
Joint Regional Planning Panel (JRPP) Meeting 12 March 2015

2014SYW092/DA0471/14 – Torrens title subdivision to create an additional 236 residential allotments

JRPP No:	2014SYW092
Council DA No:	DA0471/14
Council:	Hawkesbury City Council
Property Address:	96 Grose Vale Road, North Richmond, 2754
Legal Description:	Lot 74 DP: 1187236
Applicant:	North Richmond Joint Venture
Owner:	BD NSW (MR) Project 007 Pty Ltd
Zoning:	R2 Low Density Residential, R3 Medium Density Residential, R5 Large Lot Residential, B1 Neighbourhood Centre and RE1 Public Recreation
Area:	160.3Ha
Proposal:	Subdivision – Torrens title subdivision to create an additional 236 residential allotments
Capital Investment Value:	\$24,425,000.00
Date Received:	21 July 2014
Exhibition Dates:	7 August to 8 September 2014
Submissions:	Three
Date Formal:	20 February 2015
Assessing Officer:	Andrew Johnston – Senior Town Planner
Key Issues:	– Permissibility and minimum lot sizes – Road design

Overview of Report

1.0 Executive Summary

This application seeks approval for a residential subdivision at 96 Grose Vale Road, North Richmond. This subdivision is to form a part of the Redbank residential land release.

The application meets the criteria for determination by the Joint Regional Planning Panel (JRPP) as the development has a Capital Investment Value (CIV) in excess of \$20 million.

The proposed subdivision generally satisfies Council's planning controls and certification of satisfactory arrangements has been received from the Department of Planning and Environment. The proposal is acceptable and is recommended for conditional approval.

Development Description

2.0 Description of Proposal

Pursuant to Section 78A(1) of the Environmental Planning and Assessment (EP&A) Act 1979 (as amended) this application seeks approval for a Torrens title subdivision at 96 Grose Vale Road, North Richmond.

The proposal specifically involves:

- A Torrens title subdivision to create an additional 236 residential allotments;
- Construction of an internal road network to service the proposed allotments;
- Bulk earthworks associated with road construction, drainage and lot levelling; and
- Landscaping and public domain works (footpaths, rain garden etc.).

The proposed allotments are to consist of three distinct precincts:

- Yobarnie Rise – Located within the vicinity of Arthur Phillip Drive and Townsend Road, this precinct is to consist of 99 allotments. The allotments within this precinct have areas ranging from 402m² to 1,200m².
- Mountain View – Fronting Grose Vale Road and within the vicinity of the seniors housing development at 98 Grose Vale Road, this precinct is to consist of 73 allotments. The allotments within this precinct have areas ranging from 443m² to 1,608m².
- The Gallery – Located within the vicinity of the aged care facility 26 Arthur Phillip Drive, this precinct is to consist of 64 allotments. The allotments within this precinct have areas ranging from 216m² to 612m².

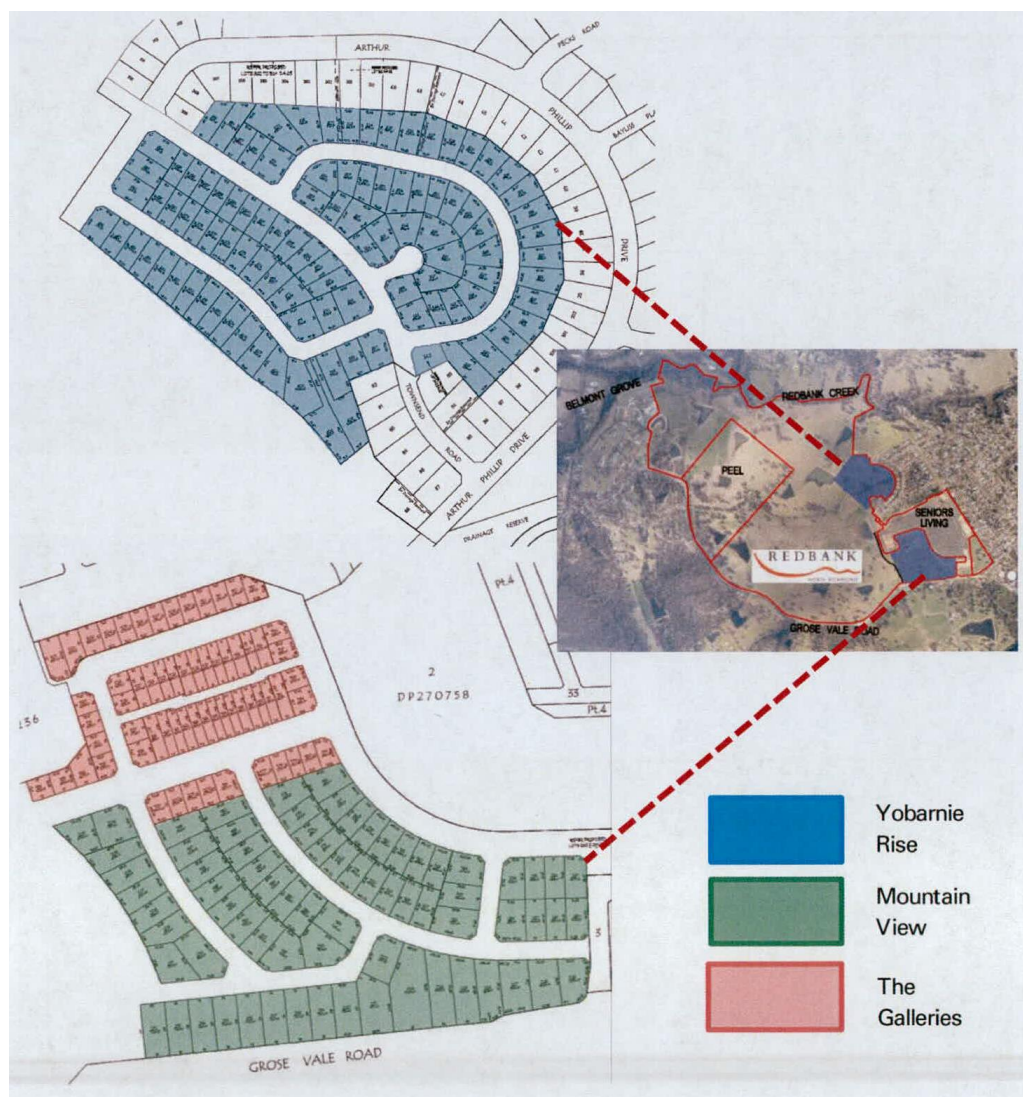


Figure 1 – Precinct Plan

The JRPP's reference number for the application is 2014SYW092 whilst Council's reference number is DA0471/13.

Background

3.0 Site Description and History

3.1 Site and Locality Description

The subject property is legally identified as Lot 74 in DP: 1187236 and has a site area of approximately 160.3Ha. The site primarily consists of cleared undulating land, with a central saddle running east-west to create 2 distinct valleys. The land is located on the northern side of Grose Vale Road, west of the North Richmond residential area and Peel Park, east of the Belmont Grove rural residential area and south of Redbank Creek.

Together with 98 Grose Vale Road and 26 Arthur Phillip Drive, which have each been approved for seniors housing developments, the area is collectively known as 'Redbank'.

Part of the site is located on the former property 'Yobarnie' and is subject to a State heritage listing under the Heritage Act 1977. Yobarnie is of heritage significance as it is where the Yeoman's Keyline system of agriculture was first developed, trialled and demonstrated. A number of dams associated with this irrigation system are located on the property. A portion of the site that is subject to this application is State heritage listed.

The land varies in height from approximately 60-90m AHD along Grose Vale Road down to Redbank Creek at approximately 20-40m AHD. The slope of the site varies from reasonably flat terrain to land in excess of 15%. The land is above the adopted 1-in-100 year Hawkesbury River flood event level of 17.5m AHD.

The land contains some large stands of remnant vegetation and creek lines which contain threatened ecological communities and threatened fauna and habitat resources.

3.2 Development History

The land has been previously used for grazing and contains remnants of the former Richmond to Kurrajong railway line.

Subject to a Planning Proposal the former rural land was rezoned to allow residential and rural-residential properties. Indicative plans submitted with the Planning Proposal detail that the site may accommodate approximately 1400 dwellings. The resultant Local Environmental Plan Amendment was gazetted on 11 April 2014.

The overall Redbank development is to contribute approximately 30% of Hawkesbury City Council's housing targets for 2031.

A Voluntary Planning Agreement (VPA) for the site was endorsed by Council, the Roads and Maritime Services (RMS) and the developer on 20 August 2014. Works required under this Agreement includes the dedication of land towards the extension of Peel Park, the construction of community facilities, public infrastructure and road improvements. Monetary contributions to the RMS will be required prior to the release of the 121st lot.

At its Extraordinary Meeting of 9 September 2014, Council resolved that:

1. *Following the statements made to the current hearings being undertaken by*

ICAC (Operation Spicer) by executives of Buildex that an \$18,000 donation was made to the 2011 election campaign of Member for Londonderry, Bart Bassett, Hawkesbury City Council will act in the best interests of the residents of Hawkesbury by adopting the following:

- (a) That this Council makes an in principle commitment to promoting the maximum amount of transparency with regard to all planning processes which occurred in relation to the North Richmond rezoning and subsequent development application for a 237 lot subdivision.*
 - (b) That Councillors receive a report setting out all options available to Council to halt any further processing of DA's or other applications associated with the North Richmond rezoning until Operation Spicer has produced its final report.*
 - (c) That when the report following the current ICAC hearings (Operation Spicer) is issued a report be submitted to Council in relation to any findings regarding the planning process for the rezoning of Redbank at North Richmond.*
2. *The Mayor write to the Minister for Planning, Pru Goward, seeking the immediate suspension of all planning matters, DA's or other applications associated with the North Richmond rezoning until Operation Spicer has produced its final report.*

At its Ordinary Meeting of 30 September 2014 Council resolved to continue the processing of Redbank development applications.

On 19 December 2014 the Department of Planning and Environment provided certification that satisfactory arrangements were in place for the provision of State infrastructure.

A site-specific Development Control Plan for Redbank was adopted by Council on 25 November 2014 subject to amendments by the Heritage Council (Office of Environment and Heritage). The Heritage Council endorsed the Plan on 3 December 2014 however the finalisation and public notification of the Plan's adoption is yet to be completed.

4.0 Council Policies, Procedures and Codes to Which the Matter Relates

- Hawkesbury Local Environmental Plan 2012 (HLEP 2012)
- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy No. 44 – Koala Habitat Protection (SEPP No. 44)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP No. 55)
- State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP No. 20)
- Hawkesbury Development Control Plan 2002 (HDCP 2002)

Assessment

5.0 Section 79C Matters for Consideration

The following is an assessment of the application with regard to the heads of consideration under the provisions of Section 79C of the EP&A Act:

5.1 Environmental Planning Instruments

Hawkesbury Local Environmental Plan 2012

The proposed subdivision is permissible with consent subject to Clause 2.6(1) of the HLEP 2012.

The relevant sections of the site that are subject to this application are zoned R2 Low Density Residential. Clause 4.1(3) and the associated Lot Size Map of the HLEP 2012 establish a minimum allotment size of 375m² for the areas of the site that are to contain the Yobarnie Rise and Mountain View Precincts, whilst The Gallery Precinct has a minimum allotment size of 180m².

Clause 4.1(1) of the HLEP 2012 further outlines the following objectives for Council's minimum allotment size controls:

- (a) *to ensure that the pattern of lots created by subdivision and the location of any buildings on those lots will minimise the impact on any threatened species, populations or endangered ecological community or regionally significant wetland, waterways and groundwater as well as any agricultural activity in the vicinity,*
- (b) *to ensure that each lot created in a subdivision contains a suitable area for the erection of a dwelling house, an appropriate asset protection zone relating to bush fire hazard and a location for on-site effluent disposal if sewerage is not available,*
- (c) *to ensure a ratio between the depth of the lot and the frontage of the lot that is satisfactory having regard to the purpose for which the lot is to be used.*

With minimum areas of 402m² for Yorbanie Rise, 443m² for Mountain View and 216m² for The Gallery Precinct, all of the proposed allotments comply with the minimum lot size requirements of the HLEP 2012 and will allow for future residential development. Indicative building layouts have been provided to demonstrate that the smaller allotments within The Gallery Precinct are capable of accommodating future dwellings.

The subject land generally contains isolated native trees with an exotic grassland understorey. The prepared Flora and Fauna Report, including seven part test of significance, details that the future development of the land is unlikely to significantly impact threatened species, populations and endangered ecological communities. In this regard it should be noted that future stages of the development will include areas of open space and land dedications that will retain existing native vegetation.

The development is consistent with the subdivision pattern and layout within the adjoining North Richmond residential area.

The development of this land was anticipated in the Conservation Management Plan approved with the Planning Proposal. The Heritage Council have provided their Terms of Approval and accordingly it is considered that the proposal will not detract from the heritage significance of the site.

Certification from the Department of Planning and Environment that satisfactory arrangements have been made to the contribution of designated State public infrastructure has been provided to satisfy Clause 5.13A(2) of the HLEP 2012.

It is therefore considered that the development will achieve the objectives of the R2 Low Density Residential zone and the provisions of the HLEP 2012.

State Environmental Planning Policy (Infrastructure) 2007

Grose Vale Road is a regional road that is owned and controlled by Council.

However, the proposal was referred to the RMS as 'traffic generating development' under Clause 104 and Schedule 3 of the Infrastructure SEPP as it involves the creation of more than 200 allotments.

The RMS have advised that they raise no objection to the proposal on traffic grounds.

A VPA has been entered into between the RMS, Council and the developer and a series of road upgrades are required. These works involve the upgrading of Grose Vale Road and Bells Line of Road/Kurrajong Road/March Street to accommodate additional traffic. An alternative access route involving the construction of a bridge over the Grose River will also be investigated.

Monetary contributions to the RMS will be required prior to the release of the 121st lot.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP No. 44 aims to "*encourage the proper conservation and management of areas of natural vegetation that provide habitat for Koalas, to ensure permanent free-living populations over their present range and to reverse the current trend of population decline*".

The Flora and Fauna Report prepared in support of the application includes a survey of the proposed development area to ascertain whether a Koala (*Phascolarctos cinereus*) population resides in the area and whether the vegetation would constitute 'core koala habitat' as defined under SEPP No. 44.

Whilst the land subject to this application does contain a Koala feed species (Forest Red Gum [*Eucalyptus tereticornis*]), no evidence of Koala activity was found. In this regard the report outlines that no koalas were sighted, no scat was found and no response to the playback of male Koala calls was heard.

The Flora and Fauna Report has been reviewed by Council's Parks Officer and its conclusion that the development will not impact Koala habitat is generally supported.

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7(1) of SEPP No. 55 outlines a consent authority "*must not consent to the carrying out of any development on land unless:*

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose*".

The subject property has primarily been used for grazing and there is no evidence to suggest that this portion of the site is contaminated. Contamination reports prepared in support of the application conclude that this area is suitable for residential development and on this basis the land is considered suitable.

Sydney Regional Environmental Planning Policy No. 20 – Hawkesbury-Nepean River

The subject land falls within the boundary of SREP No. 20. This Policy aims “*to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context*”. SREP No. 20 requires Council to assess development applications with regard to the general and specific considerations, policies and strategies set out in the Policy.

The subject property is located within a rural-residential area, however the site has recently been rezoned to allow for residential development. The development is to be serviced by a reticulated sewerage system and the proposed subdivision is generally consistent with the objectives and relevant provisions of SREP No. 20.

5.2 Draft Environmental Planning Instruments

Not applicable.

5.3 Development Control Plans

Hawkesbury Development Control Plan 2002

The proposed development is considered to be generally consistent with relevant provisions of HDCP 2002:

Part A Chapter 3: Notification of Development Applications

The application was notified from 7 August to 8 September 2014 as ‘advertised development’.

Three submissions were received and are discussed in Section 7 of this report.

Part D Chapter 3 – Subdivision

The proposal generally satisfies Part D Chapter 3 of the HDCP 2002, with the exception of the road design controls which are superseded by Part E Chapter 8 of the HDCP 2002.

It is noted that Roads 18 and 19 within the Mountain View Precinct have ‘dead end’ sections terminating in proposed turning head arrangements. Turning templates have been provided which show that a large vehicle can turn via a three-point turn, however this is at the expense of adequate nature strips and pedestrian paths.

It is therefore recommended that a condition is imposed to increase the road reserve area at the end of Roads 18 and 19 to permit future designs with suitable nature strip areas.

Part D Chapter 7 – Landfill

Significant earthworks are proposed with the application to level the site for future residential development, resulting in some 100,000m³ of excess fill.

Clause 8.3.3(6) of Part E Chapter 8 of the HDCP 2002 outlines that minimal modifications to the landform should be undertaken. However, this control relates to the heritage listed portion of the site, not The Gallery and Mountain View Precincts that would be subject to the majority of the earthworks. The earthworks would be comparable to those works undertaken at the adjoining seniors housing development at 98 Grose Vale Road and views of the valley from Grose Vale Road would be maintained.

The Applicant has advised that the fill will be used elsewhere on the site and on the adjacent seniors housing development. The Applicant has subsequently been instructed that Construction Certificate approval for any proposed bulk earthworks will be required before the commencement of any such works.

Locations for the temporary storage of excess fill material have not been nominated at this stage. The submission of a Construction Management Plan addressing this and other associated issues may be conditioned.

Part E Chapter 8: Redbank at North Richmond (Draft)

Part E Chapter 8 of the HDCP 2002 has been adopted by Council but is yet to be made effective. However, as the proposal is supported by the Heritage Council and does not involve private open space or dams, it is considered that the application may be processed before the Plan becomes effective.

Table 8.1 of Part E Chapter 8 of the HDCP 2002 identifies that the Yobarnie Rise Precinct is located within the 'Central Valley' Precinct, whilst The Gallery and Mountain View Precincts are located within the 'Eastern Valley' Precinct. Each of these precincts are to generally comprise of suburban allotments accommodating single dwelling houses, although forms of medium density development may also be present within the Eastern Valley Precinct. The proposed allotments are consistent with adjoining residential development and will generally achieve the aims of the Central and Eastern Valley Precincts.

The development is clear of identified areas of public open space and riparian corridors.

The layout of the proposed roads is generally consistent with the street hierarchy plan detailed in Figure 8.22. The proposed road construction is also consistent with the Plan in terms of design, with the exception of Roads 14 and 15. Section 8.3.7 of Part E Chapter 8 of the HDCP 2002 anticipates that "*special consideration may need to be given to other road configurations such as laneways and access ways*". Accordingly these roads have been reviewed by Council's Development Engineer and Infrastructure Section and the variations are supported on the basis that Road 14 is a short section of linking road and Road 15 is a rear laneway.

The provision of bus stops as identified in Figure 8.22 of Part E Chapter 8 of the HDCP 2002 are required under the endorsed VPA.

Figures 8.47 and 8.48 of Part E Chapter 8 of the HDCP 2002, as well as the supporting commentary, outline that a vegetated buffer is to be provided to the properties that back onto Grose Vale Road. To ensure compliance with this control, and to establish a rural character, the imposition of condition requiring a 5m development restriction is recommended. This matter was previously raised with the Applicant who did not object to such a condition.

Clause 8.3.10.1(3) outlines that all dwellings within Redbank are to be provided with a 3,000L rainwater tank which is plumbed for internal use. To ensure compliance with Part E Chapter 8 of the HDCP 2002, and to satisfy broad environmental and sustainability

objectives, it is recommended that a positive covenant is imposed requiring such an installation.

The creation of the proposed allotments will allow for future residential development and is therefore consistent with the provisions of the HDCP 2002.

5.4 Planning Agreements

The VPA has been endorsed by Council, the RMS and the developer. This Agreement includes the dedication of land towards the extension of Peel Park, the construction of community facilities, public infrastructure and road improvements.

Road works (Richmond Bridge Approaches including intersection upgrades) will be required to address the Redbank development's traffic impact. Planning for short-term improvements, including the development of detailed designs, assessment of environmental impact and field investigation work, started in May 2014. The RMS have advised that construction work is expected to start this year.

In accordance with the VPA, monetary contributions to the RMS will be required prior to the release of the 121st lot.

The provision of bus stops within the Yobarnie Rise Precinct (the new section of Arthur Phillip Drive) is also required under the endorsed VPA.

5.5 Regulations

Matters specified under the EP&A Regulations 2000 have been considered in the assessment of this application.

The payment of Section 94 or 94A Contributions are not required under the VPA.

5.6 Likely impacts of the Development, including Environmental Impacts on both the Natural and Built Environments, and Social and Economic Impacts in the Locality

These matters have been considered in the assessment of this application.

Council's mapping system indicates that the overall site contains Shale Plains Woodland, Alluvial Woodland and Shale Sandstone Transition Woodland (High and Low Sandstone Influence). Shale Plains Woodland (which is also known as Cumberland Plain Woodland) is listed as being critically endangered whilst Alluvial Woodland (which is also known as Riverflat Eucalypt Forest) and Shale Transition Woodland are listed as endangered under the Threatened Species Conservation Act 1995.

The area of the site that is subject to this application is shown to partially contain Shale Plains Woodland and Shale Sandstone Transition Woodland.

A Flora and Fauna Report has been prepared in support of the proposal. The report states *"areas of existing over storey vegetation have been mapped as representative of ... (Cumberland Plain Woodland) by DECCW (2010). However, the floristic assemblage is influenced by historical planted of non-local species as part of Keyline agricultural practises or as retained isolated trees such that the vegetation does not adequately meet the criteria for any listed endangered ecological community. Similarly, the isolated naturalised paddock trees do not meet the condition threshold for Cumberland Plain Shale Woodlands Shale-Gravel Transition Forest ecological community as defined by DEWHA (2010). Consequently, no endangered ecological communities occur within the proposed development"*. The report

therefore concludes that the vegetation onsite is not representative of an endangered ecological community.

Council's Park's Officer has reviewed the Flora and Fauna Report and agrees that the proposed development is unlikely to have a significant impact on any threatened ecological communities or flora and fauna species. More significant stands of vegetation will be retained in later stages of the overall development.

It is noted that a Forest Red Gum within the Yobarnie Rise Precinct contains hollows and may provide animal habitat. Recommendations are detailed within the Flora and Fauna Report to ameliorate or minimise impacts relating to the loss of this tree, and a condition may be imposed requiring the works to be overseen by an ecologist.

It is therefore considered that the proposed development will have no significant adverse impacts upon the natural or built environments or negative social or economic impacts upon the locality.

5.7 Suitability of the Site for the Development

These matters have been considered in the assessment of this application.

With levels ranging from approximately 39m to 68m AHD, the portion of the site that is to accommodate the proposed allotments is situated well above the adopted 1-in-100 year flood level.

No dams associated with the Keyline system of agriculture are to be removed or altered as a part of this development.

The prepared Aboriginal Heritage Impact Report further outlines that no Aboriginal archaeological sites or features have been identified within the area of the site that is subject to this application.

The site is considered suitable for the proposed development.

5.8 Public Notification

See Section 7 of this report.

5.9 The Public Interest

The matter of public interest has been taken into consideration in the assessment of the application.

The subdivision is consistent with the Planning Proposal's approved Master Plan, the HLEP 2012 and Part E Chapter 8 of the HDCP 2002. As a result it is considered that the approval of this application would be in the public interest.

6.0 Referrals

6.1 Internal

Engineering – Drainage from The Gallery and Mountain View Precincts will be divided into four catchments; with three of these draining through the downstream seniors housing

development currently under construction. The fourth is diverted to a location to the west, where 'future Basin C' is proposed to be constructed.

The submitted stormwater report indicates that the stormwater detention basins and water quality treatment devices in the seniors housing development are not currently adequate to cater for the development. Accordingly, part of the Mountain View Precinct is diverted to Basin C to reduce flows through the adjoining development. It is also proposed to convert the existing bio-retention Basin B to an onsite detention basin in conjunction with its existing function as a bio-retention basin and increase the area by 75m². In addition, two gross pollutant traps (GPT) are also proposed, one in the seniors housing development and the other in The Gallery Precinct. As this development relies on these they will be conditioned to be constructed as part of the works.

The seniors housing development is a staged community title subdivision. Easements for drainage benefiting Council will be required over the drainage infrastructure through this site conveying road water, together with covenants to ensure detention basins and water quality treatment devices are maintained in accordance with management plans in perpetuity. Owner's consent for the creation of the required easements and covenants has been provided by the developer, who currently owns both sites. Conditions requiring the creation of the 88B restrictions prior to the release of subdivision certificate are suggested.

The Yobarnie Rise Precinct is divided into two catchments. The northern quarter of the development site drains toward the existing drainage in Townsend Road. Augmentation of the downstream piped system is likely to be required to cater for the additional flows. The construction of a GPT is also proposed. Details will be assessed as part of a future application to Council as the roads authority for approval under the Roads Act 1993. The stormwater report indicates that additional detention will be provided to other catchments to compensate for no detention being provided to this catchment. To ensure protection of the downstream system, a condition of consent is suggested to require the Applicant to show that the net increase in the critical 1 in 5 year ARI storm and the 1 in 100 year ARI storm from the combined 6.7b catchment and The Gallery and Mountain View Precinct catchments does not exceed the existing flow where it enters the piped drainage system in the Council reserve (Pecks Road reserve).

The remainder of the development drains towards an existing dam within the development site to be retained adjacent to Peal Park. Water quality measures proposed include a GPT and hydrocon sand filter. As this development relies on these they will be conditioned to be constructed as part of the works.

Heritage – Council's Heritage Advisor has raised no objection to the proposal.

Environment – The Parks Officer reviewed the submitted Flora and Fauna Report and has raised no objection to its ultimate conclusions.

6.2 External

Department of Planning and Environment – The Department of Planning and Environment have provided certification that satisfactory arrangements are in place for the provision of State infrastructure.

Heritage Council – The proposed Yobarnie Rise Precinct is located within the State heritage listed Yobarnie Keyline Farm. On account of this listing the application was referred to the Heritage Council as 'integrated development'.

No dams associated with the Keyline system are to be removed or altered with this development. Whilst Part E Chapter 8 of the HDCP 2002 indicates that Dam 12 will be removed, this is not proposed with the current application.

The Heritage Council are supportive of the proposal and have provided their General Terms of Approval. The obtainment of a Section 60 Permit under the Heritage Act is required.

Rural Fire Service – The subject property is classified as bushfire prone land and accordingly the application was referred to the Rural Fire Service (RFS) as integrated development.

The RFS have advised that they are supportive of the development in accordance with Section 100B of the Rural Fires Act 1997. The RFS have provided their General Terms of Approval, which include the establishment of an asset protection zone.

Office of Water – Amended plans were received to confirm that the development area of Yobarnie Precinct does not fall within the current area of Dam 12. Detailed survey information has also been provided to demonstrate that the works are not located within 40m of an identified watercourse.

The Office of Water have subsequently provided written confirmation that the proposal does not comprise integrated development for the purposes of the Water Management Act 2000.

Roads and Maritime Services – The RMS have raised no objection to the proposal on traffic grounds.

The adopted VPA requires the upgrading Grose Vale Road, which is a Council road, and RMS roads (Bells Line of Road, Kurrajong Road and March Street). A new alternative access route will also be investigated.

Sydney Water – Sydney Water have advised that they are able to service the site in terms of water supply and sewerage. Sydney Water have requested the imposition of a condition requiring the obtainment of a Section 73 Certificate.

7.0 Public Consultation

7.1 Notification and Submissions

In accordance with Part A Section 3.2 of the HDCP 2002 and Section 79A of the EP&A Act, the application was notified as advertised development from 7 August to 8 September 2014. A notice of the development was also placed in the local newspaper as required under the EP&A Regulation 2000.

Three submissions were received in response to the notification of this application. These submissions were received from the North Richmond & Districts Community Action Association (NRDCAA) and local residents within the vicinity of the property. Matters raised in these submissions are detailed below in italics, followed by a response by the assessing officer:

- *Hawkesbury City Council has resolved to suspend the processing of development applications associated with the Redbank development.*

Officer's comment: As detailed previously in this report, Council resolved to continue the processing of Redbank development applications on 30 September 2014.

- *To retain visual amenity and outlook over the valley, the new allotments backing onto Grose Vale Road should be single storey in height.*

Officer's Comment: The subject proposal is for the subdivision of land only. The construction of dwelling houses is not proposed with this application, nor is any filling proposed for the properties fronting Grose Vale Road.

Height controls and design guidelines for new residential development are detailed within the HLEP 2012 and Part E Chapter 8 of the HDCP 2002.

- *Grose Vale Road should be widened and upgraded to cater for additional traffic demands.*

Officer's Comment: Required road upgrades are detailed within the adopted VPA. The upgrading of Grose Vale Road is required under this agreement.

- *The removal of native vegetation associated with the subdivision will result in the loss of bird habitat.*

Officer's Comment: The removal of a number of mature trees is proposed to accommodate the Yobarnie Rise Precinct.

Whilst no doubt providing habitat, the Flora and Fauna Report outlines that these trees are not representative of Shale Plains Woodland. Other high-value foraging resources are available in other areas of the site, such as the riparian area to be retained around Redbank Creek. The report also makes a series of recommendations to reduce the impact of the development which may be incorporated as conditions of consent.

Financial Implications

The payment of Section 94 or 94A Development Contributions are not applicable to the site, now or in the future. The dedication of land, construction of facilities, public infrastructure works and road upgrades are instead required under the endorsed VPA.

Conclusion

The application has been assessed in accordance with the provisions of the EP&A Act with all matters specified under Section 79C(1) having been taken into consideration. The proposed subdivision generally satisfies Council's planning controls and is supported by the relevant external referral agencies.

The proposal is acceptable and is recommended for conditional approval.

Recommendation

That the Joint Regional Planning Panel as the consent authority pursuant to Clause 80(1)(a) of the Environmental Planning and Assessment Act 1979 (as amended) approve Development Application No. DA0471/14 for a Torrens title subdivision to create 236 residential allotments on Lot 74 DP: 1187236, known as 96 Grose Vale Road, North Richmond, subject to the following conditions:

Conditions

Development Description: Subdivision – Torrens title subdivision to create 236 additional residential allotments

Heritage Council (Office of Environment and Heritage) Conditions

1. All work shall be carried out in accordance with the following documentation:
 - (a) Location Plan, No. 60/010/3 Rev 'B' prepared by North Richmond Joint Venture and dated 14 July 2014.
 - (b) Plan of Proposed Subdivision for Yobarnie Rise Drawing No. 16800-3A-T4(a), dated 11 July 2014.

Archaeology:

2. The Applicant must ensure that if substantial intact archaeological deposits and/or State significant relics are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.
3. Should any Aboriginal objects be uncovered by the work, excavation or disturbance of the area, work is to stop immediately and the Office of Environment and Heritage (Enviroline: 131 555) is to be notified in accordance with Section 89A of the National Parks and Wildlife Act 1974 (NPW Act). Aboriginal objects in NSW are protected under the NPW Act. Unless the objects are subject to a valid Aboriginal Heritage Impact Permit, work must not recommence until approval to do so has been provided by the Office of Environment & Heritage.

Compliance:

4. An application under Section 60 of the Heritage Act 1977 must be submitted to and approved by the NSW Heritage Council.

Rural Fire Services Conditions

5. **Asset Protection Zones** – The intent of this measure is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with buildings. To achieve this the following condition shall apply:
 - At the issue of subdivision certificate the property to the west of the subdivision (precinct) boundaries for a distance of 50 metres and the properties of each Lot within the precincts shall be managed as an Inner Protection Area (IPA) as outlined within Section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones' until such time each Lot is further developed.
6. **Water and Utilities** – The intent of this measure is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this the following condition shall apply:

- Water, electricity and gas are to comply with Section 4.1.3 of 'Planning for Bush Fire Protection 2006'.
7. Access – The intent of this measure for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this the following condition shall apply:
- Public road access shall comply with Section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

Hawkesbury City Council Conditions

General Conditions

8. The development shall take place generally in accordance with:
- Drawing No. 60/010/3 Rev 'B' – Redbank DA10 Location Plan prepared by North Richmond Joint Venture Group and dated 13 May 2014;
 - Drawing No. 16800-1-T5 – Detail Survey/Site Plan prepared by Vince Morgan Surveyors and dated 12 February 2015;
 - Drawing No. 16800-3A-T6 – Detail Survey/Site Plan prepared by Vince Morgan Surveyors and dated 12 February 2015;
 - Drawing No's 001, 002, 010, 011, 017, 018, 019, 021, 031, 032, 033, 034, 035 and 0251 – The Gallery/Mountain View Proposed Bulk Earthworks, Road and Drainage Works prepared by Craig and Rhodes and dated 10 February 2015;
 - Drawing No's 001, 002, 010, 011, 017, 018, 019, 021, 033, 034, 035, 036 and 051 – Yobarnie Rise Proposed Bulk Earthworks, Road and Drainage Works prepared by Craig and Rhodes and dated 10 February 2015;
 - Drawing No's 001, 002, 010, 011, 017, 018, 019, 021, 033, 034, 035, 036 and 051 – Yobarnie Rise Proposed Bulk Earthworks, Road and Drainage Works prepared by Craig and Rhodes and dated 11 February 2015;
 - Drawing No. 1768C-SK37 Rev 'A' prepared by Craig and Rhodes and dated 20 February 2015;
 - Drawing No's L-SD-101, 102 and 103 prepared by Arterra Landscape Architects and dated 12 February 2015;
 - Drawing No's L-SD-301 and 303 prepared by Arterra Landscape Architects and dated 12 February 2015

... except as amended in red on the plans or modified by these further conditions.

Note: The turning areas at the termination of Roads 18 and 19 are to be amended as marked in red on Drawing No. 1768C-SK37 Rev 'A' prepared by Craig and Rhodes and dated 20 February 2015.

9. No excavation, site works or building works shall be commenced prior to the issue of an appropriate Construction Certificate.
10. The accredited certifier shall provide copies of all Part 4A Certificates issued under the Environmental Planning and Assessment Act 1979 relevant to this development to Hawkesbury City Council within seven (7) days of issuing the certificate. A registration fee applies.

Prior to the Issue of the Construction Certificate (All Precincts)

The following conditions in this section of the consent must be complied with or addressed prior to the issue of any Construction Certificate relating to the approved development, whether by Council or an appropriately accredited certifier. In many cases the conditions require certain details to be included with or incorporated in the detailed plans and specifications which accompany the Construction Certificate. The Construction Certificate shall be obtained prior to the commencement of any earth works or building works.

11. The payment of a Construction Certificate Checking Fee and a Compliance Certificate Inspection Fee are required when submitting Civil Engineering Plans for approval. A fee quote will be provided by Hawkesbury City Council on request.

Fees required if an accredited certifier is used will also be provided on request.

12. Prior to the issue of a Construction Certificate or approval under the Roads Act 1993 or Local Government Act 1993, a security bond of **\$244,250.00** (1% of the stated value of the works of \$24,425,000.00) is to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site. Where a staged bond is required, a cost estimate for the stage for which a Construction Certificate or Roads Act approval is sought is to be provided with the application.

The bond is to cover any restoration required within Council's Roads resulting from deterioration caused by construction traffic through the construction of the development.

The bond can be in the form of an unconditional bank guarantee or cash deposit.

The bond is recoverable upon written application to Council on completion of the subdivision works, subject to satisfactory restoration as required. Fees for the lodgement of the bond apply.

13. Construction of the road, access, drainage, filling and retaining walls are not to commence until three copies of the plans and specifications of the works are submitted to and approved by the Director of City Planning or an Accredited Certifier.
14. On-site stormwater detention storage is to be provided to ensure that peak flows from the combined Yobarnie Rise Catchment 6.7b (draining into Townsend Road) and The Gallery/Mountain View Catchment, do not exceed the existing flows for all storms from the critical 1 in 5 year ARI storm up to and including the critical 1 in 100 year ARI storm.

Calculations are to be provided with the application for the Construction Certificate to demonstrate this requirement is achieved at the inlet point to the piped drainage system in the Pecks Road Public Reserve.

15. Water quality infrastructure, as generally shown in the Water Cycle Management Report – Project 1512 prepared by Storm Consulting and dated November 2014 and as shown on the approved plans, is to be constructed as part of the subdivision works to achieve the required water quality outcomes for the development. The water quality treatment devices for Catchment W2 for The Gallery/Mountain View Precinct (draining west to future Basin C) may be constructed with future stages of the development.

Detailed design of the water quality elements is to be provided, together with modelling to demonstrate that the water quality targets required by Section 8.3.5 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' are achieved.

16. The Applicant shall bear the cost of all restoration works to Council's property damaged during the course of this development. The Applicant shall advise Hawkesbury City Council, in writing, of any existing damage to Council property before the commencement of the development. A dilapidation survey of Council's assets, including photographs and written record, must be prepared by a suitably qualified person and submitted to Hawkesbury City Council prior to the issuing of any Construction Certificate or approval under the Roads Act 1993.

Note: This documentation will be used to resolve any dispute over damage to infrastructure. It is in the Applicant's interest for it to be as full and detailed as possible.

17. A detailed landscaping plan must be prepared by a suitably qualified architect, landscape designer/architect or professional landscape consultant and approved by Hawkesbury City Council prior to the issue of a Construction Certificate or approval under the Roads Act 1993. The landscaping plan is to detail the following:
 - (a) A 5m wide vegetated buffer consisting of native vegetation of local provenance is to be provided to the properties within Mountain View that back onto Grose Vale Road (Lots 212 to 221 and 223 to 229) in accordance with Figure 8.47 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'.
 - (b) Landscaping, including advanced trees, is to be provided within the road reserve of Grose Vale Road in accordance with Figure 8.47 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' for the length of the development.
 - (c) Street trees are to be provided evenly within the grass verge generally in accordance with Drawing No's L-SD-101 Rev 'B' and L-SD-301 Rev 'B' prepared by Arterra Design Pty and dated 12 February 2015, Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification and Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'. The trees are to be advanced specimens with a minimum pot size of 45L.
 - (d) A minimum 1m wide landscape strip including street trees is to be provided between Road 18 and Road 10 to assist in preventing vehicular access.
 - (e) The rural-style fencing along Grose Vale Road and Road 13 shall be designed in accordance with Figure 8.47 of Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond'.
 - (f) Design, materials and colours of all fencing, retaining walls, paving, driveways and street furniture shall be provided.
 - (g) Measures to ensure the maintenance and survival of the landscaping are to be provided.
18. A Traffic Guidance Scheme prepared in accordance with AS1742.3:2002 by an appropriately qualified person shall be submitted to Council.
19. All works within the existing road reserve are to be approved and inspected by Council as the roads authority under the provisions of the Roads Act 1993.

All works within Council owned land (public reserves etc.) are to be approved and inspected by Council under the provisions of the Local Government Act 1993.

The Construction Certificate for any work that relies on downstream approval by Council under the Roads Act 1993 and/or Local Government Act 1993 is not to be released before the required approval is obtained.

20. All kerb is to be standard upright 150mm integral kerb and gutter in accordance with Hawkesbury City Council Standard Drawing SD4 Sheet 1 of 2 – Detail of standard kerb and gutter (Modified SA).

Mountable (roll) kerb and gutter is permitted in the cul-de-sacs (Road 5, Road 18 – approx. chainage 270 to 330) and the rear lane (Road 15).

Any other variations are to be approved in writing by Hawkesbury City Council prior to the issue of the Construction Certificate.

21. Retaining walls, where required, are to be designed and certified by a suitably qualified and experienced Structural Engineer.
22. A Construction Management Plan shall be submitted and approved by Hawkesbury City Council prior to the issue of the Construction Certificate. Any use of Council property shall require appropriate approvals.

The Plan shall detail:

- (a) The proposed method of access to and egress from the site for construction vehicles including the proposed method of traffic control, access routes through the Council area and the location and type of temporary vehicular crossing for the purpose of minimising traffic congestion and noise in the area. Construction access to the site is to be from Grose Vale Road.
- (b) The proposed access and manoeuvring for vehicles during each stage. This is to consider construction traffic, residents, visitor, staff and service vehicles, together with pedestrian access.
- (c) The proposed manner in which adjoining property owners will be kept advised of the timeframes for completion of each phase of development/construction process.
- (d) The proposed method of loading and unloading excavation and construction machinery, excavation and building materials, formwork and the erection of any part of the structure within the site.
- (e) The proposed areas within the site to be used for the storage of excavated materials, construction materials and waste containers for each stage during the construction period.
- (f) The proposed method/device to remove loose material from all vehicles and/or machinery before entering the road reserve, any run-off from the washing down of vehicles shall be directed to the sediment control system within the site.
- (g) Erosion and sediment control measures.
- (h) Noise and vibration minimisation measures during earthworks and construction work as detailed in the Noise and Vibration Management Plan.
- (i) Dust suppression measures during earthworks and construction work.
- (j) Waste management during construction works.

- (k) Submission of a detailed design plan of all works proposed within the adjacent public reserve.
 - (l) Heritage and archaeological management.
 - (m) Ecological impact mitigation measures.
 - (n) Establishment of a protocol for complaints handling and management.
23. A detailed Construction Noise and Vibration Management Plan shall be prepared detailing measures to control noise and vibration during construction. The Plan is to include, but not be limited to:
- (a) Identification of each work area and site compound.
 - (b) Identification of the specific activities that will be carried out and associated noise sources for each work area.
 - (c) Identification of all potentially affected noise sensitive receivers.
 - (d) Description of management methods and procedures that will be implemented to control noise and vibration during construction.
 - (e) Description of specific noise mitigation treatments and time restrictions including respite periods, duration and frequency.
 - (f) Justification for any activities outside normal working hours.
 - (g) A pro-active and reactive strategy for dealing with complaints including compliance with the construction noise and vibration objectives.
 - (h) Noise and vibration monitoring, reporting and response procedures.
 - (i) Procedures for notifying residents of construction activities that are likely to affect their noise and vibration amenity.
 - (j) Education of construction personnel about noise minimisation.
24. A Soil and Water Quality Management Plan is to be prepared. The plan shall be prepared in accordance with the Department of Housing's Guideline 'Managing Urban Stormwater – Soils and Construction 1998'. The plan shall be prepared prior to substantial construction and shall contain but not be limited to:
- (a) Management of the cumulative impacts of the development on the quality and quantity of surface water, including stormwater in storage, sedimentation basins and flooding impacts.
 - (b) Details of a strategy for phasing of construction works so that land disturbances are confined to areas of a manageable size and kept to a minimum.
 - (c) Erosion and sediment control plans for each phase of construction that provide site-specific management measures, including:
 - Details of short and long-term measures to be employed to minimise soil erosion and the discharge of sediment to land and/or waters including the locations and capacities of sediment fencing/straw bales, temporary storage ponds, sediment filters, filter barriers and other controls.
 - A strategy for progressive revegetation and rehabilitation of disturbed areas of earth as rapidly as practicable after completion of earthworks.
 - (d) An analysis of potential areas of contaminated soils at the site and the disturbance of such soils in order to protect water quality.
 - (e) The potential for heavy prolonged rainfall during construction to cause environmental impacts including water quality impacts.
 - (f) Identification of all potential sources of water pollution and a detailed description of the remedial action to be taken or management systems to be implemented to minimise emissions of these pollutants from all sources within the subject site.

- (g) Detailed construction methodology and design of the crossing of the natural watercourse, including erosion and sediment control, bridge design and scour protection.
 - (h) Detailed description of water quality monitoring to be undertaken during the pre-construction and construction stages of the development including base line monitoring, identification of locations where monitoring would be carried out and procedures for analysing the degree of contamination of potentially contaminated water.
 - (i) Measures to handle, test, treat, re-use and dispose of stormwater and contaminated water and soil.
 - (j) Procedures for the re-use, treatment and disposal of water from sedimentation basins.
 - (k) Detailed description of water quality monitoring during pre-construction and construction stage of the project.
 - (l) A program for reporting on the effectiveness of the operational and construction sedimentation and erosion control system against performance goals.
25. An Environmental Management and Rehabilitation Plan for the development site shall be prepared by an appropriately qualified person. The Plan shall address (without being limited to) the clearing of vegetation, lopping and removal of trees, earthworks, erosion control, site rehabilitation and landscaping.

All site works shall be carried out in accordance with the Plan. Implementation of the Plan shall be supervised by an appropriately qualified person.

Prior to the Issue of the Construction Certificate (The Gallery/Mountain View)

26. The turning areas at the termination of Roads 18 and 19 shown on Drawing No. 1768C-SK37 Rev 'A' prepared by Craig and Rhodes and dated 20 February 2015 are to be amended to provide adequate manoeuvring areas, together with 3.5m wide nature strip around the full extremity to provide for adequate servicing, pedestrian access and setbacks to adjacent lots.

A minimum 1m wide landscape strip is to be provided between Road 18 and Road 10 to assist in preventing vehicular access.

27. Piped drainage connections and emergency overland flow paths through the Senior Housing Development are to be supported by calculations confirming the adequacy of the existing infrastructure to cater for the proposed additional flows for the minor 1 in 5 year ARI and the major 1 in 100 year ARI storm events.

Details are to be provided with the application for the Construction Certificate.

Prior to the Issue of the Construction Certificate (Yobarnie Rise)

28. The submission of a report assessing the safety of the existing mass gravity earth dam is required. Recommendations to ensure safety shall also be detailed.

The report shall also consider the top water level of the dam in relation to the adjacent residential development, with a view to ensuring that adequate freeboard is provided.

Details of any required works are to be provided with the application for the Construction Certificate.

Prior to Commencement of Works (All Precincts)

29. The applicant shall advise Council of the name, address and contact number of the principal certifier in accordance with Section 81A 2(b) of the Environmental Planning and Assessment Act 1979.
30. At least two days prior to commencement of works, notice is to be given to Hawkesbury City Council in accordance with the Environmental Planning Assessment Regulation 2000.
31. A sign displaying the following information is to be erected adjacent to each access point and to be easily seen from the public road:
 - (a) Unauthorised access to the site is prohibited.
 - (b) The owner of the site.
 - (c) The person/company carrying out the site works and telephone number (including 24 hour seven days emergency numbers).
 - (d) The name and contact number of the Principal Certifying Authority.

The sign is to be maintained for the duration of the works.

32. All traffic management devices shall be installed and maintained in accordance with the approved traffic management plan.

During Construction (All Precincts)

33. Site and building works (including the delivery of materials to and from the property) shall be carried out only on Monday to Friday between 7:00am and 6:00pm and on Saturdays between 8:00am to 4:00pm.
34. The site shall be kept clean and tidy during the construction period and all unused building materials and rubbish shall be removed from the site upon completion of the project.
35. Erosion and sediment control devices are to be installed and maintained until the site is fully stabilised in accordance with the approved plan and Part C Chapter 4 of the Hawkesbury Development Control Plan 2002 'Soil Erosion and Sediment Control'.
36. Dust control measures (e.g. vegetative cover, mulches, irrigation, barriers and stone) shall be applied to reduce surface and airborne movement of sediment blown from exposed areas.
37. No excavated material, including soil, shall be removed from the site.

Where fill is to be spread elsewhere the on the subject site or the adjoining seniors housing development, Construction Certificate approval for bulk earthworks is to be in place prior to works commencing.

38. All fill including existing fill must be compacted to 98% standard compaction in accordance with AS1289 and verified by the submission of test results for each lot accompanied by a contoured depth of fill plan.

39. The following measures shall be undertaken during earthworks and construction works to minimise flora and fauna impacts:
- (a) The felling of hollow-bearing trees is to be conducted under the supervision of a fauna ecologist to ensure appropriate animal welfare procedures are taken, particularly for threatened species. Hollows of high quality or with fauna recorded residing within should be sectionally dismantled and all hollows should be inspected for occupation, activity and potential for reuse.
 - (b) If any fauna species, a nest or roost is located during development works, then works should cease until safe relocation can be advised by a fauna ecologist.
 - (c) Usable sections of cleared trees should be relocated into the riparian buffer zones to increase available habitat for ground-dwelling mammals.
40. The construction of full width roads, kerb and gutter and concrete path paving, drainage and water quality devices is required. Works are to include line marking and signage, plus any other works to make construction effective.
41. Temporary sealed turning areas, minimum 8.5m diameter, are to be constructed to all roads that will be the subject of further construction in future stages.
42. Landscaping is to be undertaken in accordance with the approved landscaping plan.
43. Inter-allotment drainage shall be provided for all lots which do not drain directly to a public road. Easements are to be created at the applicant's cost.
44. All civil construction works required by this consent shall be in accordance with Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification and Part E Chapter 8 of the Hawkesbury Development Control Plan 2002 'Redbank at North Richmond' as applicable.
45. Inspections shall be carried out and compliance certificates issued by Council or an accredited certifier for the components of construction detailed in Hawkesbury Development Control Plan 2002 – Appendix E Civil Works Specification, Part II, Table 1.1.

During Construction (The Gallery/Mountain View)

46. The rear laneway construction is to incorporate fibre reinforced concrete footpath paving and is to be signposted and line marked as a shared way. No standing signage is to be provided on both sides of the lane.

Prior to the Issue of the Subdivision Certificate (All Precincts)

47. A plan of subdivision prepared to the requirements of Land and Property Information (Land Titles Office) shall be submitted to Council, with four copies.
48. A Subdivision Certificate Release Fee shall be paid in accordance with Council's Fees and Charges at the time of lodgement of the linen plan.

49. All relevant Development Contributions and Bank Guarantees as required by the Voluntary Planning Agreement (VPA) between Hawkesbury City Council, Roads and Maritime Services, Eric Nominees Australia Pty Ltd atf the Redbank Unit Trust, Mararch Dev (Richmond) Pty Ltd, Wengor Dev (Richmond) Pty Ltd, Hatt Pty Ltd and BD NSW (MR) Project O007 Pty Ltd atf BD NSW (MR) Project O007 Unit Trust dated 20 August 2014 are to be provided and associated documentary evidence of same is to be forwarded to Council. The documentation provided to Council is to include:
- (a) details of the number of lots for which the Subdivision Certificate is sought, and
 - (b) details of the cumulative number of lots for which Subdivision Certificates have been issued in the 'Redbank at North Richmond' development as a whole, and
 - (c) an explanation as to how the provisions of the VPA have been satisfied for both (a) and (b) above.
50. Evidence of compliance with the requirements of the Heritage Council (Office of Environment and Heritage) shall be provided prior to the release of the Subdivision Certificate.
51. A defects maintenance bond to the value of **\$244,250.00** (1% of the stated value of the works of \$24,425,000.00) must be lodged with Hawkesbury City Council prior to issue of the Subdivision Certificate. Where a staged release of the Subdivision Certificate is requested, the bond amount will be calculated based on the value of works relating to that stage.
- Where a staged bond is required, a cost estimate for the stage for which a subdivision certificate is sought is to be provided with the application.
- The bond can be in the form of an unconditional bank guarantee or cash deposit. The bond is refundable on application, six months after the release of the Subdivision Certificate, upon satisfactory final inspection.
52. A works as executed plan and contour depth of fill plan prepared by a registered surveyor or the design engineer shall be submitted. The works as executed plan shall include details of the on-site stormwater detention systems and water quality.
53. The submission of a report by the Design Engineer is required certifying the conformance of the on-site detention basins and water quality treatment devices with the approved design.
54. Easements for drainage over inter-allotment drainage lines shall be created in accordance with the requirements of Hawkesbury Development Control Plan 2002 – Appendix E – Civil Works Specification.
55. A positive covenant with Council shall be created pursuant to Section 88B of the Conveyancing Act as follows:
- All future dwellings on the allotment are to have a minimum of 50% of the roof area drained to a rainwater tank(s). The rainwater tank or tanks are to have a minimum capacity of 3,000 litres and must be plumbed for at least one domestic internal use (toilet flushing and/or laundry use).
56. A Plan of Management for the on-site stormwater detention and water quality facilities shall be submitted to and approved by Hawkesbury City Council. The Plan of

Management shall set out all design and operational parameters for the facilities including design levels, hydrology and hydraulics, inspection and maintenance requirements and time intervals for such inspection and maintenance.

57. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water.

It is recommended that you make an early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services as well as building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, Building and developing > Developing > Land development or telephone 13 20 92.

58. Written clearance from an Electrical Energy Provider shall be submitted to the Principal Certifying Authority.
59. A certificate from a telecommunications carrier confirming that provision has been made for services to the development shall be submitted to the Principal Certifying Authority.
60. Geotechnical test results and a site classification report prepared by a NATA registered laboratory shall be submitted to Council in respect of filling works.
61. Retaining walls, where required, are to be certified on completion by a suitably qualified and experienced Structural Engineer.
62. A written application for road naming must be submitted to Hawkesbury City Council for approval. The road names proposed must comply with requirements of the NSW Geographical Names Board and Hawkesbury City Council.

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

Fees are payable for this service as specified in Council's Fees and Charges Policy.

Prior to the Issue of the Subdivision Certificate (Yobarnie Rise)

63. The registration of an easement is required for drainage benefiting Hawkesbury City Council pursuant to Section 88B of the Conveyancing Act over the public drainage pipelines and overland flow paths located in the residual lot.

The easement will be extinguished upon the future dedicated of the land to the public.

64. The creation of a positive covenant with Hawkesbury City Council pursuant to Section 88B of the Conveyancing Act is required as follows over the water quality treatment devices within the residual lot:
- (a) The registered proprietors will at all times maintain, repair and keep the water quality treatment facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the

operation and maintenance of the on-site stormwater detention and water quality treatment facilities.

- (b) The liability under the Covenant will jointly and severally bind the registered proprietors of the lot.
- (c) Council only will be entitled to release or modify the Covenant.
- (d) All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or Applicant.

The covenant will be extinguished upon the future dedication of the land to the public.

Prior to the Issue of the Subdivision Certificate (The Gallery/Mountain View)

65. The registration of an easement for drainage benefiting Hawkesbury City Council is required pursuant to Section 88B of the Conveyancing Act over the downstream minor/major drainage system within Lot 1 DP: 270758 required to convey the stormwater from the upstream catchment to the detention/water quality devices.

Council only will be entitled to release or modify the Covenant.

All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or Applicant. The plans and 88B restriction are to be approved by Council prior to registration.

66. The creation of a positive covenant with Hawkesbury City Council is required pursuant to Section 88B of the Conveyancing Act as follows over Lot 1 DP: 270758 and the subject lot (currently Lot 74 DP: 1187236):

- (a) The registered proprietors will at all times maintain, repair and keep the on-site stormwater detention and water quality treatment facilities in a good and safe condition and state of repair, in accordance with the approved design to the reasonable satisfaction, at all times, of Council, having due regard to the Plan of Management for the operation and maintenance of the on-site stormwater detention and water quality treatment facilities.
- (b) The registered proprietors will at all times accept, detain and treat the stormwater water from the upstream catchment flowing into the treatment /detention devices at no cost to Hawkesbury City Council.
- (c) The liability under the Covenant will jointly and severally bind the Community Association/registered proprietors of the lot as required
- (d) Council only will be entitled to release or modify the Covenant.
- (e) All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

67. The creation of a restriction to user with Council is required pursuant to Section 88B of the Conveyancing Act as follows:

- (a) No vehicular access is permitted from Road 10 to Lots 237, 229 and 230.

- (b) No buildings, habitable or otherwise, shall be constructed within 5m of the rear boundary of the properties within the Mountain View Precinct that back onto Grose Vale Road (Lots 212 to 221 and 223 to 229).
- (c) Prohibiting the removal of native vegetation from the 5m restricted area to the rear of the properties within the Mountain View Precinct that back onto Grose Vale Road (Lots 212 to 221 and 223 to 229) without the consent of Hawkesbury City Council.

Council only will be entitled to release or modify the Covenant. All costs associated with the Covenant, including any legal costs payable by Council, are to be paid by the owner or applicant.

68. A public right of way is to be registered pursuant to Section 88E of the Conveyancing Act over the section of constructed road (shown as existing Road 10) in Lot 3 DP: 270758 providing access to the development from Grose Vale Road where this has not been dedicated as public road at the time of release of the Subdivision Certificate.

Any easements for services required by and satisfactory to the relevant service authorities are also to be provided. The plans and 88E instrument are to be approved by Council prior to registration.

The reasons for the imposition of these conditions are those matters under Section 79C(1) of the Environmental Planning and Assessment Act 1979 as are relevant to the subject development.

Advisory Notes

- This consent operates from the *consent date* shown on the top of this notice and will lapse unless the development is commenced within five years from the date endorsed on this consent.
- If you are dissatisfied with this decision Section 97 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within six months after the date on which you receive this notice.
- The Applicant is advised to consult with:
 - (a) Sydney Water Corporation Limited
 - (b) an electricity supply authority
 - (c) a local telecommunications carrier

... regarding their requirements for the provision of services to the development and the location of existing services that may be affected by works, either on site or on the adjacent public roads.

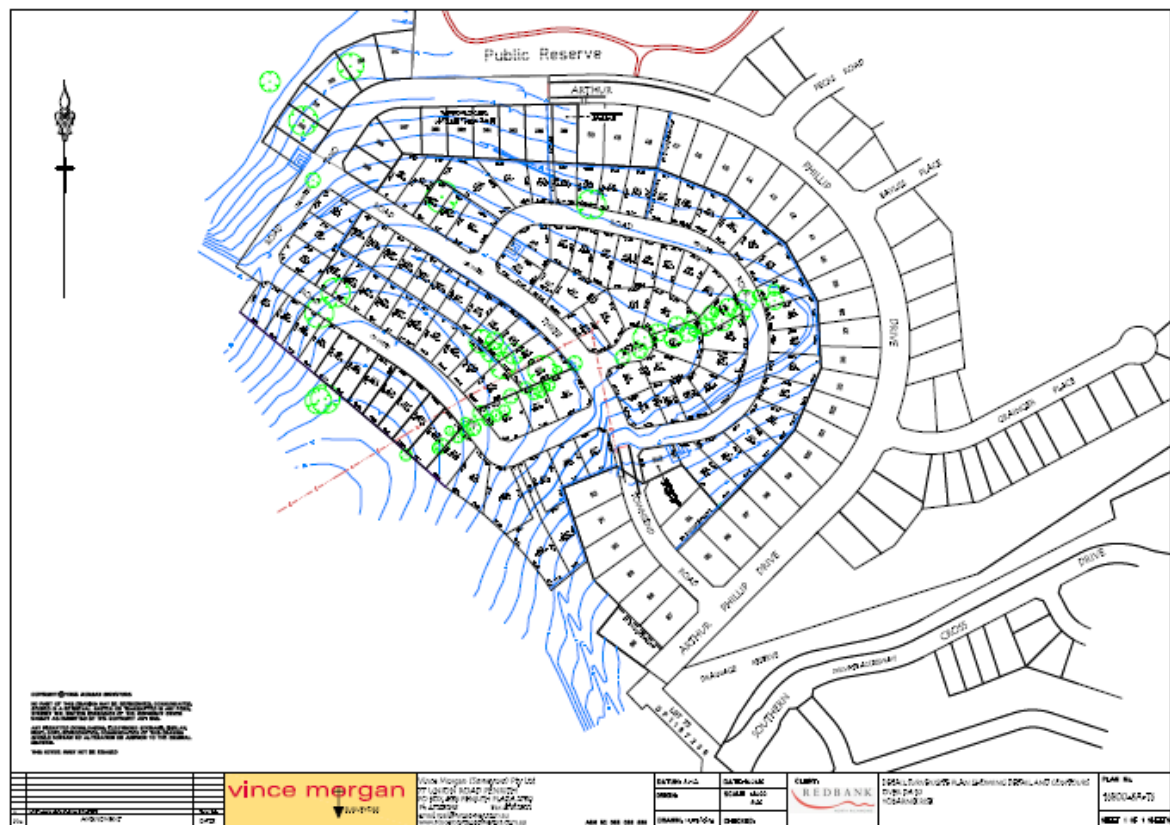
- The developer is responsible for all costs associated with any alteration, relocation or enlargement to public utilities whether caused directly or indirectly by the development. Such utilities include water, sewerage, drainage, power, communication, footways, kerb and gutter.

- The applicant shall make themselves aware of any User Restriction, Easements and Covenants to this property and shall comply with the requirements of any Section 88B Instrument relevant to the property in order to prevent the possibility of legal proceedings against them.
- Non-compliance with any condition of this development consent may result in a penalty notice being issued by Council.
- The Applicant is advised to make detailed inquiries as to whether approval by the Australian Government Minister for the Environment and Heritage is necessary under the Environment Protection and Biodiversity Conservation Act 1999.
- Should any aboriginal site or relic be disturbed, all work should cease and the National Parks and Wildlife Service consulted. Any person who knowingly disturbs an aboriginal site or relic is liable to prosecution under the National Parks and Wildlife Act 1974.

Attachments

Attachment 1 – Plans of the Proposal

Attachment 2 – Submissions



Attachment 2 – Submissions