

## **Conditions**

**Development Description:** Subdivision – Torrens title subdivision to create 237 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 **relevant** 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](http://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.

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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.