

**FINAL CONDITIONS (WITH JRPP CHANGES)****DA717/2012/JPZ  
2012SYW005****20/009/2012**

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**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			04 May 12

		Landscape Architects			
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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.

All surplus fill and excavated materials must be removed to an approved land fill disposal site prior to the issue of a final subdivision certificate.

## **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 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 apart from those encroachments nominated in Condition 99(d) of this consent. 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 in accordance with Condition 99(e) of this consent, 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.

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

#### **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.

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.

#### **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**

Deleted

## **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.

Proof of payment must be provided at each stage and no construction certificate will not be issued until such time that proof of payment is provided.

### **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 Practicing 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 document 'NSW Road Noise Policy' dated March 2011. 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: (Footpath/ Carriageway/ Footpath) (m)	Traffic Loading: N(ESA)
Hector Court	Road Type: Access Street (1) 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.
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- o) Concept Plan Sheet 5 Revision 04 dated 5 June 2012
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  - 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
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- 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. The 'street name blade' must identify the road as private road.

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, surplus to construction requirements, 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**

Deleted

#### **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, works in the vicinity of the item are to cease 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, works in the vicinity of the item are to 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, works in the vicinity of the item 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 except where encroachments are approved in accordance with Condition 99(d) of this consent.

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

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

The dwellings on lots burdened by an easement for repair in accordance with Condition 99(e) 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) in accordance with Condition 99 of this consent. This includes all services, equipment and utilities.

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

### **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 are being met in the applicable areas of the internal dwelling.

#### **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 BHDCP 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/wsc/waterserv\\_ext\\_print.htm](http://www.sydneywater.com.au/BuildingDevelopingandPlumbing/SupplierInformation/wsc/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. The requirement for an easement does not apply to party walls, but instead applies only to those external walls, roofing and structures which are located on the zero lot line dwelling property and which have nil setback.

Dwelling types E1, E2, G1, G2 and 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**

Deleted

**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.

**n) Dedication of Road**

The dedication of a 3.0m wide strip of land over the access road adjacent to the Hector Court boundary as public road at no cost to Council.

All soft landscaping as shown on the approved landscape plan must be deleted from this portion of land.

**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: Subdivision</b>	<b>Purpose: 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	\$ <b>792,349.74</b>
Open Space - Capital	\$ 5,006.83	\$ 5,006.83	\$ 215,293.69	\$ 5,006.83	\$ <b>210,286.86</b>
Transport Facilities - Capital	\$ 3,565.12	\$ 3,565.12	\$ 153,300.16	\$ 3,565.12	\$ <b>149,735.04</b>
Community Facilities - Land	\$ 373.08	\$ 373.08	\$ 16,042.44	\$ 373.08	\$ <b>15,669.36</b>
Community Facilities - Capital	\$ 1,528.43	\$ 1,528.43	\$ 65,722.49	\$ 1,528.43	\$ <b>64,194.06</b>
Administration	\$ 261.85	\$ 261.85	\$ 11,259.55	\$ 261.85	\$ <b>10,997.70</b>
Drainage Facilities - Capital	\$ 399.22	\$ 399.22	\$ 17,166.46	\$ 399.22	\$ <b>16,767.24</b>
<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: Subdivision</b>	<b>Purpose: 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	\$ <b>716,887.86</b>
Open Space - Capital	\$ 5,006.83	\$ 5,006.83	\$ 200,273.20	\$ 10,013.66	\$ <b>190,259.54</b>
Transport Facilities - Capital	\$ 3,565.12	\$ 3,565.12	\$ 142,604.80	\$ 7,130.24	\$ <b>135,474.56</b>
Community Facilities - Land	\$ 373.08	\$ 373.08	\$ 14,923.20	\$ 746.16	\$ <b>14,177.04</b>
Community Facilities - Capital	\$ 1,528.43	\$ 1,528.43	\$ 61,137.20	\$ 3,056.86	\$ <b>58,080.34</b>
Administration	\$ 261.85	\$ 261.85	\$ 10,474.00	\$ 523.70	\$ <b>9,950.30</b>
Drainage Facilities - Capital	\$ 399.22	\$ 399.22	\$ 15,968.80	\$ 798.44	\$ <b>15,170.36</b>
<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: Subdivision</b>	<b>Purpose: 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	\$ <b>490,502.22</b>
Open Space - Capital	\$ 5,006.83	\$ 5,006.83	\$ 145,198.07	\$ 15,020.49	\$ <b>130,177.58</b>
Transport Facilities - Capital	\$ 3,565.12	\$ 3,565.12	\$ 103,388.48	\$ 10,695.36	\$ <b>92,693.12</b>
Community Facilities - Land	\$ 373.08	\$ 373.08	\$ 10,819.32	\$ 1,119.24	\$ <b>9,700.08</b>
Community Facilities - Capital	\$ 1,528.43	\$ 1,528.43	\$ 44,324.47	\$ 4,585.29	\$ <b>39,739.18</b>
Administration	\$ 261.85	\$ 261.85	\$ 7,593.65	\$ 785.55	\$ <b>6,808.10</b>
Drainage Facilities - Capital	\$ 399.22	\$ 399.22	\$ 11,577.38	\$ 1,197.66	\$ <b>10,379.72</b>
<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: Subdivision</b>	<b>Purpose: 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	\$ <b>377,309.40</b>
Open Space - Capital	\$ 5,006.83	\$ 5,006.83	\$ 110,150.26	\$ 10,013.66	\$ <b>100,136.60</b>
Transport Facilities - Capital	\$ 3,565.12	\$ 3,565.12	\$ 78,432.64	\$ 7,130.24	\$ <b>71,302.40</b>
Community Facilities - Land	\$ 373.08	\$ 373.08	\$ 8,207.76	\$ 746.16	\$ <b>7,461.60</b>
Community Facilities - Capital	\$ 1,528.43	\$ 1,528.43	\$ 33,625.46	\$ 3,056.86	\$ <b>30,568.60</b>
Administration	\$ 261.85	\$ 261.85	\$ 5,760.70	\$ 523.70	\$ <b>5,237.00</b>
Drainage Facilities - Capital	\$ 399.22	\$ 399.22	\$ 8,782.84	\$ 798.44	\$ <b>7,984.40</b>
<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.