

# JRPP PLANNING REPORT

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| <b>JRPP NO:</b>              | 2012SYW005  |
| <b>DA NO:</b>                | 717/2012/JPZ  |
| <b>PROPOSED DEVELOPMENT:</b> | A community title subdivision and integrated housing development creating 127 lots/ dwellings and one community title lot including new road and demolition over five stages. |
| <b>SUBJECT SITE:</b>         | Lot 1 DP 1131540 (No. 1) Hector Court, Kellyville and Lot 3 DP 1149362 (No. 16) Memorial Avenue, Kellyville   |
| <b>APPLICANT:</b>            | Sunland Group   |
| <b>LODGEMENT DATE:</b>       | 23 December, 2011   |
| <b>REPORT BY:</b>            | Simon Turner<br>Senior Subdivision Planner  |
| <b>RECOMMENDATION:</b>       | Approval  |

## BACKGROUND

Applicant: Sunland Group  
 Owner: Mr J Polito  
 Sunland Developments No. 10 Pty Ltd  
 Zoning: Residential 2(a2)  
 Area: 4.155ha  
 Existing Development: Dwelling and other improvements

## MANDATORY REQUIREMENTS

1. LEP 2005 – Permissible
2. SEPP 55 Remediation of Lands – Satisfactory
3. SEPP 64 Advertising and Signage – Satisfactory
4. SEPP Building Sustainability Index: BASIX – Satisfactory
5. SEPP (State and Regional Development) 2011 – Satisfactory
6. SREP 20 Hawkesbury/ Nepean River – Complies
7. DCP Part E Section 17 Balmoral Road Release Area – Variation sought, see report
8. DCP Part E Section 15 Kellyville/ Rouse Hill Release Area – Variation sought, see report
9. Section 79C (EPA Act) – Satisfactory
10. Draft LEP 2010 – Permissible, variation sought, see report
11. Section 94 Contribution – \$3,780,000.00

## SUBMISSIONS

1. Exhibition: Yes, 30 Days
2. Notice Adj Owners: Yes, 30 Days

## REASONS FOR REFERRAL TO JRPP

1. Capital Investment Value (CIV) exceeding \$20m.

3. Number Advised: 12  
4. Submissions Received: 1

**POLITICAL DONATION** – None disclosed

## **HISTORY**

|                   |  |
|-------------------|--|
| <b>02/10/2010</b> | DA185/2010/HA (being Stage 1 of "The Parc") was approved.  |
| <b>28/10/2011</b> | A prelodgement meeting was held.   |
| <b>23/12/2011</b> | Subject application was lodged.  |
| <b>25/01/2012</b> | The applicant was requested to provide additional information in relation to landscaping, engineering, design, cultural heritage, contamination and waste collection and storage arrangements. |
| <b>29/02/2012</b> | DA195/2012/ZE (being Stage 2 of "The Parc") was approved.  |
| <b>08/03/2012</b> | Joint Regional Planning Panel (JRPP) briefing was held.  |
| <b>12/03/2012</b> | Facilitating subdivision DA694/2012/ZA was approved.   |
| <b>14/03/2012</b> | The applicant was informed of initial matters to be considered in the assessment of the DA as identified in the JRPP briefing.   |
| <b>15/05/2012</b> | The applicant provided additional information in respect to landscaping, design, cultural heritage, contamination and waste collection and storage arrangements.                               |
| <b>06/06/2012</b> | The applicant was requested to provide additional information in relation to landscaping as the submission of additional information did not satisfy requirements of the DCP.                  |
| <b>07/06/2012</b> | The applicant provided an amended concept engineering plans and an updated plan of subdivision.  |
| <b>07/06/2012</b> | The applicant was advised that a preliminary review of the concept engineering plans did not address the concerns previously raised with the applicant.  |
| <b>25/06/2012</b> | The applicant provided amended engineering details.  |
| <b>04/07/2012</b> | The applicant provided amended architectural details and amended engineering details.  |
| <b>10/07/2012</b> | The applicant provided information addressing concerns relating to the landscape plan.   |
| <b>23/07/2012</b> | The applicant was requested to address concerns over the proposed cut and fill and eave encroachments within the development.  |
| <b>02/08/2012</b> | The applicant provided additional engineering plans amending the distribution of cut and fill within the development.  |

- 24/07/2012** The applicant addressed the proposed eave encroachments of a number of dwellings over common boundaries via a written submission.
- 03/08/2012** The applicant provided additional information in relation to waste storage areas.

## **SITE DESCRIPTION**

The site is located within the Balmoral Road Release Area (BRRA) Kellyville (refer to Attachment 1 for locality plan). The site consists of Lot 3 in DP1149362 and proposed Lot 4 in a facilitating subdivision (DA 694/2012/ZA) of Lot 1 DP 1131540. The development site has an area of 4.155ha.

The site is located on the south western corner of Hector Court and Memorial Avenue, Kellyville. Memorial Avenue is a classified road. The site is zoned Residential 2(a2) in accordance with the Baulkham Hills Local Environmental Plan 2005 (BHLEP). The site currently accommodates a dwelling house with various improvements and an isolated stand of trees. The dwelling is to be demolished under DA 694/2012/ZA.

DA 694/2012/ZA was approved at 1 Hector Court as a facilitating subdivision which creates proposed lot 3 zoned 5(a) Special Uses for road widening to be acquired by the Roads and Maritime Services (RMS), proposed lot 5 zoned Public Open Space 6(a) to be acquired by Council, proposed residue lot 6 zoned Residential 2(b1) and proposed lot 4 zoned Residential 2(a2). A copy of the approved plan of subdivision for DA 694/2012/ZA is attached as Attachment 10. The zonings are demonstrated in Attachment 3.

The proposal relates to existing Lot 3 DP 1149362 and proposed Lot 4 in subdivision DA 694/2012/ZA. The portion of the site proposed for residential development is wholly zoned Residential 2(a2) under the BHLEP and R3 – Medium Density under the Draft The Hills 2010.

To the north of the site, on the opposite side of Memorial Avenue, are rural residential holdings and a medical facility. To the west of the site is a large communal open space lot containing a natural depression, beyond which are development sites 22-26 Memorial Avenue comprising the approved Sunland developments being Stage 1 and Stage 2 integrated housing DA's for 'The Parc' development currently under construction. The DA's were approved under Nos. DA 185/2010/HA and DA 195/2012/ZE respectively (refer to Attachment 11).

To the east of the site is Hector Court and some large rural residential lots zoned for business and high density residential purposes. To the south of the site is low density Residential 2(b1) zoned land comprising a number of newly created lots, currently being developed for residential purposes centred around Willcox Crescent and Balmoral Road.

The surrounding land uses are characterised by a mixture of rural residential and an emerging urban character as the BRRA is developed. The site is located approximately 650 metres west of Windsor Road and approximately 1.1km east of Old Windsor Road, both of which, along with Memorial Avenue, are the major transport routes within the surrounds.

## **PROPOSAL**

The application is for an integrated housing development and subdivision comprising 127 attached dwellings over five stages in a community title scheme, also as known as Stage 3 of 'The Parc'.

The proposed stages are:-

### ***Stage 1***

Subdivision of two lots into two lots creating lot Nos. 1001 and 1002. Lot 1001 is to be set aside and dedicated to Council for open space purposes. Lot 1002 is to be developed in the latter stages of the development.

### ***Stage 2***

Stage 2 seeks to subdivide lot 1002 created in stage 1 as follows:-

- Subdivision into 41 lots under a community title consisting of:-
  - 36 residential lots (Lots 2 to 37)
  - 4 residue lots for residential development in future stages (Lots 38 to 40)
  - 1 community lot, comprising a community road and common open space (Lot 1)
- Construction of 36 attached dwellings
- Landscaping of dwellings
- Construction of civil works including drainage
- Construction of community road
- Embellishment of community land including landscaping, swimming pools, open space areas, BBQ areas and the like.
- Provision of services

### ***Stage 3***

Subdivision of residue lot 38 created in stage 2 into 40 residential lots (lots 41 to 80) and construction of 40 dwellings.

Works within the stage also consist of:-

- Landscaping of dwellings
- Drainage works
- Provision of services

### ***Stage 4***

Subdivision of residue lot 39 created in stage 2 into 29 residential lots (lots 81 to 109) and construction of 29 dwellings.

Works within the stage also consist of:-

- Landscaping of dwellings
- Drainage works
- Provision of services

The lots created as part of this development will be subject to torrens title.

### ***Stage 5***

Subdivision of residue lot 40 created in stage 2 into 22 residential lots (lots 110 to 131) and construction of 22 attached dwellings.

Works within stage 4 also consist of:-

- Landscaping of dwellings

- Drainage works
- Provision of services

The lots created as part of this development, with the exception of lot 1001, will be subject to a community title scheme established in Stage 2. Attachment 6 provides plan of subdivision for each stage.

The proposal seeks approval for a total of five different dwelling designs (Types B, E, F, G & H) which will be repeated in groups of 3-5 attached dwellings and clustered throughout the development (refer to Attachment 7). The proposed construction materials include bagged masonry finishes to external elevations, metal sheet roofing and timber fencing. A concept landscaping scheme has also been submitted and each dwelling will be landscaped in accordance with that scheme. All the dwellings are two storeys with either a garage or carport, and are provided with three bedrooms.

The majority of the proposed residential lots are less than the 240m<sup>2</sup> required for integrated housing under the Draft LEP 2010. The proposed development is consistent approved applications DA185/2010/HA and DA195/2012/ZE (refer to Attachment 11). This has been addressed within the applicant's submission.

## **ISSUES FOR CONSIDERATION**

### **1. ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (PART 3A REPEAL) ACT 2011 AND STATE ENVIRONMENTAL PLANNING POLICY (STATE AND REGIONAL DEVELOPMENT) 2011**

Part 4 (Regional development) of the SEPP outlines that some Council consent functions, including the determination of certain types of development applications, are to be exercised by Regional Panels in particular circumstances. These functions have been transferred from Part 3 of the State Environmental Planning Policy (Major Development) 2005, with that Part having been repealed.

Clause 20 of the State and Regional Development SEPP details that the development types to which Part 4 of the SEPP applies is outlined in Schedule 4A to the Act.

In accordance with Schedule 4A to the Act 'general development' with a Capital Investment Value (CIV) of greater than \$20 million is development that would be referred to the JRPP for determination.

The proposed development has an estimated CIV of \$25,842,000 and requires determination by the JRPP.

### **2. COMPLIANCE WITH THE BAULKHAM HILLS LOCAL ENVIRONMENTAL PLAN (BHLEP) 2005**

The site is zoned Residential 2(a2) under the Baulkham Hills Local Environmental Plan 2005 (BHLEP), as shown on the attached zoning map (refer Attachment 3).

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 127 residential dwellings in the locality. 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 development site is located next to a Business 3(a) zoning representing one of the main business activity centres within the Balmoral Road Release Area. The proposal is consistent with zone objective (a) in this regard.

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 Samantha Riley Drive / Celebration Drive Bus Interchange. The NSW Roads and Maritime Services 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 proposal is also consistent with other integrated housing developments approved within the Balmoral Road Release Area as per objective (c) above, specially, the first and second stage of Sunland's "The Parc" development immediately adjacent. The proposal seeks approval for a diverse range of dwellings types and sizes as per objective (d) 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 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(2) of the LEP relates to orderly development and provides that consent must not be granted for the purposes of townhouses or villas on land zoned 2(a2) unless Council is satisfied that such proposals would not sterilise the ability of adjacent sites to accommodate villa development due to the minimum size of 1000m<sup>2</sup>. The development is surrounded by Open Space 6(a) land and public road. The proposal, if approved, will not affect the ability of adjacent sites to be developed.

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.

Clause 45 requires that development consent must not be granted unless the Council is satisfied that public utilities are available for future development. It is apparent that the provision of services in the locality is imminent. Notwithstanding, conditions (No. 93 to 95) have been imposed requiring a certificate from each service authority stating that they are satisfied that the services have been provided to their requirements.

Clause 45A provides that developments comprising subdivision within designated urban release areas, which includes the Balmoral Road Release Area, are required to make satisfactory arrangements with the Director-General for the provision of designated State public infrastructure. To this end, the applicant will be required to make a Special Infrastructure Contribution (SIC) payment which has been imposed by way of condition No. 37.

Clause 51 requires that development which adjoins a classified road is to provide access by means of an alternative road. Access to the site is achieved by way of Hector Court as envisaged by the DCP. The proposal would be acceptable with regard to access.

Clause 51A states that development within 100m of a classified road should be accompanied by a noise and vibration report. This report has been provided and Council's Environmental Health Officer has considered it to be acceptable, thus meeting the requirements of Clause 51A.

The proposal is consistent with the LEP.



### 3. COMPLIANCE WITH THE DRAFT THE HILLS LOCAL ENVIRONMENTAL PLAN 2010

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

Under the Draft LEP, the site is zoned R3 Medium Density Residential, as shown on the attached zoning map (refer Attachment 4).

The proposal seeks approval for the erection of 'attached dwellings' and 'subdivision' within the development. Attached dwellings are defined as:-

***attached dwelling*** means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Attached dwellings are permissible with consent within the R3 Medium Density Residential zone. Subdivision is permissible with consent pursuant to Clause 2.6.

The objectives of the R3 zone are as follows:

- 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 established public transport routes and centres.

The proposed development seeks to provide housing within the medium density residential environment. A variety of housing types are provided with five different housing types being provided over the development. The housing types range in size from 114.8m<sup>2</sup> to 192.2m<sup>2</sup>, each dwelling type is provided with three bedrooms and undercover parking.

The development site is located next to a Business 3(a) zoning representing one of the main business activity centres 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 Samantha Riley Drive / Celebration Drive 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 is considered satisfactory with respect to the zone objectives.

Clause 4.1 of the DLEP provides that the minimum lot size for new development is to be in accordance with the Lot Size Maps, which prescribe a minimum lot size of 700m<sup>2</sup> across the subject site. Clause 4.1(4) states that the minimum lot size control does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.

Clause 4.1C states that development consent may be granted to a single development application involving both the subdivision of land into 3 or more lots and 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 240m<sup>2</sup>. The development would be similar to the current defined use of integrated housing where built form and subdivision is undertaken at the same stage.

The proposal seeks approval for the erection of a dwelling on each lot of land with the majority of lots with areas of less than 240m<sup>2</sup> with the smallest lot having an area of 114.5m<sup>2</sup> (being a variation of 47%). The average lot size is 194.1m<sup>2</sup> (being a variation of 20%).

This requirement differs from the existing BHLEP which provides no minimum lot size for integrated housing. Clause 4.6 of the DLEP provides some flexibility allowing development standards to be varied, were the DLEP to be gazetted and operational, subject to a written submission demonstrating the following:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has made the following submission pursuant to Clause 4.6 of the DLEP in support of non-compliance with the minimum lot sizes:-

*The majority of the Community Title allotments are less than 240m<sup>2</sup> however it is noted that this development standard is able to be varied in accordance with the provisions of clause 4.6 of the Draft LEP.*

*In this case the variation is considered justified for the following reasons:*

- *Strict compliance with the standard in this instance would be inconsistent with the previous and current approach of the Council relating to integrated housing in the BRRR. Specifically the strict compliance would prevent development within the BRRR proceeding in a form that is currently possible and, which has been to date, well received by Council and the community.*
- *Higher density, which is symptomatic of smaller allotment sizes, is consistent with Council's commitments and housing targets under the Metropolitan Strategy, and the North West Subregional Strategy.*
- *Throughout the pre-lodgement and design phases for development of the Sunland land holding, Council have consistently encouraged the applicant to aim for maximum, or close to maximum, density for integrated housing development within the BRRR.*
- *It is extremely difficult, if not physically possible, to achieve compliance with Council's density targets and the proposed minimum lot size requirement of 240m<sup>2</sup> while delivering high standards of community open space and residential amenity for larger scale subdivision and multiple dwelling construction developments (i.e. integrated housing development) at many sites including the subject site.*
- *The site constraints and the planning control framework (including approved BRRR road layout) are such that developable land is not arranged in a uniform pattern or regular shape so that the subdivision pattern is, by necessity, irregular. Smaller lots sizes are required to overcome such physical restrictions*
- *The economic viability of developing a larger parcel of land within the release areas as an integrated housing development is seriously jeopardised, if strict compliance with the 240m<sup>2</sup> minimum lot size development standard is required.*

The NSW Department of Planning & Infrastructure's publication "Varying Development Standards: A Guide" (August 2011) sets out the five-part test established by the Land & Environment Court for assessing applications proposing a variation to development standards under either Clause 4.6 of the Standard Instrument or SEPP 1. The purpose of the test is to establish whether the proposed variation is well founded.

Accordingly, an assessment of the proposed variation to the minimum lot size in accordance with the five-part test is set out below:

***1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;***

The objective of the standard is to encourage housing diversity without adversely impacting on residential amenity.

The proposed development seeks to provide for a diverse range of housing options with a range of dwelling and lot sizes. A high level of residential amenity is achieved by provision of both private and communal open space, architecturally designed dwellings, communal roads and an overall development which is well planned.

The development type is consistent with previous stages of the development, being stage 1 (DA185/2010/HA) and 2 (DA195/2012/ZE), by the same developer where small lots have also been approved.

The proposed variation to the minimum lot size development standard will not hinder the ability of the development to achieve the objective of the development standard.

***2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;***

The objectives for the zone in which the application is proposed encourage town-houses and villas. If town-houses or villas were proposed than the ultimate lot size for each dwelling would be likely to be less than the lot sizes proposed by the application. The proposed lots are capable of containing a dwelling with required areas of private open space and setbacks. The small lots do not result in a development with poor amenity or design qualities.

The objectives of the zone are relevant to the development proposed, however strict compliance is considered unnecessary for the reasons outlined in this section. The non-compliance would not hinder attainment of the objective of the development standard or zone objectives.

***3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;***

The applicant's submission states that it is extremely difficult to achieve compliance with both Council's density requirements and the minimum lot size while providing adequate open space and residential amenity, and that development at higher densities is more capable of achieving the Council's housing targets in accordance with the Metropolitan and North West Subregional Strategies.

The submission goes on to state that smaller lot subdivisions are required in order to overcome the fragmented ownership and physical constraints upon subdivisions within the BRRA. Strict compliance with the lot size control would be contrary to the objectives of the zone, particularly Objective 2 relating to the provision of a medium density residential environment. In addition, the additional land provided as community open space would offset the smaller lot sizes proposed. Council's position throughout the pre-lodgement process has been to encourage higher densities in accordance with the lot sizes currently proposed.

The non-compliance with the minimum lot size control does not result in a development which has significant non-compliances with the DCP. Furthermore, the proposed lots are capable of containing a dwelling with required areas of private open space and setbacks. The small lots do not result in a development with poor amenity or design qualities.

A better planning outcome will not necessarily be achieved by enforcing strict compliance with the DCP.

***4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;***

The previous stages of the development, being stage 1 (DA185/2010/HA) and 2 (DA195/2012/ZE), approved dwellings on lots ranging from 151m<sup>2</sup> to 404.5m<sup>2</sup>. A substantial portion of Stage 1 development, 40 of the 52 proposed residential lots (77%), featured an area of less than 240m<sup>2</sup>. Stage 2 approved 30 of the 32 proposed residential lots (94%) with an area less than 240m<sup>2</sup>.

The proposal seeks approval for lots ranging in size from 114.5m<sup>2</sup> to 268.6m<sup>2</sup>. Of the 127 dwellings proposed 121 are proposed with areas of less than 240m<sup>2</sup>, being 95% of dwellings within the development. The proposed number of lots with areas of less than 240m<sup>2</sup> is consistent with the approved stages 1 and 2.

Stage 1 was approved prior to the exhibition of the Draft LEP. Stage 2 was approved after the exhibition of the Draft LEP. The subject Development Application was lodged after the exhibition of the Draft LEP (but prior to its implementation).

The approval of stages 1 and 2 has established some precedent for similar sized small lots at this location. This approach to smaller lot sizes has formed the basis of pre-lodgement advice provided for the current proposal and is a key factor in considering the merits of the current proposal. It is hence considered unreasonable and unnecessary to strictly enforce compliance with the lot size requirement in this instance given the previous approval.

***5. The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.***

This is not relevant to the current application as the R3 zoning encourages medium density development and is appropriate to the subject site. Notwithstanding, compliance with the standard is considered to be unreasonable and inappropriate for the reasons discussed above.

On balance, the applicant's argument under Clause 4.6 is concurred with in this instance. The proposed subdivision pattern and density is consistent with the pre-lodgement advice provided and other development approved within the locality (being stages 1 and 2 which are to be developed by the same developer). The proposed variation to the lot size is hence considered to be well founded and acceptable with regard to Clause 4.6.

**Imminence and Certainty of the Draft LEP**

The current proposal would be permissible in accordance with the BHLEP 2005 but would not be permissible under the Draft LEP in respect to minimum lot size. As such, the issue of what weighting should be given to a Draft LEP on exhibition at the time of lodgement also requires consideration. This issue has been examined previously by the NSW Land & Environment Court.

In the case of *Blackmore Design Group v North Sydney Council* (2001)(NSWLEC) the Commissioner stated that the issue of weight needs to take into account whether the draft provisions were imminent and certain to be adopted. This case also identified the need to consider whether or not the proposal is still permissible by virtue of the savings clause.

The principles established by the Court in considering Draft LEP's can be summarised as follows:

- *Whether the instrument is imminent and certain to be adopted in its exhibited form*

Council resolved to approve the Draft LEP "as exhibited" on 23 August 2011 and it is currently awaiting gazettal by the Department of Planning & Infrastructure. Although there is now a degree of imminence and certainty that the Draft LEP will be adopted in, or at least very close to, its current form, at the time of lodgement the Draft LEP was less advanced in the process towards gazettal than it is today.

- *If the instrument is imminent, whether the proposal is consistent with the desired future character and objectives for the area expressed by the draft instrument*

The scheme proposes a range of lot sizes that are consistent with the desired range of density within the 2(a2) zone. The applicant has made an argument in favour of varying the minimum lot size pursuant to Clause 4.6 of the Draft LEP as discussed above.

The proposed development is consistent with stages 1 and 2, being (DA185/2010/HA) and (DA195/2012/ZE) respectively and therefore is considered to be consistent with the desired future character and objectives for the area.

- *Whether the proposal is permissible at the time of lodgement in accordance with the savings provisions of the draft instrument*

Under Clause 1.8 of Draft LEP, the current proposal would be permissible until such time as the contrary provisions of the Draft LEP are gazetted. Clause 1.8A also requires that applications determined prior to commencement of the Draft LEP must be determined as if the plan had not yet commenced.

The proposal is currently permissible in accordance with the BHLEP and based on the discussion above, the proposed variations to the Draft LEP are considered acceptable on this basis.

## **Other Matters**

Clause 4.3 of the DLEP provides that the maximum height of buildings should be in accordance with the Height of Buildings Map, which prescribes a maximum height of 10 metres. The proposal is consistent this requirement with the dwellings having heights of less than 10m.

Clause 6.1 provides that developments comprising subdivision within designated urban release areas, which includes the Balmoral Road Release Area, are required to make satisfactory arrangements with the Director-General for the provision of designated State public infrastructure. To this end, the applicant will be required to make a Special Infrastructure Contribution (SIC) payment which has been imposed by way of condition No. 37.

Clause 6.2 requires that development consent must not be granted unless the Council is satisfied that public utilities are available for future development. It is apparent that the provision of services in the locality is imminent. Notwithstanding, conditions (Nos. 93 to 95) have been imposed requiring a certificate from each service authority stating that they are satisfied that the services have been provided to their requirements.

The proposal is considered to be acceptable with regard to the Draft LEP.

#### 4. COMPLIANCE WITH BAULKHAM HILLS DEVELOPMENT CONTROL PLAN

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

- Part E Section 17 – Balmoral Road Release Area (BRRRA 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 BRRRA 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 attached dwellings and 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 KRHRA 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 where integrated housing is proposed.

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 KRHRA DCP:

| DEVELOPMENT STANDARD  | PROPOSED DEVELOPMENT   | COMPLIANCE                |
|---|--|---------------------------|
| <b>Density</b><br>Townhouses:<br>95 persons/ hectare<br><i>Townhouse DCP Clause 3.5(a)</i>  | 82.53 people per net hectare   | Yes                       |
| <b>Minimum Lot Size</b><br>Dwelling House Lot:<br>240m <sup>2</sup><br><i>Draft LEP Clause 4.1C(3)(b)(i)</i>  | Lots 4, 5, 8, 57, 64 & 104<br>= >240m <sup>2</sup><br>Lots 1-3, 6, 7, 9-56, 58-63,<br>65-103 & 105-127<br>= <240m <sup>2</sup> | Yes<br><br>No, See Report |
| <b>Front Building Setback</b><br>Integrated Housing Dwelling:<br>(Private Road Interface)<br>4.5m<br><i>KRHRA DCP Clause 4.3(a)/<br/>Table 5</i>  | All lots comply  | Yes                       |
| <b>Corner Lot Building Setback</b><br>Integrated Housing Dwelling:<br>(Private Road Interface)<br>2m (secondary frontage/<br>corner lot)<br><i>KRHRA DCP Clause 4.3(a)/<br/>Table 5</i> | All lots comply  | Yes                       |

|  |   |                           |
|--|---|---------------------------|
| <b>Garage Setback</b><br>Integrated Housing Dwelling:<br>(Private Road Interface)<br>5.5m<br><i>KRHRA DCP Clause 4.3(b)</i>  | Lots 2-13, 21-29, 75-80 &<br>96-109 = <5.5m<br>Lots 14-20, 30-37, 41-74,<br>81-95 & 110-131 | No, See Report<br><br>Yes |
| <b>Rear Building Setback</b><br>Integrated Housing Dwelling:<br>(Adjoining Property Interface)<br>3m<br><i>KRHRA DCP Clause 4.3(a)/<br/> Table 5</i>   | All lots comply   | Yes                       |
| <b>Side Building Setback</b><br>Integrated Housing Dwelling:<br>(Adjoining Property Interface)<br>2m<br><i>KRHRA DCP Clause 4.3(a)/<br/> Table 5</i>   | Development Complies  | Yes                       |
| <b>Setbacks</b><br>Side<br>900mm to boundary for detached<br>side of dwelling<br><i>KVRA DCP Clause 3.4(a) Table 4</i>   | All lots comply   | Yes                       |
| <b>Setbacks</b><br>Classified Road<br>10m<br><i>BRRA DCP Clause 8.1.1(i)</i>   | All lots comply   | Yes                       |
| <b>Building Height</b><br>Dwelling House:<br>7.2m (underside of eave)<br>10m (roof ridgeline)<br><i>BRRA DCP Clause 8.1.3(a)<br/> KRHRA DCP Clause 4.6(a)<br/> Draft LEP Clause 4.3</i>            | All lots comply   | Yes                       |
| <b>Car Parking</b><br>Integrated Housing Dwelling:<br>2 spaces/ dwelling<br><i>KRHRA DCP Clause 4.9(a)</i>   | All lots comply   | Yes                       |
| <b>Car Parking (Visitor Spaces)</b><br>2 spaces per 5 dwellings<br>Town House DCP Clause   | 17 spaces for 41 dwellings<br>not providing parking in<br>front of garage.                  | Yes                       |
| <b>Site Coverage</b><br>Dwelling House:<br>60% (site coverage) (two<br>storey)<br>40% (landscaping)<br><i>BRRA DCP Clause 8.1.2(a)<br/> KRHRA DCP Clause 4.10(a)<br/> KRHRA DCP Clause 4.11(a)</i> | All lots comply   | Yes                       |

|  |  |                           |
|--|--|---------------------------|
| <b>Private Open Space</b><br>Detached Dwelling Lot:<br>20% (minimum width 2m)<br><i>KRHRA DCP Clause 4.8(c)</i>                        | All lots comply  | Yes                       |
| <b>Principal Private Open Space</b><br>Detached Dwelling Lot:<br>24m <sup>2</sup> (minimum width 4m)<br><i>KRHRA DCP Clause 4.8(c)</i> | All lots comply  | Yes                       |
| <b>Solar Access</b><br>Detached Dwelling Lot:<br>50% of PPOS (2hrs min.)<br><i>KRHRA DCP Clause 4.8(e)</i>                             | Lots 2-5, 21-37, 51-88 and<br>106-118 = Comply<br><br>Lots 6-20, 41-51, 89-105,<br>119-131 = Do not comply | Yes<br><br>No, See Report |

### **Proposed Variations**

The proposed variations to the Development Control Plan are addressed below:-

#### ***Minimum Setback of Garage/Carport***

Each dwelling within the development is provided with two undercover parking spaces. A number of dwellings are provided with garages which achieve a setback of 5.5m as required by the DCP. However, a number of dwellings are provided with carports which are not setback the required minimum 5.5m distance from the front boundary.

The carports are provided with front setbacks which vary from 0.3m to 3.2m representing variations up to 5.2m.

The intent of the 5.5m control is twofold. Firstly, the control aims to minimise the dominance of the garage upon the streetscape by locating it further back from the street. Secondly, the control allows for off street visitor parking in front of the garage.

In respect the first point, the parking that is provided on the non-complying lots is provided via a detached architecturally designed carport that does not result in the same bulk and scale as an attached garage. The carport has been designed by the architect of the development to be sympathetic to the design of the dwelling and contribute to the overall appearance of the dwelling. It should be noted that where the greater non-compliances are proposed the dwellings are located off the main private road and address minor side roads. The dwellings which address the main private road are provided with approximately 3m setbacks. Overall, the proposed non-compliance does not result in a development that has a poor design or streetscape appeal.

In respect to the second point, the applicant has provided off street visitor parking to offset the visitor parking not provided in front of each garage. The DCP requires a total of 2 spaces per 5 dwellings which are not provided with off street parking. There are 41 dwellings which are not provided with off street visitor parking and as such 17 off street visitor parking spaces are required to be provided. The development seeks to provide 17 visitor parking spaces which complies with the minimum.

Whilst the proposal does not comply with the DCP in respect to the provision of a 5.5m setback the overall development is considered to be a reasonable design considering the proposed streetscape and alternative off street visitor parking spaces.

#### ***Solar Access***



Clause 3.4 of the KRHRA DCP states that:-

- *At least half (50%) of the principle private open space area is to receive a minimum of 2 hours direct sunlight between 9am and 3pm during mid-winter.*
- *The majority of the common open space area is to receive direct sunlight between 9am and 3pm during mid-winter.*

The shadow diagrams submitted with the development application demonstrate that 71 dwellings comply with the controls listed above. A total of 56 dwellings do not comply with the controls listed above.

The applicant has made the following comments in relation to the above controls:-

- *The masterplan submitted with the DA demonstrates that solar access has been considered and was a determining factor in the design and layout of the dwellings and the arrangement of open space around the site.*
- *The architectural drawings 2.08 to 2.10 inclusive provide a detailed breakdown of the shadows cast by the development in mid-winter.*
- *The diagrams demonstrate that the proposed dwellings have been orientated in a manner which affords direct solar access to the primary private open space and primary living areas of the majority of dwellings in mid-winter. It is noted that some of the dwellings in the centre of the site (i.e. 106-127) and some dwellings in the south west corner (i.e. 20-to 41) will receive limited direct solar access to their rear yards during mid-winter.*
- *This is a consequence of the road layout which is determined to a large degree by the limited available access corridors from Hector Court. Specifically there are tracks of land that are zoned residential which traverse the open space zoned land running parallel to Hector Court. The roads to provide access to the interior of the site can only come from these two corridors.*
- *The constraints of the land and the vehicular access mean that a loop road scenario is the only viable option if the required densities and satisfactory amenity and urban design outcomes are to be achieved.*
- *The consignment of various allotments to a north south orientation is a relatively common circumstance throughout Australia, particularly where medium density housing is located, and inevitably dwellings on these allotments overshadow their own rear yards.*
- *It is noted that it would not be practical to reverse the situation for these dwellings so that the dwellings have large setbacks from the internal road and have private open space located at the front as this would result in the loss of the privacy for such space and devalue it as a useable area.*
- *There are considerable benefits in the proposed layout including the fact that the dwellings will contribute to and maintain the streetscape theme achieved by the overall development, the rear POS has a strong connection to the landscaped communal open space running through the development.*

The proposed variations are not as a result of non-compliance with the DCP with respect to height, setbacks or densities. The proposal is also compliant with the DCP in respect to the provision of private open space for each dwelling.

Where some developments may result in non-compliance in relation to solar access due to overdevelopment of a site the above points demonstrate that the proposed non-compliance with the DCP is not a result of bulky or over crowded development.

The proposal seeks to provide large common open space areas which have almost unobstructed solar access. The provision of common open space areas with high levels of solar access will allow for the residents to be provided with alternative areas for their passive and active recreation in a location which achieves a high level of solar access.

Whilst the proposal may not provide for direct sunlight to areas of open space for some dwellings within the development the generous rear setbacks onto open space will allow for light to penetrate the living areas and private open space to each of the proposed dwellings on the winter solstice. Furthermore, the dwellings also receive a higher level of sunlight to the areas of private open space at other times of the year.

The applicant's submission is generally supported and no objections are raised to the proposed non-compliance in respect to this matter.

### **Pre-planned Road Layout**

The DCP requires that an application provide a road pattern which is consistent with DCP. The proposal seeks approval for variation to the pre-planned road layout (refer to Attachment 5 for pre-planned road layout).

Council has permitted variations to the pre-planned road layout where the applicant has been able to demonstrate:-

- a. The change is contained entirely within the development site;*
- b. The change does not affect the development potential and yield of adjoining development sites;*
- c. The change is agreed upon by the adjoining neighbour (where the neighbour would be affected); and*
- d. The change is proposed in conjunction with the owner of the adjoining development site.*

In respect to the points above the pre-planned road was designed to service the two existing lots within the proposed development site. The pre-planned road is contained entirely within the development site. The proposed deletion of the pre-planned road will not affect the development potential of adjoining property owners as no other properties were planned to utilise the proposed pre-planned road.

The proposed variation to the pre-planned road layout is considered to be acceptable.

### **Cut and Fill**

The DCP states that retaining walls are not to be constructed adjacent to existing or proposed open space parks and open space links. The application seeks approval for retaining walls adjacent proposed boundaries in close proximity to land which is to be future open space land.

The proposed retaining walls have been assessed and are considered to be a reasonable outcome for the site for the following reasons:-

- The retaining walls are necessary due to the slope of the site.
- The retaining walls will have a maximum height of 1m.
- The retaining walls are consistent with what was previously approved in stages 1 and 2.

The proposed retaining walls are to be constructed of sandstone and are to have a setback of 1m from the property boundary and are to be landscaped with a variety of ground covers and shrubs. An example of the proposed retaining wall is demonstrated in Attachment 9.

Each property adjacent the retaining walls are to have their interface landscaped with a variety of ground covers and shrubs which will soften the interface of the development with the open space areas. A fence is not to be located on the boundary which would result in a hard interface with the Council open space.

No objections are raised to the proposed retaining walls as proposed.

## 5. ISSUES RAISED IN SUBMISSIONS

The application was placed on exhibition for a period of 30 days from 17 January 2012 to 16 February 2012. During the exhibition period the application was notified in the Hills Shire Times and Hills News on 17 January 2012, a sign was erected on site and 12 property owners were notified in writing. One submission was received during the exhibition period. The comments made within the submission are addressed below.

| ISSUE/OBJECTION   | COMMENT   | OUTCOME   |
|---|---|---|
| The author of the submission questioned the hours of operation for construction, demolition and deliveries.                               | <p>A standard condition is recommended limiting works and deliveries to be carried out between the hours of 7am and 5pm Monday to Saturday with no work or deliveries being carried out on Sundays or public holidays.</p> <p>The author of the submission was contacted and advised of the proposed condition.</p>   | Issue addressed, refer to conditions 71 and 72. |
| The author of the submission questioned if dust suppression methods would be undertaken during the construction phase of the development. | <p>A standard condition is recommended to manage dust suppression on site. The dust suppression techniques include:-</p> <ul style="list-style-type: none"><li>• Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work.</li><li>• All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and</li><li>• All stockpiles of materials that are likely to generate dust must be kept damp or covered.</li></ul> <p>The author of the submission was contacted and advised of the dust suppression techniques and proposed condition to enforce this.</p> | Issue addressed, refer to conditions 71 and 72. |

## 6. Joint Regional Planning Panel Comments (JRPP)

A preliminary meeting was held with the JRPP on the 8 March 2012 to discuss the proposal. During the meeting the JRPP raised points in relation to:-

- Entry to Development
- Proximity to Business

- Consideration of Pre-Planned Road Layout
- Compliance with Draft The Hills LEP 2010
- Submissions

With the exception of the issues surrounding the entry to the development, all of the issues raised by the JRPP are addressed in the earlier sections of the report. In the relation to the entry of the development the issues surrounding this matter are discussed below:-

### **Entry to Development**

The JRPP questioned 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 proposal seeks approval for the erection of a sign which is proposed to outline the street address and identify that the site is serviced by a private road.

The private road will be landscaped and finished in a manner which is not typical to a Council road. In addition the erection of an address sign with the words private road will clearly identify that the road is private. Furthermore, Council requires that standard street signage be erected at the entry to delineate the names of the private road. The signage will also have a "private road" element attached to ensure easy identification is provided.

Condition 42(iii)(11) requires that the intersection between the proposed private road and Hector Court be distinguished as private road rather than as an extension to the public road network. The condition states that this is to be achieved via providing a layback in line with the kerb and gutter in Hector Court along with treatment of the pavement threshold, instead of extending the road pavement and providing for splayed corners.

It is considered that sufficient delineation exists between the proposed private road and public road so as to not create confusion for the public.

### **BUILDING CERTIFICATION COMMENTS**

The application has been considered by Council's Building Certification Team who raised no objections and recommended conditions.

### **SUBDIVISION ENGINEERING COMMENTS**

The application has been considered by Council's Subdivision Engineer who raised no objections and recommended conditions.

### **TREE MANAGEMENT COMMENTS**

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

### **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.

### **ENVIRONMENTAL HEALTH & SUSTAINABILITY COMMENTS**

Council's Environmental Health Officer has raised no objection to the proposed development with regard to health or sustainability. Appropriate conditions have been imposed.

## **HERITAGE COMMENTS**

The application was accompanied by an Aboriginal cultural heritage report. The report noted that:-

*"The entire study area is substantially disturbed and completely cleared of native vegetation. It has also been heavily modified through earthworks and market gardening. Surface visibility was poor throughout but it is clear that surfaces are made ground and retain no archaeological potential."*

Therefore, the archaeological assessment concluded that *"there is little or no likelihood of substantial or significant potentially artefact bearing deposit remaining on the site. There is no known archaeological constraint to the development of the land. Further field survey of archaeological investigation is not warranted."*

Council's Forward Planning Team have considered the proposal with respect to heritage and have raised no objections subject to conditions 59 to 61.

## **CONCLUSION**

The proposed development has been assessed against Section 79C of the Environmental Planning and Assessment Act 1979, SEPP 55 Remediation of Land, SEPP 64 Advertising and Signage, SEPP Building Sustainability Index: BASIX, SEPP (State and Regional Development) 2011, SREP 20 Hawkesbury/ Nepean River, Baulkham Hills Local Environmental Plan 2005, Draft The Hills Local Environment Plan 2010 and Baulkham Hills Development Control Plan and is considered satisfactory. The variations to Council's Development Control Plan are considered satisfactory.

The submission made in response to the exhibition of the development application has been considered and is addressed within the report. The submission does not warrant refusal or modification of the development application.

Approval subject to conditions is recommended.

## **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**

The application be approved subject to the following conditions:

**ALL STAGES:****GENERAL MATTERS****1. Approved Plan**

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

| Drawing:  | Description:                           | Prepared:             | Sheet: | Revision: | Date:        |
|-----------|--|-----------------------|--------|-----------|--------------|
| 14595/211 | Plans of Subdivision                   | North Western Surveys | 1 to 7 | 00        | 26/04/2012   |
| 2.01      | Masterplan - Stage 3                   | BDA Architecture      | P. 11  | I.R. 2    | 27 June 2012 |
| 2.02      | Road & Pedestrian Network - Stage 3    | BDA Architecture      | P. 12  | I.R. 2    | 27 June 2012 |
| 2.03      | Built Form Typologies - Stage 3        | BDA Architecture      | P. 13  | I.R. 2    | 27 June 2012 |
| 2.04      | Building Setbacks - Area 1             | BDA Architecture      | P. 14  | I.R. 2    | 27 June 2012 |
| 2.05      | Building Setbacks - Area 2             | BDA Architecture      | P. 15  | I.R. 2    | 27 June 2012 |
| 2.06      | Building Setbacks - Area 3             | BDA Architecture      | P. 16  | I.R. 2    | 27 June 2012 |
| 2.07      | Building Setbacks - Area 4             | BDA Architecture      | P. 17  | I.R. 2    | 27 June 2012 |
| 3.02      | Colours & Materials                    | BDA Architecture      | P. 23  | I.R. 2    | 27 June 2012 |
| 3.03      | House Type B - Overall                 | BDA Architecture      | P. 24  | I.R. 2    | 27 June 2012 |
| 3.04      | House Type B – Ground Floor Plans      | BDA Architecture      | P. 25  | I.R. 2    | 27 June 2012 |
| 3.05      | House Type B – First Floor Plans       | BDA Architecture      | P. 26  | I.R. 2    | 27 June 2012 |
| 3.06      | House Type E1 - Overall                | BDA Architecture      | P. 27  | I.R. 2    | 27 June 2012 |
| 3.07      | 3.07 House Type E1 – Ground Floor Plan | BDA Architecture      | P. 28  | I.R. 2    | 27 June 2012 |
| 3.08      | House Type E1 – First Floor Plans      | BDA Architecture      | P. 29  | I.R. 2    | 27 June 2012 |
| 3.09      | House Type E2 - Overall                | BDA Architecture      | P. 30  | I.R. 2    | 27 June 2012 |
| 3.10      | House Type E2 - Ground Floor Plan      | BDA Architecture      | P. 31  | I.R. 2    | 27 June 2012 |
| 3.11      | House Type E2 – First Floor Plans      | BDA Architecture      | P. 32  | I.R. 2    | 27 June 2012 |
| 3.12      | House Type F - Overall                 | BDA Architecture      | P. 33  | I.R. 2    | 27 June 2012 |

|                       |                                   |                                |                       |        |               |
|-----------------------|-----------------------------------|--------------------------------|-----------------------|--------|---------------|
| 3.13                  | House Type F - Ground Floor Plan  | BDA Architecture               | P. 34                 | I.R. 2 | 27 June 2012  |
| 3.14                  | House Type F - First Floor Plans  | BDA Architecture               | P. 35                 | I.R. 2 | 27 June 2012  |
| 3.15                  | House Type G1 - Overall           | BDA Architecture               | P. 36                 | I.R. 2 | 27 June 2012  |
| 3.16                  | House Type G1 - Ground Floor Plan | BDA Architecture               | P. 37                 | I.R. 2 | 27 June 2012  |
| 3.17                  | House Type G1 - First Floor Plans | BDA Architecture               | P. 38                 | I.R. 2 | 27 June 2012  |
| 3.18                  | House Type G2 - Overall           | BDA Architecture               | P. 39                 | I.R. 2 | 27 June 2012  |
| 3.19                  | House Type G2 - Ground Floor Plan | BDA Architecture               | P. 40                 | I.R. 2 | 27 June 2012  |
| 3.20                  | House Type G2 - First Floor Plans | BDA Architecture               | P. 41                 | I.R. 2 | 27 June 2012  |
| 3.21                  | House Type H2 - Overall           | BDA Architecture               | P. 42                 | I.R. 2 | 27 June 2012  |
| 3.22                  | House Type H2 - Ground Floor Plan | BDA Architecture               | P. 43                 | I.R. 2 | 27 June 2012  |
| 3.23                  | House Type H2 - First Floor Plans | BDA Architecture               | P. 44                 | I.R. 2 | 27 June 2012  |
| 4.01                  | Section Key                       | BDA Architecture               | P. 47                 | I.R. 2 | 27 June 2012  |
| 4.02                  | Section A                         | BDA Architecture               | P. 48                 | I.R. 2 | 27 June 2012  |
| 4.03                  | Section B                         | BDA Architecture               | P. 49                 | I.R. 2 | 27 June 2012  |
| 4.04                  | Section C                         | BDA Architecture               | P. 50                 | I.R. 2 | 27 June 2012  |
| 4.05                  | Section D                         | BDA Architecture               | P. 51                 | I.R. 2 | 27 June 2012  |
| 000, 100-119, 501-502 | Landscape Plans                   | Arcadia Landscape Architecture | 000, 100-119, 501-502 | A      | 18.06.2012    |
|                       | Vehicle Parking Plan              | Sunland                        |                       |        | 14 May 2012   |
|                       | Bin Enclosures                    | Sunland                        |                       |        | 3 August 2012 |
|                       | Materials Palette                 | Form Landscape Architects      |                       |        | 04 May 12     |

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

## **2. Bin Enclosures**

The bin storage areas associated with lot nos. 3, 6, 9, 12, 15, 16, 19, 23, 24, 27, 28, 31, 32, 35, 36, 42, 43, 46, 49, 52, 55, 58, 61, 64, 67, 70, 73, 76, 79, 82, 83, 86, 87, 90, 93, 94, 97, 98, 101, 102, 105, 108, 111, 112, 115, 116, 119, 122, 123, 126, 129 and 130 must be screened from view with a design which is consistent with the plan entitled Typical Bin Enclosure Design prepared by Sunland and dated 3 August, 2012.



### **3. Lot 1001**

The applicant is to undertake a land swap or dedicate Lot 1001 to Council so that it may be used as a future public reserve. In the circumstances that no agreement is reached prior to the issue of a subdivision certificate for Stage 5 of the development, Lot 1001 shall be dedicated to Council at no cost to Council.

The final subdivision plans are to demonstrate this arrangement.

### **4. 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.

### **5. 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.

### **6. Waste Storage and Separation - Construction and Demolition**

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

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

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

### **7. Commencement of Domestic Waste Services**

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

### **8. Domestic Waste Management – Single or Integrated Dwellings and up to seven (7) Units/Townhouses/Villas**

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

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

#### **9. External Finishes**

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

#### **10. 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.

#### **11. 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.

#### **12. 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.

#### **13. BCA Compliance**

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

#### **14. Zero Lot Line Dwellings – Easement Encroachment**

No element (including eaves/ guttering and the like) of those dwellings located on the boundary line with an adjoining lot (zero lot line dwellings) can be located within the adjoining lot. Construction tolerances should be accounted for when surveying and constructing these dwellings.

Similarly, the dwellings on the lots adjacent, being those lots burdened by a 900mm wide easement for repair in response to the zero lot line dwelling; must be located wholly outside of the easement, except where it has been demonstrated, to the satisfaction of Council, that the encroachment (limited to eaves/ guttering) does not impede maintenance access to either dwelling and that the encroachment does not extend to within 450mm of the property boundary, complying with the BCA.

#### **15. 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.

#### **16. Street Naming**

A written application for street naming 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.

#### **17. Community Association Lot (Community Title Subdivision)**

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

#### **18. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20110431.2/1612A/RO/JZ, dated 16/12/2011 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Section 5.1 Glazing Requirements

Section 5.2 External Walls

Section 5.3 External Doors

Section 5.4 Roof/Ceiling construction

Section 5.5 Plasterboard Corner Details

#### **19. Tree Removal**

Approval is granted for the removal of those trees as shown with broken outline on Landscape Plans prepared by Arcadia Landscape Architecture.

#### **20. Prior to Demolition Works Commencing**

Prior to any demolition works commencing on the site, the applicant is to notify all adjoining and adjacent neighbours and Council, five (5) working days prior to work commencing.

#### **21. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

#### **22. Notice of Required Inspections for demolitions**

Council requires twenty four (24) hours notice for inspections. Please ring Development Certification 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 Infrastructure Inspection).

#### **23. Street Naming**

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

Street or estate names are not to be used in marketing or promotional material for the development until such time as Council has confirmed, in writing, that there is no objection raised with the proposed names.

#### **24. Street Trees (Balmoral Road)**

Street trees must be provided for the section of Hector Court fronting the development site at a spacing of between 7m and 10m. 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.

Street tree planting along the private roads within the development must be as per the approved landscape plan.

#### **25. Private Roads – Identification**

The proposed private roads must be identified as "private access ways" as opposed to "open access ways" within the community management statement.

#### **26. Earthworks/ Finished Floor Levels**

The finished floor level of the proposed dwellings and the design levels of the private roads and communal areas must match those levels shown on the engineering concept plans prepared by North Western Surveys Ref 14595 submitted with the development application as follows:

- a) Overall Concept Plan Sheet 2 Revision 04 dated 5 June 2012
- b) Concept Plan Sheet 3 Revision 04 dated 5 June 2012
- c) Concept Plan Sheet 4 Revision 04 dated 5 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.
  - The 1.1m high retaining wall at the rear of lots 74/ 75 and 106 must be lowered to 1m (maximum).
- d) Concept Plan Sheet 5 Revision 04 dated 5 June 2012
- e) Concept Plan Sheet 6 Revision 04 dated 5 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.
- f) Retaining Wall Plan Sheet 7 Revision 04 dated 5 June 2012
  - The detail for a 1.5m high retaining wall shown on this plan is not relevant as there are no walls higher than 1m approved as part of this development.
- g) Road Longitudinal Section Sheet 8 Revision 04 dated 5 June 2012
- h) Road Cross Sections Sheet 9 Revision 04 dated 5 June 2012
- i) Site Sections Sheet 1 Revision 00 dated 21 June 2012
- j) Site Sections Sheet 2 Revision 00 dated 21 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.
- k) Site Sections Sheet 3 Revision 00 dated 21 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.

The following additional requirements apply:

1. The levels shown on the plans (and associated requirements) listed above take precedence over any levels shown on the approved architectural plans.
2. No walls higher than 1m are permitted, as per the plans and associated requirements listed above.
3. The walls adjacent to Council's reserve must be setback, treated and screened with landscaping as per the details included with the stamped approved landscape plans.
4. Any batter within the landscaped area at the base of the walls must be no steeper than 1(V):4(H).
5. Any proposed earthworks within Council's reserve require separate written consent from Council's Parks and Reserves team. Where these works are included on the

construction plans submitted for the subdivision works the Construction Certificate cannot be issued until Council's Parks and Reserves team have consented to these works in writing.

6. No additional retaining walls (above those shown on the above plans) are permitted within the rear yard of the lots that back onto Council's reserve, namely lots 2 to 13, 21 to 37, 60 to 80, 89 to 109 and 118 to 131.
7. The construction plans submitted for the subdivision works at the Construction Certificate stage must include a bulk earthworks plan that shows levels and retaining walls etc; reflective of the approved plans above.
8. The dwelling plans submitted for the building works at the Construction Certificate stage must show the site levels established as part of the approved bulk earthworks (above).

#### **27. 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.

#### **28. Recycled Water**

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

#### **29. Release of Existing Temporary Drainage Easement**

The existing 3m wide temporary drainage easement within proposed lots 1, 106 and 107 must be released prior to a Subdivision Certificate being issued for the first stage of the development, unless the release occurs concurrently with the registration of this plan.

As Council is listed as the benefiting authority for this easement, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. This process includes the preparation of a report and the execution of the documents by Council. Sufficient time should be allowed before lodging a Subdivision Certificate application.

#### **30. Road Opening Permit**

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

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

#### **31. 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.

#### **32. 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.

### **33. Vehicular Access and Parking**

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

- a) AS/ NZS 2890.1:2004
- b) AS/ NZS 2890.6:2009
- c) DCP Part D Section 1 – Parking
- d) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

### **34. Gutter and Footpath Crossing Application**

The driveway/ entrance to Hector Court requires the lodgement of a separate gutter and footpath crossing application, accompanied by the current fee as prescribed by Council's Schedule of Fees and Charges.

### **35. 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.

### **36. 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.

## **PRIOR TO THE ISSUE OF CONSTRUCTION CERTIFICATE**

### **37. 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 NSW Department of Planning and Infrastructure website:

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

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

A payment is required for each stage and the construction certificate will not be issued until such time that payment is made.

### **38. Construction Management Plan (Staged Applications)**



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

### **39. 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 (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

### **40. Landscape Bond**

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

### **41. Acoustic Consultant – Traffic Noise**

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the EPA's – Environmental criteria for the road traffic noise. A copy of this certification shall be submitted to Council prior to the issue of a Construction Certificate.

### **42. 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

Variations from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

There are both "subdivision works" and "building works" included as part of this development which can be separated into three categories:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
  - a) A completed application form.
  - b) Four copies of the design plans and specifications.
  - c) Payment of the applicable application and inspection fees.
  - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 may be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" must be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the



works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 may be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

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

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

The following engineering works are required:

**i. 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:<br>(Footpath/ Carriageway/ Footpath) (m)         | Traffic Loading:<br>N(ESA) |
|--------------|---|----------------------------|
| Hector Court | Road Type:<br>Access Street (1)<br>3.5m/ 8.5m/ 3.5m (15.5m) | 5 x 10 (5)                 |

The above requirement relates to the section of Hector Court north of Affleck Circuit to the proposed cul-de-sac turning head fronting the development site. The construction must include the formation of the cul-de-sac head excluding the kerb and gutter at the northern end, to ensure the connection to Memorial Avenue further north is retained until such time as alternate vehicular access to Hector Court/ Balmoral Road is made available and this road closed.

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

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m. 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.

As the existing road reserve width (20.115m) exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge, consistent with the existing road reconstruction south of Affleck Circuit.

These works must be carried out as part of the second stage creating lots 1 to 40. The works must be completed, to the satisfaction of Council, before a Subdivision Certificate or Occupation Certificate for the second stage can be issued.

**ii. Concrete Footpath Paving**

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the western side of Hector Court in accordance with the DCP and the above documents.

These works must be carried out as part of the second stage creating lots 1 to 40. The works must be completed, to the satisfaction of Council, before a Subdivision Certificate or Occupation Certificate for the second stage can be issued.

### **iii. Private Road Construction**

The private roads within the development must be constructed generally in accordance with the engineering concept plans prepared by North Western Surveys Ref 14595 submitted with the development application as follows:

- l) Overall Concept Plan Sheet 2 Revision 04 dated 5 June 2012
- m) Concept Plan Sheet 3 Revision 04 dated 5 June 2012
- n) Concept Plan Sheet 4 Revision 04 dated 5 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.
  - The 1.1m high retaining wall at the rear of lots 74/ 75 and 106 must be lowered to 1m (maximum).
- o) Concept Plan Sheet 5 Revision 04 dated 5 June 2012
- p) Concept Plan Sheet 6 Revision 04 dated 5 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.
- q) Retaining Wall Plan Sheet 7 Revision 04 dated 5 June 2012
  - The detail for a 1.5m high retaining wall shown on this plan is not relevant as there are no walls higher than 1m approved as part of this development.
- r) Road Longitudinal Section Sheet 8 Revision 04 dated 5 June 2012
- s) Road Cross Sections Sheet 9 Revision 04 dated 5 June 2012
- t) Site Sections Sheet 1 Revision 00 dated 21 June 2012
- u) Site Sections Sheet 2 Revision 00 dated 21 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.
- v) Site Sections Sheet 3 Revision 00 dated 21 June 2012
  - There were two versions of this plan submitted. The version provided via email on 2 August 2012 is the version referred to in this condition.

The following additional requirements apply:

- 9. The design must provide for a design traffic loading of 5 x 10 (5) N(ESA).
- 10. The design and layout of all parking areas must comply with the condition entitled "vehicular access and parking" included earlier in this consent.
- 11. The intersection between the proposed private road and Hector Court must distinguish the private road as a private road, rather than as an extension to the public road network. This is to be achieved by providing for a layback in line with the kerb and gutter in Hector Court along with treatment of the pavement threshold, instead of extending the road pavement and providing for splay corners.
- 12. These works must be carried out as part of the second stage creating lots 1 to 40. The works must be completed, to the satisfaction of Council, before a Subdivision Certificate or Occupation Certificate for the second stage can be issued.

### **iv. Bulk Earthworks/ Retaining Walls**

Bulk earthworks and all associated retaining walls must be designed and constructed in accordance with the condition entitled "earthworks/ finished floor levels" included earlier in this consent.

**v. 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.

These works must be carried out as part of the second stage creating lots 1 to 40. The works must be completed, to the satisfaction of Council, before a Subdivision Certificate or Occupation Certificate for the second stage can be issued.

**vi. Street Names Signs**

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

These works must be carried out as part of the second stage creating lots 1 to 40. The works must be completed, to the satisfaction of Council, before a Subdivision Certificate or Occupation Certificate for the second stage can be issued.

**vii. Service Conduits**

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

**viii. Inter-allotment Stormwater Drainage**

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

**ix. Rainwater Tanks**

Every dwelling must be provided with a 3000L (minimum) rainwater tank in addition to Sydney Water's reticulated recycled water service as per the DCP and plans provided with the development application.

**x. Stormwater Drainage – Pipe Extension**

The stormwater connection to Memorial Avenue must comply with the above documents and the requirements of the NSW RMS.

These works must be carried out as part of the second stage creating lots 1 to 40. The works must be completed, to the satisfaction of Council, before a Subdivision Certificate or Occupation Certificate for the second stage can be issued.

**xi. 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.

**xii. Stormwater Drainage – Temporary Discharge**

Tail out drains over adjoining properties are required to be provided, where necessary, of sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets.

**xiii. Fill Removal**

The existing fill on the site must be removed to an approved land fill disposal site.

**xiv. Driveway Requirements**

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

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

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

**xv. Site Stormwater Drainage**

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge based on a 1 in 10 year ARI storm event. This requirement applies to the individual lots/ dwellings and the communal areas.

**43. Bank Guarantee Requirements (Subdivision)**

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 717/2012/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.

**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 \$58,140.00 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 (223m) plus an additional 50m on either side (323m) and the width of the road (6m).

The bond must be lodged with Council prior to the issue of any Construction Certificate and must be retained until the last stage of the development has been completed. The bond is able to be returned between stages, so long as a new bond for the same amount is provided before a Construction Certificate is issued for the subsequent stage of the development.

The value of this bond shall be confirmed with Council prior to submission and may be in the form of cash or an unconditional bank guarantee. The bond is refundable upon written application to Council along with payment of the applicable bond release fee, and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these remaining costs.

#### **47. Construction Management Plan (Staged Applications)**

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

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **48. 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.

#### **49. 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.

#### **50. Demolition Works & Asbestos Removal/Disposal**

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

#### **51. Discontinuation of Domestic Waste Service(s)**

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

## **52. 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.

## **53. Demolition Works & Asbestos Removal/Disposal**

The demolition of any existing structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001 Part 8* and the *Australian Standard AS 2601-1991: The Demolition of Structures*. All vehicles leaving the site carrying demolition materials are to have loads covered and are not to track any soil or waste materials on the road. Should the demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoarding or fence. All demolition waste is to be removed from the site according to the Council's approved waste management plan. – Demolition Waste Section. All asbestos, hazardous and/or intractable wastes are to be disposed of in accordance with the Workcover Authority Guidelines and requirements. The asbestos must be removed by a bonded asbestos licensed operator. Supporting documentation (dockets/Receipts), verifying recycling and disposal must be kept, to be checked by Council if required.

## **54. 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.

## **55. 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.

## **56. 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.

## **57. Sediment and Erosion Control**

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



these measures must be maintained for a minimum period of six months following the completion of all works.

#### **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. The report shall include:

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

### **DURING CONSTRUCTION**

#### **59. 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 NSW Office of Environment and Heritage must be notified immediately.

#### **60. 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.

#### **61. 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 Office of Environment and Heritage contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Heritage Branch.

#### **62. 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.

#### **63. Location of Dwelling**

The dwellings on lots burdened by an easement for repair in response to an adjacent zero lot line dwelling must be located wholly outside of the easement except where Council has permitted an encroachment (limited to eaves/ guttering). This includes all services, equipment and utilities.

#### **64. 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.

#### **65. Compliance with BASIX Certificate**

Under Clause 97A of the Environmental Planning and Assessment Regulation 2000, all commitments listed in the following BASIX Certificates (and any subsequent revisions of the same certificate number) submitted with the application must be complied with:

|                   |                       |
|-------------------|-----------------------|
| Lot/ Dwelling No. | BASIX Certificate No. |
|-------------------|-----------------------|



|          |         |
|----------|---------|
| All lots | 405181M |
|----------|---------|

#### **66. Construction Noise**

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

#### **67. Salinity Management**

The recommendations of the Geotechnical and Salinity site assessment , Report No SE08097-A dated 19<sup>th</sup> May 2008 prepared by Brink and Associates and submitted as part of this development application are to be implemented as part of this approval. In particular:

- Section 9.3 Cut and Fill Embankments
- Section 9.4 Footings and Retaining Structures
- Section 9.5 Earthworks requirements
- Section 9.6.3 Pavement thickness requirements

#### **68. Demolition of Septic Tank and Effluent Disposal Area**

The existing subsurface effluent disposal area is to be demolished and back filled with Virgin Excavated Natural Material (VENM).

Any septic tank collection well or aerated waste water treatment system is to be destructed removed or reused in accordance with NSW Advisory Note 3 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) available from the NSW Health website ( [www.health.nsw.gov.au](http://www.health.nsw.gov.au) ).

#### **69. Contamination**

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

The report is to be submitted to Council for review prior to works recommencing on site.

#### **70. Stockpiles**

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

#### **71. Dust Control**

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

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

#### **72. 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.

#### **73. 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.

#### **74. Documentation**

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

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

#### **75. Working Hours**

All work associated with the subdivision must be restricted to between the hours of 7.00am and 5.00pm, Monday to Saturday. No work can occur outside the hours specified above or on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

### **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

#### **76. Subdivision Certificate Application**

When submitted, the Subdivision Certificate application must include:

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

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

**77. Maintenance of BASIX Commitments**

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

**78. Landscaping**

The landscaping of the site must be finalised as per the approved plan. Landscaping must be maintained at all times.

**79. Acoustic Compliance Report**

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Traffic Noise Intrusion Assessment Revised Plan prepared by Acoustic Logic dated 16/12/2011.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

**80. Inspection of Bin Bay Storage Area(s)**

Inspection of the bin bay storage area(s) is to be undertaken by Council's Waste Management Project Officer to ensure compliance with Council's design specifications.

**81. Landscaping Prior to Issue of Occupation Certificate**

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

**82. 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.

**83. 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.

**84. Community Management Statement (Staged Developments)**

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

**85. 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.

**86. 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.

**87. 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.

**88. 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.

**89. Works as Executed Plans**

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

Developments on a copy of the approved engineering plans. An electronic copy of the WAE plans, in “.dwg” or “.pdf” format, must also be submitted.

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

#### **90. 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.

#### **91. 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.

#### **92. 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.

#### **93. 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](http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/ws/c/waterserv_ext_print.htm)

The certificate must refer to the issued consent, stage, all of the lots created within that stage and Development Consent DA 717/2012/JPZ.

#### **94. 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, stage, all of the lots created within that stage and Development Consent DA 717/2012/JPZ.

#### **95. 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, stage, all of the lots created within that stage and Development Consent DA 717/2012/JPZ.

#### **96. 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.

#### **97. 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).

#### **98. 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.

#### **99. Final Plan and 88B Instrument**

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

##### **a) 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.

##### **b) Right of Carriage way/ Easement for Services**

A right of carriage way/ easement for services must be created over the proposed private roads benefitting each lot within the development, unless this matter can be otherwise addressed in the community management statement.

##### **c) Positive Covenant – Maintenance/ Repair of Private Roads**

A positive covenant must be placed on the title of all proposed lots to ensure the maintenance/ repair of the proposed private roads and other communal areas, unless this matter can be otherwise addressed in the community management statement.

##### **d) Easements for Overhanging/ Encroaching Structure**

Where an encroaching or overhanging structure has been approved across a proposed boundary, a suitable easement must be created over the affected part of the burdened lot. The only encroachments approved by this consent are those associated with the eave/ gutter for some dwellings encroaching across the proposed property boundary shared with the adjacent dwellings for the "Type B" and "Type F" dwellings as shown on the approved architectural plans. No other encroachments will be permitted to remain. Please ensure construction tolerances are provided in order to ensure compliance with this requirement.

##### **e) Easement for Repairs (Zero Lot Line Dwellings)**

A suitable easement (900mm minimum width) for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan. The wording of the easement must allow for access over the adjacent lot for repairs and maintenance to walls, roofing and structures with nil setback to side boundaries.

Dwelling types E1, E2, G1, G2 or H2 are not considered zero lot line dwellings.

##### **f) Party Walls (Semi-detached Dwellings)**

Any common walls between attached dwellings must be nominated as party walls on the final plan.

##### **g) Restriction – Site Coverage (Balmoral Road)**

Restricting development of all residential lots to reinforce the maximum site coverage from DCP Part E Section 17, being 65% for single storey or 60% for two storey or more.

##### **h) Restriction – Vehicular Access**

A restriction must be created restricting access to Memorial Avenue from the subject site.

##### **i) Restriction – Rainwater Tanks (Balmoral Road)**

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

**j) Restriction – Bedroom Numbers**

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

**k) Restriction – Salinity**

A restriction must be placed on the title of all proposed lots to ensure that any dwelling built on the affected lot is considerate of the saline nature of the site, in accordance with the approved salinity report and the requirements of Council.

**l) Restriction – Acoustic Requirements**

A restriction must be placed on the title of all proposed lots INSERT to ensure that any dwelling built on the affected lot complies with the approved acoustic report and the requirements of Council.

**m) 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 according to the plan required to be included with the community management statement, reflecting the conditions of this consent.

**100. Post Construction Public Infrastructure Dilapidation Report**

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets in the direct vicinity of the development site and the means of rectification for the approval of Council.

**THE USE OF THE SITE**

**101. Servicing of Bins**

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

**102. Agreement for On-site Waste Collection**

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

**103. Bin Placement for Servicing**

All bins provided for the development will need to be placed on the kerb for servicing as per the Bin Collection Plan provided to Council.

The final Community Management Statement must reflect this requirement.

**STAGE ONE:**

**GENERAL MATTERS**

**104. Approved Plans**

The development is to be carried out in accordance with the plans approved by condition 1 of this consent. No works are proposed within Stage 1.

**PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

**105. 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 Information for the preceding stage/ subdivision pursuant to Development Consent DA694/2012/ZA unless the two are issued and registered concurrently.

## STAGE TWO:

### GENERAL MATTERS

#### **106. Approved Plans**

The development is to be carried out in accordance with the plans approved by condition 1 of this consent.

The works are to be limited to those lots identified within Stage 2 by the Plan of Proposed Subdivision – Stage 2 as prepared by North Western Surveys dated 26/04/2012.

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

#### **107. Section 94 Contribution –North Kellyville**

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:-

| <b>STAGE 2</b>                 | <b>Purpose:<br/>Subdivision</b> | <b>Purpose:<br/>Credit</b> | <b>No. of Lots: 43</b> | <b>No. of Credits: 1</b> | <b>Total S94</b>       |
|--------------------------------|---------------------------------|----------------------------|------------------------|--------------------------|------------------------|
| Open Space - Land              | \$ 18,865.47                    | \$ 18,865.47               | \$ 811,215.21          | \$ 18,865.47             | \$ 792,349.74          |
| Open Space - Capital           | \$ 5,006.83                     | \$ 5,006.83                | \$ 215,293.69          | \$ 5,006.83              | \$ 210,286.86          |
| Transport Facilities - Capital | \$ 3,565.12                     | \$ 3,565.12                | \$ 153,300.16          | \$ 3,565.12              | \$ 149,735.04          |
| Community Facilities - Land    | \$ 373.08                       | \$ 373.08                  | \$ 16,042.44           | \$ 373.08                | \$ 15,669.36           |
| Community Facilities - Capital | \$ 1,528.43                     | \$ 1,528.43                | \$ 65,722.49           | \$ 1,528.43              | \$ 64,194.06           |
| Administration                 | \$ 261.85                       | \$ 261.85                  | \$ 11,259.55           | \$ 261.85                | \$ 10,997.70           |
| Drainage Facilities - Capital  | \$ 399.22                       | \$ 399.22                  | \$ 17,166.46           | \$ 399.22                | \$ 16,767.24           |
| <b>Total</b>                   | <b>\$ 30,000.00</b>             | <b>\$ 30,000.00</b>        | <b>\$ 1,290,000.00</b> | <b>\$ 30,000.00</b>      | <b>\$ 1,260,000.00</b> |

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

This condition has been imposed in accordance with Contributions Plan No. 12.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

### PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

#### **108. 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 Information for the preceding stage/ subdivision pursuant to Development Consent DA717/2012/JPZ Stage 1 unless the two are issued and registered concurrently.

## STAGE THREE:

### GENERAL MATTERS

#### **109. Approved Plans**

The development is to be carried out in accordance with the plans approved by condition 1 of this consent.

The works are to be limited to those lots identified within Stage 3 by the Plan of Proposed Subdivision – Stage 3 as prepared by North Western Surveys dated 26/04/2012.

### PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE



### **110. Section 94 Contribution**

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

Payments comprise of the following:-

| <b>STAGE 3</b>                 | <b>Purpose:<br/>Subdivision</b> | <b>Purpose:<br/>Credit</b> | <b>No. of Lots: 40</b> | <b>No. of Credits: 2</b> | <b>Total S94</b>       |
|--------------------------------|---------------------------------|----------------------------|------------------------|--------------------------|------------------------|
| Open Space - Land              | \$ 18,865.47                    | \$ 18,865.47               | \$ 754,618.80          | \$ 37,730.94             | \$ 716,887.86          |
| Open Space - Capital           | \$ 5,006.83                     | \$ 5,006.83                | \$ 200,273.20          | \$ 10,013.66             | \$ 190,259.54          |
| Transport Facilities - Capital | \$ 3,565.12                     | \$ 3,565.12                | \$ 142,604.80          | \$ 7,130.24              | \$ 135,474.56          |
| Community Facilities - Land    | \$ 373.08                       | \$ 373.08                  | \$ 14,923.20           | \$ 746.16                | \$ 14,177.04           |
| Community Facilities - Capital | \$ 1,528.43                     | \$ 1,528.43                | \$ 61,137.20           | \$ 3,056.86              | \$ 58,080.34           |
| Administration                 | \$ 261.85                       | \$ 261.85                  | \$ 10,474.00           | \$ 523.70                | \$ 9,950.30            |
| Drainage Facilities - Capital  | \$ 399.22                       | \$ 399.22                  | \$ 15,968.80           | \$ 798.44                | \$ 15,170.36           |
| <b>Total</b>                   | <b>\$ 30,000.00</b>             | <b>\$ 30,000.00</b>        | <b>\$ 1,200,000.00</b> | <b>\$ 60,000.00</b>      | <b>\$ 1,140,000.00</b> |

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

This condition has been imposed in accordance with Contributions Plan No. 12.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

### **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

#### **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 Information for the preceding stage/ subdivision pursuant to Development Consent DA717/2012/JPZ Stage 2 unless the two are issued and registered concurrently.

### **STAGE FOUR:**

#### **GENERAL MATTERS**

#### **112. Approved Plans**

The development is to be carried out in accordance with the plans approved by condition 1 of this consent.

The works are to be limited to those lots identified within Stage 4 by the Plan of Proposed Subdivision – Stage 4 as prepared by North Western Surveys dated 26/04/2012.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **113. Section 94 Contribution**

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

Payments comprise of the following:-

| <b>STAGE 4</b>                 | <b>Purpose:<br/>Subdivision</b> | <b>Purpose:<br/>Credit</b> | <b>No. of Lots: 29</b> | <b>No. of Credits: 3</b> | <b>Total S94</b>     |
|--------------------------------|---------------------------------|----------------------------|------------------------|--------------------------|----------------------|
| Open Space - Land              | \$ 18,865.47                    | \$ 18,865.47               | \$ 547,098.63          | \$ 56,596.41             | \$ 490,502.22        |
| Open Space - Capital           | \$ 5,006.83                     | \$ 5,006.83                | \$ 145,198.07          | \$ 15,020.49             | \$ 130,177.58        |
| Transport Facilities - Capital | \$ 3,565.12                     | \$ 3,565.12                | \$ 103,388.48          | \$ 10,695.36             | \$ 92,693.12         |
| Community Facilities - Land    | \$ 373.08                       | \$ 373.08                  | \$ 10,819.32           | \$ 1,119.24              | \$ 9,700.08          |
| Community Facilities - Capital | \$ 1,528.43                     | \$ 1,528.43                | \$ 44,324.47           | \$ 4,585.29              | \$ 39,739.18         |
| Administration                 | \$ 261.85                       | \$ 261.85                  | \$ 7,593.65            | \$ 785.55                | \$ 6,808.10          |
| Drainage Facilities - Capital  | \$ 399.22                       | \$ 399.22                  | \$ 11,577.38           | \$ 1,197.66              | \$ 10,379.72         |
| <b>Total</b>                   | <b>\$ 30,000.00</b>             | <b>\$ 30,000.00</b>        | <b>\$ 870,000.00</b>   | <b>\$ 90,000.00</b>      | <b>\$ 780,000.00</b> |

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

This condition has been imposed in accordance with Contributions Plan No. 12.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

#### **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

##### **114. 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 Information for the preceding stage/ subdivision pursuant to Development Consent DA717/2012/JPZ Stage 3 unless the two are issued and registered concurrently.

#### **STAGE FIVE:**

#### **GENERAL MATTERS**

##### **114. Approved Plans**

The development is to be carried out in accordance with the plans approved by condition 1 of this consent.

The works are to be limited to those lots identified within Stage 5 by the Plan of Proposed Subdivision – Stage 5 as prepared by North Western Surveys dated 26/04/2012.

#### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

##### **115. Section 94 Contribution –North Kellyville**

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:-

| <b>STAGE 5</b>                 | <b>Purpose:<br/>Subdivision</b> | <b>Purpose:<br/>Credit</b> | <b>No. of Lots: 22</b> | <b>No. of Credits: 2</b> | <b>Total S94</b>     |
|--------------------------------|---------------------------------|----------------------------|------------------------|--------------------------|----------------------|
| Open Space - Land              | \$ 18,865.47                    | \$ 18,865.47               | \$ 415,040.34          | \$ 37,730.94             | \$ 377,309.40        |
| Open Space - Capital           | \$ 5,006.83                     | \$ 5,006.83                | \$ 110,150.26          | \$ 10,013.66             | \$ 100,136.60        |
| Transport Facilities - Capital | \$ 3,565.12                     | \$ 3,565.12                | \$ 78,432.64           | \$ 7,130.24              | \$ 71,302.40         |
| Community Facilities - Land    | \$ 373.08                       | \$ 373.08                  | \$ 8,207.76            | \$ 746.16                | \$ 7,461.60          |
| Community Facilities - Capital | \$ 1,528.43                     | \$ 1,528.43                | \$ 33,625.46           | \$ 3,056.86              | \$ 30,568.60         |
| Administration                 | \$ 261.85                       | \$ 261.85                  | \$ 5,760.70            | \$ 523.70                | \$ 5,237.00          |
| Drainage Facilities - Capital  | \$ 399.22                       | \$ 399.22                  | \$ 8,782.84            | \$ 798.44                | \$ 7,984.40          |
| <b>Total</b>                   | <b>\$ 30,000.00</b>             | <b>\$ 30,000.00</b>        | <b>\$ 660,000.00</b>   | <b>\$ 60,000.00</b>      | <b>\$ 600,000.00</b> |

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

This condition has been imposed in accordance with Contributions Plan No. 12.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

#### **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

##### **116. Prior or Concurrent Registration of Preceding Subdivision**

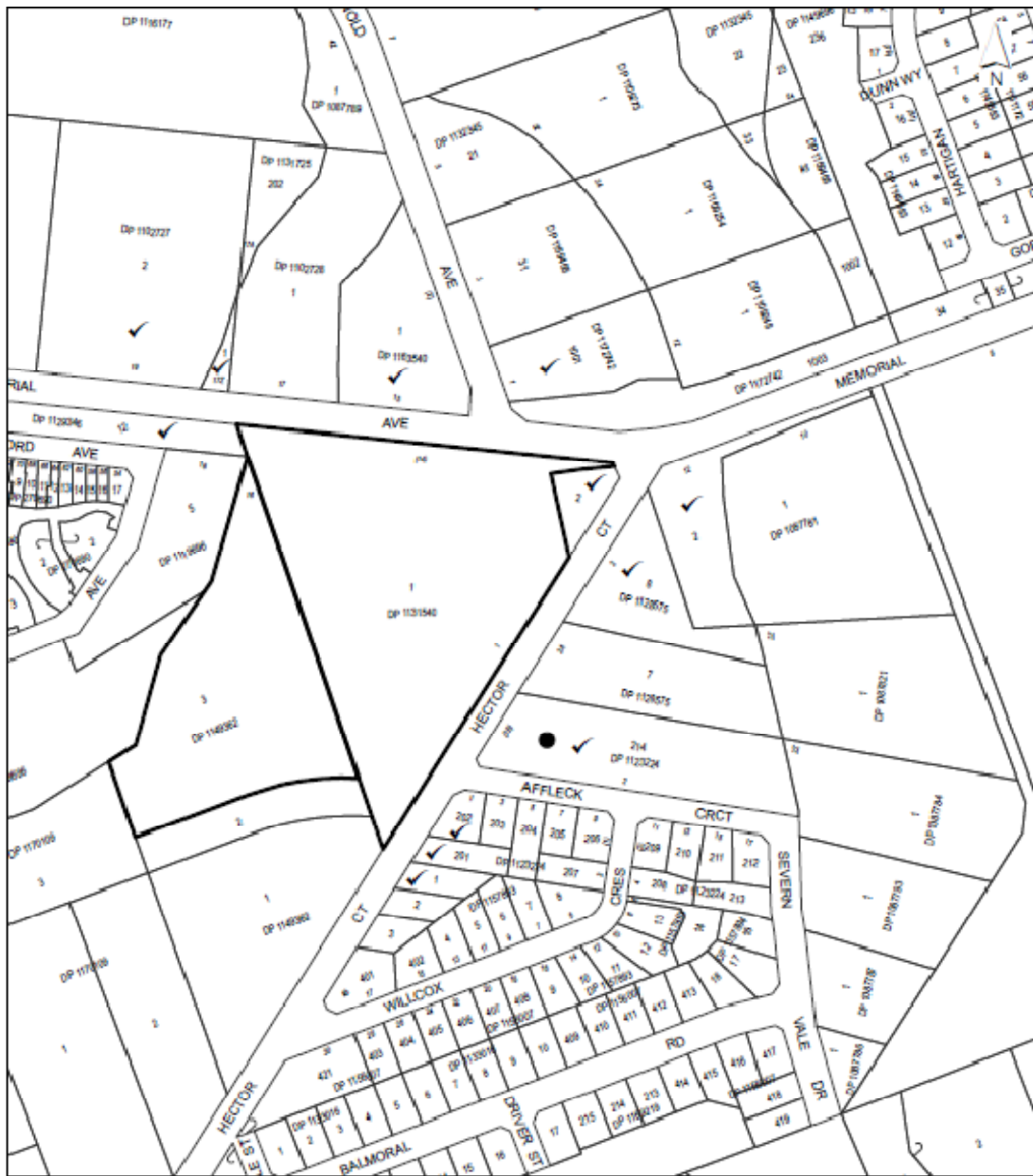
A Subdivision Certificate cannot be issued for this subdivision before a Subdivision Certificate has been registered with the NSW Land and Property Information for the preceding stage/ subdivision pursuant to Development Consent DA717/2012/JPZ Stage 4 unless the two are issued and registered concurrently.



## **ATTACHMENTS**

1. Locality Plan (1 Page)
2. Aerial Photograph (1 Page)
3. LEP Zoning Map (1 Page)
4. Draft LEP Zoning Map (1 Page)
5. DCP Road Layout Map (1 Page)
6. Plans of Subdivision (3 Pages)
7. Development Plans (Overall Site Plan and Dwelling Plans) (5 Pages)
8. Elevations (2 Pages)
9. Landscape Plans (1 Page)
10. Approved Plan DA694/2012/ZA (1 Page)
11. Approved Plans DA185/2010/HA and DA195/2012/ZE (1 Page)

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- SUBMISSION
- ✓ 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

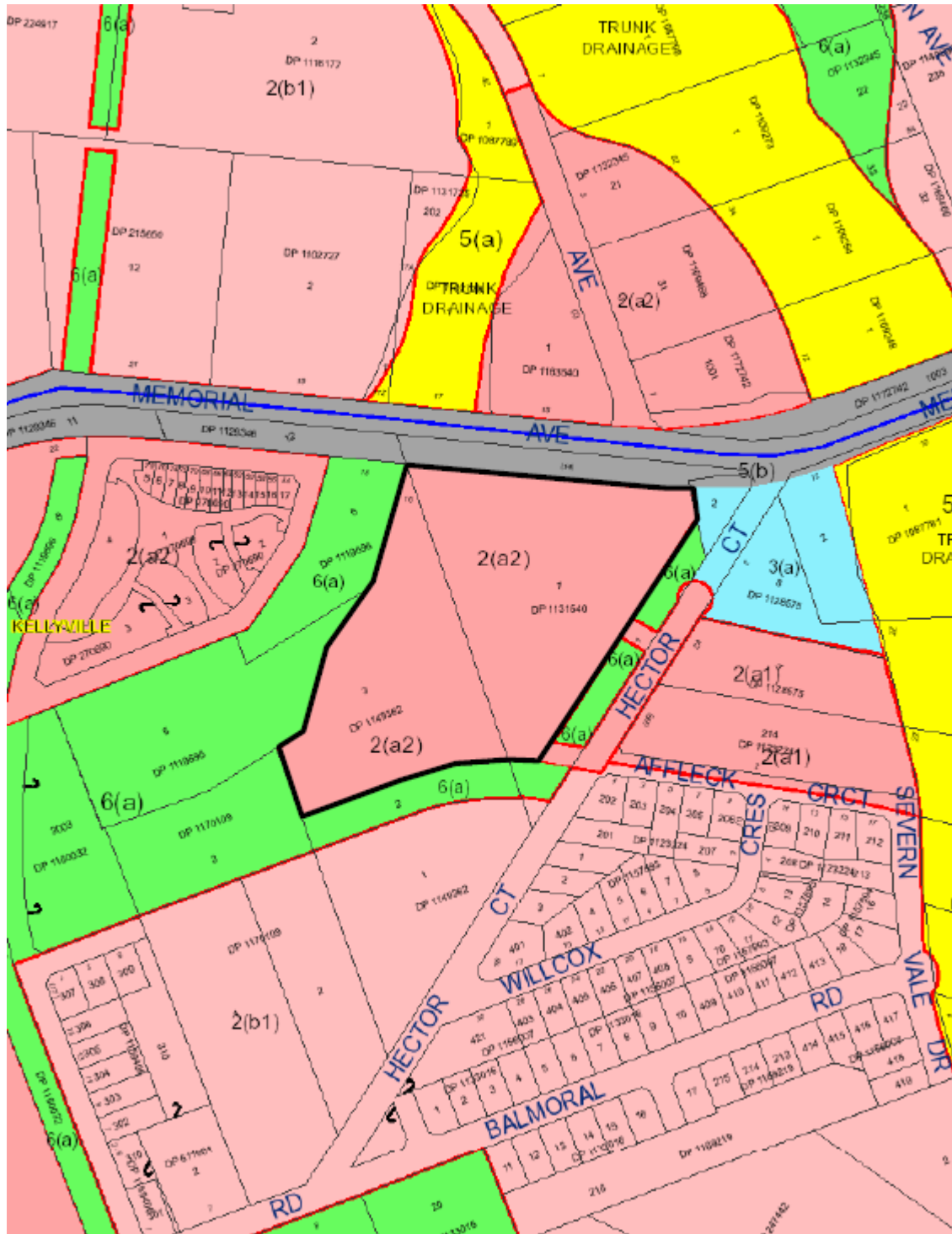
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.



ATTACHMENT 2 – AERIAL PHOTOGRAPH

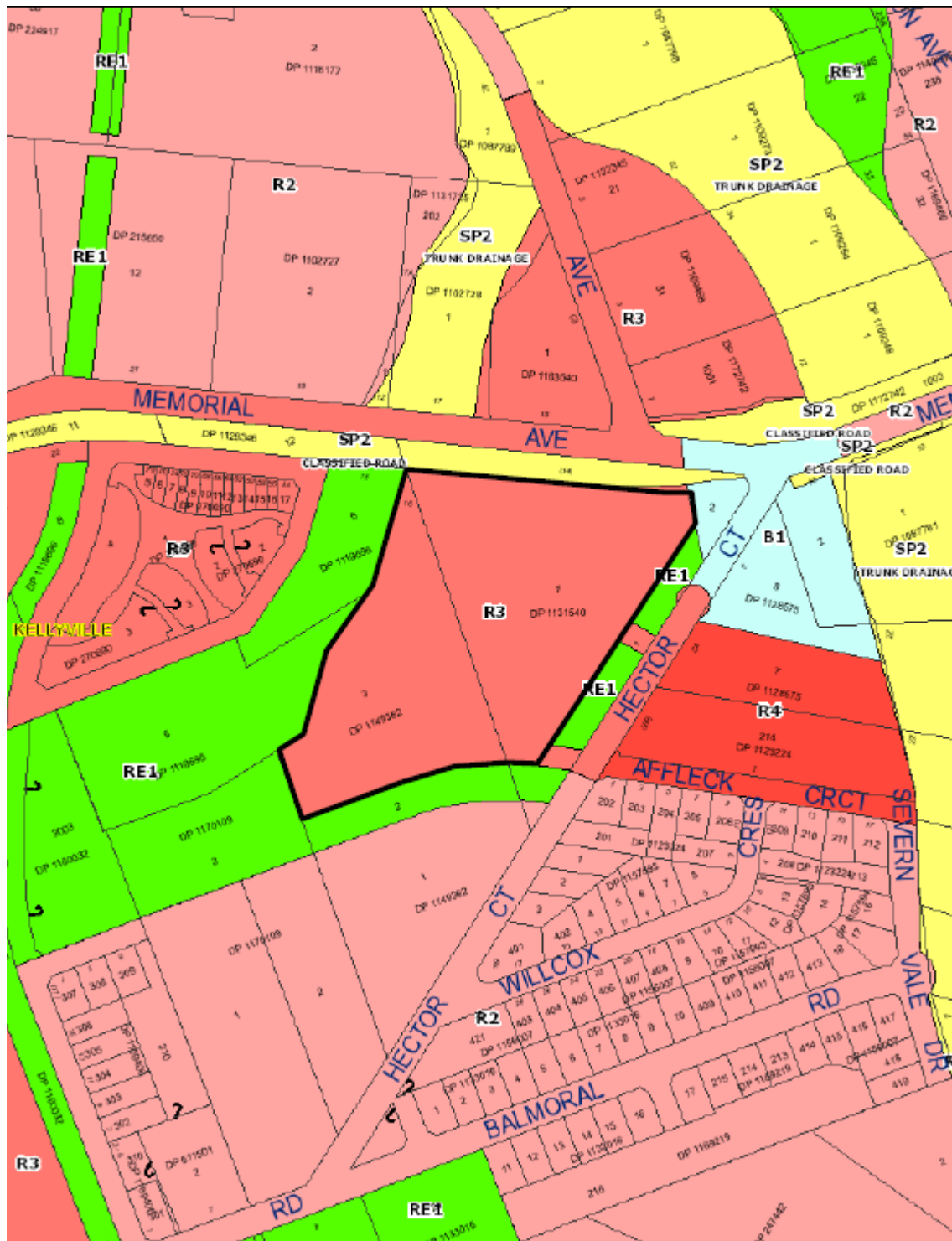


# ATTACHMENT 3 – LEP ZONING MAP



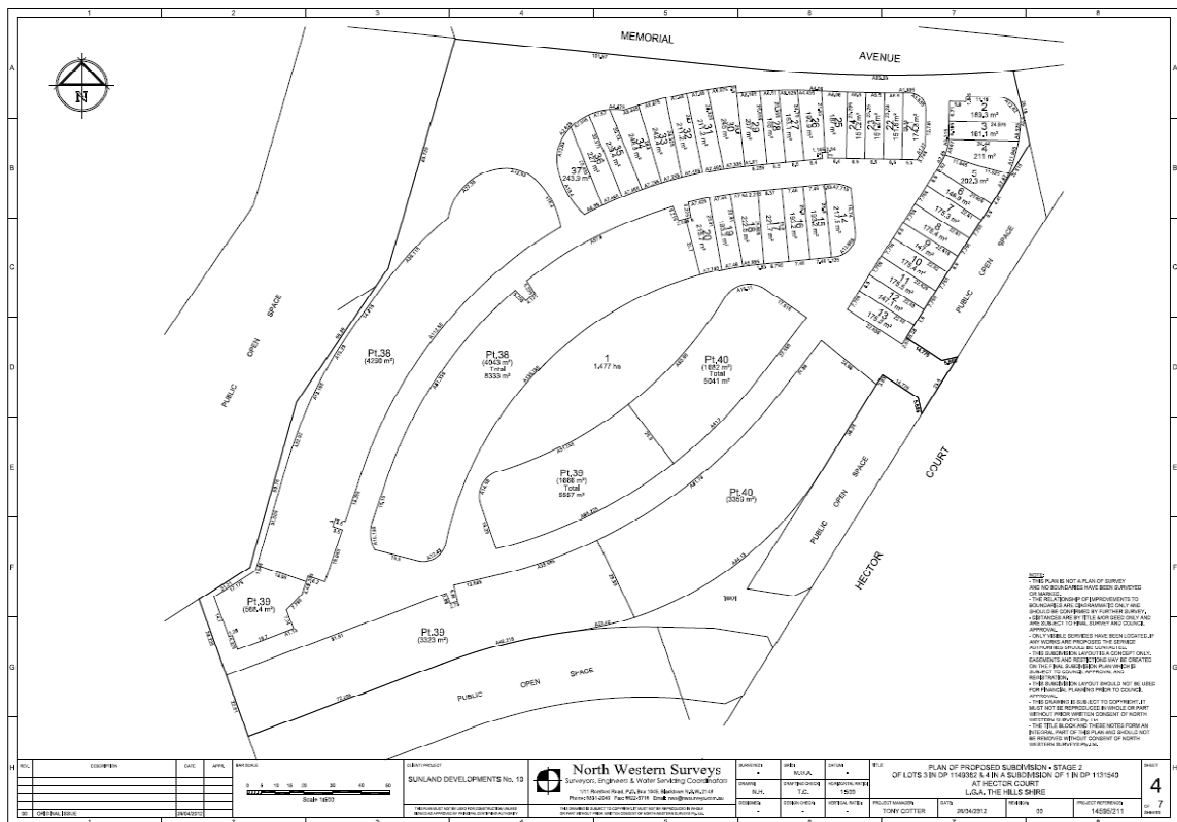
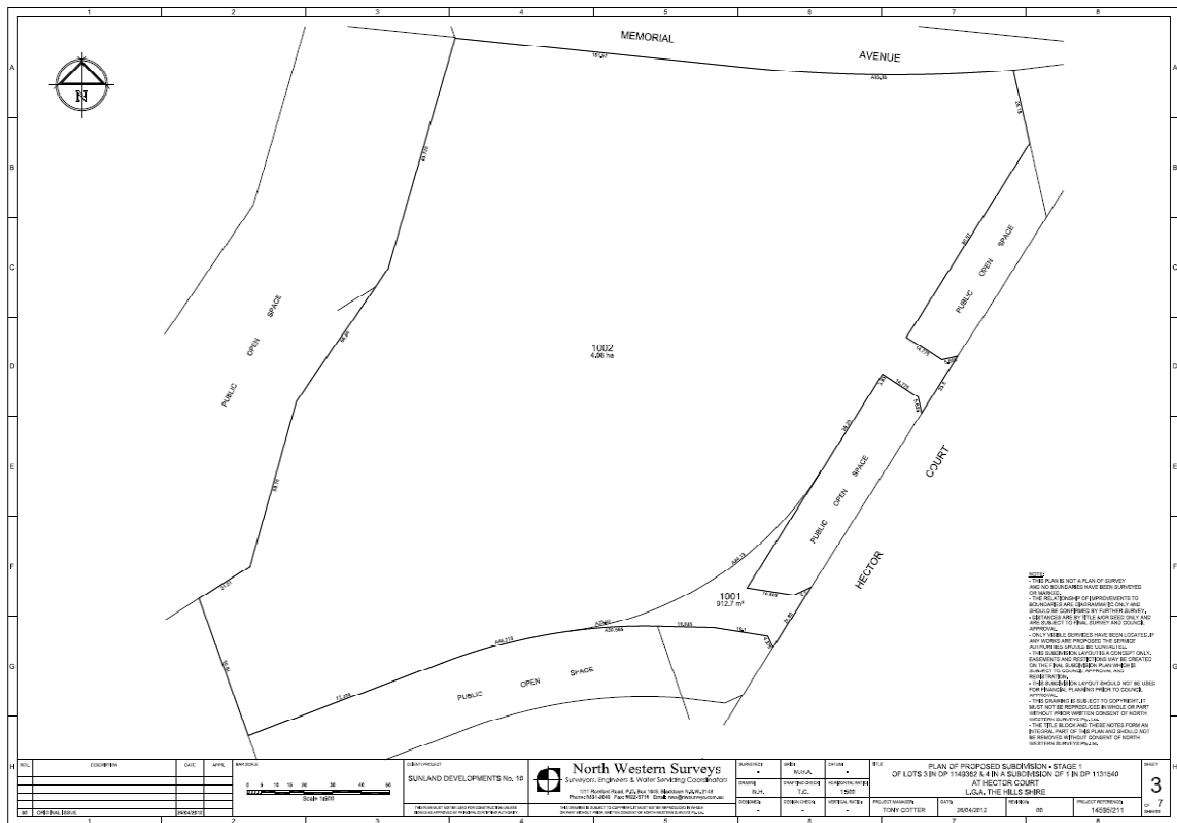


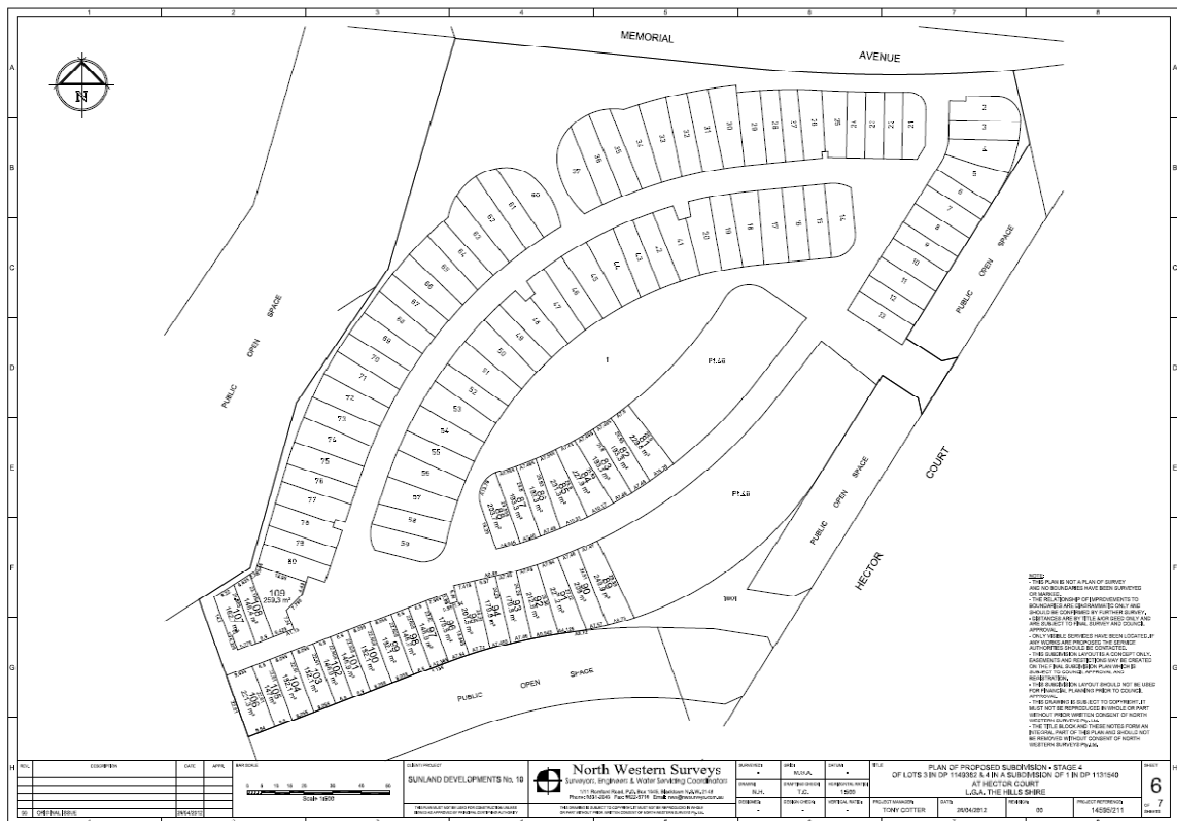
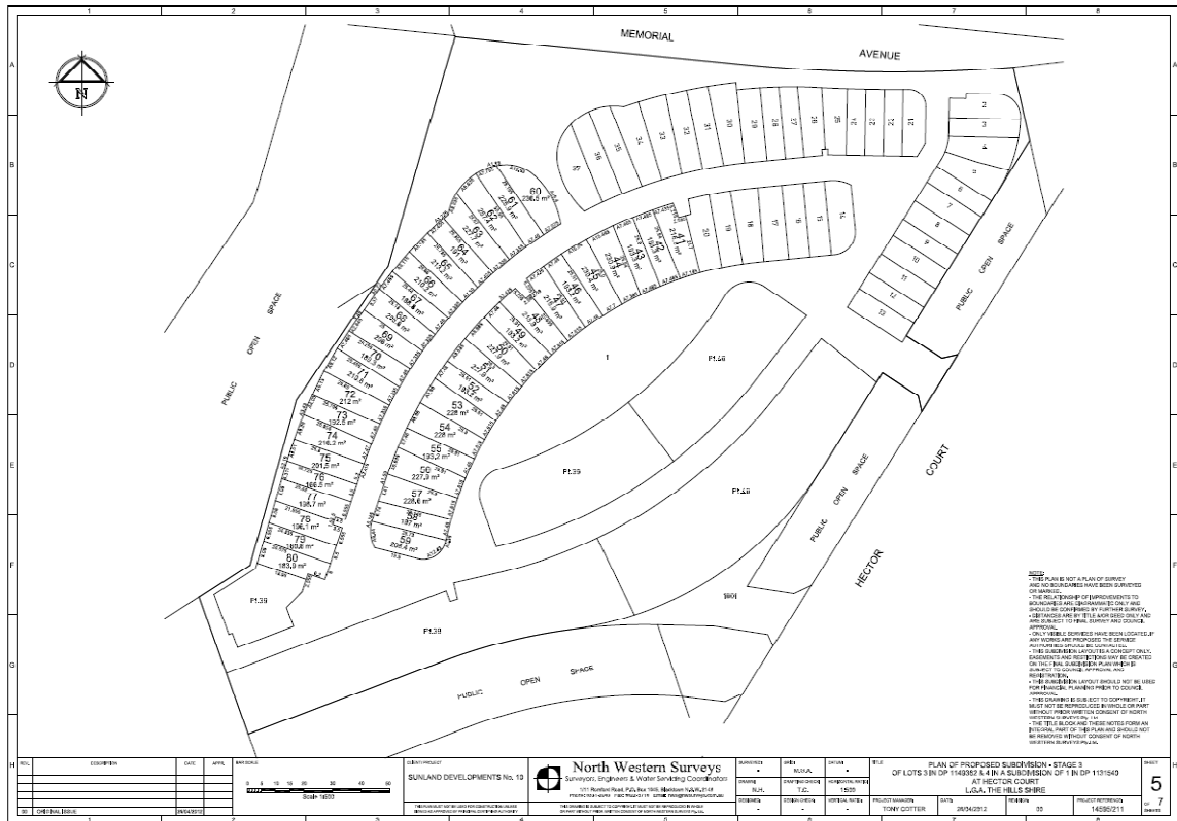
# ATTACHMENT 4 – DRAFT LEP ZONING MAP

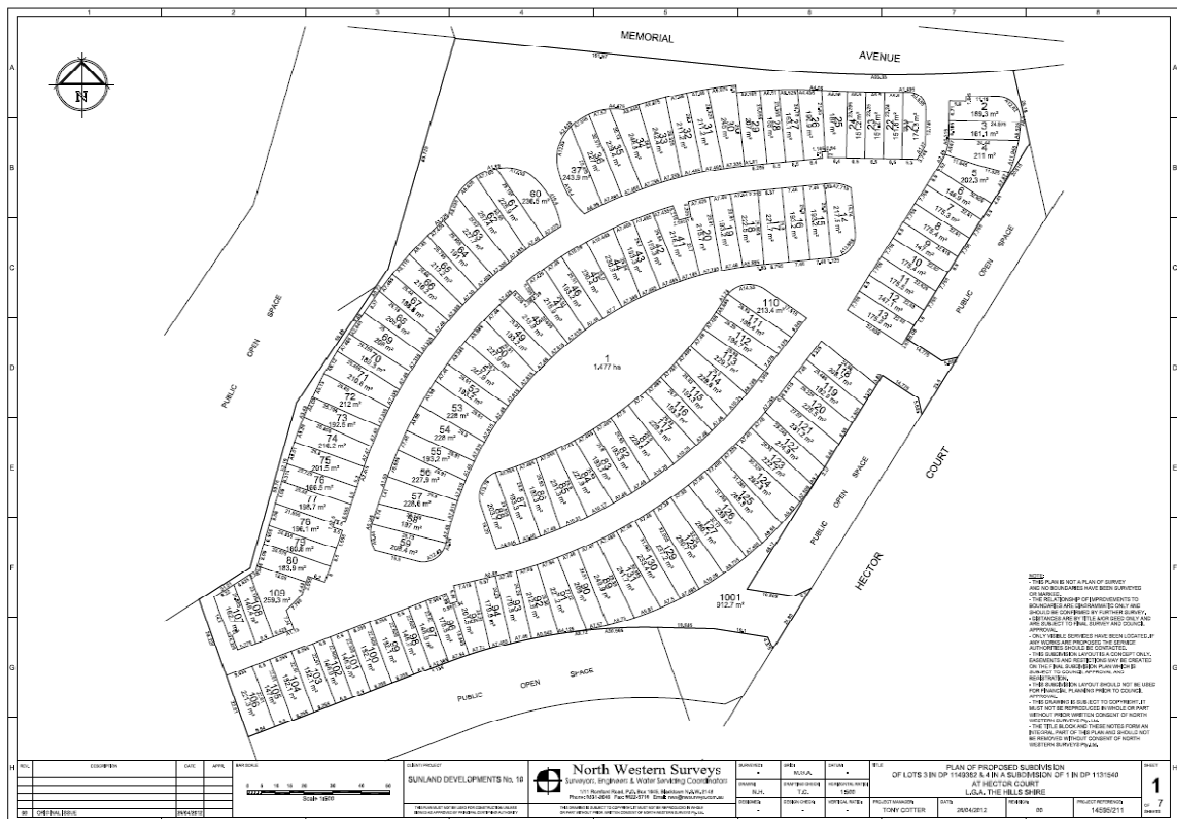
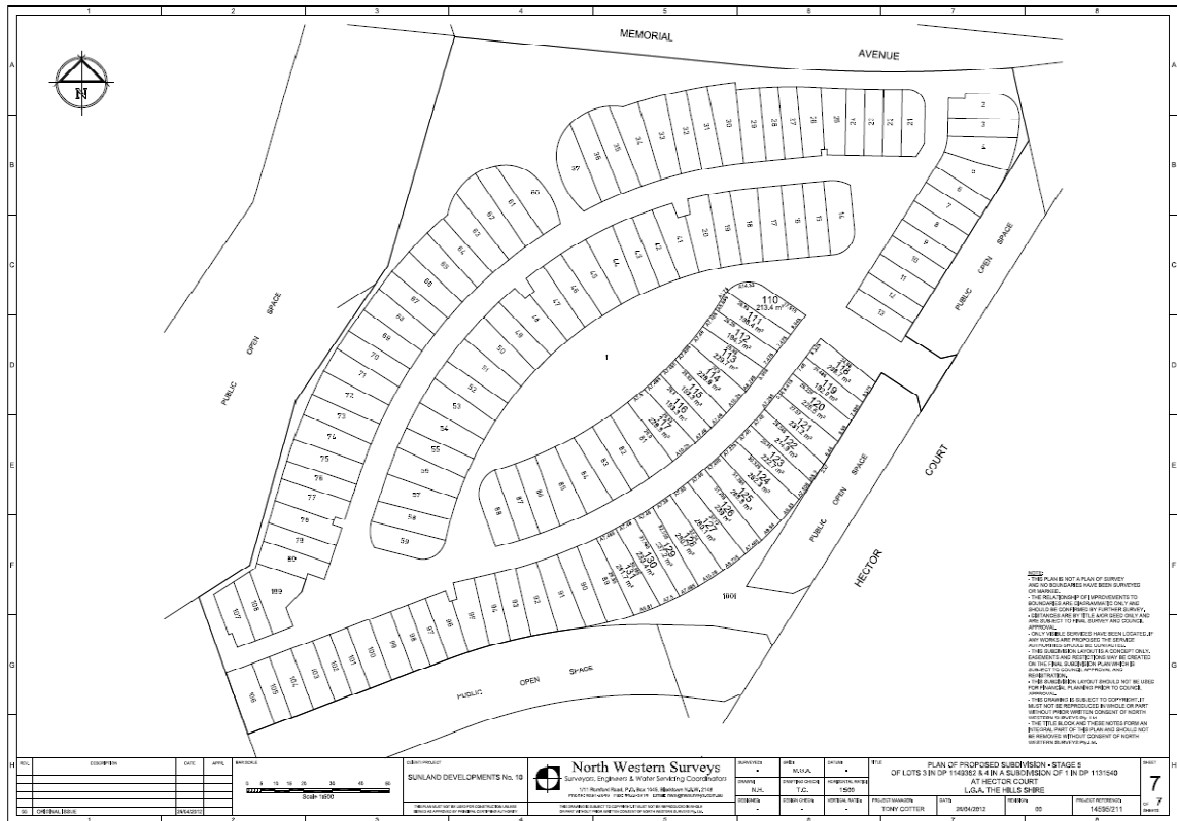


[illegible]

# ATTACHMENT 6 – PLANS OF SUBDIVISION









## ATTACHMENT 7 – DEVELOPMENT PLANS (OVERALL SITE PLAN AND DWELLING PLANS)



|    |         |    |        |    |              |       |                                  |  |                    |
|----|---------|----|--------|----|--------------|-------|----------------------------------|--|--------------------|
| L  | Living  | B2 | Bed 2  | P  | Patio        | ---   | Indicative Bdy Between Buildings |  | Vehicular Access   |
| D  | Dining  | B3 | Bed 3  | CP | Car Port     | - - - | Indicative Lot Boundary          |  | Alternative Access |
| K  | Kitchen | S  | Study  | CY | Courtyard    |       | Privacy Screening                |  | Pedestrian Access  |
| F  | Family  | G  | Garage | SY | Service Yard |       | Private Open Space               |  |                    |
| B1 | Bed 1   | E  | Entry  | B  | Balcony      |       |                                  |  |                    |

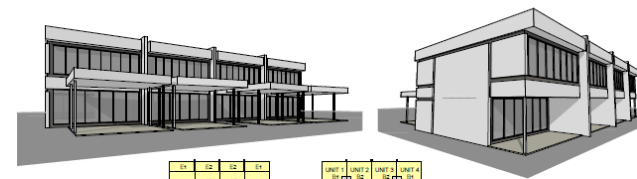
+RL - 7.5 LAMP  
+RL - 8.37 CRUISE  
+RL - 2.93 FIRST  
+RL - 0 (GROUND)

FRONT ELEVATION 1:200 (A3)

+RL 7.0 UMP  
+RL 5.37 GROUND  
+RL 2.93 FIRST  
+RL 0 GROUND

REAR ELEVATION 1:200 (A3)

Architectural drawings showing side elevations of a building. The left drawing is labeled "SIDE ELEVATION 1:200 (A3)" and the right drawing is labeled "SIDE ELEVATION 1:200 (A3)". Both drawings show a building facade with a central entrance and a small structure to the right. The left drawing includes a small structure to the left of the building. The right drawing includes a small structure to the right of the building. The drawings are oriented horizontally on the page.



|              |              |              |              |
|--------------|--------------|--------------|--------------|
| E1           | E2           | E2           | E1           |
| A1<br>UNIT 1 | A2<br>UNIT 2 | A2<br>UNIT 3 | A1<br>UNIT 4 |

D1

D2

D2

D1

The diagram shows a 4-unit busbar system. It consists of four vertical busbars labeled UNIT 1, UNIT 2, UNIT 3, and UNIT 4. There are two circuit breakers (CBs) shown as grey rectangular blocks. The first CB is connected between UNIT 1 and UNIT 2, and is labeled 'B1' below it. The second CB is connected between UNIT 3 and UNIT 4, and is labeled 'B2' below it. The busbars are connected to a common rail at the bottom.

| GROUND FLOOR                      |                     | FIRST FLOOR                       |                     |
|-----------------------------------|---------------------|-----------------------------------|---------------------|
| <b>UNIT 1&amp;4 AREA SCHEDULE</b> | <b>SQ.M*</b>        | <b>UNIT 2&amp;3 AREA SCHEDULE</b> | <b>SQ.M*</b>        |
| LOWER LIVING (A1)                 | 56.8m <sup>2</sup>  | LOWER LIVING (A2)                 | 56.8m <sup>2</sup>  |
| UPPER LIVING (B1)                 | 87.6m <sup>2</sup>  | UPPER LIVING (B2)                 | 87.6m <sup>2</sup>  |
| VOID (C1)                         | 5.0m <sup>2</sup>   | VOID (C2)                         | 5.0m <sup>2</sup>   |
| NET AREA                          | 129.5m <sup>2</sup> | NET AREA                          | 129.5m <sup>2</sup> |
| CARPONIT (D1)                     | 27.0m <sup>2</sup>  | CARPONIT (D2)                     | 27.0m <sup>2</sup>  |
| COVERED OUTDOOR (E1)              | 16.5m <sup>2</sup>  | COVERED OUTDOOR (E2)              | 16.5m <sup>2</sup>  |
| CROSS AREA                        | 173.0m <sup>2</sup> | CROSS AREA                        | 173.0m <sup>2</sup> |
| UNCOVERED AREA (F1)               | 50.0m <sup>2</sup>  | UNCOVERED AREA (F2)               | 50.0m <sup>2</sup>  |

\*Measured to outside of external walls and centre line of party walls

\*Measured to outside of external walls and centre line of party walls

\_\_\_\_\_

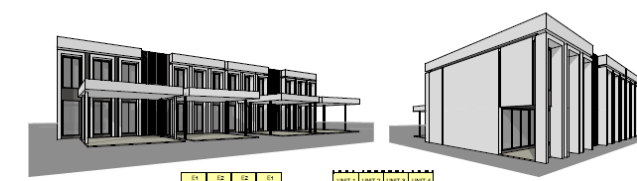
\*Measured to outside of external walls and centre line of party walls

|    |         |    |        |    |              |       |                                  |  |                    |
|----|---------|----|--------|----|--------------|-------|----------------------------------|--|--------------------|
| L  | Living  | B2 | Bed 2  | P  | Patio        | ---   | Indicative Bdy Between Buildings |  | Vehicular Access   |
| D  | Dining  | B3 | Bed 3  | CP | Car Port     | - - - | Indicative Lot Boundary          |  | Alternative Access |
| K  | Kitchen | S  | Study  | CY | Courtyard    |       | Privacy Screening                |  | Pedestrian Access  |
| F  | Family  | G  | Garage | SY | Service Yard |       | Private Open Space               |  |                    |
| B1 | Bed 1   | E  | Entrv  | B  | Balcony      |       |                                  |  |                    |

Architectural drawing of the front elevation of a building. The drawing shows a symmetrical facade with a central entrance and multiple windows. The drawing includes a scale bar and a title block.

FRONT ELEVATION 1:200 (A3)

REAR ELEVATION 1:200 (A3)



|              |              |              |              |
|--------------|--------------|--------------|--------------|
| E1           | E2           | E2           | E1           |
| A1<br>UNIT 1 | A2<br>UNIT 2 | A2<br>UNIT 3 | A1<br>UNIT 1 |
| D1           | D2           | D3           | D1           |

UNIT 1 UNIT 2 UNIT 3 UNIT 4

| GROUND FLOOR                      |                     | FIRST FLOOR                       |                     |
|-----------------------------------|---------------------|-----------------------------------|---------------------|
| <b>UNIT 1&amp;4 AREA SCHEDULE</b> | <b>SQ.M</b>         | <b>UNIT 2&amp;3 AREA SCHEDULE</b> | <b>SQ.M</b>         |
| LOWER LIVING (A1)                 | 57.3m <sup>2</sup>  | LOWER LIVING (A2)                 | 58.1m <sup>2</sup>  |
| UPPER LIVING (B1)                 | 57.3m <sup>2</sup>  | UPPER LIVING (B2)                 | 58.1m <sup>2</sup>  |
| VOID (C1)                         | 5.0m <sup>2</sup>   | VOID (C2)                         | 5.0m <sup>2</sup>   |
| NETT AREA                         | 119.7m <sup>2</sup> | NETT AREA                         | 119.7m <sup>2</sup> |
| CARPART (D1)                      | 27.0m <sup>2</sup>  | CARPART (D2)                      | 27.0m <sup>2</sup>  |
| COVERED OUTDOOR (E1)              | 15.8m <sup>2</sup>  | COVERED OUTDOOR (E2)              | 15.8m <sup>2</sup>  |
| GROSS AREA                        | 174.1m <sup>2</sup> | GROSS AREA                        | 174.1m <sup>2</sup> |
| UNCOVERED AREA (F1)               | 60.0m <sup>2</sup>  | UNCOVERED AREA (F2)               | 60.0m <sup>2</sup>  |

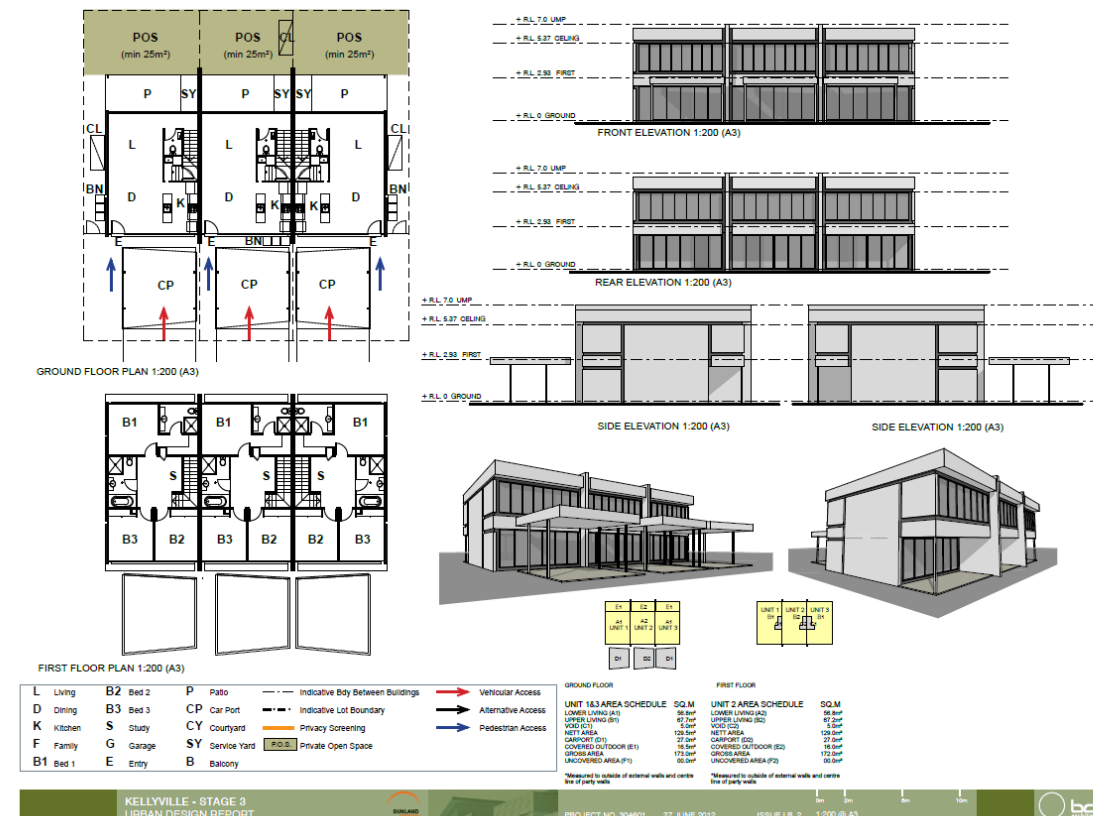
\*Measured to outside of external walls and centre

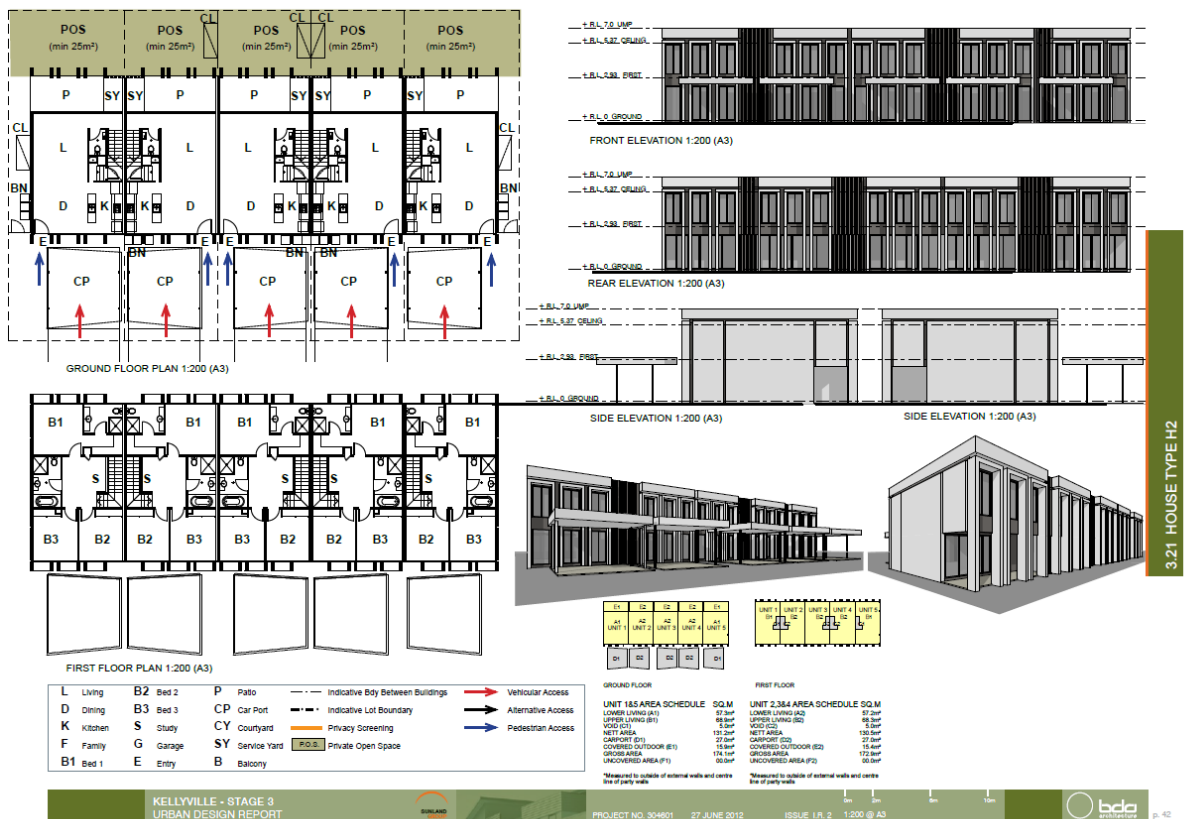
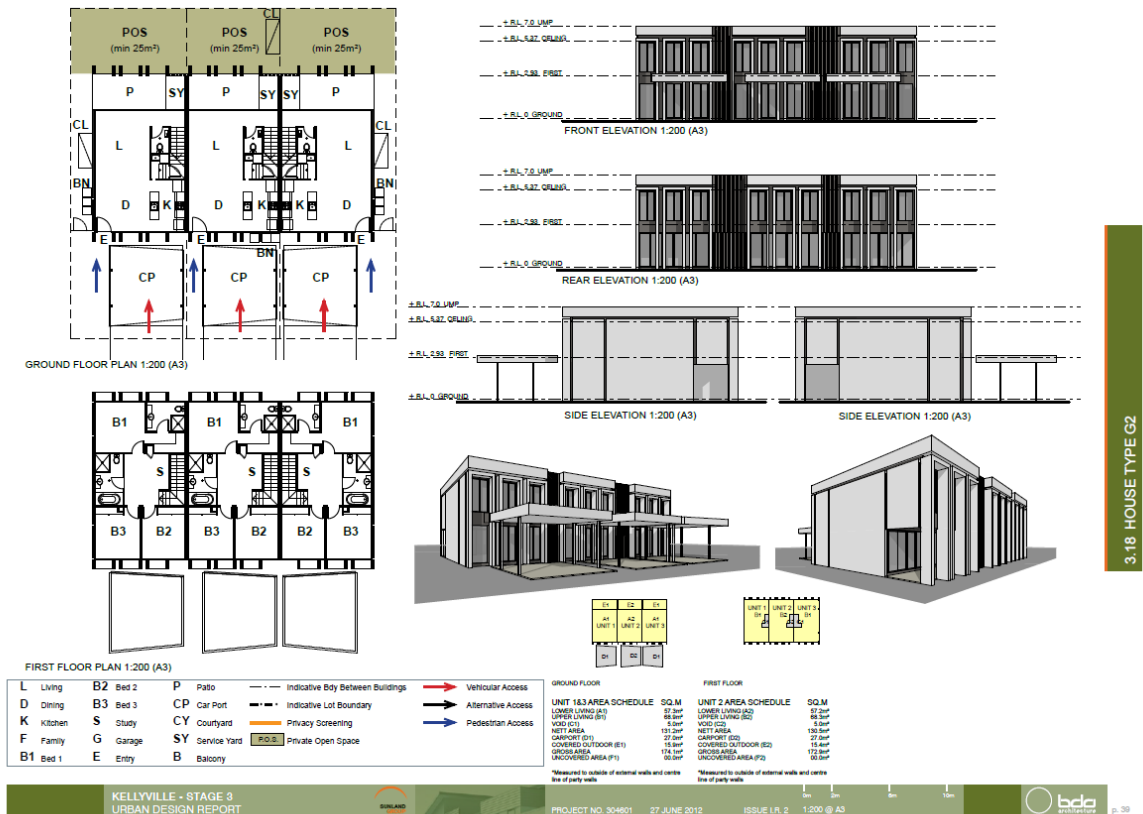
\*Measured to outside of external walls and centre

\*Measured to outside of external walls and centre line of party walls

|     |   |    |
|-----|---|----|
| UnP | UNCOVERED AREA (F2)                           | 00 |
| UnP | *Measured to outside of external walls and on |    |







## ATTACHMENT 8 – ELEVATIONS





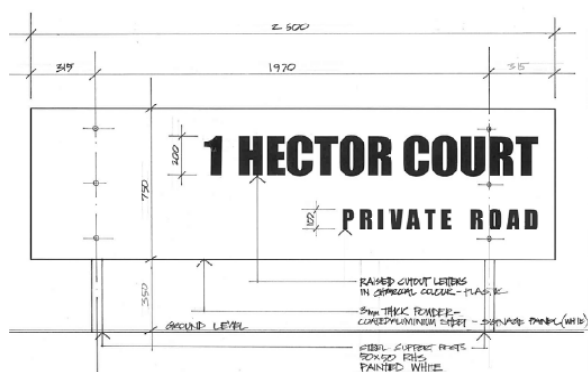
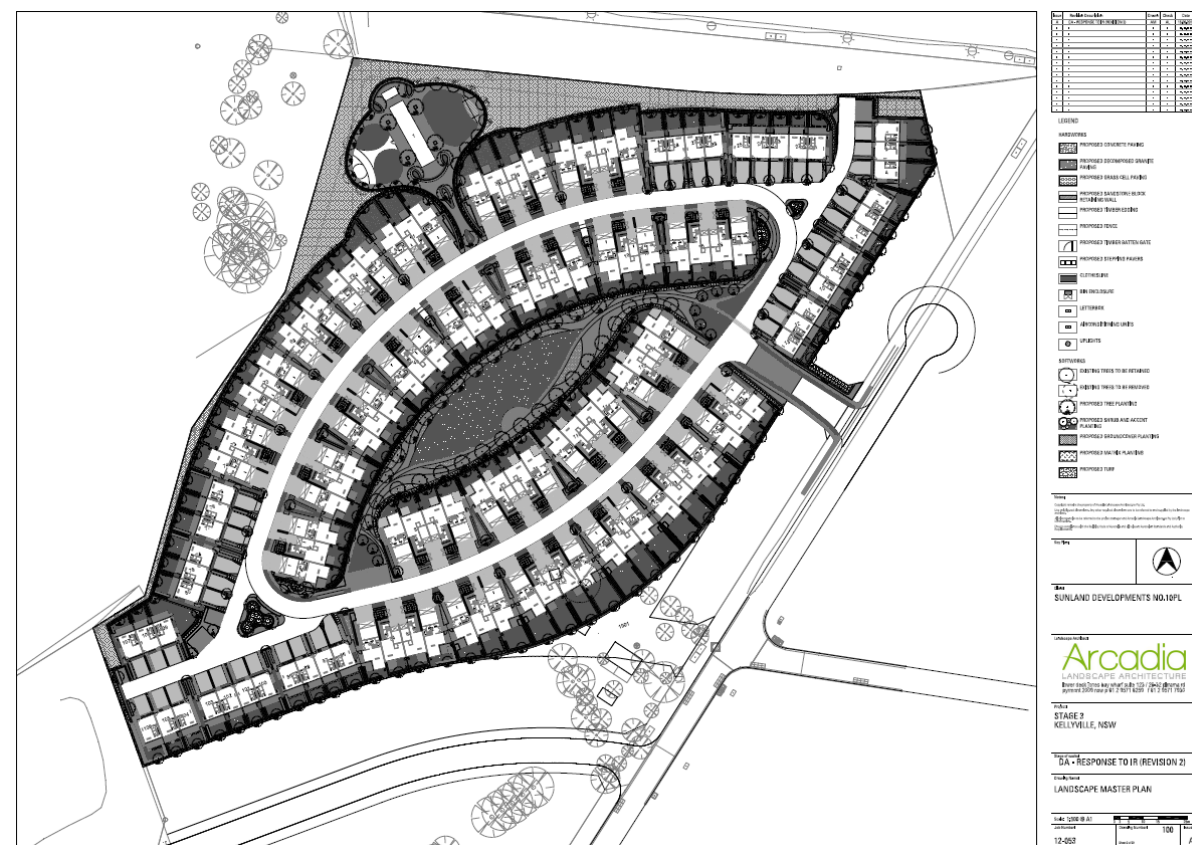


VIEW 1  
(WITHOUT STREET TREES)

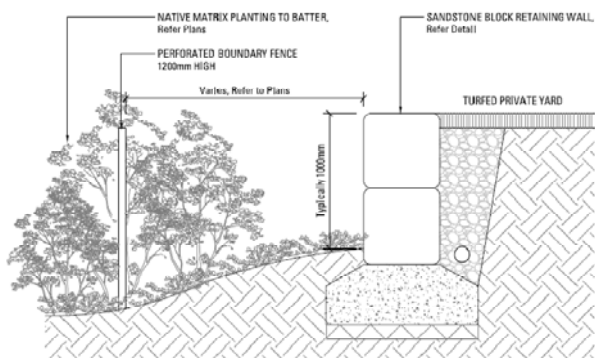


VIEW 2  
(WITHOUT STREET TREES)

## ATTACHMENT 9 – LANDSCAPE PLANS



07 PROJECT ENTRY SIGNAGE  
502 SCALE 1:20



02 WESTERN BOUNDARY FENCE  
502 SCALE 1:20

PLAN FORM 2 (A2)

WARNING: CREAMING OR FOLDING WILL LEAD TO REJECTION

26°24'03" E  
870.359 MGA GROUND  
879.433 BY SURVEY

| SCHEDULE OF SHORT BOUNDARIES |              |          |             |
|------------------------------|--------------|----------|-------------|
| No.                          | BEARING      | DISTANCE | WIDE        |
| 1                            | 249° 34'     | 10.555   | (DP1119685) |
| 2                            | 275° 43' 25" | 22.5     | (DP1119685) |
| 3                            | 275° 43' 25" | 8.15     |             |
| 4                            | 212° 23'     | 8.15     |             |
| 5                            | 334° 03'     | 6.22     |             |
| 6                            | 334° 03'     | 6.39     |             |
| 7                            | 263° 12' 40" | C4.115   |             |
| 8                            | R523.88      | A4.1325  |             |
| 9                            | R523.88      | C4.08    |             |
| 10                           | 77° 23'      | 5.655    |             |
| 11                           | 347° 23'     | 5.655    |             |
| 12                           | 302° 23'     | 14.775   |             |
| 13                           | 98° 40'      | 16.526   |             |
| 14                           | 65° 32'      | 6.7      |             |
| 15                           | 212° 23'     | 24.95    |             |
| 16                           | 435° 32'     | 4.375    |             |
| 17                           | 278° 40'     | 19.1     |             |
| 18                           | 271° 18'     | 19.57    |             |
| 19                           | 212° 23'     | 19.92    |             |
| 20                           | 86° 41'      | C1.432   |             |
| 21                           | R177.045     | A1.420   |             |
| 22                           | 90° 24'      | 8.115    |             |
| 23                           | 212° 23'     | 25.795   |             |
| 24                           | 341° 02' 20" | 22.03    |             |
| 25                           | 212° 23'     | 22.95    |             |
| 26                           | 215° 26'     | C1.532   |             |
| 27                           | 81° 5        | C2.885   |             |
| 28                           | 212° 23'     | 18.025   |             |

DIAGRAM A (NTS)

DIAGRAM B (NTS)

DIAGRAM C (NTS)

DIAGRAM D (NTS)

DIAGRAM E (NTS)

DIAGRAM F (NTS)

DIAGRAM G (NTS)

DIAGRAM H (NTS)

DIAGRAM I (NTS)

DIAGRAM J (NTS)

DIAGRAM K (NTS)

DIAGRAM L (NTS)

DIAGRAM M (NTS)

DIAGRAM N (NTS)

DIAGRAM O (NTS)

DIAGRAM P (NTS)

DIAGRAM Q (NTS)

DIAGRAM R (NTS)

DIAGRAM S (NTS)

DIAGRAM T (NTS)

DIAGRAM U (NTS)

DIAGRAM V (NTS)

DIAGRAM W (NTS)

DIAGRAM X (NTS)

DIAGRAM Y (NTS)

DIAGRAM Z (NTS)

DIAGRAM AA (NTS)

DIAGRAM AB (NTS)

DIAGRAM AC (NTS)

DIAGRAM AD (NTS)

DIAGRAM AE (NTS)

DIAGRAM AF (NTS)

DIAGRAM AG (NTS)

DIAGRAM AH (NTS)

DIAGRAM AI (NTS)

DIAGRAM AJ (NTS)

DIAGRAM AK (NTS)

DIAGRAM AL (NTS)

DIAGRAM AM (NTS)

DIAGRAM AN (NTS)

DIAGRAM AO (NTS)

DIAGRAM AP (NTS)

DIAGRAM AQ (NTS)

DIAGRAM AR (NTS)

DIAGRAM AS (NTS)

DIAGRAM AT (NTS)

DIAGRAM AU (NTS)



**ATTACHMENT 11 – APPROVED PLANS DA185/2010/HA AND DA195/2012/ZE**

