end of Stone Mason Drive extending into the proposed lots adjacent.

iv. Local Drainage Link

A 5m wide (minimum) formed drainage easement/ overland flow path must be constructed along the length of the private road/ driveway within proposed lot 1 between Stone Mason Drive and the existing easement located within the adjoining downstream property, SP 44999. The design of this local drainage link must comply with the above documents and Council's DCP.

This formed drainage easement/ overland flow path must be extended through SP 44999 to the existing farm dam located within Lot 2 DP 1160957 further downstream. The location, extent and scope of works on these adjoining properties must be carried out in accordance with the plans and details included with the stormwater report prepared by Martens and Associates Ref P1002871JR01V01 dated 1 September 2011. These works must also be carried out in accordance with the written consent from each landowner provided as part of the development application.

The detailed design of the formed drainage easement/ overland flow must clearly nominate the flooding extent and depth along the length of the roadway in the 1 in 100 year ARI storm event. The finished floor level of the units adjacent must be a minimum of 500mm above the top water level and the velocity/ depth ratio must not exceed 0.4 for its entire length.

v. Gutter Crossings

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

vi. Street Names Signs

Street name signs and posts are required, as approved by Council.

vii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

viii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

ix. Stormwater Drainage – Temporary Management

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

x. Water Sensitive Urban Design Elements

Water sensitive urban design elements are to be located generally in accordance with the plans and details included with the stormwater report prepared by Martens and Associates Ref P1002871JR01V01 dated 1 September 2011.

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

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

49. Closure/ Removal of Temporary Road

This stage, and all subsequent later stages, of the development is reliant on the closure/removal of the temporary public road between Windsor Road and Stone Mason Drive approved pursuant to Development Consent DA 195/2010/ZA.

Consequently, a Construction Certificate for this stage cannot be issued until such time as the temporary road is closed and the roadway physically removed.

PRIOR TO WORK COMMENCING ON THE SITE

50. Principal Certifying Authority

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

51. 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.

52. Consultation with Service Authorities

Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letterboxes respectively.

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

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

53. 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.

54. Dam-Water/Silt Analysis

The submission to Council of a water/silt analysis report prepared by an appropriately qualified person prior to breaching, draining or removal of the dam. The report shall consider the presence of any heavy metals or contaminants and to as their correct removal.

All contaminated water/silt is to be disposed of to an approved disposal facility prior to the commencement of the approved work in accordance with the requirements of DECC.

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. Notification of Asbestos Removal

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

60. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chainwire fencing which is to be erected at least three (3) metres from the base of each tree or group of trees and is to be in place prior to works commencing to restrict the following occurring:

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

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

The installation of services within the root protection zone is not to be undertaken without consultation with Council's Tree Management Officer.

61. 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 RTA Traffic Control and Work Sites Manual and submitted to Council for approval. The person preparing the plan must have the relevant RTA accreditation to do so. Where amendments to the approved plan are required, they must be submitted to Council for approval prior to being implemented.

62. RTA Design Approval

Prior to any works commencing, the design and construction of the works in Windsor Road must be approved by the NSW Roads and Maritime Services. Four copies of the NSW Roads and Maritime Services' stamped approved construction plans and a covering letter from the NSW Roads and Maritime Services advising that suitable arrangements have been made to enable the commencement of works must be submitted to Council.

63. 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.

64. 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.

65. 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.

66. 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.

67. Separate WSUD Detailed Design Approval

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

DURING CONSTRUCTION

68. 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 Nos. 369123M_03 and 369164M_03 and be complied with.

69. Roof Water Drainage

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

70. 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.

71. Dewatering and decommissioning of dams

- a. The dam shall be dewatered through the controlled release of the water.
- b. The dam wall shall not be breached without the dam having first being dewatered.
- c. Polluted water from the dam shall not be discharged to any watercourse or placed in a position where it will wash or percolate to a watercourse.
- d. Polluted water is defined in the dictionary of the Protection of the Environment Operations Act 1997 and includes that matter as prescribed by Schedule 5 of the Protection of the Environment Operations (General) Regulation 2009.
- e. Council's Environmental Health Team shall be notified forty-eight (48) hours prior to the dewatering of the dam.
- f. An appropriately qualified fauna ecologists (licensed by NSW National Parks and Wildlife Service) is to be present on site for the duration of dewatering and breaching of the dam. Should any fauna species be observed, the ecologist shall rescue, provide care and relocate a previously identified location (or destroy, if appropriate) the animal.
- g. Any introduced fauna shall be euthanized in a manner that is consistent with the Prevention of Cruelty to Animals Act 1979. Information on the humane harvesting of fish and crustaceans is available from NSW Industry & Investment.
- h. Water from dams containing introduced species (including, but not limited to Common carp (*Cyprinus carpio*) and Mosquito fish (*Gambusia holbrooki*) shall not be discharged to any watercourse so as to prevent the discharge of eggs and individuals.

Note: Developers are reminded that penalties up to \$11,000 for incorrect disposal of noxious fish species into waterways can apply under the *Fisheries Management Act 1994*.

- i. All fill must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. Details of the source of the material are to be obtained and provided to Council. All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development (Australian Standard AS 2870.1).

72. 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.

73. 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.

74. 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.

75. 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.

76. 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

77. Confirmation of Compliance with Zero Lot Line

Prior to the installation of the external roof tiles or sheeting, written advice from a registered surveyor must be provided to the Principal Certifying Authority confirming that the constructed guttering and fascia to the wall for each property using a zero lot line, is located wholly within the property boundary.

78. Location of Dwelling

A dwelling on lots burdened by an easement for repair/ access and maintenance, in response to an adjacent zero lot line dwelling, must be located wholly within the subject property and clear of the easement. This includes all services, equipment and utilities.

PRIOR TO ISSUE OF A OCCUPATION AND/OR SUBDIVISION CERTIFICATE

79. Landscaping Prior to Issue of Occupation Certificate

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

80. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works in Windsor Road have been completed in accordance with their requirements and that they have no objection to the issuing of a Subdivision Certificate.

81. Final Subdivision Fees

All outstanding fees must be paid before a Subdivision Certificate can be issued. The final fees that remain outstanding will be assessed following the submission of written advice confirming all works have been completed.

82. Confirmation of Pipe Locations

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

83. Removal of Sediment and Erosion Control Measures

A \$5,000.00 bond must be submitted to Council to ensure the satisfactory removal of all sediment and erosion control measures, including the removal of any collected debris.

84. 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. A list can be found by following this link:

http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/ws/c/waterserv_ext_print.htm

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 1374/2011/JP.

85. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This includes the under-grounding of existing electrical services where directed by Council or the relevant service provider. Street lighting is required for new roads and a hinged lighting column is required in any proposed pedestrian pathways links.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 1374/2011/JP.

86. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate, issued by the relevant telecommunications provider authorised under the Telecommunications Act, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This includes the under-grounding of aerial telecommunications lines and cables where directed by Council or the relevant telecommunications carrier.

The certificate must refer to the issued consent, all of the lots created and Development Consent DA 1374/2011/JP.

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 engineering works are complete. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in ".dwg" or ".pdf" format, must also be submitted.

Where applicable, the plans must be accompanied by pavement density results, pavement certification, concrete core test results and site fill results.

This condition has been imposed in accordance with Contributions Plan No. 12 (Eastern Precinct).

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.

88. 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 six months 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.

89. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) The final plan and administration sheet, along with ten copies of both.
- b) The original plus one copy of the 88B Instrument.
- c) All certificates and supplementary information as required by this consent.
- d) A completed copy of the attached checklist confirming compliance with all conditions.
- e) An electronic copy of the final plan on disk in ".dwg" format.
- f) One copy of the strata or community titled subdivision plan that includes house/ unit numbering consistent with numbering issued by Council.
- g) Two copies of the community or precinct management statement.

Council will not accept a Subdivision Certificate application without all the items listed above.

90. Geotechnical Report (Lot Classification)

Submission of a lot classification report, prepared by a suitably qualified geotechnical engineer, following the completion of all subdivision works confirming that all residential allotments are compliant with AS2870 and are suitable for residential development. The lot classification report must be accompanied by a separate table which clearly shows the classification of all lots created as part of the subdivision.

91. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become Council assets must be inspected by a CCTV and a report prepared. A hard copy of the report must be submitted along with a copy of the CCTV inspection on either VHS or DVD (in WMA format).

92. Public Asset Creation Summary

A completed public asset creation summary form must be submitted with the WAE plans. A blank form can be found on Council's website.

93. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for

the preceding stage/ subdivision pursuant to Development Consent DA 195/2010/ZA and/or Development Consent DA 1338/2011/ZA unless they are issued and registered concurrently.

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

94. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Dedication of Temporary Public Road

The plan must provide for the dedication of proposed lot 105 as temporary public road at no cost to Council, unless this temporary road is not required as a consequence of Stone Mason Drive being extended to connect to the existing public road network.

c) Temporary Public Access Easement

A temporary public access easement must be created within lots 100, 103 and 104 at the northern end of Stone Mason Drive, over the temporary cul-de-sac turning head.

d) Drainage Easements – Council

Suitable drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easements are only required for stormwater drainage pipelines and structures that are not located within a public road or drainage reserve. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments and the minimum width permitted is 5m.

The drainage easement must extend from Stone Mason Drive to the constructed headwall/ outlet in the farm dam in Lot 2 DP 1160957 via SP 44999.

e) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

f) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

g) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

h) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

i) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

j) Restriction – Flood Levels

Restricting excavation on the proposed lots adjacent to the drainage easement/ overland flow path to ensure the floor level of any dwelling or garage erected is a minimum of

500mm above the 1 in 100 year ARI flood level associated with the adjacent drainage system or easement in accordance with the DCP. The terms of the restriction must nominate the required Flood Planning Level (FPL) for each lot along with the source of the flood data relied upon in deriving these values.

k) Restriction – Vehicular Access

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

l) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

m) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

n) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

o) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

95. Constructed Dwelling Adjacent to Proposed Boundary

Where any part of a proposed dwelling has been constructed within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on a separate copy of the final plan.

96. Constructed Dwelling Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the proposed dwellings on the lots created are located wholly within their respective lot or are otherwise contained within a suitable easement.

97. Completion of Engineering Works

An Occupation Certificate for the dwellings in each stage must not be issued prior to the completion of all engineering works for that stage covered by this consent, in accordance with this consent.

98. 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.

99. Completion of Water Sensitive Urban Design Elements

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- a) WAE drawings and any required engineering certifications;
- b) Records of inspections;
- c) An approved operations and maintenance plan; and
- d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

THE USE OF THE SITE

100. 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*.

101. Servicing of Bins

Council contracted or private garbage/recycling collection vehicles servicing the development are not permitted to reverse in or out of the site. Collection vehicles must be travelling in a forward direction at all times to service bins.

102. Agreement for On-site Waste Collection

An Indemnity Agreement is to be signed and returned to Council to enable servicing of bins from the private road by Council's waste collection vehicles.

103. Waste

Dwellings located in each cul de sac must place bins in the allocated space illustrated on Site Plan Ref No: BPA1101. All garbage, recycling and organics bins must be placed on the kerb for servicing on collection day in these allocated spaces.

CONDITIONS APPLICABLE TO EACH STAGE OF DEVELOPMENT

STAGE 1:

GENERAL MATTERS

104. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	1 of 9
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	2 of 9
0686 LP-01	11 Lot Community Title Subdivision	Michael T Shannon	1 of 4
0686 LP-01	11 Lot Community Title Subdivision	Michael T Shannon	2 of 4

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

105. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Preceding Subdivision Works

The subdivision works approved pursuant to Condition 28 of Development Consent DA 195/2010/ZA and Condition 24 of Development Consent DA 1338/2011/ZA must be completed, in full, in order to service the development site.

ii. Full Width Road Construction

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

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Private Road 1	Road Type: Private Road 0.75m/ 6m/ 0.75m (7.5m total) (minimum)	5 x 10(5)

The intersection between the proposed private roads and Stone Mason Drive must distinguish the fact they are private roads/ driveways, as opposed to a public road. This will require pavement threshold treatment and a gutter layback, as opposed to an extension of the road pavement and corner splays. The private roads must be 6m wide at the property boundary splayed to 7m at the kerb-line in Stone Mason Drive.

iii. Temporary Turning Heads

Temporary cul-de-sac turning heads must be provided at the end of all roads that will be extended into adjoining properties. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

A temporary turning head is required at the northern end of Stone Mason Drive extending into the proposed lots adjacent.

iv. Local Drainage Link

A 5m wide (minimum) formed drainage easement/ overland flow path must be constructed along the length of the private road/ driveway within proposed lot 1 between Stone Mason Drive and the existing easement located within the adjoining downstream property, SP 44999. The design of this local drainage link must comply with the above documents and Council's DCP.

This formed drainage easement/ overland flow path must be extended through SP 44999 to the existing farm dam located within Lot 2 DP 1160957 further downstream. The location, extent and scope of works on these adjoining properties must be carried out in accordance with the plans and details included with the stormwater report prepared by Martens and Associates Ref P1002871JR01V01 dated 1 September 2011. These works must also be carried out in accordance with the written consent from each landowner provided as part of the development application.

The detailed design of the formed drainage easement/ overland flow must clearly nominate the flooding extent and depth along the length of the roadway in the 1 in 100 year ARI storm event. The finished floor level of the units adjacent must be a minimum of

500mm above the top water level and the velocity/ depth ratio must not exceed 0.4 for its entire length.

v. Gutter Crossings

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

vi. Street Names Signs

Street name signs and posts are required, as approved by Council.

vii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

viii. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

ix. Stormwater Drainage – Temporary Management

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

x. Water Sensitive Urban Design Elements

Water sensitive urban design elements are to be located generally in accordance with the plans and details included with the stormwater report prepared by Martens and Associates Ref P1002871JR01V01 dated 1 September 2011.

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

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

106. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 1 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 21	No. Of Credits: 5	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 396,174.87	\$ 94,327.35	\$ 301,847.52
Open Space - Capital	\$ 5,006.83	\$ 105,143.43	\$ 25,034.15	\$ 80,109.28
Transport Facilities - Capital	\$ 3,565.12	\$ 74,867.52	\$ 17,825.60	\$ 57,041.92
Community Facilities - Land	\$ 373.08	\$ 7,834.68	\$ 1,865.40	\$ 5,969.28
Community Facilities - Capital	\$ 1,528.43	\$ 32,097.03	\$ 7,642.15	\$ 24,454.88
Administration	\$ 261.85	\$ 5,498.85	\$ 1,309.25	\$ 4,189.60
Drainage Facilities - Capital	\$ 399.22	\$ 8,383.62	\$ 1,996.10	\$ 6,387.52
Total	\$ 30,000.00	\$ 630,000.00	\$ 150,000.00	\$ 480,000.00

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.

107. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage/ subdivision pursuant to Development Consent DA 195/2010/ZA and Development Consent DA 1388/2011/ZA unless they are issued and registered concurrently.

108. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Dedication of Temporary Public Road

The plan must provide for the dedication of proposed lot 105 as temporary public road at no cost to Council, unless this temporary road is not required as a consequence of Stone Mason Drive being extended to connect to the existing public road network.

c) Temporary Public Access Easement

A temporary public access easement must be created at the northern end of Stone Mason Drive within lots 100, 103 and 104, over the temporary cul-de-sac turning head.

d) Drainage Easements – Council

Suitable drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easements are only required for stormwater drainage pipelines and structures that are not located within a public road or drainage reserve. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments and the minimum width permitted is 5m.

The drainage easement must extend from Stone Mason Drive to the constructed headwall/ outlet in the farm dam in Lot 2 DP 1160957 via SP 44999.

e) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

f) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

g) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

h) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

i) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

j) Restriction – Flood Levels

Restricting excavation on the proposed lots adjacent to the drainage easement/ overland flow path to ensure the floor level of any dwelling or garage erected is a minimum of 500mm above the 1 in 100 year ARI flood level associated with the adjacent drainage system or easement in accordance with the DCP. The terms of the restriction must nominate the required Flood Planning Level (FPL) for each lot along with the source of the flood data relied upon in deriving these values.

k) Restriction – Vehicular Access

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

l) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

m) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

n) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

o) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 2:

GENERAL MATTERS

109. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	3 of 9
0686 LP-01	11 Lot Community Title Subdivision	Michael T Shannon	3 of 4

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

110. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

111. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 2 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 14	No. Of Credits: 2	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 264,116.58	\$ 37,730.94	\$ 226,385.64
Open Space - Capital	\$ 5,006.83	\$ 70,095.62	\$ 10,013.66	\$ 60,081.96
Transport Facilities - Capital	\$ 3,565.12	\$ 49,911.68	\$ 7,130.24	\$ 42,781.44
Community Facilities - Land	\$ 373.08	\$ 5,223.12	\$ 746.16	\$ 4,476.96
Community Facilities - Capital	\$ 1,528.43	\$ 21,398.02	\$ 3,056.86	\$ 18,341.16
Administration	\$ 261.85	\$ 3,665.90	\$ 523.70	\$ 3,142.20
Drainage Facilities - Capital	\$ 399.22	\$ 5,589.08	\$ 798.44	\$ 4,790.64
Total	\$ 30,000.00	\$ 420,000.00	\$ 60,000.00	\$ 360,000.00

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.

112. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

113. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

d) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

e) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

f) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

g) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

h) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

i) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

j) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 3:

GENERAL MATTERS

114. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	4 of 9
0686 LP-01	11 Lot Community Title Subdivision	Michael T Shannon	4 of 4

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

115. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

116. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 3 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 16	No. Of Credits: 2	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 301,847.52	\$ 37,730.94	\$ 264,116.58
Open Space - Capital	\$ 5,006.83	\$ 80,109.28	\$ 10,013.66	\$ 70,095.62
Transport Facilities - Capital	\$ 3,565.12	\$ 57,041.92	\$ 7,130.24	\$ 49,911.68
Community Facilities - Land	\$ 373.08	\$ 5,969.28	\$ 746.16	\$ 5,223.12
Community Facilities - Capital	\$ 1,528.43	\$ 24,454.88	\$ 3,056.86	\$ 21,398.02
Administration	\$ 261.85	\$ 4,189.60	\$ 523.70	\$ 3,665.90
Drainage Facilities - Capital	\$ 399.22	\$ 6,387.52	\$ 798.44	\$ 5,589.08
Total	\$ 30,000.00	\$ 480,000.00	\$ 60,000.00	\$ 420,000.00

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.

117. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

118. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

d) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

e) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

f) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

g) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

h) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

i) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

j) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 4:

GENERAL MATTERS

119. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	5 of 9

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

120. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

121. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 4 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 3	No. Of Credits: 1	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 56,596.41	\$ 18,865.47	\$ 37,730.94
Open Space - Capital	\$ 5,006.83	\$ 15,020.49	\$ 5,006.83	\$ 10,013.66
Transport Facilities - Capital	\$ 3,565.12	\$ 10,695.36	\$ 3,565.12	\$ 7,130.24
Community Facilities - Land	\$ 373.08	\$ 1,119.24	\$ 373.08	\$ 746.16
Community Facilities - Capital	\$ 1,528.43	\$ 4,585.29	\$ 1,528.43	\$ 3,056.86
Administration	\$ 261.85	\$ 785.55	\$ 261.85	\$ 523.70
Drainage Facilities - Capital	\$ 399.22	\$ 1,197.66	\$ 399.22	\$ 798.44
Total	\$ 30,000.00	\$ 90,000.00	\$ 30,000.00	\$ 60,000.00

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.

122. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

123. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

e) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

f) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

g) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

h) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 5:

GENERAL MATTERS

124. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	6 of 9

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

125. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

126. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 5 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 3	No. Of Credits: 1	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 56,596.41	\$ 18,865.47	\$ 37,730.94
Open Space - Capital	\$ 5,006.83	\$ 15,020.49	\$ 5,006.83	\$ 10,013.66
Transport Facilities - Capital	\$ 3,565.12	\$ 10,695.36	\$ 3,565.12	\$ 7,130.24
Community Facilities - Land	\$ 373.08	\$ 1,119.24	\$ 373.08	\$ 746.16
Community Facilities - Capital	\$ 1,528.43	\$ 4,585.29	\$ 1,528.43	\$ 3,056.86
Administration	\$ 261.85	\$ 785.55	\$ 261.85	\$ 523.70
Drainage Facilities - Capital	\$ 399.22	\$ 1,197.66	\$ 399.22	\$ 798.44
Total	\$ 30,000.00	\$ 90,000.00	\$ 30,000.00	\$ 60,000.00

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.

127. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

128. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

e) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

f) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

g) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

h) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 6:

GENERAL MATTERS

129. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	7 of 9

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

130. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

131. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 6 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 3	No. Of Credits: 1	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 56,596.41	\$ 18,865.47	\$ 37,730.94
Open Space - Capital	\$ 5,006.83	\$ 15,020.49	\$ 5,006.83	\$ 10,013.66
Transport Facilities - Capital	\$ 3,565.12	\$ 10,695.36	\$ 3,565.12	\$ 7,130.24
Community Facilities - Land	\$ 373.08	\$ 1,119.24	\$ 373.08	\$ 746.16
Community Facilities - Capital	\$ 1,528.43	\$ 4,585.29	\$ 1,528.43	\$ 3,056.86
Administration	\$ 261.85	\$ 785.55	\$ 261.85	\$ 523.70
Drainage Facilities - Capital	\$ 399.22	\$ 1,197.66	\$ 399.22	\$ 798.44
Total	\$ 30,000.00	\$ 90,000.00	\$ 30,000.00	\$ 60,000.00

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.

132. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

133. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

e) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

f) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

g) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

h) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 7:

GENERAL MATTERS

134. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	8 of 9

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

135. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

136. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 7 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 5	No. Of Credits: 1	TOTAL \$94
Open Space - Land	\$ 18,865.47	\$ 94,327.35	\$ 18,865.47	\$ 75,461.88
Open Space - Capital	\$ 5,006.83	\$ 25,034.15	\$ 5,006.83	\$ 20,027.32
Transport Facilities - Capital	\$ 3,565.12	\$ 17,825.60	\$ 3,565.12	\$ 14,260.48
Community Facilities - Land	\$ 373.08	\$ 1,865.40	\$ 373.08	\$ 1,492.32
Community Facilities - Capital	\$ 1,528.43	\$ 7,642.15	\$ 1,528.43	\$ 6,113.72
Administration	\$ 261.85	\$ 1,309.25	\$ 261.85	\$ 1,047.40
Drainage Facilities - Capital	\$ 399.22	\$ 1,996.10	\$ 399.22	\$ 1,596.88
Total	\$ 30,000.00	\$ 150,000.00	\$ 30,000.00	\$ 120,000.00

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.

137. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

138. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

e) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

f) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

g) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

h) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 8:

GENERAL MATTERS

139. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	11 Lot Torrens Title Subdivision	Michael T Shannon	9 of 9

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

140. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

141. Closure/ Removal of Temporary Road

This stage, and all subsequent later stages, of the development is reliant on the closure/ removal of the temporary public road between Windsor Road and Stone Mason Drive approved pursuant to Development Consent DA 195/2010/ZA.

Consequently, a Construction Certificate for this stage cannot be issued until such time as the temporary road is closed and the roadway physically removed.

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

142. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 8 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 2	No. Of Credits: 1	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 37,730.94	\$ 18,865.47	\$ 18,865.47
Open Space - Capital	\$ 5,006.83	\$ 10,013.66	\$ 5,006.83	\$ 5,006.83
Transport Facilities - Capital	\$ 3,565.12	\$ 7,130.24	\$ 3,565.12	\$ 3,565.12
Community Facilities - Land	\$ 373.08	\$ 746.16	\$ 373.08	\$ 373.08
Community Facilities - Capital	\$ 1,528.43	\$ 3,056.86	\$ 1,528.43	\$ 1,528.43
Administration	\$ 261.85	\$ 523.70	\$ 261.85	\$ 261.85
Drainage Facilities - Capital	\$ 399.22	\$ 798.44	\$ 399.22	\$ 399.22
Total	\$ 30,000.00	\$ 60,000.00	\$ 30,000.00	\$ 30,000.00

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.

143. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

144. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

e) Restriction – Vehicular Access

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

f) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

g) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

h) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

i) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 9:

GENERAL MATTERS

145. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	13 Lot Community Title Subdivision	Michael T Shannon	1 of 5
0686 LP-01	13 Lot Community Title Subdivision	Michael T Shannon	2 of 5

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

146. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Full Width Road Construction

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

Proposed roads must be constructed to the following requirements:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Private Road 2	Road Type: Private Road 0.75m/ 6m/ 0.75m (7.5m total) (minimum)	5 x 10(5)

The intersection between the proposed private roads and Stone Mason Drive must distinguish the fact they are private roads/ driveways, as opposed to a public road. This will require pavement threshold treatment and a gutter layback, as opposed to an extension of the road pavement and corner splays. The private roads must be 6m wide at the property boundary splayed to 7m at the kerb-line in Stone Mason Drive.

ii. Gutter Crossings

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

iii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iv. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

v. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

vi. Stormwater Drainage – Temporary Management

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

vii. Water Sensitive Urban Design Elements

Water sensitive urban design elements are to be located generally in accordance with the plans and details included with the stormwater report prepared by Martens and Associates Ref P1002871JR01V01 dated 1 September 2011.

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

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>; and
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

147. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 9 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 12	No. Of Credits: 2	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 226,385.64	\$ 37,730.94	\$ 188,654.70
Open Space - Capital	\$ 5,006.83	\$ 60,081.96	\$ 10,013.66	\$ 50,068.30
Transport Facilities - Capital	\$ 3,565.12	\$ 42,781.44	\$ 7,130.24	\$ 35,651.20
Community Facilities - Land	\$ 373.08	\$ 4,476.96	\$ 746.16	\$ 3,730.80
Community Facilities - Capital	\$ 1,528.43	\$ 18,341.16	\$ 3,056.86	\$ 15,284.30
Administration	\$ 261.85	\$ 3,142.20	\$ 523.70	\$ 2,618.50
Drainage Facilities - Capital	\$ 399.22	\$ 4,790.64	\$ 798.44	\$ 3,992.20
Total	\$ 30,000.00	\$ 360,000.00	\$ 60,000.00	\$ 300,000.00

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.

148. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

149. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

d) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

e) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

f) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

g) Restriction – Vehicular Access

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

h) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

i) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

j) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

k) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 10:

GENERAL MATTERS

150. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	13 Lot Community Title Subdivision	Michael T Shannon	3 of 5

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

151. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

152. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 10 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 7	No. Of Credits: 1	TOTAL \$94
Open Space - Land	\$ 18,865.47	\$ 132,058.29	\$ 18,865.47	\$ 113,192.82
Open Space - Capital	\$ 5,006.83	\$ 35,047.81	\$ 5,006.83	\$ 30,040.98
Transport Facilities - Capital	\$ 3,565.12	\$ 24,955.84	\$ 3,565.12	\$ 21,390.72
Community Facilities - Land	\$ 373.08	\$ 2,611.56	\$ 373.08	\$ 2,238.48
Community Facilities - Capital	\$ 1,528.43	\$ 10,699.01	\$ 1,528.43	\$ 9,170.58
Administration	\$ 261.85	\$ 1,832.95	\$ 261.85	\$ 1,571.10
Drainage Facilities - Capital	\$ 399.22	\$ 2,794.54	\$ 399.22	\$ 2,395.32
Total	\$ 30,000.00	\$ 210,000.00	\$ 30,000.00	\$ 180,000.00

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.

153. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

154. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

d) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

e) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

f) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

g) Restriction – Vehicular Access

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

h) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

i) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

j) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

k) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 11:

GENERAL MATTERS

155. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	13 Lot Community Title Subdivision	Michael T Shannon	4 of 5

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

156. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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

ii. Street Names Signs

Street name signs and posts are required, as approved by Council.

iii. Service Conduits

Service conduits to each of the proposed new allotments, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

iv. Inter-allotment Stormwater Drainage

Piped inter-allotment drainage designed for a 1 in 10 year ARI storm event catering for the entire area of each lot must be provided, with an assumed impervious surface of 80%. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected inter-allotment stormwater is to be piped to an approved constructed public drainage system.

v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

157. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 11 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 7	No. Of Credits: 1	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 132,058.29	\$ 18,865.47	\$ 113,192.82
Open Space - Capital	\$ 5,006.83	\$ 35,047.81	\$ 5,006.83	\$ 30,040.98
Transport Facilities - Capital	\$ 3,565.12	\$ 24,955.84	\$ 3,565.12	\$ 21,390.72
Community Facilities - Land	\$ 373.08	\$ 2,611.56	\$ 373.08	\$ 2,238.48
Community Facilities - Capital	\$ 1,528.43	\$ 10,699.01	\$ 1,528.43	\$ 9,170.58
Administration	\$ 261.85	\$ 1,832.95	\$ 261.85	\$ 1,571.10
Drainage Facilities - Capital	\$ 399.22	\$ 2,794.54	\$ 399.22	\$ 2,395.32
Total	\$ 30,000.00	\$ 210,000.00	\$ 30,000.00	\$ 180,000.00

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.

158. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

159. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

a) Public Road Access

All lots shown on the final plan must be provided with access to the public road network.

b) Drainage Easements – Inter-allotment/ Private

Inter-allotment drainage easements must be provided to ensure each and every lot is provided with a legal point of discharge. The width of all inter-allotment drainage easements must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited.

c) Right of Carriage way/ Easement for Services

A right of carriage way/ easement for services must be created over the private roadway benefiting the lots serviced via this roadway.

d) Positive Covenant – Maintenance/ Repair of Shared Access

A positive covenant must be placed on the title of proposed lot 1 to ensure the maintenance/ repair of the shared driveway.

e) Easement for Repairs (Zero Lot Line Dwellings)

An 900mm wide easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan.

f) Restriction – Earthworks

Restricting cut or fill on all residential lots in accordance with the DCP.

g) Restriction – Vehicular Access

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

h) Restriction – Rainwater Tanks (Balmoral Road)

Restricting residential development of all lots to ensure a 3000L rainwater tank is provided on each lot in accordance with DCP Part E Section 17.

i) Restriction – WSUD Modification

A restriction must be placed on the title of all proposed lots restricting development over or the varying of any finished levels and layout of the constructed WSUD elements.

j) Positive Covenant – WSUD Maintenance

A positive covenant must be placed on the title of all proposed lots to ensure the ongoing maintenance of the constructed WSUD elements.

k) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

STAGE 12:

GENERAL MATTERS

160. Approved Subdivision Plan – Combined Development/ Subdivision

The subdivision component of the development must be carried out in accordance with the approved plans listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:
0686 LP-01	13 Lot Community Title Subdivision	Michael T Shannon	5 of 5

Where a Construction Certificate is required, no work is to be undertaken before it has been issued.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

161. Engineering Works and Design

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

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

Any variance from these documents requires separate approval from Council.

The works listed below require an Engineering Construction Certificate (ECC) as outlined earlier in this consent. The following engineering works are required:

i. Gutter Crossings

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v. Stormwater Drainage – Temporary Management

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

PRIOR TO THE ISSUE OF AN OCCUPATION/ SUBDIVISION CERTIFICATE

162. Section 94 Contribution – Balmoral Road Release

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: -

STAGE 12 - EASTERN PRECINCT	Purpose: Subdivision	No. Of Lots: 7	No. Of Credits: 1	TOTAL S94
Open Space - Land	\$ 18,865.47	\$ 132,058.29	\$ 18,865.47	\$ 113,192.82
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Transport Facilities - Capital	\$ 3,565.12	\$ 24,955.84	\$ 3,565.12	\$ 21,390.72
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Administration	\$ 261.85	\$ 1,832.95	\$ 261.85	\$ 1,571.10
Drainage Facilities - Capital	\$ 399.22	\$ 2,794.54	\$ 399.22	\$ 2,395.32
Total	\$ 30,000.00	\$ 210,000.00	\$ 30,000.00	\$ 180,000.00

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.

163. Prior or Concurrent Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Management Authority for the preceding stage unless the two are issued and registered concurrently.

164. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Standard wording is available on Council's website and must be used.

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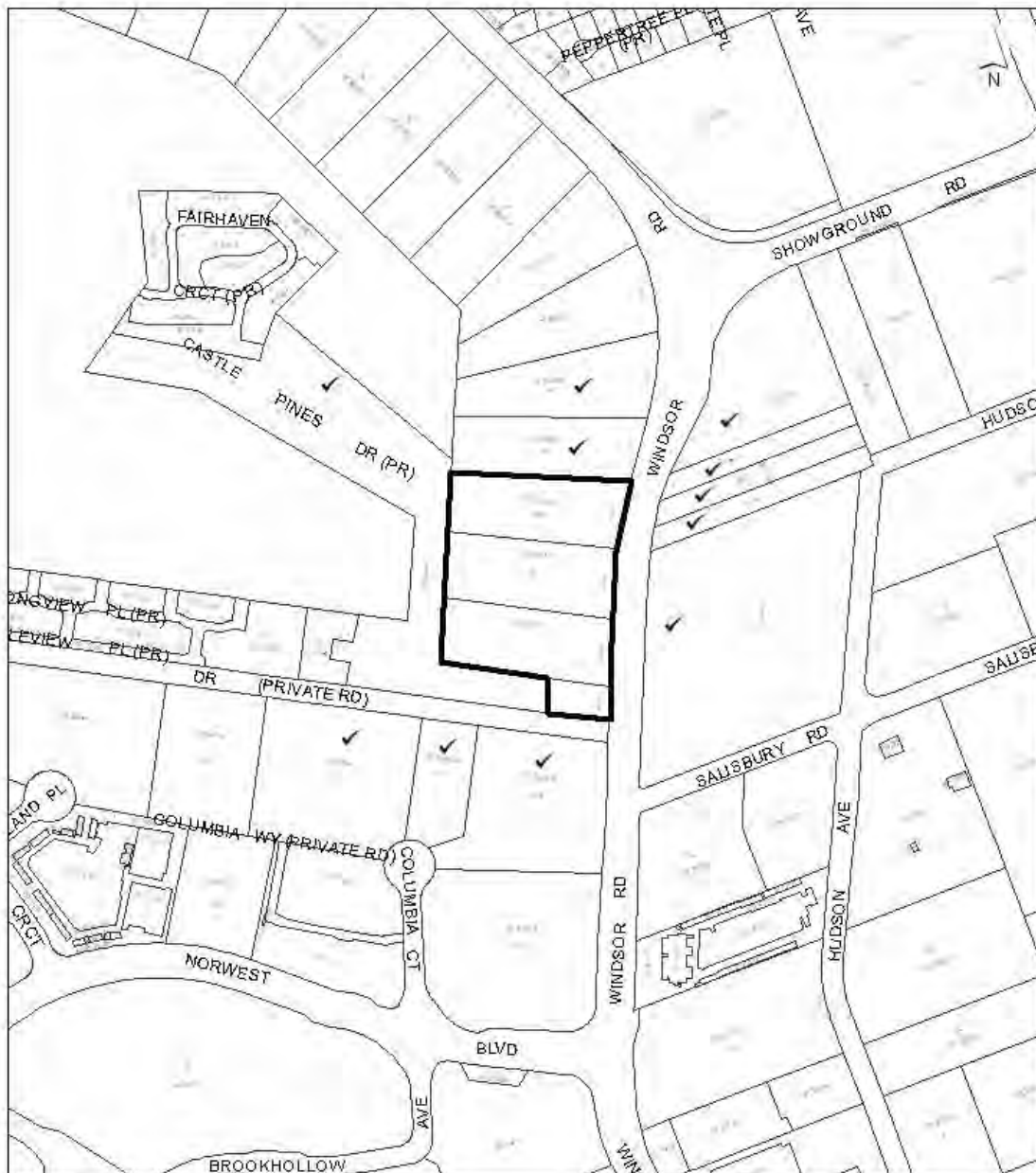
k) Positive Covenant – Waste Collection/ Bin Presentation

A positive covenant must be placed on the title of all proposed lots to ensure garbage bins are presented for collection in accordance with the plans and details approved by Council as part of this development.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Approved Subdivision Plan DA 195/2010/ZA
5. Approved Subdivision Plan DA 1338/2011/ZA
6. Site Plan
7. Typical Street Elevation
8. Typical Dwelling Front Elevations
9. Typical Cross Section Through Site
10. Retaining Wall Details

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

NOTE: THE HILLS DISTRICT HISTORICAL SOCIETY ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE.
BASED ON CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



THE HILLS SHIRE COUNCIL

The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
Base cadastre copyright remains the property of Land and Property Management Authority NSW (LPMA). Year 2008 contour copyright remains the property of Department of Environment and Climate Change (DECC).
2011 Aerial Photography and Cadastre modifications including Council generated data is subject to THSC copyright.

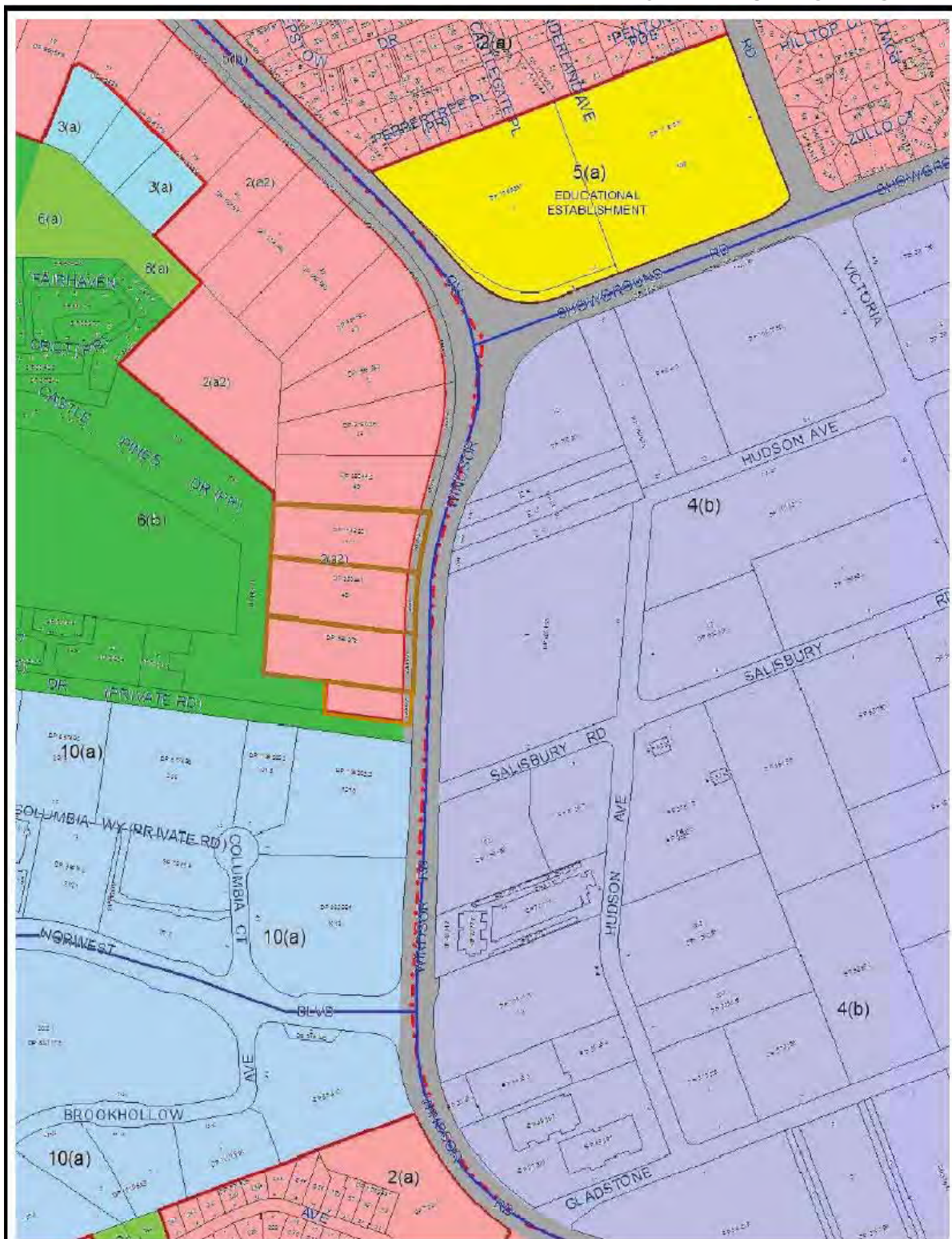
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30/11/2011

ATTACHMENT 3 – ZONING PLAN



THE HILLS SHIRE COUNCIL

The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
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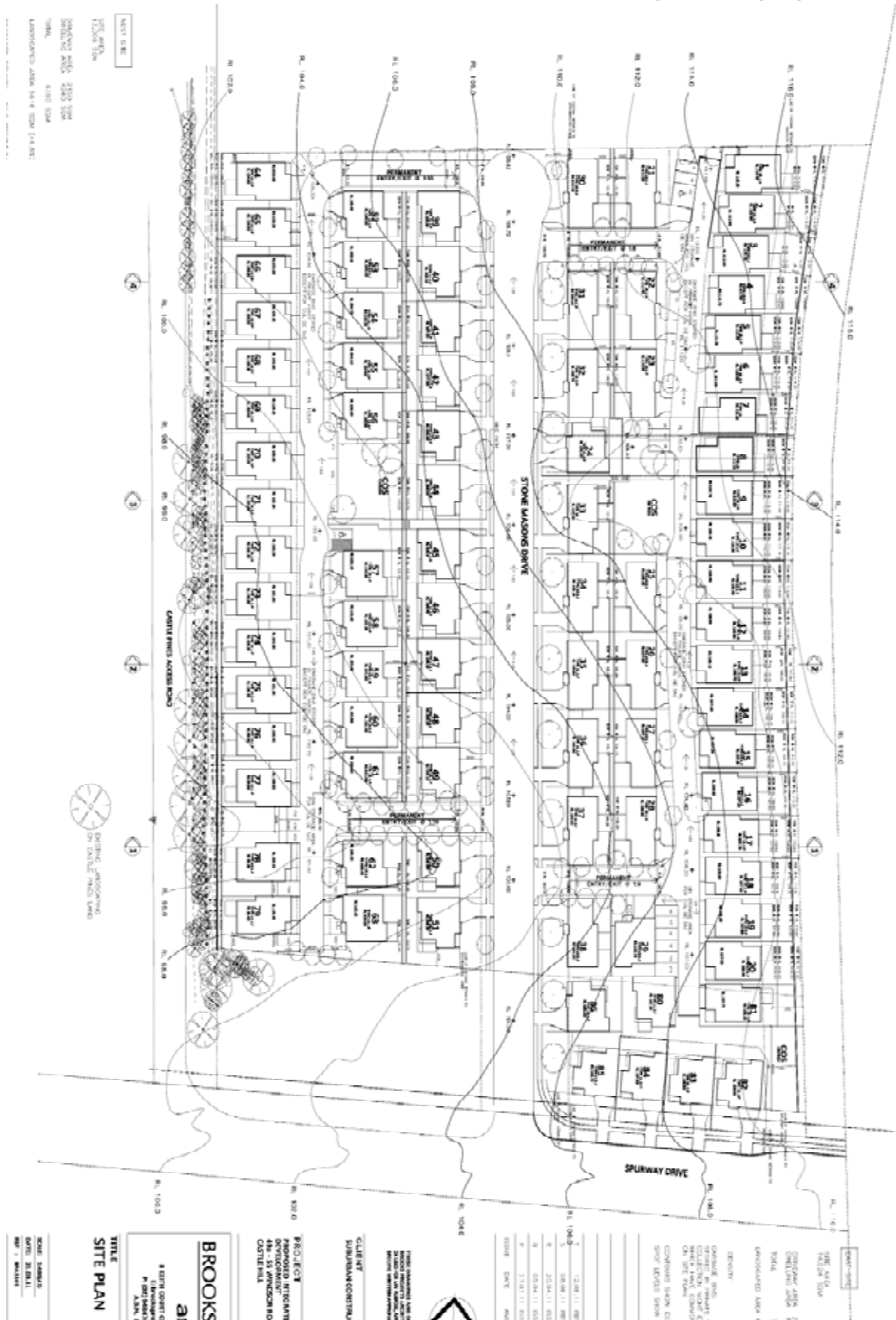


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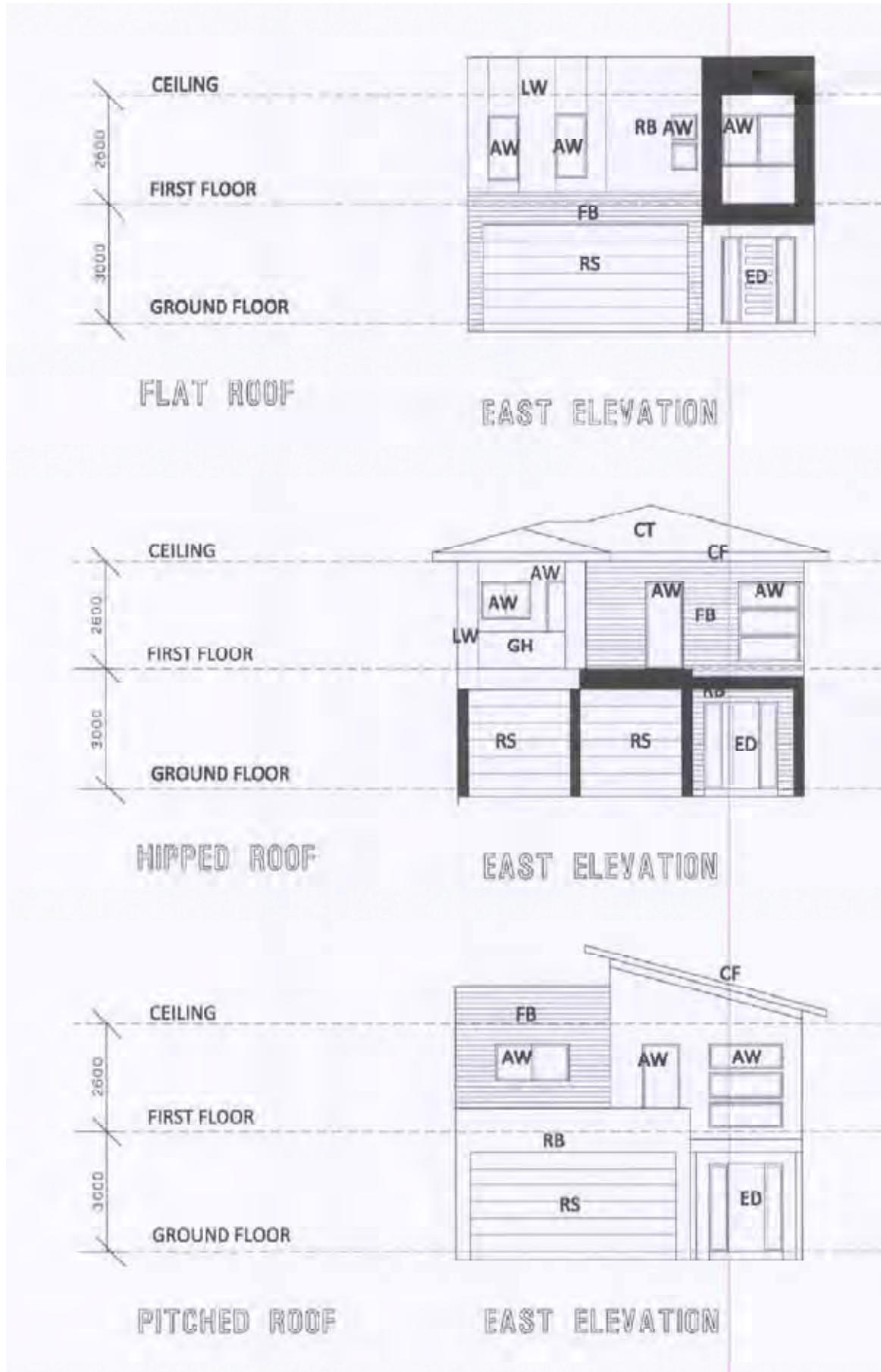
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ATTACHMENT 7 –TYPICAL STREET ELEVATION



ATTACHMENT 8 –TYPICAL DWELLING FRONT ELEVATIONS



SECTION 1

UNIT 78
UNIT 62
UNIT 50
UNIT 37
UNIT 28
UNIT 17

ROAD

BOUNDARY

TYPICAL SECTION AT WINDSOR TO BOUNDARY

ATTACHMENT 10 – RETAINING WALL DETAILS



Section AA
Western boundary retaining wall



Section BB
Western boundary retaining wall



Photomontage of proposed retaining walls
along western boundary
Not To Scale