

JRPP PLANNING REPORT

JRPP NO:	2011SYW051
DA NO:	1304/2011/JPZ
PROPOSED DEVELOPMENT:	An integrated housing development and community titled subdivision creating 45 dwellings and 47 lots including demolition and new private road in three stages.
SUBJECT SITE:	Proposed Lots 352 and 353 in a Subdivision of Lot 35 DP 10702, 9 Balmoral Road, Kellyville
APPLICANT:	Malcolm Smith Pty Ltd
LODGEMENT DATE:	31 March 2011
REPORT BY:	Benjamin Hawkins – Subdivision Coordinator The Hills Shire Council
RECOMMENDATION:	Approval

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Mr M McGovern Ms S Griffin	1.	<u>LEP 2005</u> – Permissible
Zoning:	Residential 2(a2)	2.	<u>SEPP 55 Remediation of Lands</u> – Satisfactory
Area:	2.5838ha	3.	<u>SEPP 64 Advertising and Signage</u> – Satisfactory
Existing Development:	Two-storey brick dwelling and farm dam.	4.	<u>SEPP Building Sustainability Index: BASIX</u> – Satisfactory
		5.	<u>SEPP Major Developments</u> – Satisfactory
		6.	<u>SREP 20 Hawkesbury/ Nepean River</u> – Complies
		7.	<u>DCP Part E Section 17 Balmoral Road Release Area</u> – Variation sought, see report
		8.	<u>DCP Part E Section 15 Kellyville/ Rouse Hill Release Area</u> – Variation sought, see report
		9.	<u>Section 79C (EPA Act)</u> – Satisfactory
		10.	<u>Draft LEP 2010</u> – Permissible
		11.	<u>Section 94 Contribution</u> – \$1,320,000.00

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Yes, 30 days	1.	Capital Investment Value (CIV) exceeding \$10m.
2. Notice Adj. Owners:	Yes, 30 days		
3. Number Advised:	Seven		
4. Submissions Received:	Nil		

HISTORY

31/03/2011	The subject application was lodged.
18/05/2011	Additional information concerning waste collection and landscaping provided.
01/06/2011	The proposal was amended to include the area around the existing dwelling so that the resultant development lot formed part of the proposed community association.
28/06/2011	Additional information concerning vehicle manoeuvring within the development site provided.
01/07/2011	Response to Council's request for additional information provided.
04/07/2011	Development Consent DA 1301/2011/ZA issued for a three lot subdivision of the subject site. This approval creates proposed lots 352 and 353, being the lots subject to the current proposal.
08/07/2011	Draft community management statement provided.
11/08/2011	A JRPP briefing meeting was held at Council to discuss the application.
29/08/2011	Additional information concerning the private road provided in response to the concerns raised in the JRPP briefing meeting.

SITE DESCRIPTION

The subject site is known as proposed lots 352 and 353 in a subdivision of Lot 35 DP 10702. Proposed lots 352 and 353 were approved under Development Consent DA 1301/2011/ZA which precedes the subject development.

A locality plan is included with this report as Attachment 1.

Proposed lot 352 encompasses the existing two storey brick dwelling present on the site which is intended to be retained within a development lot capable of being further developed at a later date. Proposed lot 353 is the remaining Residential 2(a2) zoned portion of the site and contains an existing farm dam. Proposed lot 352 has an area of

1778m² and is accessed via a right of carriageway over proposed lot 353. Proposed lot 353 has an area of 2.406ha and direct frontage to Balmoral Road.

The Open Space 6(a) zoned portion of the parent lot, located at the rear of the property as shown on the attached zoning map (refer Attachment 2); was excised from the developable portion of the site and created as a separate lot (proposed lot 351) under Development Consent DA 1301/2011/ZA. This land will be acquired by Council under a separate process and does not form part of the subject proposal.

A copy of the approved subdivision plan associated with Development Consent DA 1301/2011/ZA is included with this report as Attachment 16.

To the north and east of the subject site is land zoned for open space purposes, including proposed lot 351 above. The open space zoned land east of the subject site has already been acquired by Council.

The land further east is zoned Residential 2(b1) and contains a partially constructed low density residential subdivision.

The properties south of the subject site on the opposite side of Balmoral Road are also zoned Residential 2(b1) and contain existing dwellings reflective of the existing rural-residential character of the locality.

The adjoining property to the west of the subject site is zoned Residential 2(a2) and contains an existing dwelling reflective of the existing rural-residential character of the locality. The applicant for the subject proposal has met with Council with a view to lodging a similar development proposal over the adjoining property.

The site is largely devoid of vegetation and Council's mapping does not identify the vegetation present as belonging to an endangered ecological community. The trees present on site are mainly ornamental. The site slopes generally to the west towards a trapped low-point that dissects the site. Runoff is directed onto the adjoining property and eventually to Elizabeth Macarthur Creek further west.

PROPOSAL

The application is for the development of proposed lots 352 and 353 created by a preceding facilitating subdivision approved pursuant to Development Consent 1301/2011/ZA to create an integrated housing development that includes 45 community titled residential lots/ dwellings, one community association lot and one residue development lot encompassing the existing two storey brick dwelling. The overall subdivision plan is provided in Attachment 7. The development is proposed over three stages as follows:

The first stage creates 18 community title lots as follows:

- Proposed lot 1 is a community lot encompassing the proposed 12m wide private road extending into the site from Balmoral Road.
- Proposed lots 2 and 3 which are residue lots intended to be developed in stages two and three respectively. These lots are 7313m² and 7043m² respectively.
- Proposed lots 4 to 18 are conventional lots/ dwellings each containing a detached two-storey four-bedroom dwelling with lot sizes ranging from 367m² to 507m². Proposed

lots 5 and 7 to 11 are orientated towards Balmoral Road and proposed lots 8 to 11 have direct access via Balmoral Road. Proposed lots 13 to 15 gain access to the proposed private road via a 8m wide shared access-handle. The remaining lots are orientated towards the proposed private road with access via the same.

A copy of the plan for this stage is included as Attachment 5.

This stage includes the subdivision of land and the construction of the dwellings, including landscaping, earthworks and drainage. Also included is the construction of the private road within the community lot which has a carriageway width of 8m, including landscaping, earthworks and drainage; and the construction of the access handles servicing lots 13 to 15.

The second stage creates 16 community title lots from residue lot 2 above as follows:

- Proposed lots 19 to 36 are community title lots/ dwellings each containing a detached two-storey four-bedroom dwelling with lot sizes ranging from 335m² to 523m². Proposed lots 29, 30, 34 and 35 gain access to the proposed private road via 6m wide shared access-handles. The remaining lots are orientated towards the proposed private road with direct access via the same.

A copy of the plan for this stage is included as Attachment 6.

This stage includes the subdivision of land and the construction of the dwellings, including landscaping, earthworks and drainage. Also included is the construction of the access handles servicing lots 29, 30, 34 and 35 and the de-watering and filling of the dam present on the site.

The third stage creates 13 community title lots from residue lot 3 above as follows:

- Proposed lots 37 to 48 are community title lots/ dwellings each containing a detached two-storey four-bedroom dwelling with lot sizes ranging from 372m² to 695m². Proposed lots 41 to 43 gain access to the proposed private road via a 7.5m wide shared access-handle. The remaining lots are orientated towards the proposed private road with direct access via the same.
- Proposed lot 49 is a future development lot containing the existing two storey brick dwelling proposed to be retained. This lot has a size of 1778m² and fronts the proposed private road. This lot is capable of being developed as integrated housing as part of a future development application requiring the demolition of the existing dwelling.

A copy of the plan for this stage is included as Attachment 7.

This stage includes the subdivision of land and the construction of the dwellings, including landscaping, earthworks and drainage. Also included is the construction of the access handles servicing lots 41 to 43.

The following points are also noted:

All 45 dwellings are free-standing and include an enclosed double garage on the ground floor. All of the proposed garages are setback a minimum of 5.5m from either Balmoral Road or the proposed private road so as to provide adequate space for a further two car parking spaces for visitors in front of the garage.

The entire development, including those lots addressing Balmoral Road; will be part of the proposed community title scheme. A draft community management statement has been submitted with the application. The existing two storey brick dwelling proposed to be retained on lot 49 will also form part of the community title scheme.

The proposed development will consist of a number of dwelling façade designs and colour schemes. The applicant has submitted details of the proposed colour scheme and finishes to be utilised in the development. Dwellings typically consist of concrete roof tiles with rendered, brick and cladding walls. The feature elements of each dwelling consist of a combination of face brick, stacking stones or timber. Aluminium will be utilised for the gutters and windows.

It is intended to provide private open space areas within each individual lot which exceeds the minimum required to be provided, rather than providing for an area of communal open space.

Landscaping is to be implemented throughout the development to the front of each dwelling to provide for an attractive streetscape. An entry feature is proposed at the intersection between Balmoral Road and the private road which includes a masonry fence and estate signage.

It is intended to utilise Council's waste contractor and waste is proposed to be collected from both Balmoral Road and the proposed private road as follows:

- Bins associated with proposed lots 23, 24 and 25 will be presented to the private road fronting secondary boundary of proposed lot 26.
- Bins associated with proposed lots 41, 42 and 43 will be presented to the private road fronting proposed lot 49.
- Bins associated with proposed lots 13, 14 and 15 will be presented to the private road fronting the community land/ drainage path between lots 15 and 16.
- Bins associated with proposed lots 29 and 30 will be presented to the private road fronting the community land/ drainage path between lots 28 and 30 respectively.
- Bins associated with proposed lots 34 and 35 will be presented to the private road fronting the community land/ drainage path between lots 33 and 36 respectively.
- Bins associated with all other lots will be presented to either Balmoral Road or the private road fronting the lot.

The purpose of having collection areas for some of the lots is to ensure Council's waste collection vehicle is able to service the development whilst travelling in a forward direction at all times. This arrangement appears in the community management statement so that it can be enforced and so that each person buying into the development is aware.

ISSUES FOR CONSIDERATION

- 1. Compliance with State Environmental Planning Policy (Major Developments) 2005/ Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011**

Clause 13B(1) of State Environmental Planning Policy (Major Developments) 2005 previously included the following referral requirements to a Joint Regional Planning Panel:

- “(1) This Part applies to the following development:*
- (a) development that has a capital investment value of more than \$10 million,*
 - (b) development for any of the following purposes if it has a capital investment value of more than \$5 million:*
 - (i) affordable housing, air transport facilities, child care centres, community facilities, correctional centres, educational establishments, electricity generating works, electricity transmission or distribution networks, emergency services facilities, health services facilities, group homes, places of public worship, port facilities, public administration buildings, public ferry wharves, rail infrastructure facilities, research stations, road infrastructure facilities, roads, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, wharf or boating facilities,*
 - (c) Crown development that has a capital investment value of more than \$5 million,*
 - (d) development for the purposes of eco-tourism facilities that has a capital investment value of more than \$5 million,*
 - (e) designated development,*
 - (f) subdivision of land into more than 250 lots.”*

The applicant has advised that the Capital Investment Value (CIV) of the development is \$13,650,000; which exceeds the \$10m threshold established under sub-point (a) above, requiring the matter be determined by the Panel. In accordance with this requirement the application was referred to, and listed with, the Panel for determination.

Part 3 of State Environmental Planning Policy (Major Developments) 2005 has since been repealed by the Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011. Now, classes of regional development requiring referral to a Panel are set out on Schedule 4A of the Environmental Planning and Assessment Act 1979. The most relevant change is that the CIV threshold for general development has been raised from \$10m to \$20m. However, this change only applies to new developments lodged after 1 October 2011. As the application was lodged prior to 1 October 2011, it must continue to be determined by the Panel; as set out in Planning Circular PS 11-020 dated 30 September 2011.

2. Compliance with Baulkham Hills Local Environmental Plan 2005 (LEP)

The site is zoned Residential 2(a2) under the Baulkham Hills Local Environmental Plan 2005 (LEP), as shown on the attached zoning map (refer Attachment 2).

The proposal is defined as “subdivision” and “integrated housing” under the LEP. Both forms of development are permissible in the Residential 2(a2) zone.

Subdivision is permissible pursuant to Clause 14 of the LEP.

The LEP defines integrated housing as:

“The subdivision of land into two or more allotments, and 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, does not include a form of development elsewhere specifically defined.”

The proposal is consistent with the above definition of integrated housing.

The objectives of the Residential 2(a2) zone are:

- “(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.”*

The proposal seeks to provide an additional 45 residential dwellings in the locality. The proposal also retains an existing dwelling within the community title scheme. The proposed dwellings are consistent with the desired outcome for the medium density residential environment within the Residential 2(a2) zoned portion of the Balmoral Road Release Area as per objective (a) above. The proposal is also consistent with other integrated housing developments approved within the Balmoral Road Release Area.

While yet to commence, the North West Rail Link is proposed to traverse the Balmoral Road Release Area approximately 600m west of the subject site with a station at the Burns Road Bus Interchange. The NSW Roads and Traffic Authority also propose to establish a bus transit way along Memorial Avenue to provide additional public transport in the locality when this road is upgraded.

The proposal 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 as per objective (b) above.

The proposed development will consist of a number of dwelling façade designs and colour schemes. The development will provide for reasonable solar access to living areas and private open space areas and will not affect the solar access of adjoining properties. The

privacy of existing residents within the locality will not be detrimentally affected as a result of the proposed development.

The proposal seeks to remove a number of trees from the site. It is proposed to plant replacement trees as shown on the landscape plan. Council's Tree Management team and Sustainability team are satisfied with the proposal as discussed later in this report.

The proposal is therefore considered satisfactory with respect to the zone objectives.

Clause 2 of the LEP establishes the aims and objectives of this plan. The proposal is generally consistent with these aims and objectives.

Clause 6 identifies that Clauses 1 to 3, 6, 9 to 12, 18 and 29 to 32 from the Environmental Planning and Assessment Model Provisions 1980 are adopted for the purposes of the LEP. Clause 6 has been repealed. Clauses 10, 14 and 30 are relevant to this application. Clause 10 and 14 relate to the opening of, and works within, a public road and the proposal is consistent with these clauses. Clause 30 relates to the servicing of the site for the purpose of water and sewer which is addressed later in this report. Accordingly, the proposal complies with Clause 6 of the LEP.

Clause 21 of the LEP relates to orderly development and states:

"Consent must not be granted to the development of:

- (a) land in Zone 2 (a2) for the purpose of town-houses or villas, or*
- (b) land in Zone 2 (a3) for the purpose of villas,*

if the carrying out of the proposed development would, in the opinion of the consent authority, render any allotment adjoining the site of the proposed development incapable of development for the purpose of villas because the allotment would not meet the requirements of Clause 19."

Clause 19 prescribes a minimum lot size for villa developments of 1000m².

There are no adjoining properties zoned Residential 2(a2) that are unable to be developed for either villas or townhouses in a manner consistent with the LEP as a result of the proposal. Accordingly, the proposal complies with Clause 21 of the LEP.

Clause 22 of the LEP relates to integrated housing and 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 subject to SREP 19 thereby complying with Clause 22 of the LEP.

Clause 23 of the LEP relates to flood liable land and requires that Council consider the impacts of flooding as part of the development of land subject to flooding.

The subject site is not subject to flooding however runoff from the site is discharged onto the adjoining downstream property via the existing trapped low point dissecting both sites. The drainage design proposed complies with Council's requirements and is capable

of being extended further west as part of any subsequent development of the adjoining site. In the shorter term, the applicant has negotiated a temporary drainage easement over this downstream property sized to accommodate the stormwater runoff generated by the development site. Accordingly, the proposal complies with Clause 23 of the LEP.

Clause 45 of the LEP relates to services and states:

- “(1) Consent must not be granted for the erection of a building, the carrying out of a work or a change of building use unless the consent authority is satisfied that adequate arrangements have been made for any provision or augmentation of the following that will be needed because of the carrying out of the proposed development:*
- (a) a water supply, and sewerage or drainage services,*
 - (b) an electricity supply or telephone service,*
 - (c) roads.*
- (2) Consent must not be granted to the carrying out of development for the purpose of apartment buildings, exhibition villages, shop-top housing, town-houses or villas unless the development is able to be connected to a Sydney Water Corporation sewerage system.”*

The site is located within an urban release area that has been provided with water, recycled water, sewer, electricity and telecommunication services by the relevant service providers. Water, recycled water and electrical services are available in Balmoral Road fronting the site. The developer will be responsible for extending the existing sewer main from Elizabeth Macarthur Creek approximately 400m west of the subject site along Balmoral Road. The developer will also be responsible for extending these services into the site to service the development. Road access to the site is available directly from Balmoral Road along its frontage. The proposal includes the partial width reconstruction of Balmoral Road from its current rural-residential construction to an enhanced collector road standard complying with Council's Development Control Plan. The drainage arrangements for the site are discussed earlier in this report.

Conditions have been recommended below requiring the provision of certification from each service provider confirming that these services have been provided before a Subdivision Certificate can be issued by Council. Accordingly, the proposal complies with Clause 45 of the LEP.

Clause 45A of the LEP relates to developer contributions and limits Council's ability to approve developments on land zoned Residential 2(a2) unless arrangements have been made for the payment of developer contributions concerning regional transport infrastructure.

Proposed Condition 38 requires liaison with the NSW Department of Planning and Infrastructure in relation to this matter before a Construction Certificate is issued for each stage, complying with the Department's accepted practice in relation to these matters. Accordingly, the proposal complies with Clause 45A of the LEP.

The subject application is considered satisfactory with respect to the LEP.

3. Compliance with Draft The Hills Local Environmental Plan 2010 (Draft LEP)

The Draft The Hills Local Environmental Plan 2010 (Draft LEP) was placed on public exhibition between 29 March 2011 and 15 May 2011. On 23 August 2011 Council resolved to adopt the Draft LEP. Until such time as it is gazetted, the Draft LEP remains a relevant

head of consideration under Section 79C as a draft instrument for development applications Shire-wide.

Clause 1.8A of the Draft LEP relates to development applications lodged prior to the commencement of this plan and states:

"If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced."

The application was lodged on 31 March 2011, which was two days after the exhibition period commenced. Notwithstanding, in the interests of providing a complete assessment the application has been considered against the Draft LEP.

Under the Draft LEP, the site is zoned R3 Medium Density Residential, as shown on the attached zoning map (refer Attachment 3).

The proposal is defined as a combination of "subdivision" and "dwelling houses" under the Draft LEP. Both forms of development are permissible in the R3 Medium Density Residential zone.

Subdivision is permissible pursuant to Clause 2.6 of the Draft LEP.

The Draft LEP defines a dwelling house as "a building containing only one dwelling". A dwelling house is a form of "residential accommodation" and falls under that group term from the Draft LEP.

The proposal is consistent with the above definition of dwelling houses.

The objectives of the R3 Medium Density Residential zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the development of medium density residential in locations that are close to public transport routes and centres.*

The proposal seeks to provide an additional 45 residential dwellings in the locality. The proposal also retains an existing dwelling within the community title scheme. The proposed dwellings are consistent with the desired outcome for the medium density residential environment within the Balmoral Road Release Area as per the first objective above. The proposal is also consistent with other integrated housing developments approved within the Balmoral Road Release Area.

The proposal 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 proposed development will consist of a number of dwelling façade designs and colour schemes. The development will provide for reasonable solar access to living areas and private open space areas and will not affect the

solar access of adjoining properties. The privacy of existing residents within the locality will not be detrimentally affected as a result of the proposed development.

While yet to commence, the North West Rail Link is proposed to traverse the Balmoral Road Release Area approximately 600m west of the subject site with a station at the Burns Road Bus Interchange. The NSW Roads and Traffic Authority also propose to establish a bus transit way down Memorial Avenue to provide additional public transport in the locality when this road is upgraded.

The proposal is therefore considered satisfactory with respect to the zone objectives.

Clause 4.1 of the Draft LEP states that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the lot size map. The lot size map indicates that the minimum lot size for this site is 700m². The proposal provides for lots that do not comply with this control.

However, Clause 4.1C of the Draft LEP relates to exceptions to the above control and states:

- “(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.”*

It is proposed to take advantage of this exception as follows:

- The proposal allows for diversity in housing options without adversely impacting upon amenity, complying with sub-point (1).
- The site is zoned R3 Medium Density Residential complying with sub-point (2)(i).
- The proposal includes a single development application that includes three or more lots and includes both the subdivision of land and the construction of dwelling houses, complying with sub-point (3)(a).
- Lastly, all of the lots created are in excess of 240m², with the smallest lot being 335m², complying with sub-point (3)(b)(i).

Accordingly, the proposal complies with Clause 4.1C of the Draft LEP, meaning that the minimum lot size established by the lot size map as per Clause 4.1 of the Draft LEP does not apply in this instance.

Clause 4.3 of the Draft LEP states that the height of any building must not exceed the maximum height shown on the building height map. The building height map indicates

that the maximum building height for this site is 10m. The proposal provides for dwelling houses that comply with this control as discussed in more detail later in this report.

Clause 6.1 of the Draft LEP relates to developer contributions and limits Council's ability to approve developments in an urban release area unless arrangements have been made for the payment of developer contributions concerning designated State public infrastructure. The subject site is mapped as being within an urban release area.

Proposed Condition 38 requires liaison with the NSW Department of Planning and Infrastructure in relation to this matter before a Construction Certificate is issued for each stage, complying with the Department's accepted practice in relation to these matters. Accordingly, the proposal complies with Clause 6.1 of the Draft LEP.

Clause 6.2 of the Draft LEP relates to services and states:

- "(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.*
- (2) This clause does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure."*

The site is located within an urban release area that has been provided with water, recycled water, sewer, electricity and telecommunication services by the relevant service providers. Water, recycled water and electrical services are available in Balmoral Road fronting the site. The developer will be responsible for extending the existing sewer main from Elizabeth Macarthur Creek approximately 400m west of the subject site along Balmoral Road. The developer will also be responsible for extending these services into the site to service the development. Road access to the site is available directly from Balmoral Road along its frontage. The proposal includes the partial width reconstruction of Balmoral Road from its current rural-residential construction to an enhanced collector road standard complying with Council's Development Control Plan. The drainage arrangements for the site are discussed earlier in this report.

Conditions have been recommended below requiring the provision of certification from each service provider confirming that these services have been provided before a Subdivision Certificate can be issued by Council. Accordingly, the proposal complies with Clause 6.2 of the Draft LEP.

The subject application is considered satisfactory with respect to the Draft LEP.

4. Compliance with the Baulkham Hills Development Control Plan

The following sections of the Baulkham Hills Development Control Plan Development Control Plan apply to either the subject site or the proposed development:

- Part E Section 17 – Balmoral Road Release Area (BRRA DCP);
- Part E Section 15 – Kellyville/ Rouse Hill Release Area (KRHRA DCP);
- Part C Section 3 – Residential (Residential DCP);
- Part C Section 6 – Townhouses (Townhouse DCP).

The BRRA DCP does not include any controls relating to "integrated housing" developments. This is because the objectives for the Residential 2(a2) zone included with

the LEP above envisage the development of "townhouses, villas, and the like". Similarly, the BRRRA DCP includes specific controls relating only to townhouse and villa developments in the Residential 2(a2) zone.

The proposal seeks approval for detached dwellings, as opposed to semi-detached or attached dwellings or multi-dwelling housing synonymous with a conventional "townhouse" development. Consequently, the applicant has used the "dwelling house" controls included under Section 8.1 of the BRRRA DCP and the "integrated housing" controls included under Section 4 of the KRRHRA DCP as a guide when designing their development. This approach is consistent with that taken for other similar developments in the Balmoral Road Release Area.

In the absence of development controls; a merit based assessment is considered a reasonable approach. However, in the interests of providing a complete assessment the application has been considered against the development standards for "dwelling houses" in the BRRRA DCP as well as the development standards for "integrated housing" in the KRRHRA DCP:

DEVELOPMENT STANDARD	PROPOSED DEVELOPMENT	COMPLIANCE
Density Townhouses: 95 persons/ hectare <i>Townhouse DCP Clause 3.5(a)</i>	62.311 persons/ 1ha 161 persons/ 2.5838ha	Yes
Minimum Lot Size Dwelling House Lot: 240m ² <i>KRRHRA DCP Clause 2.2(c)</i> <i>Draft LEP Clause 4.1C(3)(b)(i)</i>	Lot 1 – 5102m ² Lot 2 – 7313m ² Lot 3 – 7043m ² Lots 4 to 48 – 335m ² (min.) Lot 49 – 1778m ²	N/A, community lot N/A, development lot N/A, development lot Yes N/A, residue lot
Front Building Setback Dwelling House: (Public Road Interface) 6m <i>BRRRA DCP Clause 8.1.1(j)</i>	Lot 5 – 6m Lot 7 – 6m Lot 8 – 5.5m Lot 9 – 5.5m Lot 10 – 5.5m Lot 11 – 5.5m	Yes Yes No, see report No, see report No, see report No, see report
Front Building Setback Integrated Housing Dwelling: (Private Road Interface) 4.5m <i>KRRHRA DCP Clause 4.3(a)/</i> <i>Table 5</i>	Lot 4 – 4.5m Lot 6 – 4.5m Lot 12 – 4m Lot 13 – 4.5m Lot 14 – 4m Lot 15 – 4.5m Lot 16 – 4.5m Lot 17 – 4m Lot 18 – 4m Lot 19 – 4m Lot 20 – 4m Lot 21 – 4m Lot 22 – 4m Lot 23 – 3m Lot 24 – 3m Lot 25 – 3m	Yes Yes No, see report Yes No, see report Yes Yes Yes No, see report No, see report No, see report No, see report No, see report No, see report No, see report No, see report No, see report

	Lot 26 – 4.5m Lot 27 – 3.5m Lot 28 – 3.5m Lot 29 – 4.5m (min.) Lot 30 – 4.5m (min.) Lot 31 – 4m Lot 32 – 3.5m Lot 33 – 4m Lot 34 – 4.5m (min.) Lot 35 – 4.5m (min.) Lot 36 – 3m Lot 37 – 4m Lot 38 – 4m Lot 39 – 4.5m (min.) Lot 40 – 4.5m (min.) Lot 41 – 3m Lot 42 – 4.5m Lot 43 – 4m Lot 44 – 4.5m (min.) Lot 45 – 4.5m (min.) Lot 46 – 4.5m (min.) Lot 47 – 4.5m Lot 48 – 4.5m	Yes No, see report No, see report Yes Yes No, see report No, see report No, see report Yes Yes No, see report No, see report No, see report Yes Yes No, see report Yes No, see report Yes Yes Yes Yes Yes Yes
Corner Lot Building Setback Townhouses: (Public Road Interface) 6m (secondary frontage/ corner lot) <i>BRRA DCP Clause 8.3.1(c)</i>	Lot 5 – 3.58m Lot 7 – 3.57m	No, see report No, see report
Corner Lot Building Setback Dwelling House: (Public Road Interface) 4m (secondary frontage/ corner lot) <i>BRRA DCP Clause 8.1.1(k)</i>	Lot 5 – 3.58m Lot 7 – 3.57m	No, see report No, see report
Corner Lot Building Setback Integrated Housing Dwelling: (Private Road Interface) 2m (secondary frontage/ corner lot) <i>KRHRA DCP Clause 4.3(a)/ Table 5</i>	Lot 4 – 3.58m Lot 5 – 3.58m Lot 6 – 3m Lot 7 – 3.57m Lot 26 – 2m Lot 48 – 3m	Yes Yes Yes Yes Yes Yes
Garage Setback Integrated Housing Dwelling: (Private Road Interface) 5.5m <i>KRHRA DCP Clause 4.3(b)</i>	Lots 4 to 48 – 5.5m (min.)	Yes
Rear/ Side Building Setback	Lot 4 – 1.2m Lot 5 – 1.2m	No, see report No, see report

	Lot 35 – 22% Lot 36 – 36% Lot 37 – 42% Lot 38 – 42% Lot 39 – 35% Lot 40 – 48% Lot 41 – 43% Lot 42 – 43% Lot 43 – 41% Lot 44 – 49% Lot 45 – 38% Lot 46 – 40% Lot 47 – 42% Lot 48 – 40%	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes
Principal Private Open Space Detached Dwelling Lot: 24m ² (minimum width 4m) KRHRA DCP Clause 4.8(c)	Lots 4 to 48 – 24m ² (min.)	Yes
Solar Access Detached Dwelling Lot: 50% of PPOS (2hrs min.) KRHRA DCP Clause 4.8(e)	Lots 4 to 48 – 2hrs (min.)	Yes

The proposal includes a number of non-compliances which are considered below:

Front Building Setback Variation (Public Interface)

Clause 8.3.1(b) from the BRRRA DCP requires a front building setback of 6m to public roads. This has been adopted for the dwellings/ lots within the proposal that front Balmoral Road.

Proposed lots 8, 9, 10 and 11 have a front building setback of 5.5m, a variation of 500mm.

The proposed variation can be solely attributed to the provision of an entry feature for each of these dwellings as part of the design submitted, consisting of columns and covered patios which extend 500mm into the front setback. These entry features have been provided in response to the requirements listed under Clause 4.3(c) of the KRHRA DCP which states:

“For all dwellings the façade must be suitably articulated and incorporate two of the following design elements:

- *Non-enclosed verandah for at least 40% of the dwelling width;*
- *Entry feature or portico;*
- *Awnings or similar treatment used over windows;*
- *Balcony or window box treatment to first floor element;*
- *Recesses or projection of prominent architectural elements to visually break up the façade and avoid blank wall appearance;*
- *Use of bay window or similar along façade; and*
- *Verandah, pergola or similar provided over garage doors.”*

Each of these dwellings is provided with a front building setback of 6m to the main part of the dwelling, increasing to 7m for the garage. The encroaching entry feature is non-enclosed.

The proposed front setback variation to Balmoral Road is in the form of architectural entry features which contribute to the design and articulation of each dwelling. The bulk of the dwelling, including both the upper storey component and the garage, either comply with or exceed the 6m building setback required by the BRRA DCP.

This variation to the DCP is considered acceptable for the reasons outlined.

Front Building Setback Variation (Private Interface)

The majority of the lots/ dwellings are orientated internally towards the proposed private road. Neither the BRRA DCP nor the KRHRA DCP includes development controls relating to front building setbacks from a private road.

The applicant has adopted a 4.5m front building setback for those dwellings that face the proposed private road as part of their attempt to use the "integrated housing" controls included under Section 4 of the KRHRA DCP as a guide when designing their development. Clause 4.3(a)/ Table 5 from the KRHRA DCP require a front building setback of 4.5m to a public road for "integrated housing" developments.

Proposed lots 12, 14, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28, 31, 32, 33, 36, 37, 38, 41 and 43 have a front building setback ranging from 3m to 4m.

The proposed variation can be solely attributed to the provision of an entry feature for each of these dwellings as part of the design submitted, consisting of columns and covered patios which extend either 0.5m, 1m or 1.5m into the front setback.

Each of these dwellings is provided with a front building setback of 4.5m to the main part of the dwelling, increasing to 5.5m (minimum) for the garage. The encroaching entry feature is non-enclosed.

The proposed front setback variation to the proposed private road is in the form of architectural entry features which contribute to the design and articulation of each dwelling. The bulk of the dwelling, including both the upper storey component and the garage, either comply with or exceed the 4.5m building setback required by the KRHRA DCP.

It should be noted that the setback in question is to a proposed private road. Accordingly, the 4.5m setback has been adopted as a guide only as discussed earlier in this report. The purpose of this setback is to ensure adequate separation between buildings facing each other across the private road, providing for an attractive streetscape. Clause 4.3(f) from the KRHRA DCP requires a minimum separation of 9m for two-storey buildings facing each other across an internal driveway/ private road. The separation provided as part of the proposal, at its narrowest point, is 19m which is well in excess of that required under Clause 4.3(f) from the KRHRA DCP.

Also, all proposed garages are setback 5.5m providing for additional visitor parking in-front of each garage complying with Clause 4.3(b) from the KRHRA DCP.

The proposed front setback variation to the internal/ private road is in the form of architectural entry features which contribute to the design of each dwelling. The bulk of the dwelling, including both the upper storey component and the garage, either comply with or exceed the 4.5m building setback required by the KRHRA DCP.

There is suitable variety and articulation of the design features for each dwelling, particularly given the ranging setbacks of the entry features, front building lines and garages.

This variation to the DCP is considered acceptable for the reasons outlined.

Corner Lot Building Setbacks (Private Interface)

Proposed lots 5 and 7 are corner lots located at the intersection between Balmoral Road and the proposed private road. These lots are orientated towards Balmoral Road but are accessed via the proposed private road. Proposed lot 5 has a building setback of 3.58m to the proposed private road whilst proposed lot 7 has a building setback of 3.57m.

Clause 8.3.1(c) of the BRRR DCP requires a building setback of 6m to both frontages for townhouse developments on a corner lot, whilst Clause 8.1.1(k) of the BRRR DCP requires a building setback of 4m to the secondary frontage for dwelling houses on a corner lot. Both controls apply to developments fronting a public road; and the proposal complies with neither. The BRRR DCP does not include development controls relating to secondary frontage building setbacks from a private road.

Similar to the approach adopted for the front building setback for those dwellings that face the proposed private road, the applicant has adopted the "integrated housing" controls included under Section 4 of the KRHRA DCP as a guide when designing their development. Clause 4.3(a)/ Table 5 from the KRHRA DCP require a building setback of 2m to the secondary frontage for dwelling houses on a corner lot.

The building setbacks of 3.58m and 3.57m for proposed lots 5 and 7 respectively are well in excess of 2m.

The building setbacks adopted for proposed lots 5 and 7 are considered acceptable for the reasons outlined.

Building Setbacks to Adjoining Properties

Clause 8.3.1(d) of the BRRR DCP requires a building setback of 4.5m for the ground floor, increasing to 6m for the second storey, for townhouse developments in the Balmoral Road Release Area. Applying this control to the subject development is not considered appropriate, as the proposal seeks approval for detached dwellings, as opposed to semi-detached or attached dwellings or multi-dwelling housing synonymous with a conventional "townhouse" development.

Clause 4.3(a)/ Table 5 of the KRHRA DCP requires a building setback of 2m between a proposed dwelling and an adjoining development site. The dwellings proposed on lots 4, 5, 11, 23 and 45 do not comply with this requirement.

The objective of this control is to ensure that privacy and overshadowing impacts upon adjoining properties are minimised. The setback is also intended to provide sufficient landscaping.

Proposed lots 4, 5, 23 and 45 adjoin open space zoned land owned by Council. As such, this land will not be developed for residential purposes; meaning that there will be no privacy or overshadowing impacts that need to be considered.

Proposed lot 11 adjoins land that is also zoned Residential 2(a2) and is capable of being developed in a similar manner. The proposed non-compliance has arisen due to a garage wall 6.35m in length being located 1m from the property boundary. The remaining portion of the ground floor achieves a building setback of 2.92m exceeding the minimum control. The upper level of the dwelling is also setback 2.92m. The design of the dwelling on this lot is unlikely to result in any adverse privacy or overshadowing impacts on the adjoining property.

This variation to the DCP is considered acceptable for the reasons outlined.

Common Open Space

Clause 4.8(h) from the KRHRA DCP requires a common open space area of no less than 10m² per dwelling for “integrated housing” developments of 15 or more dwellings.

The proposal does not include any common open space. The justification provided for this approach is that excess areas of private open space are provided within each lot as an offset.

Clause 4.8(c) from the KRHRA DCP requires a minimum area of private open space of 20% for each lot/ dwelling in an “integrated housing” development, excluding any areas narrower than 2m. In addition, the principal private open space area must be 24m², excluding any areas narrower than 4m.

The proposal is fully compliant with this requirement as detailed in the table below:

DWELLING/ LOT	REQUIRED	PROVIDED
Lot 4	(20%) 100.4m ²	(37%) 186.3m ²
Lot 5	(20%) 100m ²	(29%) 143.7m ²
Lot 6	(20%) 94.01m ²	(29%) 138.3m ²
Lot 7	(20%) 101.46m ²	(29%) 145.17m ²
Lot 8	(20%) 73.4m ²	(31%) 115.6m ²
Lot 9	(20%) 78m ²	(37%) 143.56m ²
Lot 10	(20%) 77.8m ²	(31%) 119.8m ²
Lot 11	(20%) 78.6m ²	(36%) 142.93m ²
Lot 12	(20%) 76.76m ²	(41%) 157m ²
Lot 13	(20%) 82.14m ²	(44%) 179m ²
Lot 14	(20%) 82.14m ²	(41%) 169m ²
Lot 15	(20%) 81.16m ²	(37%) 150m ²
Lot 16	(20%) 83.4m ²	(39%) 162.13m ²
Lot 17	(20%) 83.4m ²	(39%) 162.13m ²
Lot 18	(20%) 83.4m ²	(38%) 160.46m ²
Lot 19	(20%) 83.4m ²	(38%) 160.46m ²
Lot 20	(20%) 83.4m ²	(41%) 170.05m ²
Lot 21	(20%) 83.4m ²	(41%) 170.05m ²
Lot 22	(20%) 78.6m ²	(43%) 167.56m ²

Lot 23	(20%) 67.33m ²	(31%) 102.65m ²
Lot 24	(20%) 67.33m ²	(31%) 102.65m ²
Lot 25	(20%) 67.10m ²	(31%) 102.53m ²
Lot 26	(20%) 74.3m ²	(35%) 131.5m ²
Lot 27	(20%) 72m ²	(36%) 130.8m ²
Lot 28	(20%) 78.98m ²	(32%) 125.78m ²
Lot 29	(20%) 86.92m ²	(28%) 118.57m ²
Lot 30	(20%) 86.10m ²	(28%) 125.60m ²
Lot 31	(20%) 67.08m ²	(30%) 102.12m ²
Lot 32	(20%) 69.43m ²	(30%) 102.12m ²
Lot 33	(20%) 76.53m ²	(29%) 144.25m ²
Lot 34	(20%) 86.36m ²	(29%) 122.10m ²
Lot 35	(20%) 86.48m ²	(32%) 134m ²
Lot 36	(20%) 75.78m ²	(36%) 135.87m ²
Lot 37	(20%) 78.6m ²	(42%) 166.76m ²
Lot 38	(20%) 78.6m ²	(42%) 165.2m ²
Lot 39	(20%) 74.4m ²	(35%) 128.9m ²
Lot 40	(20%) 78.4m ²	(48%) 188.84m ²
Lot 41	(20%) 87.2m ²	(43%) 186.70m ²
Lot 42	(20%) 81.2m ²	(43%) 174.2m ²
Lot 43	(20%) 81.2m ²	(41%) 164.6m ²
Lot 44	(20%) 139.48m ²	(49%) 338.40m ²
Lot 45	(20%) 82m ²	(38%) 154.42m ²
Lot 46	(20%) 84.64m ²	(40%) 170.61m ²
Lot 47	(20%) 84.16m ²	(42%) 176.95m ²
Lot 48	(20%) 103.64m ²	(40%) 207m ²

The amount of private open space provided for each dwelling/ lot exceeds the minimum amount required for a “dwelling house” in the KRHRA DCP. Also, each dwelling/ lot is provided with an area of principal private open space exceeding 24m².

Integrated housing developments usually provide small lots with limited private open space supplemented by common open space areas. In this proposal, the lot areas proposed, and consequently the private open space provided within each lot, exceed the minimum controls for an “integrated housing” development. The amount of private open space provided for each dwelling/ lot is more representative of that provided for a typical dwelling house, where communal open space areas are not required to be provided.

Further, ample public open space available in the immediate locality; namely that immediately adjacent to the northern and eastern boundaries.

This variation to the DCP is considered acceptable for the reasons outlined.

Visual and Acoustic Privacy

The ground floor of each dwelling is designed such that habitable room windows for one dwelling are located opposite non-habitable room windows (where windows are proposed) for an adjacent dwelling. In addition, the 1.8m high dividing fence will provide adequate screening between adjacent dwellings.

No rear or side balconies are proposed on the first floor and the degree of mutual overlooking from first floor rear windows is consistent with what would be expected for

this form of development. The proposed balconies face onto front yards only and would not affect the principal private open space areas.

At the first floor side windows, direct overlooking into habitable rooms has been avoided, where possible, by locating bedrooms opposite landings and bathrooms in adjacent dwellings, which would not impinge unduly upon privacy. In the instances where there is overlooking between first floor habitable room windows, they are low traffic habitable rooms such as bedrooms and studies, and the windows have been partially offset in some cases. The privacy impacts upon the primary living areas of the proposed dwellings would be minimal.

The proposal is considered to be acceptable on this basis with regard to visual and acoustic privacy.

Solar Access

Clause 4.8(e) from the KRHRA DCP requires that 50% of the principal private open space area receives a minimum of 2 hours direct sunlight between 9:00am and 3:00pm during mid-winter. The shadow diagrams submitted with the proposal demonstrate that all of the proposed lots comply with the above solar access requirement. Consequently, the development will provide for reasonable solar access to living areas and private open space areas and will not affect the solar access of adjoining properties.

JOINT REGIONAL PLANNING PANEL COMMENTS

A preliminary meeting was held with the Joint Regional Planning Panel on the 11 August 2011 to discuss the proposal. During the meeting the following key points were raised by the Panel which were requested to be specifically addressed within any report referred to the Panel for determination. The issues raised included:

Traffic Management/ Access

The question was asked as to how access to the private road will be readily distinguishable to avoid possible conflict with the public entering the site on the mistaken assumption that it was a public road.

The applicant was asked to address this matter and responded as follows:

The proposed road is a private road intended to be used by:

- *Residents and their guests;*
- *Services vehicles, including garbage trucks, Endeavour Energy, Sydney Water etc;*
- *Emergency vehicles.*

Details concerning access rights, regulatory roles (parking enforcement) and maintenance for the private road are set out in the draft community management statement provided with the application.

Delineating the private nature of the road to address the potential for confusion will be achieved through the following measures:

- *Vehicles entering or leaving the site will need to cross over a concrete gutter crossing and driveway slab, rather than a standard road intersection with bitumen seal and kerb returns;*

- *The driveway crossover will feature a paved threshold to demarcate the private nature of the road;*
- *There will be a street name sign with a "private road" name blade below;*
- *Ornamental fencing, artwork and estate naming at the entrance will be in keeping with the private nature of the development. The entry feature details are provided with this report, refer Attachment 14.*

The response provided by the applicant above is considered satisfactory with respect to the concerns raised.

Soil Contamination

The issue of possible contamination was raised during the preliminary meeting.

The application was accompanied by a preliminary contamination and salinity report prepared by GeoEnviro Consultancy Pty Ltd.

With respect to the potential for contamination, the report concluded that the site is suitable for the proposed residential use. The report notes that the site still contained some structures and that validation sampling should be carried out in the area surrounding the existing structures once they are removed. This approach is typical for site's where structures are present.

With respect to salinity, the report concluded that salinity was not a significant issue for the site however it is best practice to adopt good soil and waste management processes as part of the development. The report makes recommendations on good soil practices which are required to be followed during construction.

Accordingly, no objection is raised subject to conditions relating to contamination and salinity.

Infrastructure Services Availability

The issue of provision of services was raised during the preliminary meeting.

The subject is located within an urban release area that has been provided with water, recycled water, sewer, electricity and telecommunication services by the relevant service providers. A concept services plan was provided with the application that indicated water, recycled water and electrical services are available in Balmoral Road fronting the site. The developer will be responsible for extending the existing sewer main from Elizabeth Macarthur Creek approximately 400m west of the subject site along Balmoral Road. The developer will also be responsible for extending these services into the site to service the development. Road access to the site is available directly from Balmoral Road along its frontage. The proposal includes the partial width reconstruction of Balmoral Road from its current rural-residential construction to an enhanced collector road standard complying with Council's Development Control Plan.

Conditions have been recommended below requiring that the applicant provide certification from each service provider confirming that these services have been provided before a Subdivision Certificate can be issued.

Integrated Development/ External Referrals

The question was asked as to the need to refer the development application to external agencies as integrated development. The following response is provided:

- The site is not mapped as being bushfire prone nor is it located within a bushfire prone area.
- The proposal does not seek approval for any works within 40m of a natural watercourse. The closest natural watercourse is Elizabeth Macarthur Creek 400m west of the subject site.
- The site does not contain any threatened or endangered species or ecological communities.
- The site is not known to contain any significance items of Aboriginal or European cultural heritage.

The application does not require the concurrence of any external referral agencies.

Vegetation

Questions were raised regarding the presence of any threatened or endangered species or ecological communities on site and if present, what impact the development may have upon them.

Council's vegetation mapping identifies a Cumberland Plain Woodland as occurring adjacent to the development site. Consequently, the application was accompanied by a flora and fauna report prepared by Trevor Hawkeswood and a tree schedule prepared by Insites. A survey of the vegetation on the site indicated that the trees species present are dominated by exotic ornamental garden species amongst isolated natives and does not exhibit the characteristics of any threatened communities as defined under either the Threatened Species Conservation Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

Accordingly, no objection is raised subject to conditions relating to the use of endemic tree species in the preparation of the detailed landscape plan required to be provided at the Construction Certificate stage.

HEALTH COMMENTS

The application was accompanied by a preliminary contamination and salinity report prepared by GeoEnviro Consultancy Pty Ltd.

With respect to the potential for contamination, the report concluded that the site is suitable for the proposed residential use. The report notes that the site still contained some structures and that validation sampling should be carried out in the area surrounding the existing structures once they are removed. This approach is typical for site's where structures are present.

With respect to salinity, the report concluded that salinity was not a significant issue for the site; however it is best practice to adopt good soil and waste management processes

as part of the development. The report makes recommendations on good soil practices which are required to be followed during construction.

Accordingly, no objection is raised subject to conditions relating to contamination and salinity.

WASTE MANAGEMENT COMMENTS

No objection subject to conditions relating to compliance with the submitted waste management plan and garbage collection, including indemnity for Council against any damage caused to the proposed private road.

TREE MANAGEMENT COMMENTS

No objection subject to conditions relating to tree removal and retention.

FLORA AND FAUNA COMMENTS

The application was accompanied by a flora and fauna report prepared by Trevor Hawkeswood and a tree schedule prepared by Insites. A survey of the vegetation on the site indicated that the trees species present are dominated by exotic ornamental garden species amongst isolated natives and does not exhibit the characteristics of any threatened communities as defined under either the Threatened Species Conservation Act 1995 or the Environment Protection and Biodiversity Conservation Act 1999.

Accordingly, no objection is raised subject to conditions relating to the use of endemic tree species in the preparation of the detailed landscape plan required to be provided at the Construction Certificate stage.

HERITAGE COMMENTS

The application was accompanied by an Aboriginal cultural heritage report prepared by Streat Archaeological Services. The report concludes:

"The study area holds nil/ low potential for intact Aboriginal archaeological deposits or objects and as such no further archaeological assessment is recommended."

The report also recommends:

"A Deerubbin Local Aboriginal Land Council (DLALC) representative is requested to be present by DLALC to monitor at the removal of any undisturbed topsoil that may be present to fulfil the "proceed with caution" element of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales; Part 6 National Parks and Wildlife Act 1974."

Consultation with relevant Aboriginal land council's is required under the Code of Practice for the Archaeological investigation of Aboriginal Objects in New South Wales; Part 6 National Parks and Wildlife Act 1974 as part of any Aboriginal archaeological and cultural heritage assessment where permits are required or test excavation takes place. This has not taken place as part of the study as no permits are needed nor is any test excavation taking place. Should, during construction, any Aboriginal deposits or objects be located these requirements would need to be observed.

Council is satisfied that the applicant and their heritage consultant have complied with the above requirements. Accordingly, no objection is raised subject to conditions relating to construction phase processes and reporting with respect to Aboriginal cultural heritage.

CONCLUSION

The application has been assessed against the 'matters for consideration' as noted under Section 79C of the Environmental Planning and Assessment Act 1979 and against the NSW Land and Environment Court's 'criteria for the assessment of impacts on neighbouring properties' and is considered satisfactory. The variations to Council's Development Control Plan are considered satisfactory.

IMPACTS

Financial

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

Hills 2026

The social and environmental impacts have been identified and addressed in the report. The proposal is consistent with the planning principles, vision and objectives outlined in Hills 2026 as the proposal will enable the creation of a range of housing to suit the different needs of people living in our Shire whilst ensuring in future built environment blends with our natural beauty.

RECOMMENDATION

It is recommended that the application be approved subject to the following conditions:

ALL STAGES:

GENERAL MATTERS

1. Approved Amended Plan

The development must be carried out in accordance with the approved plans and details listed below, as amended in red on the stamped approved plans returned with this consent:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
2236-SUB-A3	Staging Plan	Malcolm Smith Pty Ltd	N/A	2	30/05/2011
DA-01	Site Setout Plan	GDS	N/A	B	02/08/2011
DA-02	First Floor Setout Plan	GDS	N/A	B	02/08/2011
DA-04-A	Streetscape Plan	GDS	N/A	A	04/03/2011
DA-04-B	Streetscape Plan	GDS	N/A	A	04/03/2011
DA-05	Landscape Plan	GDS	N/A	B	02/08/2011
DA-07	Entry Feature Detail	GDS	N/A	A	12/07/2011
N/A	Exterior Finishes – Scheme A	GDS	N/A	N/A	N/A
N/A	Exterior Finishes – Scheme B	GDS	N/A	N/A	N/A

N/A	Exterior Finishes – Scheme C	GDS	N/A	N/A	N/A
N/A	Exterior Finishes – Scheme D	GDS	N/A	N/A	N/A
N/A	Exterior Finishes – Scheme E	GDS	N/A	N/A	N/A

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

2. External Finishes

External finishes and colours must comply with the details submitted with the development application and approved with this consent.

3. House Numbering

The lots within the subdivision must be allocated a street address. Council is responsible for providing house numbering. You must apply for house numbering prior to lodging an application for a Subdivision Certificate.

For community titled developments, clear and accurate external directional signage is to be erected at driveway entry points and on buildings. It is essential that signage throughout the complex is clear to assist emergency service providers in the event of an emergency.

4. Australia Post Mailbox Requirements

Australia Post has specific requirements for mail deliveries on private roads. Separate approval from Australia Post is required before installing individual mailboxes for this development.

5. Construction Certificate – Building Works

Prior to building works commencing, it is necessary to obtain a Construction Certificate from either Council or an accredited certifier. The plans and detail submitted with the Construction Certificate must be amended, where required, to incorporate the conditions of this consent.

6. BCA Compliance

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

7. 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.

8. 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.

9. Tree Removal

Approval is granted for the removal of trees numbered 1, 2, 4 to 49, 52 to 56, 64, 65, 67 to 74, 78, 80 to 86, 89, 90, 92 and 93 as per the submitted tree schedule prepared by Whelans Insites Pty Ltd dated 17 December 2010.

10. Tree Retention

To maintain the treed environment of the Shire, trees numbered 3, 50, 51, 57 to 63, 66, 75 to 77, 79, 87, 88 and 91 as per the submitted tree schedule prepared by Whelans Insites Pty Ltd dated 17 December 2010 are to be retained and protected during all works.

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 to be planted at a rate of 5 per square metre.

12. Demolition Notification

The applicant is to notify all adjoining and adjacent neighbours and Council five working days prior to any demolition works commencing on-site.

13. Demolition Inspections

Council requires 24 hours notice for inspections. Call Council's Development Certification team on 9843 0301 before 3:30pm to book an inspection for the following day.

The proposed demolition works must be inspected by Council at the following key stages:

- a) Pre-demolition, including sediment controls and site fencing/ signage; and
- b) Completion of demolition (incorporates an infrastructure inspection).

14. 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.

15. 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:

- a) Masonry products (bricks, concrete, concrete roof tiles) to be sent for crushing/ recycling;
- b) Timber waste to be separated and sent for recycling;
- c) Metals to be separated and sent for recycling;
- d) Clean waste plasterboard to be returned to the supplier for recycling (excluding plasterboard from demolition); and
- e) Mixed waste (plastic wrapping, cardboard) 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.

16. Salinity Management

The recommendations of the Salinity Assessment prepared by GeoEnviro Consultancy Pty Ltd referenced as JC10088A dated October 2010 and submitted with the DA are to be implemented as part of this approval. In particular:

- a) Appropriate batter slopes for excavations should be adopted to prevent erosion and scouring. Under good drainage conditions, the following batter slopes or less may be adopted.
- b) Material recommended minimum batter slopes:

Compacted Fill	2.5 Horizontal : 1 Vertical
Very Stiff Residual Clay	2 Horizontal : 1 Vertical
Weathered Shale/ Siltstone	0.5 Horizontal : 1 Vertical

- c) Any site regrading should be planned to reduce cutting and filling to the absolute minimum and the earthworks undertaken in stages to alleviate erosion and localised instability problem. To minimise the effects of erosion, all batters, whether in cut or fill should be stabilised by planting (or the application of a sprayed-on mulch) with appropriate species of vegetation as soon as practical after construction.
- d) The site should be regularly inspected for rills, erosion and scouring of slopes as the insitu soil was assessed to be slightly to moderately dispersive. In areas with notable ground instability, the upper 300mm of the ground surface should be treated by stabilising with 3% by weight of lime or covering the area with good quality stable fill such as ripped sandstone.
- e) Detention ponds should be regularly monitored for water quality and cloudy water should be appropriately treated by flocculation with gypsum.
- f) Trenching for underground services should be carried out in a manner such that there is minimal rotation and vertical displacement of the original soil profile as the lower soil profile is assessed to be more erodible. Excavation deeper than 1m should be backfilled in the same order.
- g) Further sampling and laboratory analysis may be required out in areas showing signs of instability in order to determine preventative course of action and minimise potential salinity problems.
- h) All proposed imported fill should be verified by sampling and testing to ensure the material is non to slightly saline. Moderately saline soil is not considered acceptable. Supporting information and documentation should be supplied verifying that the subject material complies.
- i) Adequate revegetation of the site should be carried out and this may involve treatment of topsoil material and planting appropriate plant species which are salt-tolerant.

The subsurface soil was found to have relatively low sulphate and chloride however in an environment with the lowest pH value of 4.7, the soil is considered to be mildly aggressive to buried concrete structures and non-aggressive to buried steel structure. Reference should be made to the AS 2159 guidelines (Reference 14) and the Western Sydney Regional Organisation of Councils (WSROC) recommendations on protection of buried concrete and steel structures.

17. Contamination Assessment and Site Remediation

The recommendations of the Site Assessment and Report prepared by GeoEnviro Consultancy Pty Ltd referenced as JC10088A dated October 2010 and submitted with the DA are to be implemented as part of this approval. In particular:

- Validation sampling should be carried out in the shed areas after removal/ demolition of the structures. Validation sampling should be carried out in areas close to TP 5, 33, 35, 37 and 38.

18. Validation Report

A validation soil sampling and laboratory analysis should be carried out in areas occupied by buildings and floor slabs after demolition works in order to ensure these areas are not affected by contamination.

Should high levels of contaminants be present, works are to cease and Council's Environmental Health Officer is to be notified and site remediation by excavation or other approved method will be required.

19. Surplus Excavated Material

The disposal/ landfill of surplus excavated material, other than to a DECC licensed facility, is not permitted without formal approval from Council prior to the commencement of works. Any unauthorised disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Unless Council approves an alternate site, then all surplus excavated material must be disposed of at a licensed waste facility. Copies of actual receipts verifying recycling/ disposal must be kept and presented to Council when required.

20. Commencement of Domestic Waste Services

All garbage, recycling and garden organics bins (including bulk bins) are to be ordered no earlier than three 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 1800 623 895.

21. 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 240 litre 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, to allow manoeuvring of the bins from the lot/ unit to the kerb for servicing.
- e) The above pathway must not include over steps, landscape edging or gutters or through the unit).

Each bin must be clearly marked with individual unit numbers.

22. Waste Requirements/ Bin Collection Arrangements

In order for garbage collection vehicles to service the development in a safe manner and whilst travelling in a constant forward motion, bins are to be presented for collection as follows:

- Bins associated with proposed lots 23, 24 and 25 must be presented to the private road fronting secondary boundary of proposed lot 26.
- Bins associated with proposed lots 41, 42 and 43 must be presented to the private road fronting proposed lot 49.
- Bins associated with proposed lots 13, 14 and 15 must be presented to the private road fronting the community land/ drainage path between lots 15 and 16.
- Bins associated with proposed lots 29 and 30 must be presented to the private road fronting the community land/ drainage path between lots 28 and 30 respectively.
- Bins associated with proposed lots 34 and 35 must be presented to the private road fronting the community land/ drainage path between lots 33 and 36 respectively.
- Bins associated with all other lots must be presented to either Balmoral Road or the private road fronting the lot.

All bins are to be presented the night before collection and removed from the kerb on the same day after collection. Landscaping and street trees should only be positioned in areas that will not impact on the servicing of bins.

The community management plan must reflect the above requirements.

23. 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.

24. Street Trees

Street trees must be provided along one side of Balmoral Road fronting the development site and on both sides of the proposed private road at a spacing of between 7m and 10m with a minimum of one tree per lot frontage. The location of street trees must compliment driveway locations. The species and size of all street trees must comply with Council's requirements and DCP Part E Section 17. Street trees can be provided by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

25. 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.

26. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme.

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. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1:2004
- b) DCP Part D Section 1 – Parking
- c) 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.
- ii. 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.
- iii. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

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

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

ii. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

iii. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Balmoral Road 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.

31. 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.

32. 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.

33. Community Association Lot

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

34. Importation of Fill

Prior to the importation and/ or placement of any fill material on the subject site a validation report and sampling location plan for such material must be submitted to and approved by the Principal Certifying Authority.

The validation report and associated sampling location plan must:

- i) Be prepared by a person with experience in the geotechnical aspects of earthworks, and
- ii) Be endorsed by a practicing engineer with specific area of practice in subdivisional geotechnics, and

- iii) Be prepared in accordance with:
 - a) The Department of Land and Water Conservation publication "Site investigation for Urban Salinity", and
 - b) The Department of Environment and Conservation Contaminated Sites Guidelines "Guidelines for the NSW Site Auditor Scheme (Second Edition) – Soil Investigation Levels for Urban Development Sites in NSW".
- iv) Confirm that the fill material:
 - a) Provides no unacceptable risk to human health and the environment;
 - b) Is free of contaminants;
 - c) Has had salinity characteristics identified in the report, specifically the aggressiveness of salts to concrete and steel, refer Department of Land and Water Conservation publication "Site Investigation for Urban Salinity";
 - d) Is suitable for its intended purpose and land use, and
 - e) Has been lawfully obtained.

Sampling of VENM for salinity of fill volumes:

- v) For less than 6000m³, 3 sampling locations,
- vi) For greater than 6000m³, 3 sampling locations with 1 extra location for each additional 2000m³ or part thereof.

For (v) and (vi) a minimum of 1 sample from each sampling location must be provided for assessment.

Sampling of contamination should be undertaken in accordance with the following table:

Classification of Fill Material	No of Samples Per Volume	Volume of Fill (m ³)
Virgin Excavated Natural Material	1 (Note 1)	1000

Note 1: Where the volume of each fill classification is less than that required above, a minimum of 2 separate samples from different locations must be taken.

35. 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.

36. 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.

37. Flora and Fauna Requirements

The following requirements apply:

- All native trees to be removed will be replaced with native trees whether located in the road reserve or other.
- Tree planting is to be of local provenance long stem stock of species native to the Cumberland Plain.
- All shrubs and groundcover used in the landscaping for this development must be grown from local provenance seed and cuttings native to the Cumberland Plain.

PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

38. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the Department of Planning website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/language/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment.

39. Construction Management Plan

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.

40. Landscape Bond

To ensure the public amenity of the streetscape a landscape bond in the amount of \$25,000.00 is to be lodged with Council prior to the issue of the construction certificate for each stage. It shall be refunded six months following the issue of the final occupation certificate (for each stage) 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.

41. Detailed Landscape Plan Submission/ Approval

A plan (to scale) for the landscaping of the site in accordance with Part D Section 3 – Landscaping and be prepared by a suitably qualified landscape architect or horticulturalist is to be submitted to and approved by Council's Tree Management Team prior to the issuing of a Construction Certificate for each stage. Details should include:

- Site boundaries and dimensions surveyed;
- North point, scale (1:200 desirable);
- Existing and proposed levels;
- All existing trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc.);
- Plant species, their locations and quantities to be clearly shown on plan;
- Minimum 80% plant species to comprise those endemic to Cumberland Plain Woodland;
- A schedule of proposed planting, including botanic name, common name, quantities, expected mature height and staking requirements;
- Details indicating a minimum of 300mm of good quality topsoil to all garden beds;

- Details indicating a minimum of 150mm of good quality topsoil to all open space areas;
- All garden bed areas to be clearly defined by brick, concrete or timber edging with its top edge finishing flush with the surface of adjacent grass areas; and
- Name and contact telephone number of the person who prepared the plan.

A Landscape Management Statement should accompany the Landscape Plan and provide the intended management and maintenance principles for non-private, community or common open space, including grassed areas, ornamental and native planting; water features; play equipment; outdoor furniture; and other facilities.

42. Bank Guarantee Requirements

Should a bank guarantee be proposed in lieu of works or for another purpose in order to facilitate release of the Subdivision Certificate 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 1304/2011/JPZ;
- 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.

43. Concept Engineering Design Approval

The submitted concept engineering design plans are for DA purposes only and must not be used for construction. A detailed design must be submitted to Council for approval before a Construction Certificate is issued.

44. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- a) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

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 \$71,640.00 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 (99m) plus an additional 50m on both sides (199m) and the width of the road measured from face of kerb on both sides (12m).

The bond must be lodged with Council prior to the issue of a Construction Certificate for each stage. The same bond is able to be transferred between consecutive stages.

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.

PRIOR TO ANY WORKS COMMENCING

47. Stormwater Management – Site Runoff and Detention

The applicant shall submit a site plan/ diagram prior to any works commencing on site, of methods to mitigate highly turbid water from leaving the site from a storm or rain event. The site plan/ diagram are to include any constructed surface water flow paths/ channels and onsite detention pits to hold stormwater from the site. The site plan/ diagram will include materials used for sedimentation control and minimising turbid water from leaving the site. The site plan/ diagram will also demonstrate how the water runoff will be directed from the site. If there are no plans to channel/ direct surface water flow, then a statement from the applicant should be addressed to Council's Environmental Health Officer for assessment.

48. Hazardous Materials Survey

A hazardous materials survey shall be carried out by a suitably qualified consultant/ occupational hygienist. This survey is to be carried out prior to demolition/ removal of fibrous cement buildings potentially containing asbestos. This report is to be submitted to Council's Environmental Health Officer for review.

49. Dam Water/ Silt Analysis

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

The removal of all contaminated water/ silt is to be disposed of in accordance to the NSW Environmental Protection Authorities requirements to an approved disposal facility prior to the commencement of the approved work.

A certificate from an appropriately qualified person certifying the removal of any contaminated water/ silt from the site has been taken to an approved disposal facility is to be submitted to Council.

50. Service Authority Consultation – Building Works

Before building works commence:

- a) Unimpeded access must be available to the electricity supply authority to the electricity meters and metering equipment during construction and following the completion of building works.

- b) Documentary evidence, including a notice of requirements from Sydney Water, must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities and that the building works will affect existing services.
- c) Consultation with the relevant telecommunications provider authorised under the Telecommunications Act regarding the installation of telephone conduits is recommended.
- d) Consultation with Australia Post regarding letterboxes is recommended.

51. Builder and PCA Details

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

52. Protection of Existing Trees

The trees that are to be retained are to be protected during all works with 1.8m high chain-wire fencing which is to be erected at least 3m from the base of each tree, or group of trees, and must 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.

53. 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 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).

54. 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. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

55. 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.

56. 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.

57. 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.

58. 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 before works commence at the beginning of each stage. The report must include:

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

59. Discontinuation of Domestic Waste Service

Prior to commencement of any demolition works, Council must be notified to collect any garbage or recycling bins from any dwelling/ building that is proposed to be demolished and to discontinue the waste service. Construction or demolition workers must not use Council's domestic and garbage and recycling service for the disposal of waste. Contact Council's Domestic Waste Hotline on 1800 623 895 for the discontinuation of waste services.

DURING CONSTRUCTION

60. 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.

61. Stormwater Management

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

62. Breaching and Filling of Dam

Polluted water from the dam must not be discharged to any watercourse. Council's Environmental Health team must be notified 48 hours prior to the breaching of the dam with details of the proposed disposal method of water and silt.

All fill must be Virgin Excavated Natural Material (VENM), non-saline, 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.

An appropriately qualified fauna ecologist licensed by NSW National Parks and Wildlife Service; is to be present on-site for the duration of dewatering of the dam. Should any fauna species be observed, the fauna ecologist is to ensure that appropriate action is taken with regard to rescue, care and relocation and destruction (where appropriate).

Native Fauna: Relocate fauna rescued to an appropriate location. In choosing relocation sites the ecologist is to consider the effects of overcrowding in other local dams and attempt relocating individuals over a few sites rather than one where it is deemed appropriate.

Introduced Fauna: Euthanize introduced species in a manner that is consistent with animal welfare regulations including those administered by NSW Industry and Investment. Facts sheets for appropriate methods are located on their website.

Care needs to be taken when draining the dam that water is not discharged in creeks/ rivers which may potentially introduce fish species/ eggs (including but not limited to Common carp-Cyprinus carpio and Mosquito fish-Gambusia holbrooki) into that creek.

The fauna ecologist is to submit a report to Council following the dam works and associated actions taken relating to the development. The report is to include a description of the relocation sites and a species list of fauna utilising the dam, their numbers and condition. The report should also detail whether introduced species were destroyed and by which means.

The ecologist is advised to contact the NSW National Parks and Wildlife Service Wildlife licensing unit well prior to undertaking dam works/ habitat disruption to ensure that they have the appropriate wildlife licenses.

63. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Department of Environment, Climate Change and Water and the Department of Planning (Heritage Branch) must be notified immediately.

64. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 87 and 90 regarding permits to destroy.

65. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Heritage Branch contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch.

66. 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.

67. 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.

68. Compliance with Critical Stage Inspections and Inspections Nominated by the PCA

Section 109E(d) of the Act requires critical stage inspections, prescribed by Clause 162A of the Regulations, to be carried out for building work. Prior to allowing building works to commence, the PCA must give notice of these inspections pursuant to Clause 103A of the Regulations.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

69. 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) Construction Management Plan
- f) Salinity Management Plan

70. 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.

71. 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.

72. Subdivision Earthworks – Allotment Topsoil

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

PRIOR TO THE ISSUING OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

73. Completion of Subdivision Works

A Subdivision Certificate must not be issued prior to the completion of all subdivision works covered by this consent, in accordance with this consent.

74. Completion of Engineering Works

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

75. 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.

76. 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 checklist confirming compliance with all conditions (a blank checklist is attached).
- 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.

77. Landscaping Completion

The landscaping of the site must be completed in accordance with the approved plan before an Occupation Certificate is issued (within each stage). All landscaping is to be maintained at all times in accordance with DCP Part D Section 3 Landscaping.

78. 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.

79. 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.

80. Satisfactory Final Inspection

A final inspection must be carried out before an Occupation Certificate is issued. An Occupation Certificate must be issued before the dwellings are occupied.

81. Maintenance of BASIX Commitments

All BASIX requirements must be implemented before an Occupation Certificate is issued and maintained throughout the life of the development in accordance with the approved BASIX Certificates.

82. 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" 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.

83. 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.

84. 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.

85. 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.

86. 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).

87. 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.

88. Post Construction Public Infrastructure Dilapidation Report

Before an Occupation Certificate is issued for each stage, 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.

THE USE OF THE SITE

89. 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.

90. Offensive Noise – Acoustic Report

The proposed use of the premises and/ or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council for review. Any noise attenuation recommendations recommended and approved by Council must be implemented.

91. 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.

92. 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.

STAGE ONE:

GENERAL MATTERS

93. Approved Amended Plan

The development must be carried out in accordance with the approved plans and details listed below, as amended in red on the stamped approved plans returned with this consent:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
2236-SUB-A3	Subdivision Layout – Stage 1	Malcolm Smith Pty Ltd	1	2	30/05/2011
D-BAL-04	Lot 4 Plan	GDS	N/A	A	11/03/2011
D-BAL-05	Lot 5 Plan	GDS	N/A	A	25/02/2011
D-BAL-06	Lot 6 Plan	GDS	N/A	A	28/02/2011
D-BAL-07	Lot 7 Plan	GDS	N/A	A	25/02/2011
D-BAL-08	Lot 8 Plan	GDS	N/A	A	25/02/2011
D-BAL-09	Lot 9 Plan	GDS	N/A	A	25/02/2011
D-BAL-10	Lot 10 Plan	GDS	N/A	A	25/02/2011
D-BAL-11	Lot 11 Plan	GDS	N/A	A	25/02/2011

D-BAL-12	Lot 12 Plan	GDS	N/A	A	25/02/2011
D-BAL-13	Lot 13 Plan	GDS	N/A	A	25/02/2011
D-BAL-14	Lot 14 Plan	GDS	N/A	A	25/02/2011
D-BAL-15	Lot 15 Plan	GDS	N/A	A	25/02/2011
D-BAL-16	Lot 16 Plan	GDS	N/A	A	18/03/2011
D-BAL-17	Lot 17 Plan	GDS	N/A	A	28/02/2011
D-BAL-18	Lot 18 Plan	GDS	N/A	A	18/03/2011

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

94. Landscape Plan Requirements – Proposed Lot/ Dwelling 6

The detailed landscape plan required to be provided must incorporate the following requirements applying to this lot:

The clothesline, water tank and any other items not permitted to be located within the confines of the easements for the padmount/ electrical substation are to be relocated.

95. Provision of Parking Spaces

This stage of the development is required to be provided with 30 off street car parking spaces, two for each dwelling in-front of the proposed garage. These car parking spaces must be available for off street parking at all times.

96. Demolition of Septic Tank

The existing septic tank and absorption trenches are to be demolished and back filled with clean soil or sand.

97. Street Naming

Street naming must comply with Council's approved "Balmoral Road Release Area Road Names" map.

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

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

A written application for the naming of the proposed private roads must be submitted to Council for approval.

The street names proposed must comply with Guidelines for the Naming of Roads produced by the NSW Geographical Names Board. The guidelines can be obtained from the Boards website:

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

The application must nominate three suggested names per street, in order of preference, and must relate to the physical, historical or cultural character of the area.

98. Gutter and Footpath Crossing Application

Each individual driveway associated with the lots/ dwellings fronting Balmoral Road require 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.

PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

99. 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)
Proposed Road 1	Road Type: Private Road 2m/ 9m/ 2m (13m total)	5 x 10(5)
Proposed Road 2	Road Type: Private Road 2m/ 8m/ 2m (12m total)	5 x 10(5)

The intersection of proposed road 1 and Balmoral Road must distinguish proposed road 1 as a private road/ driveway, 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 driveway/ proposed road 1 must be 9m wide at the property boundary splayed to 10m at the kerb-line in Balmoral Road.

ii. Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective.

Road Name	Formation (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading N(ESA)
Balmoral Road	Road Type: DCP Enhanced Collector Road (3) 3.5m/ 12.0m/ 4.5m (20m total)	5 x 10(6)

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

The wider (4.5m wide) footpath verge must be located on the northern side of Balmoral road coinciding with the cycleway shown on this side of Balmoral Road further west as per the pre-planned road layout map from the DCP.

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge,

kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. Additional pavement reconstruction may be necessary to provide for this carriageway width.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

The existing road reserve width of Balmoral Road is 20.115m. The additional 115mm is to be evenly distributed on either side of the road carriageway to provide for a slightly wider footpath verge on both sides.

iii. Turning Head

A cul-de-sac turning head must be provided at the end of the proposed private road within the site. The cul-de-sac must have a 19m diameter at its widest point measured from the face of kerb on each side.

iv. Private/ Local Drainage Link

The 6m wide drainage link between proposed lots 15/ 16 must be constructed generally as shown on the concept plans submitted. The overland flow path must be designed/ sized to cater for all runoff directed to this point in the 1 in 100 year ARI storm event. The alignment of the swale must direct water away from the adjacent dwellings. The top water level associated with this overland flow path must be shown on the plans submitted, including all associated calculations, and the finished floor level of the adjacent dwellings set at 500mm above this top water level. The overland flow path must be landscaped, details of which must be included with the landscape plan required to be provided with the Construction Certificate drawings.

v. Concrete Footpath Paving

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the northern side of Balmoral Road fronting the site in accordance with the DCP and the above documents.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on one side of the proposed private road in accordance with the above documents.

vi. Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Balmoral Road 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.

vii. Gutter Crossings

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

viii. Street Names Signs

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

ix. Service Conduits

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

x. 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.

xi. Rainwater Tanks

Each lot/ dwelling must provide for a 3000L rainwater tank as per the DCP.

xii. 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.

xiii. Stormwater Drainage – Temporary Discharge

A tail-out drain is required to be provided over the adjoining property with sufficient length and width to dissipate stormwater flows to an acceptable level from the end of the proposed stormwater outlet.

xiv. Access Handle/ Driveway Construction

A 6m wide (minimum) reinforced concrete driveway over the shared access handle of proposed lots 13, 14 and 15 is required in accordance with the above documents and Council's driveway specifications.

100. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works, or \$10,000.00, whichever is the greater.

The bond must be lodged with Council prior to the issue of any Construction Certificate.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being completed to Council's satisfaction.

101. Internal Pavement Structural Design Certification (Waste Services)

A Certified Practising Engineer (CPEng) must confirm the structural adequacy of the internal pavement design to Council prior to the issue of a Construction Certificate. The proposed pavement design must be adequate to withstand the loads imposed by a loaded waste vehicle (28 tonne axle load) from the boundary to the waste collection point, including any manoeuvring areas.

102. Section 94 Contribution – Balmoral Road Release Area

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

Payments comprise of the following:

Stage 1:

Stage 1	Per Subdivided Lot	No. Of Lots: 17	No. Of Credit: 2	TOTAL
Open Space - Land	\$ 18,865.47	\$ 320,712.99	\$ 37,730.94	\$ 282,982.05
Open Space - Capital	\$ 5,006.83	\$ 85,116.11	\$ 10,013.66	\$ 75,102.45
Transport Facilities - Capital	\$ 3,565.12	\$ 60,607.04	\$ 7,130.24	\$ 53,476.80
Community Facilities - Land	\$ 373.08	\$ 6,342.36	\$ 746.16	\$ 5,596.20
Community Facilities - Capital	\$ 1,528.43	\$ 25,983.31	\$ 3,056.86	\$ 22,926.45
Administration	\$ 261.85	\$ 4,451.45	\$ 523.70	\$ 3,927.75
Drainage Facilities - Capital	\$ 399.22	\$ 6,786.74	\$ 798.44	\$ 5,988.30
Total	\$ 30,000.00	\$ 510,000.00	\$ 60,000.00	\$ 450,000.00

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.

This condition has been imposed in accordance with Contributions Plan 12.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

DURING CONSTRUCTION

103. Compliance with BASIX Certificate

Under Clause 97A of the Environmental Planning and Assessment Regulation 2000, all commitments listed in the following BASIX Certificates submitted with the application must be complied with:

Lot/ Dwelling No.	BASIX Certificate No.
4	364051S
5	364054S
6	364057S
7	364060S
8	364064S
9	364066S
10	364084S
11	364086S
12	364089S
13	364091S
14	364093S
15	364096S
16	364098S
17	364100S
18	364103S

PRIOR TO THE ISSUING OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

104. Community Management Statement

The community management statement must permit the creation of additional community land and the development of residue lots in later stages in a manner wholly under the control of the developer.

105. 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 1304/2011/JPZ (Stage 1).

106. 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 1304/2011/JPZ (Stage 1).

107. 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 1304/2011/JPZ (Stage 1).

108. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Refer to Council's standard recitals document, a copy of which can be found on Council's website, for more details.

a) Constructed and Dedicated Road Access

All lots shown on the final plan must be provided with constructed and dedicated public road access, via the private road as part of a community title for proposed lots 4, 5, 6 and 12 to 18.

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/ Access and Maintenance

A 1m wide easement for repairs/ access and maintenance is required over those allotments adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restricting Development – Earthworks

Restricting cut or fill on all residential lots to a maximum of 500mm below or above natural ground level respectively, in accordance with DCP Part E Section 17.

e) Restricting Development – Vehicular Access

A restriction as to user must be created restricting access to Balmoral Road from proposed lots 5 and 7.

f) Restricting Development – Rainwater Tanks

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

g) Restricting Development – Salinity

Restricting residential development of all proposed lots requiring compliance with the recommendations of the salinity report submitted with the DA in the design and construction of any development on the lots. The restriction must specifically list the salinity management principles required to be followed.

h) Restricting Use – Bedroom Numbers

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

i) Right of Carriageway/ Easement for Services

A right of carriageway/ easement for services must be created over the access handle servicing lots 13, 14 and 15.

j) Restricting Development – Flood Levels

Restricting excavation on proposed lots 15 and 16 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) 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 as per this consent.

109. Registration of Drainage Easement

A 2.5m wide temporary drainage easement must be created over the downstream property prior to a Subdivision Certificate being issued in accordance with the letter of authority from the downstream property owner submitted with the DA. A copy of the registered easement plan and associated 88B Instrument must be submitted to Council.

110. Removal of Existing Right of Carriageway/ Easement for Services

The existing right of carriageway/ easement for services created pursuant to Development Consent DA 1301/2011/ZA must be removed before a Subdivision Certificate is issued. Where Council is the benefitting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fees as per Council's Schedule of Fees and Charges.

111. 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 1301/2011/ZA unless the two are issued and registered concurrently.

112. Internal Pavement Construction Certification (Waste Services)

Certification from a Certified Practicing Engineer (CPEng) must be submitted to Council prior to the issue of an Occupation Certificate confirming that the internal pavement has been constructed in accordance with the approved plans and is suitable for use by a loaded waste vehicle.

113. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to a final inspection.

STAGE TWO:

GENERAL MATTERS

114. Approved Amended Plan

The development must be carried out in accordance with the approved plans and details listed below, as amended in red on the stamped approved plans returned with this consent:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
2236-SUB-STG 2	Subdivision Layout – Stage 2	Malcolm Smith Pty Ltd	2	2	30/05/2011
D-BAL-19	Lot 19 Plan	GDS	N/A	A	28/02/2011
D-BAL-20	Lot 20 Plan	GDS	N/A	A	18/03/2011
D-BAL-21	Lot 21 Plan	GDS	N/A	A	28/02/2011
D-BAL-22	Lot 22 Plan	GDS	N/A	A	11/03/2011
D-BAL-23	Lot 23 Plan	GDS	N/A	A	11/03/2011
D-BAL-24	Lot 24 Plan	GDS	N/A	A	11/03/2011
D-BAL-25	Lot 25 Plan	GDS	N/A	A	11/03/2011
D-BAL-26	Lot 26 Plan	GDS	N/A	B	22/07/2011
D-BAL-27	Lot 27 Plan	GDS	N/A	A	20/02/2011
D-BAL-28	Lot 28 Plan	GDS	N/A	A	18/03/2011
D-BAL-29	Lot 29 Plan	GDS	N/A	B	02/08/2011
D-BAL-30	Lot 30 Plan	GDS	N/A	B	02/08/2011
D-BAL-31	Lot 31 Plan	GDS	N/A	B	22/07/2011
D-BAL-32	Lot 32 Plan	GDS	N/A	B	22/07/2011
D-BAL-33	Lot 33 Plan	GDS	N/A	A	11/03/2011
D-BAL-34	Lot 34 Plan	GDS	N/A	B	02/08/2011
D-BAL-35	Lot 35 Plan	GDS	N/A	B	02/08/2011
D-BAL-36	Lot 36 Plan	GDS	N/A	A	11/03/2011

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

115. Provision of Parking Spaces

This stage of the development is required to be provided with 24 off street car parking spaces, two for each dwelling in-front of the proposed garage. These car parking spaces must be available for off street parking at all times.

PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

116. 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 lots are required.

ii. Service Conduits

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

iii. 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.

iv. Rainwater Tanks

Each lot/ dwelling must provide for a 3000L rainwater tank as per the DCP.

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.

vi. Access Handle/ Driveway Construction

A 5m wide (minimum) reinforced concrete driveway over the shared access handles of proposed lots 29/ 30 and 34/ 35 is required in accordance with the above documents and Council's driveway specifications.

117. Section 94 Contribution – Balmoral Road Release Area

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

Payments comprise of the following:

Stage 2:

	Subdivision/ Per Subdivided Lot	Sum of Subdivided No. Of Lots: 18	1 No. Of Credit: 1	TOTAL
Stage 2				
Open Space - Land	\$ 18,865.47	\$ 339,578.46	\$ 18,865.47	\$ 320,712.99
Open Space - Capital	\$ 5,006.83	\$ 90,122.94	\$ 5,006.83	\$ 85,116.11
Transport Facilities - Capital	\$ 3,565.12	\$ 64,172.16	\$ 3,565.12	\$ 60,607.04
Community Facilities - Land	\$ 373.08	\$ 6,715.44	\$ 373.08	\$ 6,342.36
Community Facilities - Capital	\$ 1,528.43	\$ 27,511.74	\$ 1,528.43	\$ 25,983.31
Administration	\$ 261.85	\$ 4,713.30	\$ 261.85	\$ 4,451.45
Drainage Facilities - Capital	\$ 399.22	\$ 7,185.96	\$ 399.22	\$ 6,786.74
Total	\$ 30,000.00	\$ 540,000.00	\$ 30,000.00	\$ 510,000.00

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.

This condition has been imposed in accordance with Contributions Plan 12.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

DURING CONSTRUCTION

118. Compliance with BASIX Certificate

Under Clause 97A of the Environmental Planning and Assessment Regulation 2000, all commitments listed in the following BASIX Certificates submitted with the application must be complied with:

Lot/ Dwelling No.	BASIX Certificate No.
19	364105S
20	364107S
21	364111S
22	364113S
23	364451S
24	364446S
25	364464S
26	364712S
27	364608S
28	364797S
29	364995S
30	364972S
31	364468S
32	364578S
33	364593S
34	364979S
35	364944S
36	364865S

PRIOR TO THE ISSUING OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

119. Final Plan and 88B Instrument

The final plan and 88B Instrument must provide for the following. Refer to Council's standard recitals document, a copy of which can be found on Council's website, for more details.

a) Constructed and Dedicated Road Access

All lots shown on the final plan must be provided with constructed and dedicated public road access, via the private road as part of a community title.

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/ Access and Maintenance

A 1m wide easement for repairs/ access and maintenance is required over those allotments adjacent to the zero-lot line dwellings identified on the approved plan.

d) Restricting Development – Earthworks

Restricting cut or fill on all residential lots to a maximum of 500mm below or above natural ground level respectively, in accordance with DCP Part E Section 17.

e) Restricting Development – Rainwater Tanks

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

f) Restricting Development – Salinity

Restricting residential development of all proposed lots requiring compliance with the recommendations of the salinity report submitted with the DA in the design and construction of any development on the lots. The restriction must specifically list the salinity management principles required to be followed.

g) Restricting Use – Bedroom Numbers

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

h) Right of Carriageway/ Easement for Services

A right of carriageway/ easement for services must be created over the access handles servicing lots 29/ 30 and 34/ 35.

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 as per this consent.

120. 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 1304/2011/JPZ (Stage 2).

121. 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 1304/2011/JPZ (Stage 2).

122. 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 1304/2011/JPZ (Stage 2).

123. 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 1304/2011/JPZ (Stage 1) unless the two are issued and registered concurrently.

STAGE THREE:

GENERAL MATTERS

124. Approved Amended Plan

The development must be carried out in accordance with the approved plans and details listed below, as amended in red on the stamped approved plans returned with this consent:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
2236-SUB-STG 3	Subdivision Layout – Stage 2	Malcolm Smith Pty Ltd	3	2	30/05/2011
D-BAL-37	Lot 37 Plan	GDS	N/A	A	11/03/2011
D-BAL-38	Lot 38 Plan	GDS	N/A	A	11/03/2011
D-BAL-39	Lot 39 Plan	GDS	N/A	A	11/03/2011
D-BAL-40	Lot 40 Plan	GDS	N/A	A	11/03/2011
D-BAL-41	Lot 41 Plan	GDS	N/A	A	11/03/2011
D-BAL-42	Lot 42 Plan	GDS	N/A	A	18/03/2011
D-BAL-43	Lot 43 Plan	GDS	N/A	A	11/03/2011
D-BAL-44	Lot 44 Plan	GDS	N/A	A	28/02/2011
D-BAL-45	Lot 45 Plan	GDS	N/A	A	28/02/2011

D-BAL-46	Lot 46 Plan	GDS	N/A	A	28/02/2011
D-BAL-47	Lot 47 Plan	GDS	N/A	A	28/02/2011
D-BAL-48	Lot 48 Plan	GDS	N/A	A	01/03/2011

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

125. Provision of Parking Spaces

This stage of the development is required to be provided with 30 off street car parking spaces, two for each dwelling in-front of the proposed garage. These car parking spaces must be available for off street parking at all times.

PRIOR TO THE ISSUING OF A CONSTRUCTION CERTIFICATE

126. 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 lots are required.

ii. Service Conduits

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

iii. 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.

iv. Rainwater Tanks

Each lot/ dwelling must provide for a 3000L rainwater tank as per the DCP.

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.

vi. Access Handle/ Driveway Construction

A 5m wide (minimum) reinforced concrete driveway over the shared access handles of proposed lots 29/ 30 and 34/ 35 is required in accordance with the above documents and Council's driveway specifications.

127. Section 94 Contribution – Balmoral Road Release Area

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

Payments comprise of the following:

Stage 3:

	Subdivision/ Per Subdivided Lot	Sum of Subdivided No. Of Lots: 13	1 No. Of Credit: 1	TOTAL
Stage 3				
Open Space - Land	\$ 18,865.47	\$ 245,251.11	\$ 18,865.47	\$ 226,385.64
Open Space - Capital	\$ 5,006.83	\$ 65,088.79	\$ 5,006.83	\$ 60,081.96
Transport Facilities - Capital	\$ 3,565.12	\$ 46,346.56	\$ 3,565.12	\$ 42,781.44
Community Facilities - Land	\$ 373.08	\$ 4,850.04	\$ 373.08	\$ 4,476.96
Community Facilities - Capital	\$ 1,528.43	\$ 19,869.59	\$ 1,528.43	\$ 18,341.16
Administration	\$ 261.85	\$ 3,404.05	\$ 261.85	\$ 3,142.20
Drainage Facilities - Capital	\$ 399.22	\$ 5,189.86	\$ 399.22	\$ 4,790.64
Total	\$ 30,000.00	\$ 390,000.00	\$ 30,000.00	\$ 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.

This condition has been imposed in accordance with Contributions Plan 12.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

DURING CONSTRUCTION

128. Compliance with BASIX Certificate

Under Clause 97A of the Environmental Planning and Assessment Regulation 2000, all commitments listed in the following BASIX Certificates submitted with the application must be complied with:

Lot/ Dwelling No.	BASIX Certificate No.
37	364115S_02
38	364669S
39	364119S
40	364121S_02
41	364123S
42	364125S
43	364129S
44	364130S
45	364132S
46	364134S
47	364351S
48	364358S

PRIOR TO THE ISSUING OF AN OCCUPATION OR SUBDIVISION CERTIFICATE

129. Final Plan and 88B Instrument

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All lots shown on the final plan must be provided with constructed and dedicated public road access, via the private road as part of a community title.

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e) Restricting Development – Rainwater Tanks

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g) Restricting Use – Bedroom Numbers

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

h) Right of Carriageway/ Easement for Services

A right of carriageway/ easement for services must be created over the access handle servicing lots 41, 42 and 43.

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 as per this consent.

j) Restricting Development – Residue Community Title Development Lot

Restricting residential development of proposed lot 49 until it has been re-subdivided in accordance with the requirements of Council. Any further development of this lot must form part of the community title development established by this consent.

130. 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:

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131. Provision of Electrical Services

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The certificate must refer to the issued consent, all of the lots created and Development Consent DA 1304/2011/JPZ (Stage 3).

133. Prior or Concurrent Registration of Preceding Subdivision

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ATTACHMENTS

1. Locality Plan (1 Page)
2. LEP Zoning Map (1 Page)
3. Draft LEP Zoning Map (1 Page)
4. Aerial Photograph (1 Page)
5. Stage 1 Subdivision Plan (1 Page)
6. Stage 2 Subdivision Plan (1 Page)
7. Stage 3 Subdivision Plan (1 Page)
8. Staging Plan (1 Page)
9. Ground Floor Site Plan (1 Page)
10. First Floor Site Plan (1 Page)
11. Roof Plan (1 Page)
12. Streetscape Elevations (2 Pages)
13. Landscape Plan (1 Page)
14. Entry Feature Detail (1 Page)
15. Shadow Diagrams (5 Pages)
16. DA 1301/2011/ZA Subdivision Plan (1 Page)

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE



PROPERTY NOTIFIED

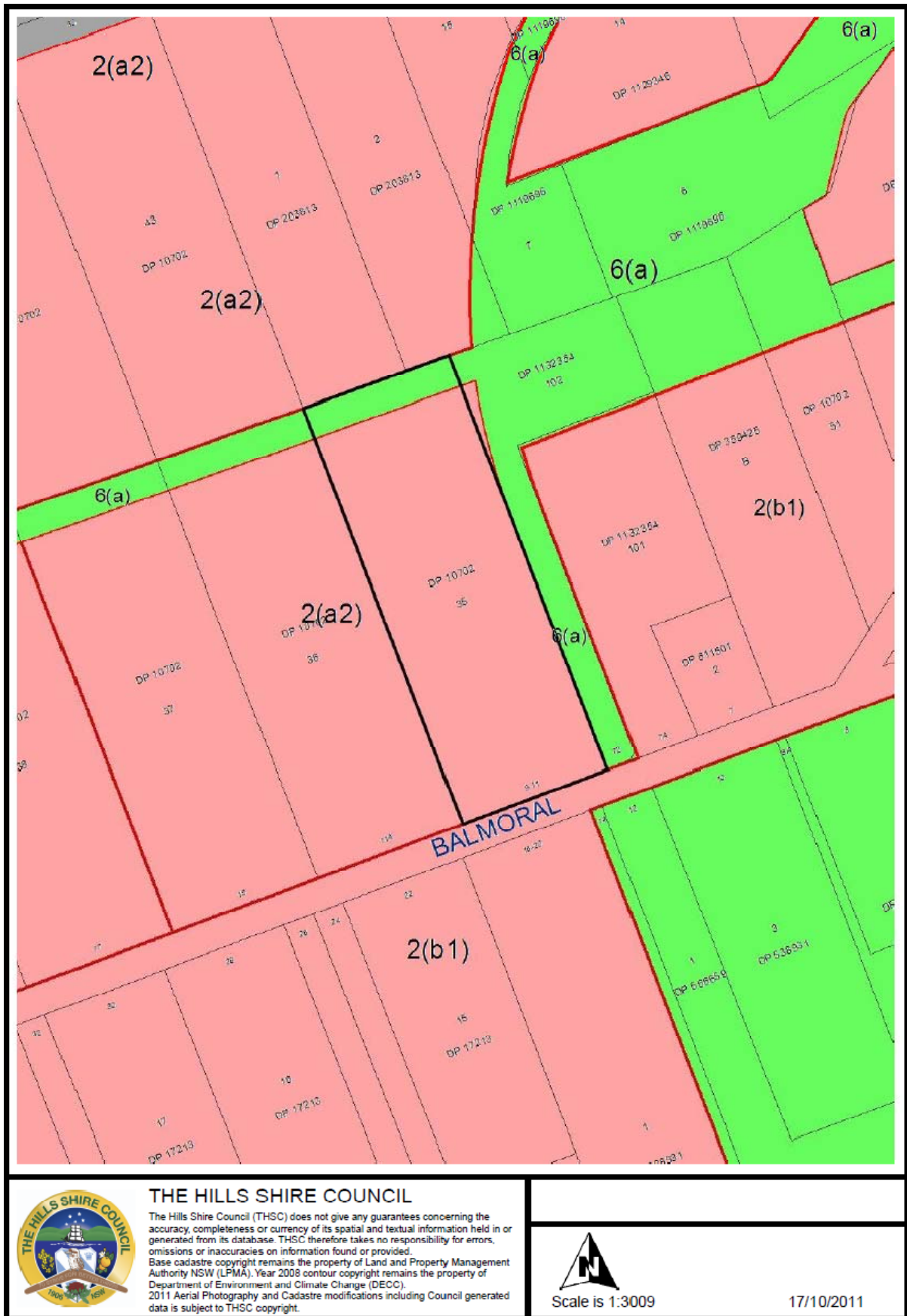
THE HILLS
Sydney's Garden Shire

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

BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – LEP Zoning Map



THE HILLS SHIRE COUNCIL

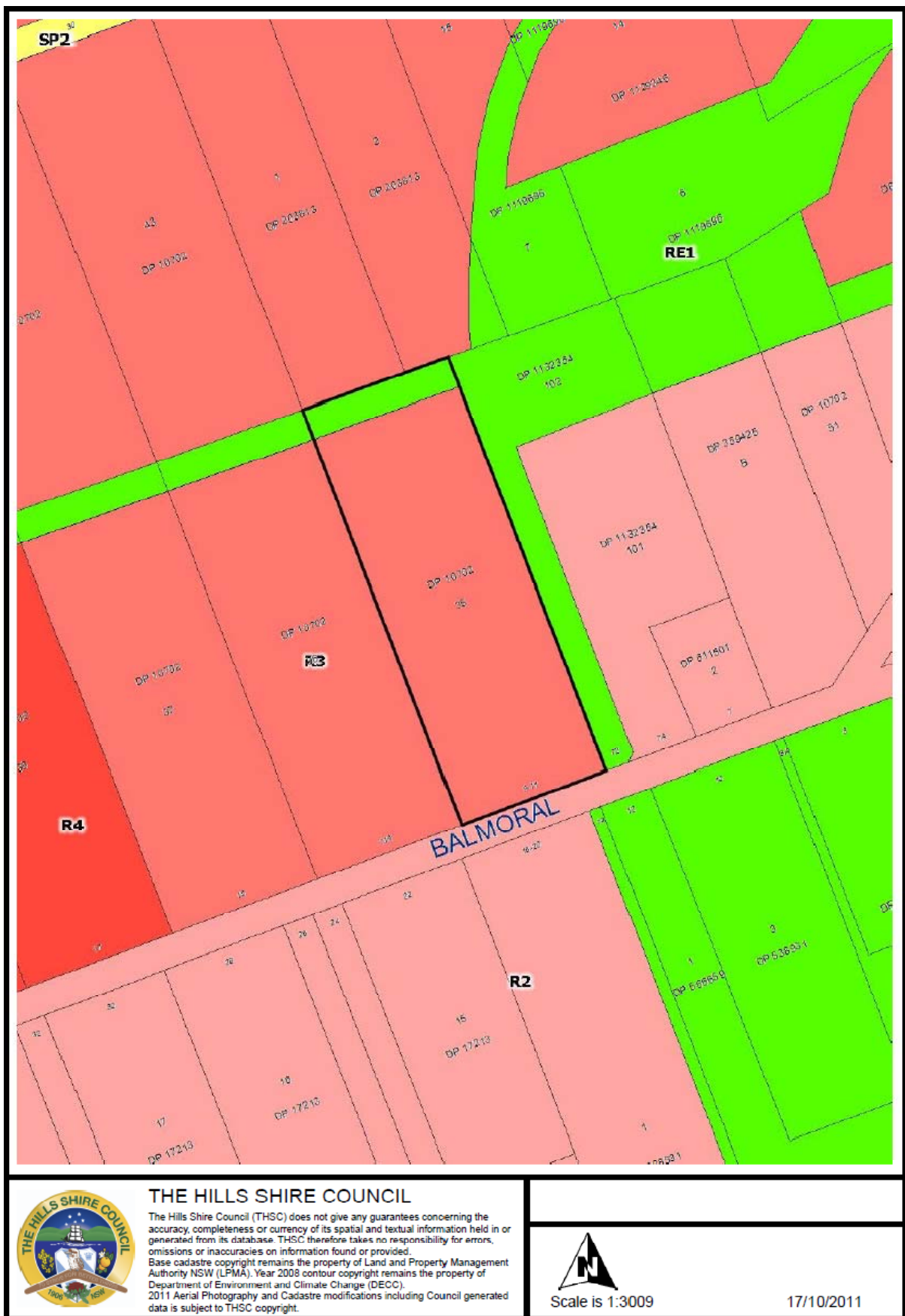
The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided. Base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



Scale is 1:3009

17/10/2011

ATTACHMENT 3 – Draft LEP Zoning Map



ATTACHMENT 4 – Aerial Photograph



THE HILLS SHIRE COUNCIL

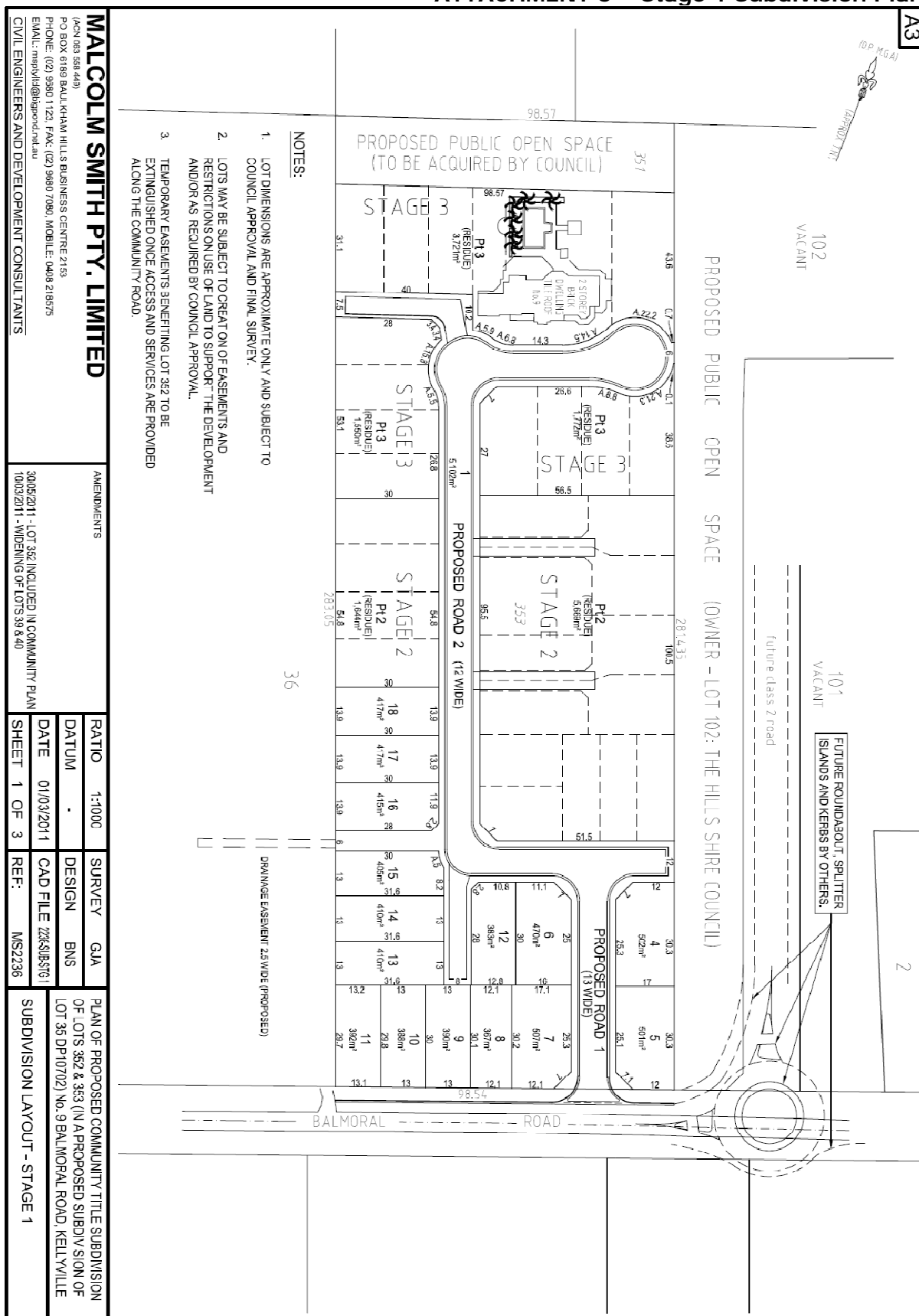
The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
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2011 Aerial Photography and Cadastre modifications including Council generated data is subject to THSC copyright.



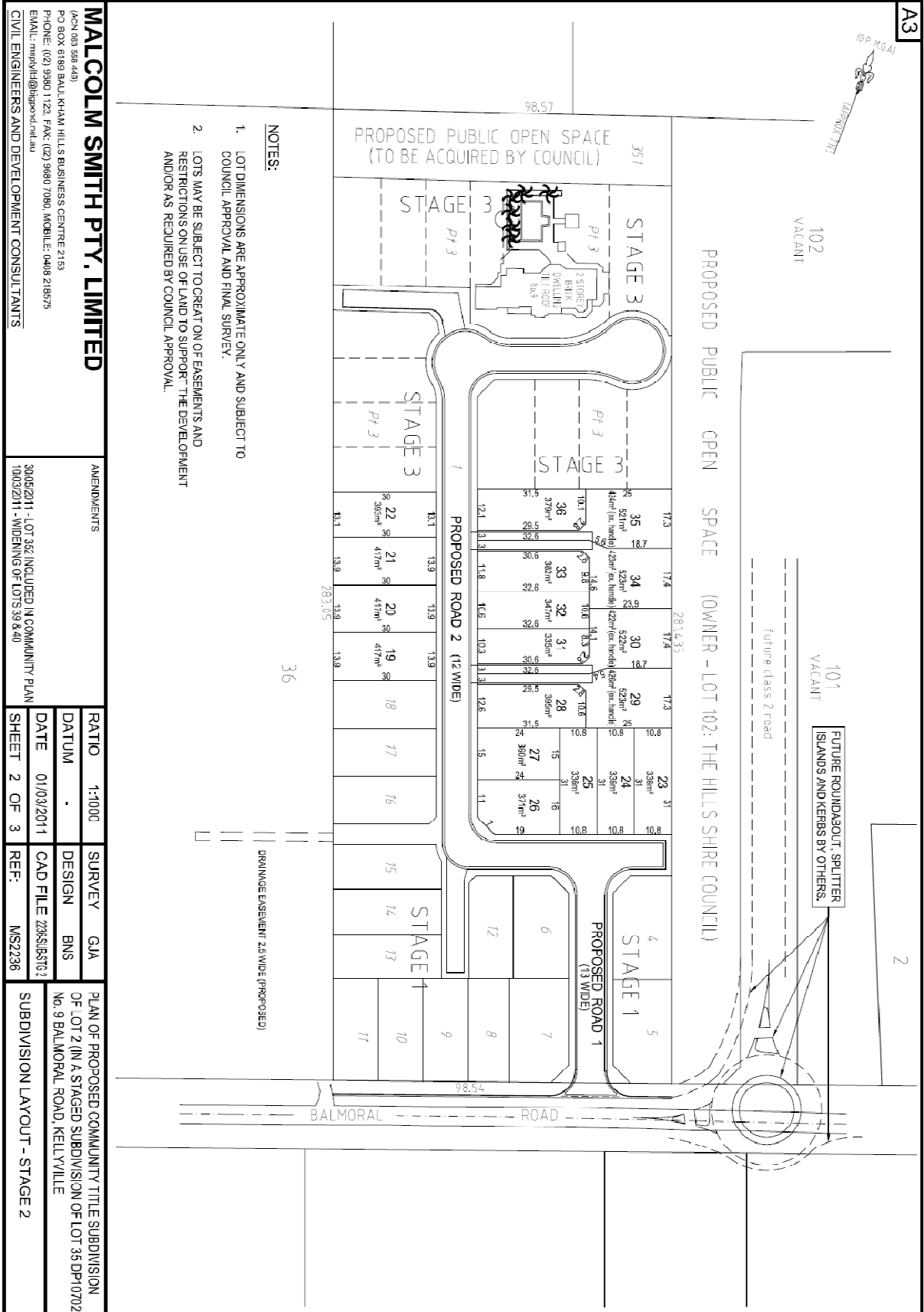
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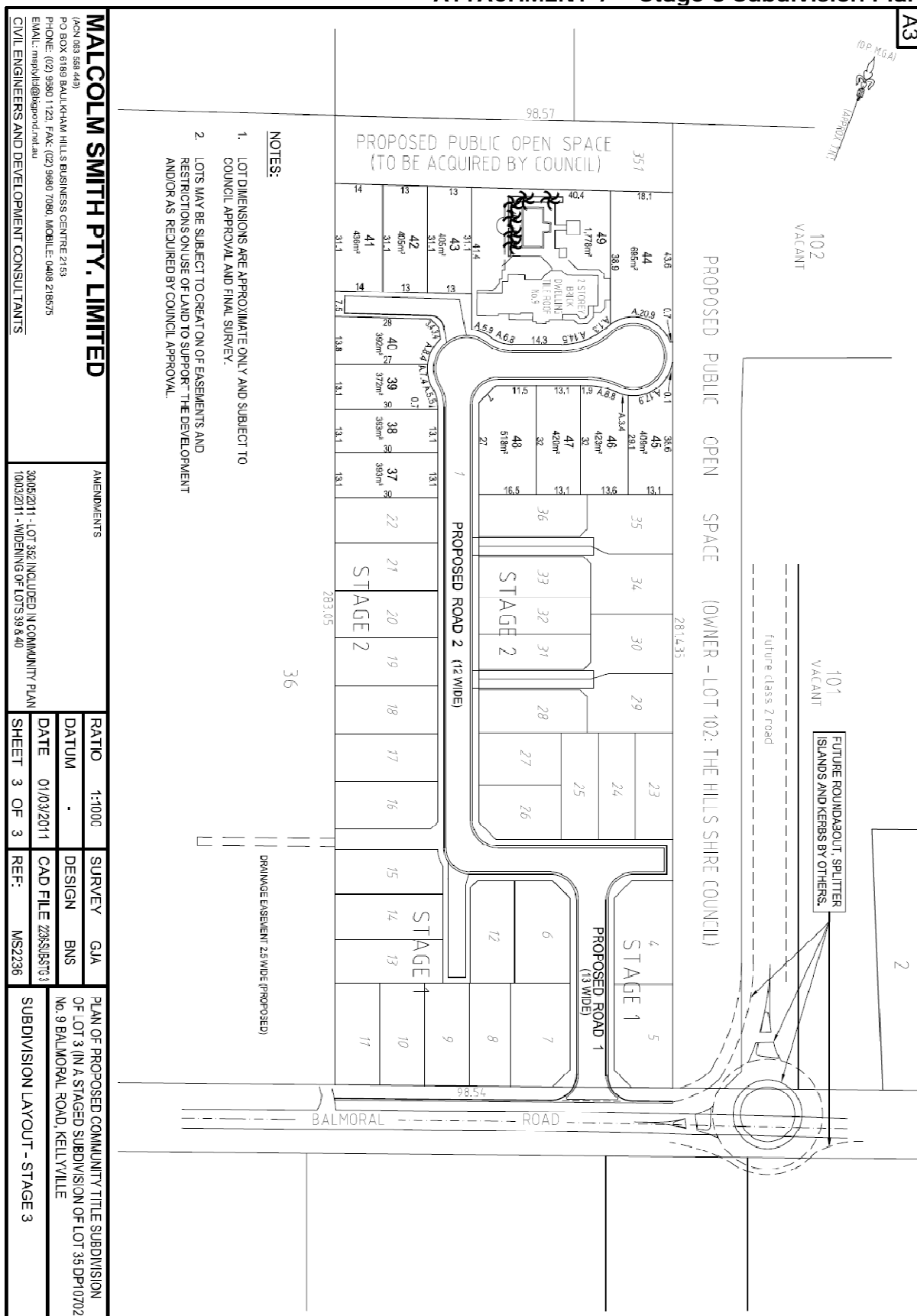
ATTACHMENT 5 – Stage 1 Subdivision Plan



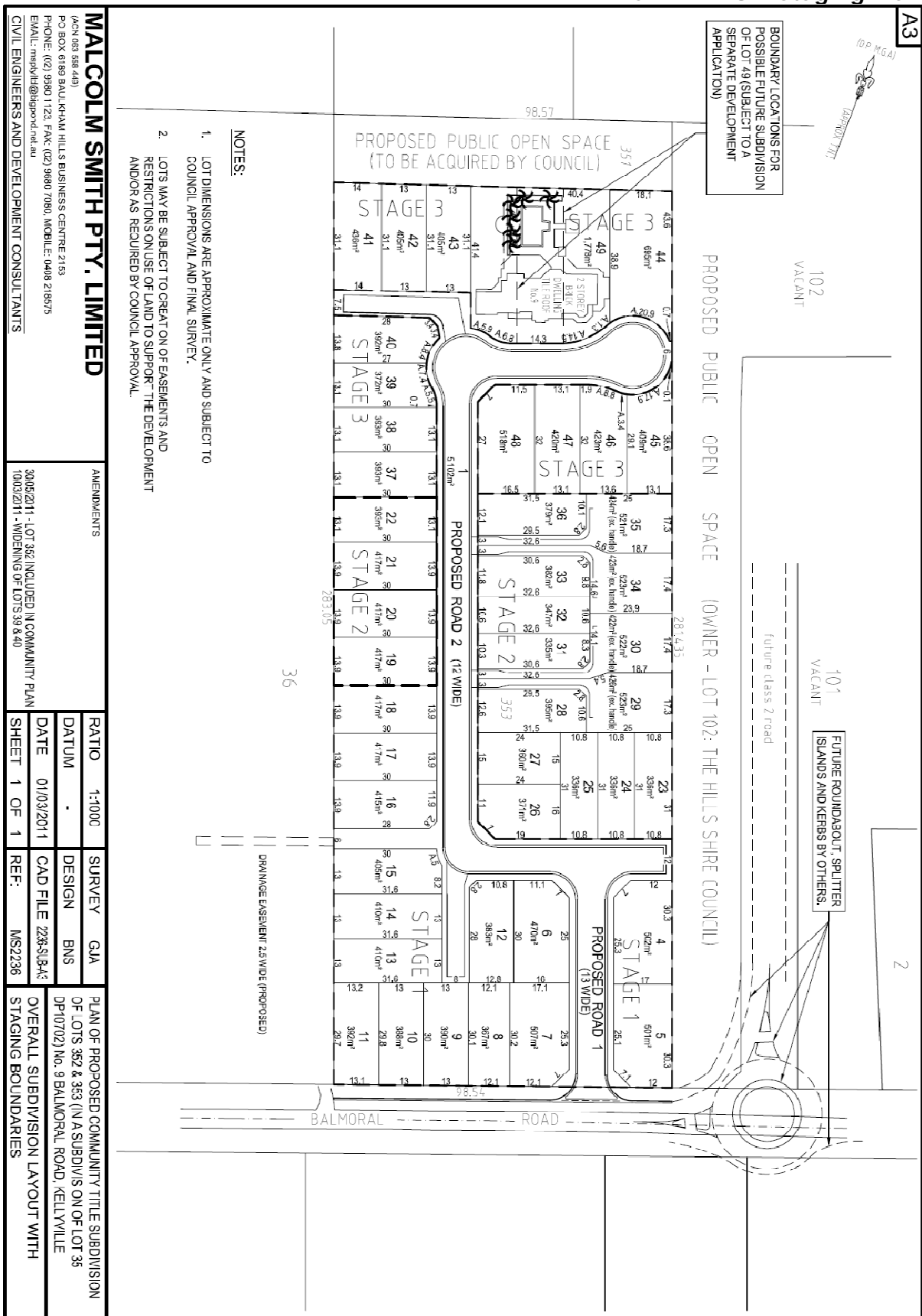
ATTACHMENT 6 – Stage 2 Subdivision Plan



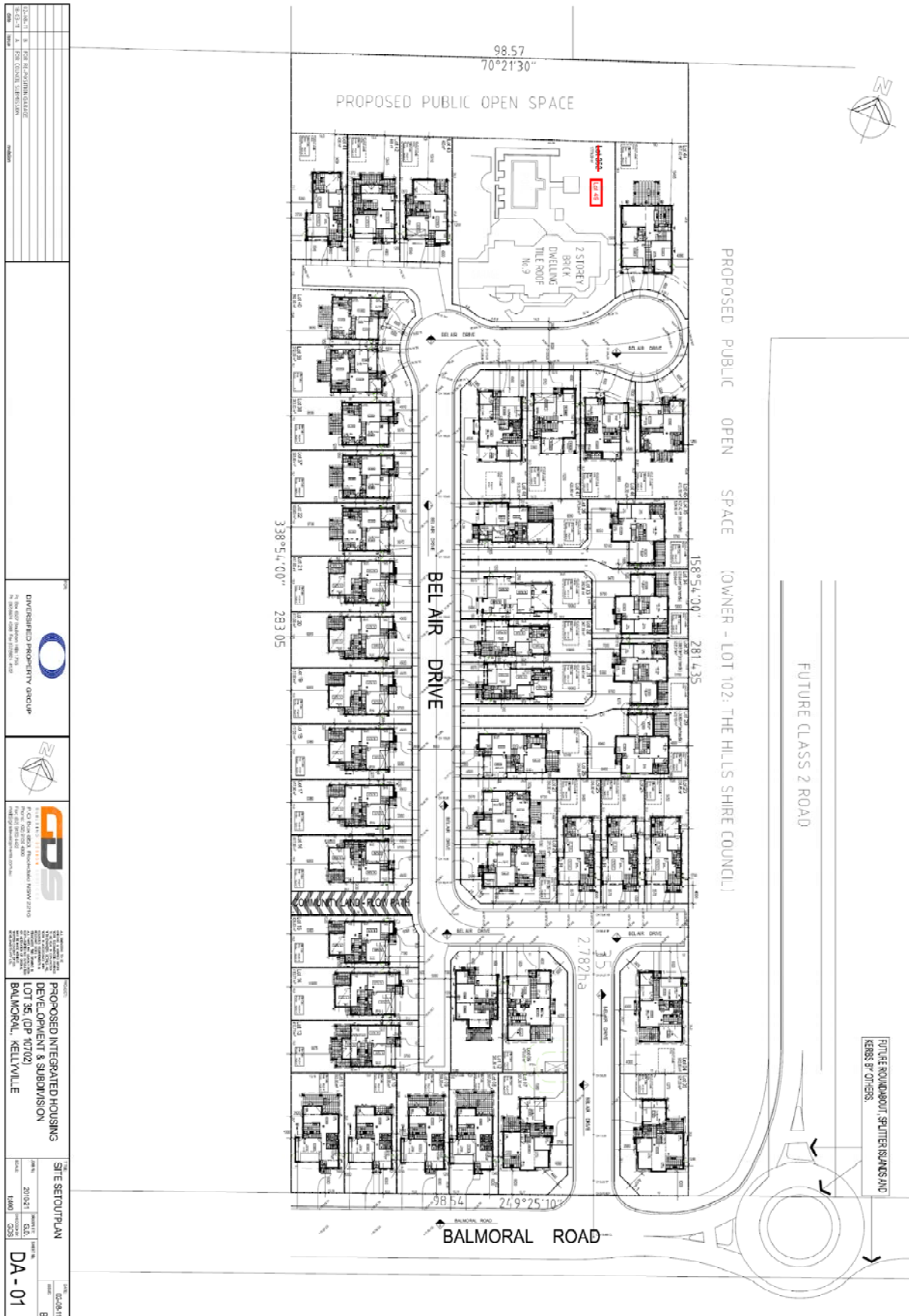
ATTACHMENT 7 – Stage 3 Subdivision Plan



ATTACHMENT 8 – Staging Plan



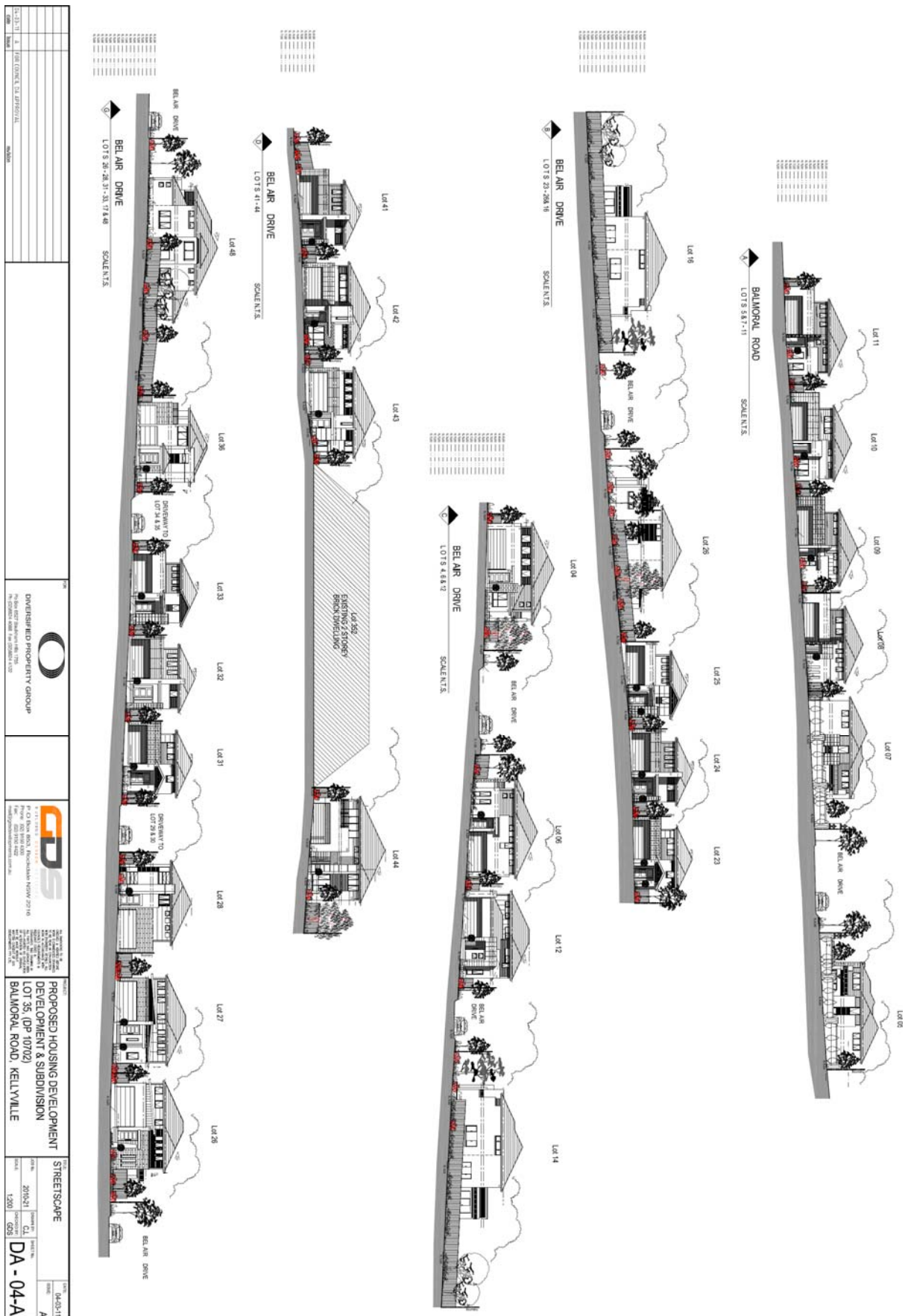
ATTACHMENT 9 – Ground Floor Site Plan

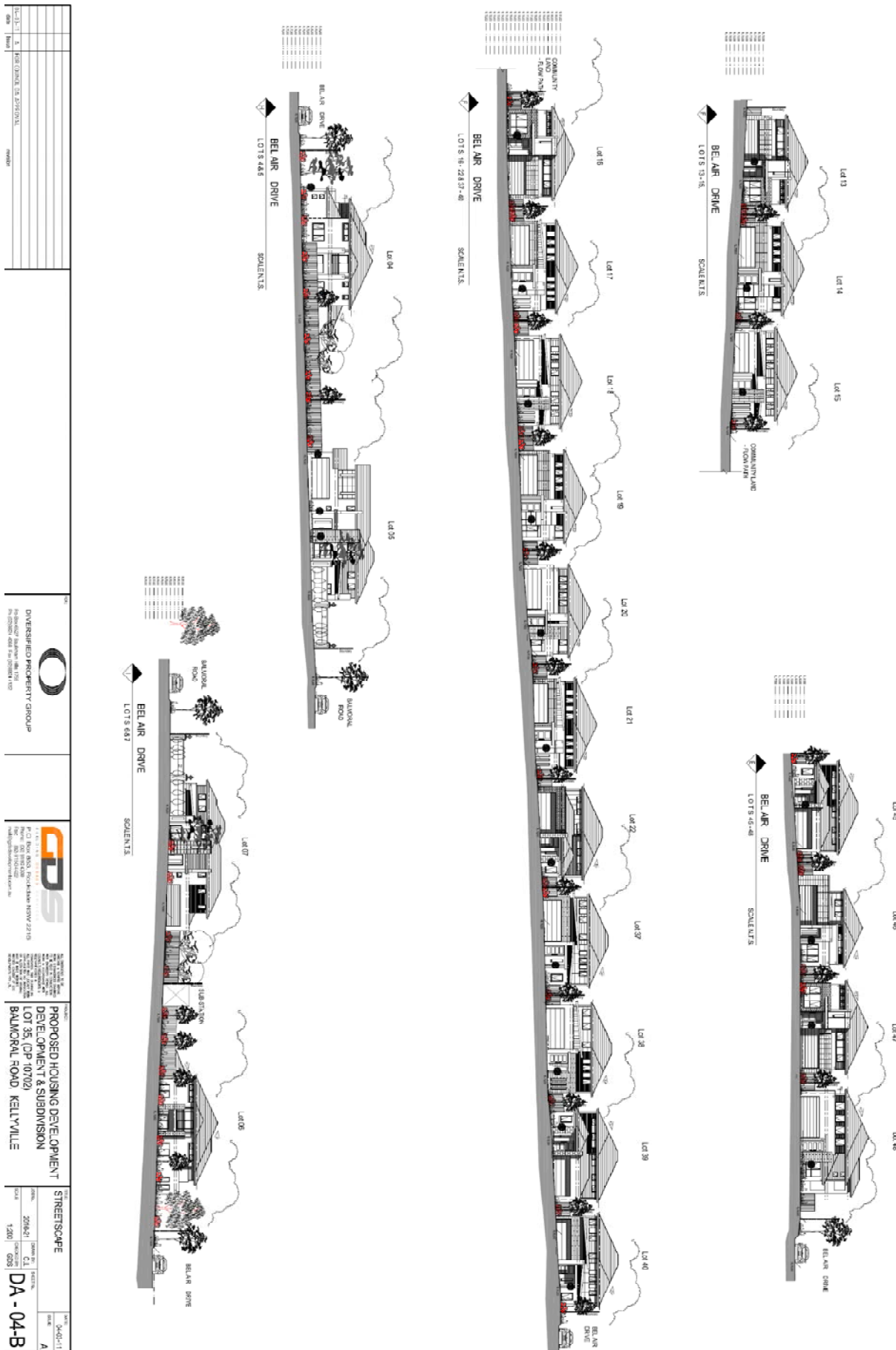


ATTACHMENT 11 – Roof Plan



ATTACHMENT 12 – Streetscape Elevations





ATTACHMENT 13 – Landscape Plan

Concept Landscape plan
Proposed Housing Development

LEGEND

- Planting: Various tree and shrub symbols with codes (e.g., T1, T2, S1, S2).
- Seating: Bench and picnic table symbols.
- Lighting: Pole and luminaire symbols.
- Materials: Different hatching patterns for paving, grass, and other ground covers.

SPECIFICATIONS

- Planting: All domestic shrubs should be planted in front of the building. All domestic trees should be planted in front of the building. All domestic trees should be planted in front of the building.
- Seating: Benches should be placed in the public open space. Picnic tables should be placed in the public open space.
- Lighting: Poles should be placed in the public open space. Luminaires should be placed in the public open space.
- Materials: Paving should be used for the public open space. Grass should be used for the public open space.

PROPOSED PUBLIC OPEN SPACE

BEL AIR DRIVE

BALMORAL ROAD

COMMUNITY LAND - FLOW PATH

LEGEND

- Planting: Various tree and shrub symbols with codes (e.g., T1, T2, S1, S2).
- Seating: Bench and picnic table symbols.
- Lighting: Pole and luminaire symbols.
- Materials: Different hatching patterns for paving, grass, and other ground covers.

SPECIFICATIONS

- Planting: All domestic shrubs should be planted in front of the building. All domestic trees should be planted in front of the building. All domestic trees should be planted in front of the building.
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- Lighting: Poles should be placed in the public open space. Luminaires should be placed in the public open space.
- Materials: Paving should be used for the public open space. Grass should be used for the public open space.

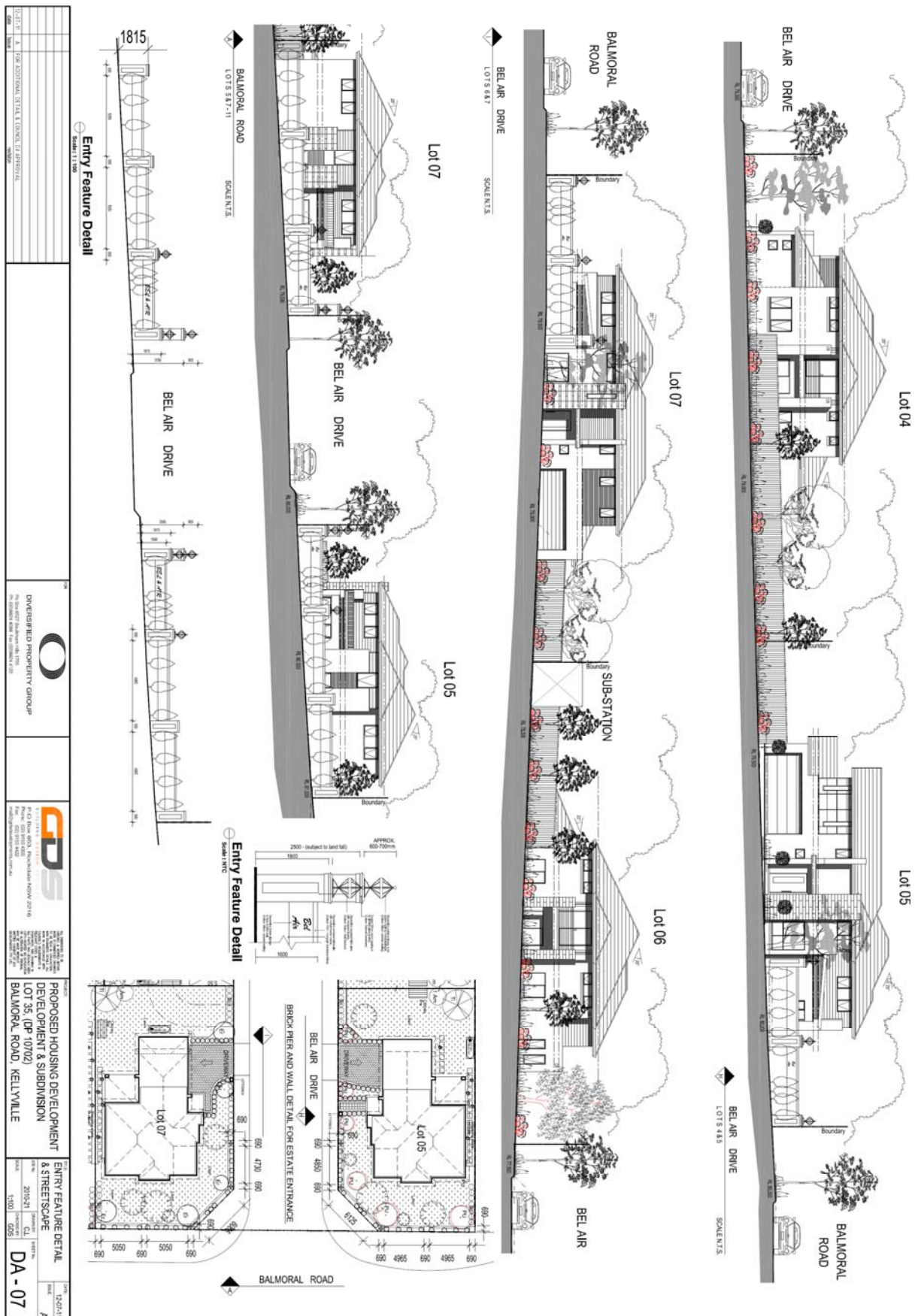
PROPOSED PUBLIC OPEN SPACE

BEL AIR DRIVE

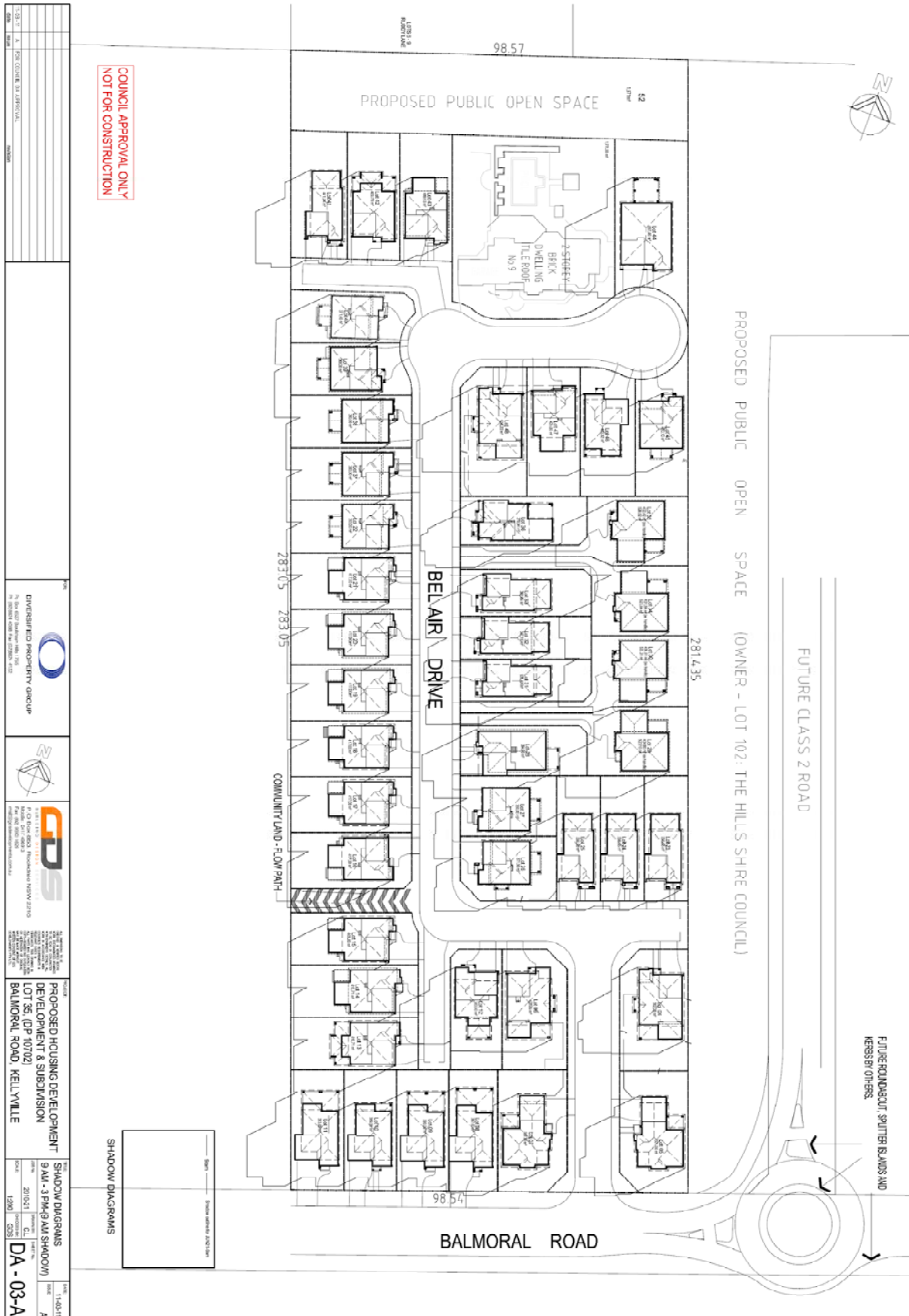
BALMORAL ROAD

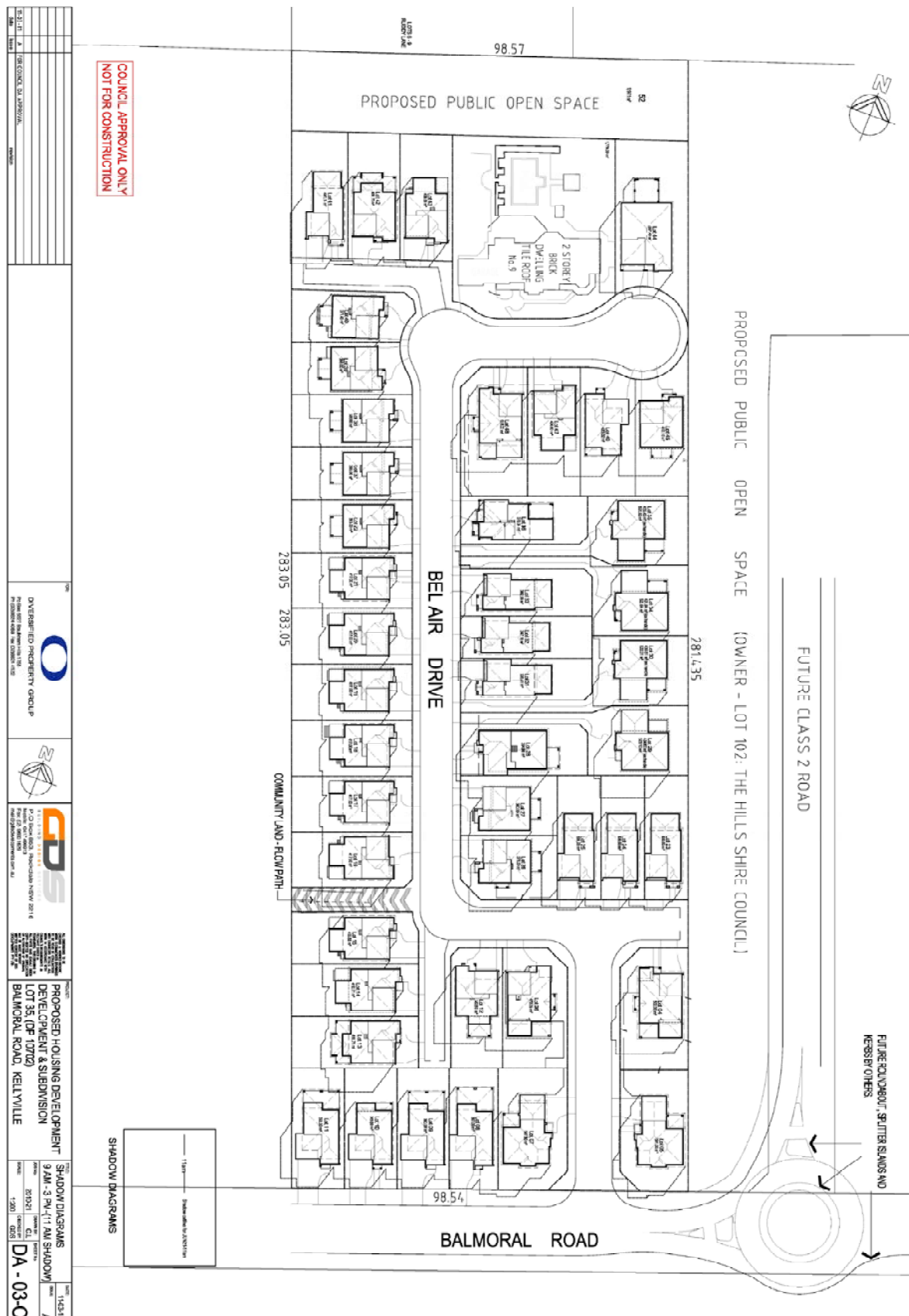
COMMUNITY LAND - FLOW PATH

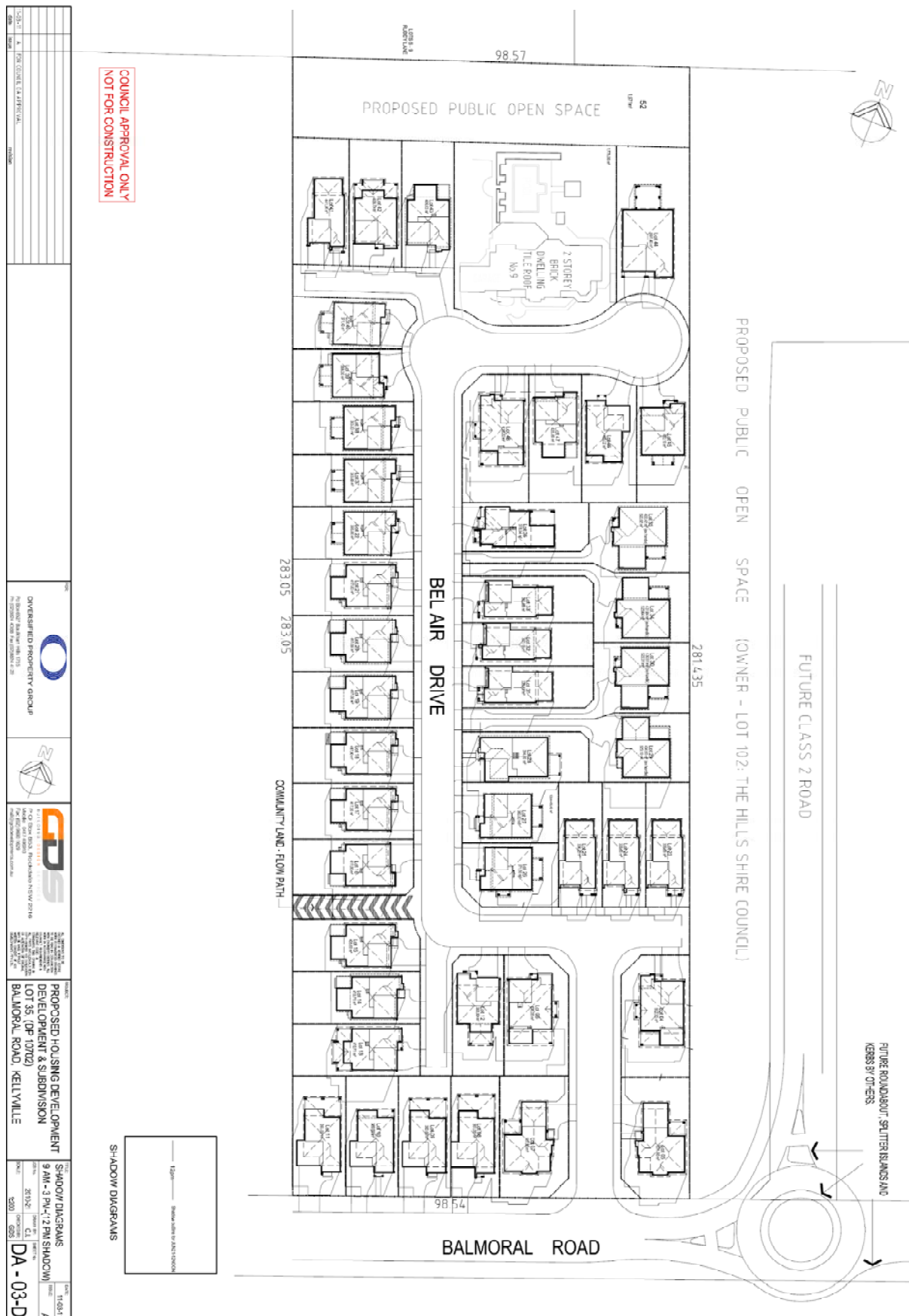
ATTACHMENT 14 – Entry Feature Detail



ATTACHMENT 15 – SHADOW DIAGRAMS







JRPP (Sydney West Region) Business Paper – (Item 2) – (10 November 2011) – JRPP 2011SYW051