

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2015/SYW215
DA Number	DA 920/2016/JPZ
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	INTEGRATED HOUSING DEVELOPMENT AND SUBDIVISION CREATING 57 COMMUNITY TITLE RESIDENTIAL LOTS/ DWELLINGS AND ONE COMMUNITY ASSOCIATION LOT INCLUDING NEW ROAD AND DEMOLITION OVER EIGHT STAGES
Street Address	30 MEMORIAL AVENUE, KELLYVILLE NSW 2155
Applicant/Owner	MR AND MRS SPITERI
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the Act)	CIV over \$20 million – General Development
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> • List all of the relevant environmental planning instruments: s79C(1)(a)(i) <ul style="list-style-type: none"> - SEPP 55 Remediation of Lands - SEPP 64 Advertising and Signage - SEPP Building Sustainability Index: BASIX - SEPP (State and Regional Development) 2011 - SREP 20 Hawkesbury/ Nepean River - The Hills Local Environment Plan 2012 • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) <ul style="list-style-type: none"> - Nil • List any relevant development control plan: s79C(1)(a)(iii) <ul style="list-style-type: none"> - Part D Section 7 – Balmoral Road Release Area - Part D Section 5 – Kellyville/ Rouse Hill Release Area • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) <ul style="list-style-type: none"> - Nil • List any coastal zone management plan: s79C(1)(a)(v) <ul style="list-style-type: none"> - Nil • List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 <ul style="list-style-type: none"> - Environmental Planning and Assessment Act Regulation 2000

List all documents submitted with this report for the panel's consideration	Submissions
Recommendation	Approval
Report by	Senior Town Planner Simon Turner

EXECUTIVE SUMMARY

The application is for an integrated housing development consisting of 57 community title residential lots/ dwellings and one community association lot including new road and demolition over eight stages.

The proposal is consistent with The Hills Local Environmental Plan 2012. The Balmoral Road Release Area component of The Hills Development Control Plan does not have controls for integrated housing and a merit based assessment has been carried out.

One submission was received raising concern with proposed retaining walls, access to the development site, drainage and variations to the pre-planned road layout. In response to the concern raised, amended plans were submitted to Council re-aligning Rocks Street. This amended road pattern is considered reasonable. The other issues raised have been addressed within the report and do not warrant amendment or refusal of the development application.

The application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Mr and Mrs Spiteri	1.	<u>LEP 2012</u> – Satisfactory
Zoning:	R3 Medium Density Residential	2.	<u>SEPP 55 Remediation of Lands</u> – Satisfactory
		3.	<u>SEPP 64 Advertising and Signage</u> – Satisfactory
Area:	2.855ha	4.	<u>SEPP Building Sustainability Index: BASIX</u> – Satisfactory
Existing Development:	Dwelling house and ancillary structures	4.	<u>SEPP (State and Regional Development) 2011</u> – Satisfactory
		5.	<u>SREP 20 Hawkesbury/ Nepean River</u> – Complies
		6.	<u>DCP 2012 – Part D Section 7 – Balmoral Road Release Area</u> – Variation sought, see report
		7.	<u>DCP 2012 – Part D Section 5 – Kellyville/ Rouse Hill Release Area</u> – Variation sought, see report
		8.	<u>Section 79C (EPA Act)</u> – Satisfactory
		9.	<u>Section 94 Contribution</u> – \$1,680,000.00

SUBMISSIONS**REASON FOR REFERRAL TO JRPP**

1. Exhibition:	Yes (14 Days)	1.	Capital Investment Value (CIV) exceeding \$20m.
2. Notice Adj Owners:	Yes (14 Days)		
3. Number Advised:	15		
4. Submissions Received:	1		

HISTORY**11/12/2015**

The application was lodged.

17/02/2016

The applicant was requested to provide additional information addressing concerns relating to engineering and planning concerns.

03/02/2016

The applicant was asked to consider issues raised in a submission.

18/02/2016

An on-site meeting was held to give preliminary consideration by the Joint Regional Planning Panel.

29/04/2016

The applicant provided additional information including amended architectural and floor plans, site coverage calculations, landscaping details and concept engineering plans to address stormwater management, retaining walls and the alignment of Rocks Street.

Site Description

The site is rectangular in shape and has an area of 28,540m² (2.85ha) with frontage to Memorial Avenue (refer Attachment 1). The site contains a dwelling, shed and other improvements. A small number of trees are present on the site with the majority being cleared.

The properties to the east and west are currently vacant. The property to the east does not have a development approved. The property to the west has recently been subdivided to create two (2) residue lots to facilitate future residential development and one (1) road widening lot for the future road widening of Memorial Avenue. The front portion of the site (lot 2) is to be developed in the near future as an integrated housing development. The rear portion (lot 3) contains the existing dwelling and is unlikely to be developed in the near future as it contains the existing dwelling.

The properties to the south (rear) contain integrated housing developments and are separated by a public recreational open space link.

Proposal

The proposal is an integrated housing development comprising 57 detached two storey dwellings in a community title subdivision. Specifically, the development involves:

1. Demolition works on proposed Lot 432 comprising of removal of the existing dwelling, in-ground swimming pool, sheds, outbuildings, temporary structures and stockpiles of materials associated with the current use of the property.

2. Erection of a detached two storey dwelling on each of the 57 proposed residential lots (refer Attachments 2, 3 and 4).
3. Subdivision of the development under Community title comprising of 57 residential lots and one community lot for road purposes (private roads), over eight (8) stages. (refer Attachment 5)
4. Construction and dedication of public roads and construction of private roads to serve the development.
5. Installation of utility services including sewer mains, water mains, electrical, telecommunications and gas mains.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel:-

Development that has a capital investment value of more than \$20 million.

The proposed development has a capital investment value of \$26,254,899 therefore requiring determination by a Joint Regional Planning Panel. In accordance with this requirement the application is referred to the JRPP for determination.

2. The Hills Local Environmental Plan 2012

The subject site is zoned R3 Medium Density Residential. The objectives of the zone are:

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

It is considered that the proposed integrated housing development has a built form that is consistent with the desired future character of the locality and will not detract from the amenity of existing and future nearby residents or the existing quality of the environment.

The proposal is located in close proximity to Memorial Avenue, a classified road and future bus transit way, and is approximately 600m from the Sydney Metro Northwest Rail Corridor to the west.

The development has also had regard to the amenity of future residents, particularly in relation to privacy, open space and solar access.

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

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

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

- "(1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) This clause applies to development on land in the following zones:*
 - (i) R3 Medium Density Residential*
 - (ii) R4 High Density Residential*
- (3) Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*
 - (a) the subdivision of land into 3 or more lots,*
 - (b) the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:*
 - (i) for the erection of a dwelling house 240m² or*
 - (ii) for the erection of an attached dwelling 240m²."*

The applicant seeks to take advantage of this exception:

The site is zoned R3 Medium Density Residential complying with sub-point (2)(i).

The proposal allows for diversity in housing without adversely impacting upon amenity, complying with sub-point (1).

The proposal includes a single development application that includes three or more lots and includes both the subdivision of land and the construction of dwelling houses, complying with sub-point (3)(a).

Finally, all of the lots created are in excess of 240m² complying with sub-point (3)(b)(i).

Accordingly, the proposal complies with Clause 4.1B of the LEP, addressing the non-compliance with the lot size map as per Clause 4.1 of the LEP.

Clause 4.3 of the LEP states that the height of any building must not exceed the maximum height shown on the building height map. The building height map indicates that the maximum building height for this site is 10m. The proposal provides for dwelling houses that comply with this control as discussed in more detail later in this report.

Clause 6.1 requires that developments comprising subdivision within designated urban release areas, which includes the Balmoral Road Release Area, are required to make satisfactory arrangements with the Director-General for the provision of designated State public infrastructure. Accordingly, the applicant will be required to make a Special Infrastructure Contribution (SIC) payment which has been imposed by way of condition of consent.

Clause 6.2 requires that development consent must not be granted unless the Council is satisfied that public utilities are available for future development. Services are available in the locality with modification to the local network. Conditions of consent have been recommended requiring a certificate from each service provider confirming that they are satisfied that the services have been provided to their requirements.

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

3. The Hills Development Control Plan 2012

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

- Part D Section 7 – Balmoral Road Release Area (BRRR DCP)
- Part D Section 5 – Kellyville/ Rouse Hill Release Area (KRHRA DCP)

The BRRR DCP does not include controls relating to “integrated housing” developments. The adopted approach that has been consistently applied throughout the assessment of this form of development in the BRRR is:-

- Use of the BRRR DCP for controls which establish the character of the locality such as front and side setbacks (on public roads), corner setbacks and site coverage
- Use of the KRHRA DCP for controls which apply to “integrated housing” and include, front, side and corner setbacks (on private roads), rear setbacks (on all lots), parking, landscaping, private open space and community open space.

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

Development Standard	Lot No.	Proposed Development	Compliance
Front Building Setback Detached Dwelling Lot: (Public Road Interface) 6m (BRRR DCP)	60-65	All lots comply	Yes
Front Building Setback Detached Dwelling Lot: (Private Road Interface) 4.5m (KRHRA DCP)	12, 16, 18, 19, 22, 32, 34, 38, 45-59 1-11, 13-15, 17, 20, 21, 23-31, 33, 35-37, 39-44, 60-65	<4.5m 4.5m	Variation proposed, see report Yes
Setbacks Garage 5.5m (KVRA DCP)	9-59	All lots comply	Yes
Setbacks Rear 3m (KVRA DCP)	9-65	All lots comply	Yes
Setbacks Side 900mm	9-65	All lots comply	Yes

and / or Zero lot line (KVRA DCP)			
Setbacks Corner Public Road Interface 4m secondary frontage (BRRA DCP)	9, 28, 29, 39 to 44	Each lot complies	Yes
Setbacks Corner Private Road Interface 2m secondary frontage (BRRA DCP)	63 and 64	Each lot complies	Yes
Car Parking Dwelling Two (2) spaces per dwelling (KVRA DCP)	9-65	All lots comply	Yes
Private Open Space Minimum 20% of Lot and 24m ² (KVRA DCP)	9-64 65	Complies 19.7%	Yes Variation proposed, see report
Site Coverage Maximum 60% Double Storey (BRRA DCP)	10, 11, 13- 17, 20, 21, 23-25, 27, 30, 31, 33, 35-37, 45- 59, 61, 62 and 65 9, 12, 18, 19, 22, 26, 28, 29, 32, 34, 38-44, 60, 63 and 64	Does not comply Complies	Variation proposed, see report Yes
Site Coverage Total Area Maximum 60% Overall Development (KVRA DCP)	50.8%	Complies	Yes
Landscaping Total Area	9-65	All lots comply	Yes

Minimum 40% (BRRA DCP)			
Landscaping Total Area Minimum 40% (KVRA DCP)	9-65	All lots comply	Yes
Solar Access Minimum 2 hours for 50% of PPOS (KVRA DCP)	9-39, 41- 60, 62-65 40, 61 and 62	Complies Does not comply	Yes Variation proposed, see report

Proposed Variations

The following matters need to be considered further:-

Private and Communal Open Space

The KRHRA DCP requires a common open space to be provided for integrated housing development applications. The proposal does not include any common open space. The justification provided for this approach is that an excess area of private open space is provided within each lot as an offset.

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

With the exception of lot 65, which has a variation of 0.3% or 2.55m², the proposal complies with these controls. The majority of lots are provided with an area which exceeds the minimum of 20% for each lot which is considered to be a better outcome rather than providing an area of communal open space that may have limited use.

The site is located in relative close proximity to an area of public open space to the east of the site (150m). There is opportunity for active and passive recreation within the public open space area for the future residents.

No objections are raised to the proposal in respect to this matter.

Solar Access

The DCP requires that lots be capable of achieving 2 hours of sunlight to 50% of the principle private open space. With the exception of lots 40, 61 and 62 the proposal complies with this control.

Compliance with this control can be difficult given the permitted size of the dwellings and the minimum lot size and the application is well designed to accomplish compliance to the extent that has been achieved. The proposed dwellings, including lots 40, 61 and 62, are largely compliant with the DCP control in relation to setbacks, site coverage,

landscaping and private open space. Given that 95% of the proposed dwellings comply with this control, no objection is raised to a 5% non-compliance.

Site Coverage

The DCP requires that each lot be provided with site coverage of no greater than 60% for two storey dwellings. Proposed lots 10, 11, 13-17, 20, 21, 23-25, 27, 30, 31, 33, 35-37, 45-59, 61, 62 and 65 do not comply with the control.

The applicant has made the following comments in relation to the proposed non-compliance:-

The variations to maximum site coverage are not considered to impact on the appearance of the development or the suitability of individual sites for residential accommodation. Council is requested to support the variations to the DCP site coverage requirement, for the following reasons:

- a) *All dwelling sites except for Lots 42 and 43 comply with the minimum front, side and rear setback requirements of Section 4.3 of KRHRA DCP. Lots 42 and 43 depart from the minimum secondary frontage setbacks by a minor extent.*
- b) *All dwelling sites except for Lot 65 comply with the minimum Private Open Space (POS) requirements of the KRHRA DCP. Lot 65 departs from the minimum POS requirement by a minor extent.*
- c) *All dwelling sites comply with the minimum Principle Private Open Space (PPOS) requirements of the KRHRA DCP.*
- d) *All dwelling sites except for Lots 40, 61 & 62 comply with the minimum solar access requirements of Section 4.8 of the KRHRA DCP. Lots 40, 61 & 62 exhibit only minor deficiency in sunlit POS areas.*
- e) *The building sites are relatively small in terms of land area and allotment depth. The slightly larger building footprints proposed are considered desirable to achieve useable floor plan layouts that will appeal to the market place and be useable for future residents.*
- f) *The degree of exceedance in site coverage is limited to no more than 10% of the DCP requirement for two storey construction. Apart from Lot 17, the site coverage is still less than the DCP allowance of 65% permitted for single storey construction.*
- g) *The degree of exceedance in site coverage is unlikely to give rise to overlooking, privacy loss or loss of amenity of any adjoining dwelling.*

The comments offered by the developer are generally supported.

The intent of the control is to ensure that bulk and scale of residential development is minimised, open space and separation is provided in the development and overland stormwater flow issues are not created. The proposed development is consistent with the intent of the control. Furthermore, the calculated site coverage for the overall site is 50.8% which is consistent with the DCP. No objection is raised to the proposed non-compliance.

Front Setback (Private Road)

The DCP requires that dwelling be provided with front setbacks of 4.5m from a private road. Proposed lots 12, 16, 18, 19, 22, 32, 34, 38, 45-59 do not comply with this control.

In each instance the non-compliance is in the form of an open veranda or patio. The main part of the dwelling is setback 4.5m in accordance with the DCP. The proposed non-compliance results in a more varied streetscape rather than each dwelling being located on the same building line. Furthermore, the encroachment is open and will not present as significant bulk at the front elevation. No objection is raised to the proposed non-compliance in this instance.

Pre-planned Road Layout

The BRRA DCP identifies a pre-planned Road layout for the site (refer to Attachment 8). The application proposes to vary the pre-planned road layout as shown via an excerpt from the applicant's submission in (Also provided in Attachment 8).

The proposed location has been amended from what was originally lodged. The amendment came about as a result of a submission from the adjoining eastern property raising concern with the proposed location and the impact it would have upon their property.

The amended plans were sent to the objector for comment. They have not made any comment on the amended plans.

The amended plans are considered to be a reasonable compromise and no objection is raised.

Signage

The proposal seeks approval for an estate entry sign. The applicant has undertaken an assessment against State Environmental Planning Policy No 64 – Advertising and Signage. The assessment is acceptable and no objection is raised to the proposed estate entry signage.

4. ISSUES RAISED IN SUBMISSION

The application was placed on exhibition for a period of 14 days from 19 January 2016 to 3 February 2016. During the exhibition period a sign was erected on site and 15 property owners were notified in writing. One submission was received during the exhibition period. The comments made within the submission are addressed below.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Concern that the proposed road alignment of Rocks Street is inconsistent with the DCP pre-planned road layout.</p> <p>The submission made the following commentary:-</p> <p><i>It is proposed to realign Rocks Street which traverses No. 28 east to west through the middle of the site. The shift will be about 4m north on the western side of No.</i></p>	<p>The applicant was asked to consult with the adjoining land owner to come up with a mutually agreed upon road pattern.</p> <p>The applicant has provided an amended road pattern which they have suggested is a result of discussions with the adjoining land owner. The amended road pattern was sent to the adjoining owner for comment. A response has not yet been received.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<i>28 and may impact on the regular shaped lots and yield you have proposed in your site master plan and feasibility undertaken for No. 28 last year.</i>	The amended road pattern seeks to provide a road pattern which is more consistent with the DCP than originally proposed. The amended road pattern will be unlikely to detrimentally impact upon the development potential of the adjoining site. This is detailed in Attachment 8. Accordingly, no objections are raised.	
Concern has been raised that the community road on the eastern boundary is to be in cut of up to 1.2m which will impact upon No. 28 Memorial Avenue.	<p>A 1.2m high (max) retaining wall is proposed in cut on the eastern boundary. A 1.8m high lapped and capped timber fence is proposed on the common boundary, at near natural ground level, with the objector's property.</p> <p>The proposed retaining wall will not result in any privacy or overshadowing impacts with the adjoining property. Furthermore, the retaining wall will partially screened along its length due to a 2m wide landscape strip.</p> <p>No objections are raised to the proposed retaining wall as it is considered reasonable and will be unlikely to detrimentally impact upon the adjoining property.</p>	Issue addressed.
Concern has been raised with the proposed stormwater associated with the development affecting adjoining properties.	The site is located at the top of the catchment and slopes from back to front in a northerly direction towards Rutherford Avenue. The majority of the stormwater runoff from the development site is directed west to Elizabeth Macarthur Creek further west via road and drainage infrastructure constructed as part of adjoining developments. A small portion of Rutherford Avenue falls towards 28 Memorial Avenue to the east and eventually to the existing trapped low point in Rutherford Avenue/ Memorial Avenue, before being directed north to Strangers Creek via road and drainage infrastructure constructed as part of adjoining development on the northern side of Memorial Avenue. Until such time as 28 Memorial Avenue to the east is developed and	Issue addressed. Refer to Condition 43 below.

ISSUE/OBJECTION	COMMENT	OUTCOME
	Rutherford Avenue extended as part of the same, runoff from this part of the subject site needs to be directed away from that neighbour. The piped drainage will be directed west as noted earlier, and any overland flow will be directed to Memorial Avenue. Proposed condition 43 (i) and (j) address the design detail required to satisfy this intent.	
Concern has been raised with how access is to be provided to the development site given there is no direct access from Memorial Avenue to the site.	Access to the development site will be provided when the adjoining sites are developed. It must be noted that a development has been provided which constructs roads to the western boundary thus providing access (DA 527/2016/ZE). A proposed condition is recommended requiring registration of DA 527/2016/ZE prior to the release of the construction certificate.	Issue addressed.

5. Joint Regional Planning Panel Comments (JRPP)

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

a. Interface of Privacy Road with Adjoining Properties

The JRPP requested advice on what treatment would be undertaken between the private road and the adjoining eastern property.

A 1.2m high (max) retaining wall is proposed in cut on the eastern boundary. A 1.8m high lapped and capped timber fence is proposed on the common boundary, at near natural ground level, with the eastern property.

The proposed private road is located 2m from the boundary and is proposed to consist of grasses which are capable of reaching 1.2m in height. Council's Landscape Architect has conditioned the use of shrubs in the location to aid in screening and provides some variation to the landscaping.

b. Location of Private Road

The JRPP raised concern with the location of the private road being adjacent the boundary of the adjoining eastern property. It was suggested that there may be some benefit to allowing the adjoining property to access the private road to enable their development to occur.

The applicant provided the following comments in relation to this matter:-

The adopted location of community roads as shown on the development plans will optimise the development yield for 30 Memorial Avenue. The adjoining property, 28 Memorial Avenue, is currently being marketed for sale, for which a conceptual development layout is included in the sales literature. The conceptual layout

shows lot layouts and internal road patterns considered by the current owners to optimise site yield. The layout does not include access arrangements in regards to the eastern boundary road within 30 Memorial Avenue.

Our clients would prefer to maintain dedicated access arrangements within their site and avoid difficulties associated with other properties utilising privately owned assets within a community scheme. Further, the height of the retaining wall along the eastern boundary of the site is an indication of potential difficulties in gaining property access from the east via this road.

The applicant's comments in relation to this point are generally supported. Each site is of a size and shape which can accommodate development on their own. It is considered that there would be little benefit to the two development sites developing together in this instance. No objections are raised in respect to this matter.

c. Submission and Pre-Planned Road Layout

The JRPP noted that a submission has been received which raised concern with the variation to the pre-planned road layout.

The applicant provided the following comments in relation to this matter:-

A meeting was convened on 16th February, 2016 with David Cowdery of Baptist Care to discuss a range of issues including the alignment of Rocks Street. Mr Cowdery objected to the misalignment correction of Rocks Street being located wholly within the boundaries of 28 Memorial Avenue.

Various options were considered and Mr Cowdery suggested that corrective measures could be shared between the two properties. The amended development plans are based on these discussions and show a compromise position of Rocks Street.

The amended road pattern was sent to the adjoining owner for comment based upon the amended road pattern. A response has not yet been received.

The amended road pattern seeks to provide a road pattern which is more consistent with the DCP than originally proposed. The amended road pattern will be unlikely to detrimentally impact upon the development potential of the adjoining site. Accordingly, no objections are raised.

BUILDING COMMENTS

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

SUBDIVISION ENGINEERING COMMENTS

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

LANDSCAPE ARCHITECT COMMENTS

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

TREE MANAGEMENT COMMENTS

Council's Tree Management Team have considered the application and raised no objections subject to conditions of consent

HEALTH AND ENVIRONMENTAL PROTECTION COMMENTS

Council's Health Team have considered the professional reports submitted in relation to noise, vibration, contamination and salinity and agreed with their recommendations and recommended conditions of consent.

RESOURCE RECOVERY TEAM

Council's Resource Recovery Team have considered the application and raised no objections subject to conditions of consent.

HERITAGE COMMENTS

The applicant submitted a Due Diligence Aboriginal Archaeological Assessment in accordance with the DCP. The assessment considered the likelihood of items of Aboriginal significance being present based upon known information and a site inspection. The report concluded that the site is highly disturbed and it is unlikely that the proposal will have any detrimental impacts on any items of Aboriginal significance.

ROADS AND MARITIME SERVICE COMMENTS

The Roads and Maritime Service considered the application and raised no objections on the basis that the proposal is confined to the R3 zoned land and not the land zoned SP2 "Classified Road" which they will acquire for future road widening in accordance with the LEP.

CONCLUSION

The development application has been evaluated against the matters for consideration contained within Section 79C of the Environmental Planning and Assessment Act 1979, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012. All key issues have been identified, addressed or suitably conditioned and is considered satisfactory.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposal is considered satisfactory in regard to The Hills Future Community Strategic plan and will provide housing diversity within the Shire through the provision of a variety of unit layouts and sizes in an appropriate location.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Approved Plan

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

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
229-SUB-Stage 1 to Stage 8	Plan of Subdivision – Stage 1 to 8	Malcolm Smith Pty Ltd	1 to 8	1	08/03/2016
DA-B 00 to DA-B 22	Architectural Plans	Zhinar Architects	00 to 22	B	Mar 2015
DA-B 23	Colour Schedule	Zhinar Architects	23	B	Mar 2015
15/831	Landscape Plan	Paul Scrivener Landscape Architect	1 to 5	B	08/03/2016

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

2. Compliance with NSW Roads and Maritime Services Requirements

Compliance with the requirements of the NSW Roads and Maritime Services throughout all stages of the subdivision as outlined in their letter dated 28 January 2016 Ref SYD15/01624(A11403524) attached to this consent as Appendix A.

3. External Finishes

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

4. Australia Post Mailbox Requirements

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

5. Provision of Parking Spaces

The development is required to be provided with 2 off street car parking spaces. These car parking spaces must be available for off street parking at all times.

6. BCA Compliance

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

7. Zero Lot Line Dwellings – Easement Encroachment

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

Similarly, the dwellings on the lots adjacent, being those lots burdened by an easement for repair; must be located wholly outside of the easement except where it is shown on the approved plans that the encroaching eaves/ guttering does not impede maintenance access to either dwelling and that the encroachment is no closer than 450mm to the boundary.

8. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

9. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

10. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team.

11. Construction Certificate

Before any works are carried out a Construction Certificate must be obtained. The plans and accompanying information submitted with the Construction Certificate must comply with the conditions included with this consent.

12. Proposed Street Naming – Private Roads

A written application for street naming must be submitted to Council for approval, along with the applicable fee as per Council's Schedule of Fees and Charges. The street names proposed must comply with requirements of the NSW Geographical Names Board and Council.

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

13. Approved Street Naming – Public Roads

Street naming must comply with Council's approved map which can be found on Council's website.

14. Street Trees

Street trees must be provided for the section of Rutherford Avenue, Rocks Street and Hodges Road within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

15. Recycled Water

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

16. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

17. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

18. Staging Requirements

With respect to the staging of the development the following requirements apply:

- a) The Subdivision Certificates for each stage need to be issued in order (or at the same time as the preceding stage).
- b) The Subdivision Certificate for stage one cannot be issued until the SP2 zoned road widening along Memorial Avenue has been excised from the remainder of the subject site under a separate process/ plan
- c) The Construction Certificate for stage one (covering the construction of Rutherford Avenue) cannot be issued until after a Construction Certificate has been issued over either 28 or 32 Memorial Avenue for this road, connecting it to the existing road network.
- d) The Construction Certificate for stage four (covering the construction of Rocks Street) cannot be issued until after a Construction Certificate has been issued over either 28 or 32 Memorial Avenue for this road, connecting it to the existing road network.
- e) The Construction Certificate for stage eight (covering the construction of Hodges Road) cannot be issued until after a Construction Certificate has been issued over either 28 or 32 Memorial Avenue for this road, connecting it to the existing road network.
- f) The Subdivision Certificate for stage one (covering the dedication of Rutherford Avenue) cannot be issued until after a Subdivision Certificate has been issued over either 28 or 32 Memorial Avenue for this road, connecting it to the existing road network.
- g) The Subdivision Certificate for stage four (covering the dedication of Rocks Street) cannot be issued until after a Subdivision Certificate has been issued over either 28 or 32 Memorial Avenue for this road, connecting it to the existing road network.
- h) The Subdivision Certificate for stage eight (covering the dedication of Hodges Road) cannot be issued until after a Subdivision Certificate has been issued over either 28 or 32 Memorial Avenue for this road, connecting it to the existing road network.

19. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

20. Estate Signage

The estate signage is to be erected on common property.

21. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20151276.1/0210A/R1/JD, dated 02/10/2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- 6.1 Glazed Windows and Doors

- 6.2 Roof/ Ceiling Construction
- 6.3 External Walls
- 6.4 Ventilation Requirements

22. Contamination Assessment and Site Remediation

The recommendations of the Site Assessment and Report prepared by GeoEnviro Consultancy Pty Ltd, referenced as JE15598A – r1, dated September 2015 and submitted as part of the Development Application are to be implemented as part of this approval.

23. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

24. Salinity Requirements

The recommendations of the Salinity Assessment and Report prepared by GeoEnviro Consultancy Pty Ltd Pty Ltd, referenced as JE15598A-r1, dated September 2015 and submitted as part of the Development Application are to be implemented as part of this approval.

25. Eastern Boundary Planting

Planting of *Lomandra longifolia* along the eastern boundary is to be replaced with a mix of shrub species to provide landscape screening to the proposed wall and fence. These plants are to be 5L pot size planted at 800mm centres or 2 per square metres and a minimum of 700mm away from the kerb

Shrub species may be selected from the following list:

- *Acmena smithii* 'Sublime'
- *Callistemon citrinus* 'Endeavour'
- *Grevillea* 'Moonlight'
- *Grevillea* 'Ned Kelly'
- *Raphiolepis umbellata*
- *Westringia fruticosa* 'Naringa'

26. Tree Removal

Approval is granted for the removal of ninety three (93) trees marked in Arborist report prepared by Redgum Horticultural dated 29 July 2015.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

27. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

28. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team.

29. Building Work to be in Accordance with BCA

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

30. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

31. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the development, as well as the ongoing management phase. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

32. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

33. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

34. Commencement of Domestic Waste Service

The property owners or agents acting for the owners must arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy their unit. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

35. Provision of Domestic Waste Storage Areas

Space must be allocated within the lot boundary of each property to store a minimum of 3 x 240L bins. The location must ensure that the bins are not visible from any adjoining residential property or public place, and allows the bins to be wheeled to the street over flat or ramped surfaces and not over steps or through the unit. The measurements (mm) of the abovementioned bin are 735 (d) 580 (w) 1080 (h).

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

36. Section 94 Contribution – Balmoral Road Release Area

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

Payments comprise of the following:

Stage 1

Stage 1	Purpose: Subdivision	Purpose: Credit	No. of Lots: 17	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 325,038.47	\$ 19,119.91	\$ 305,918.56
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 86,264.12	\$ 5,074.36	\$ 81,189.76
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 61,424.40	\$ 3,613.20	\$ 57,811.20
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 6,427.87	\$ 378.11	\$ 6,049.76
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 26,333.68	\$ 1,549.04	\$ 24,784.64
Administration	\$ 265.38	\$ 265.38	\$ 4,511.46	\$ 265.38	\$ 4,246.08
Total	\$ 30,000.00	\$ 30,000.00	\$ 510,000.00	\$ 30,000.00	\$ 480,000.00

Stage 2

Stage 2	Purpose: Subdivision	Purpose: Credit	No. of Lots: 10	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 191,199.10	\$ 19,119.91	\$ 172,079.19
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 50,743.60	\$ 5,074.36	\$ 45,669.24
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 36,132.00	\$ 3,613.20	\$ 32,518.80
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 3,781.10	\$ 378.11	\$ 3,402.99
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 15,490.40	\$ 1,549.04	\$ 13,941.36
Administration	\$ 265.38	\$ 265.38	\$ 2,653.80	\$ 265.38	\$ 2,388.42
Total	\$ 30,000.00	\$ 30,000.00	\$ 300,000.00	\$ 30,000.00	\$ 270,000.00

Stage 3

Stage 3	Purpose: Subdivision	Purpose: Credit	No. of Lots: 10	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 191,199.10	\$ 19,119.91	\$ 172,079.19
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 50,743.60	\$ 5,074.36	\$ 45,669.24
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 36,132.00	\$ 3,613.20	\$ 32,518.80
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 3,781.10	\$ 378.11	\$ 3,402.99
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 15,490.40	\$ 1,549.04	\$ 13,941.36
Administration	\$ 265.38	\$ 265.38	\$ 2,653.80	\$ 265.38	\$ 2,388.42
Total	\$ 30,000.00	\$ 30,000.00	\$ 300,000.00	\$ 30,000.00	\$ 270,000.00

Stage 4

Stage 4	Purpose: Subdivision	Purpose: Credit	No. of Lots: 6	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 114,719.46	\$ 19,119.91	\$ 95,599.55
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 30,446.16	\$ 5,074.36	\$ 25,371.80
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 21,679.20	\$ 3,613.20	\$ 18,066.00
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 2,268.66	\$ 378.11	\$ 1,890.55
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 9,294.24	\$ 1,549.04	\$ 7,745.20
Administration	\$ 265.38	\$ 265.38	\$ 1,592.28	\$ 265.38	\$ 1,326.90
Total	\$ 30,000.00	\$ 30,000.00	\$ 180,000.00	\$ 30,000.00	\$ 150,000.00

Stage 5

Stage 5	Purpose: Subdivision	Purpose: Credit	No. of Lots: 5	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 95,599.55	\$ 19,119.91	\$ 76,479.64
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 25,371.80	\$ 5,074.36	\$ 20,297.44
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 18,066.00	\$ 3,613.20	\$ 14,452.80
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 1,890.55	\$ 378.11	\$ 1,512.44
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 7,745.20	\$ 1,549.04	\$ 6,196.16
Administration	\$ 265.38	\$ 265.38	\$ 1,326.90	\$ 265.38	\$ 1,061.52
Total	\$ 30,000.00	\$ 30,000.00	\$ 150,000.00	\$ 30,000.00	\$ 120,000.00

Stage 6

Stage 6	Purpose: Subdivision	Purpose: Credit	No. of Lots: 5	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 95,599.55	\$ 19,119.91	\$ 76,479.64
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 25,371.80	\$ 5,074.36	\$ 20,297.44
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 18,066.00	\$ 3,613.20	\$ 14,452.80
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 1,890.55	\$ 378.11	\$ 1,512.44
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 7,745.20	\$ 1,549.04	\$ 6,196.16
Administration	\$ 265.38	\$ 265.38	\$ 1,326.90	\$ 265.38	\$ 1,061.52
Total	\$ 30,000.00	\$ 30,000.00	\$ 150,000.00	\$ 30,000.00	\$ 120,000.00

Stage 7

Stage 7	Purpose: Subdivision	Purpose: Credit	No. of Lots: 5	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 95,599.55	\$ 19,119.91	\$ 76,479.64
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 25,371.80	\$ 5,074.36	\$ 20,297.44
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 18,066.00	\$ 3,613.20	\$ 14,452.80
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 1,890.55	\$ 378.11	\$ 1,512.44
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 7,745.20	\$ 1,549.04	\$ 6,196.16
Administration	\$ 265.38	\$ 265.38	\$ 1,326.90	\$ 265.38	\$ 1,061.52
Total	\$ 30,000.00	\$ 30,000.00	\$ 150,000.00	\$ 30,000.00	\$ 120,000.00

Stage 8

Stage 8	Purpose: Subdivision	Purpose: Credit	No. of Lots: 6	No. of Credits: 1	Total S94
Open Space - Land	\$ 19,119.91	\$ 19,119.91	\$ 114,719.46	\$ 19,119.91	\$ 95,599.55
Open Space - Capital	\$ 5,074.36	\$ 5,074.36	\$ 30,446.16	\$ 5,074.36	\$ 25,371.80
Transport Facilities - Capital	\$ 3,613.20	\$ 3,613.20	\$ 21,679.20	\$ 3,613.20	\$ 18,066.00
Community Facilities - Land	\$ 378.11	\$ 378.11	\$ 2,268.66	\$ 378.11	\$ 1,890.55
Community Facilities - Capital	\$ 1,549.04	\$ 1,549.04	\$ 9,294.24	\$ 1,549.04	\$ 7,745.20
Administration	\$ 265.38	\$ 265.38	\$ 1,592.28	\$ 265.38	\$ 1,326.90
Total	\$ 30,000.00	\$ 30,000.00	\$ 180,000.00	\$ 30,000.00	\$ 150,000.00

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

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

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

37. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

38. Sediment and Erosion Control Plan

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

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and

j) A maintenance program.

39. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

40. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this approval necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

41. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$209,525.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site (290m) multiplied by the width of the road (8.5m).

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

42. Security Bond – External Works

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

The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.

43. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a

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

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

a) Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Rutherford Avenue	Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Rocks Street	Road Type: Access Street 3.5m/ 8.5m/ 3.5m (15.5m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Hodges Road	Road Type: Collector Road 3.5m/ 9.5m/ 3.5m (16.5m) Pavement Design: Collector (Design Guidelines Section 3.12)
Private Road 4	Road Type: Community/ Private Road 2.5m/ 7m/ 2.5m (12m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Private Road 5	Road Type: Community/ Private Road

	2.5m/ 7m/ 2.5m (12m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
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The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Except where a modified kerb treatment is required, such as for roadside bio-retention swales, roll kerb is to be used for all roads other than sub-arterial roads, collector roads or roads fronting a park or creek corridor.

On the northern side of Rutherford Avenue a landscaped mound between Rutherford Avenue and Memorial Avenue must be provided according to the above documents.

The design and grading of Rutherford Avenue must be considerate of the planned upgrade of Memorial Avenue by the RMS, with a view to limiting re-work as much as possible. The status of the design and construction of the upgrade of Memorial Avenue by the RMS should be discussed with Council staff before the Construction Certificate application/ detailed design is finalised.

Where the private roads intersect with the public roads, the crossing needs to delineate the public road from the private road (through the inclusion of a gutter crossing rather than a kerb return, pavement threshold treatment or similar).

b) Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

All private roads must include a second sign underneath which reads "private road".

c) Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

Temporary turning heads are required at the southern end of roads four and five in stage one extending into proposed lot 4 adjacent. Alternatively, a temporary 6m wide road linking these two roads is required. These turning heads (or temporary road) will need to be removed in stage four.

Temporary turning heads are required at the southern end of roads four and five in stage four extending into proposed lot 8 adjacent. Alternatively, a temporary 6m wide road linking these two roads is required. These turning heads (or temporary road) will need to be removed in stage eight.

d) Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on one side of Rutherford Avenue, Rocks Street and Hodges Road in accordance with the DCP and the above documents. The footpath must be located on the same side of these roads as the existing sections of constructed road/ footpath further east.

e) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

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

For those driveways on the public roads, a separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

f) Disused Layback/ Driveway Removal

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

g) Service Conduits

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

h) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept engineering plan prepared Malcolm Smith Pty Ltd dated 05/03/2016.

Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

i) Stormwater Drainage – Temporary Works

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

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

j) Stormwater Drainage – Pipe Extension/ Upsizing

Where runoff from the portion of Rutherford Avenue which falls east towards 28 Memorial Avenue is intended to be directed west towards 32 Memorial Avenue instead, then the existing stormwater infrastructure in Rutherford Avenue needs to be upsized generally in accordance with the detail/ notes included with the concept engineering plan prepared Malcolm Smith Pty Ltd dated 05/03/2016.

k) Inter-allotment Stormwater Drainage

Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system.

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

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

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

<http://www.gcc.nsw.gov.au/sic-69.html>

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

45. Rainwater Reuse/ Tank

The construction certificate issued for each dwelling must include a 3,000 litre rainwater reuse tank as required by the DCP/ shown on the approved plans.

46. Acoustic Consultant – Traffic Noise

An appropriately qualified acoustic consultant shall be engaged to certify that the design of the traffic noise affected portions of the building complies with the NSW Road Noise

Policy by Department of Climate Change and Water. A copy of this certification shall be submitted.

47. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site, including the complete removal of Cumberland Plain Woodland, the development must purchase and retire seven (7) ecosystem credits from HN529, HN526 or HN528 vegetation types from within the Cumberland – Hawkesbury/Nepean CMA sub-region (or any IBRA subregion that adjoins the subregion in which the development occurs). A retirement certificate from the NSW BioBanking Office to demonstrate compliance with this condition is to be provided to The Hills Shire Council's Manager – Environment and Health prior to issue of a Construction Certificate.

48. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

PRIOR TO WORK COMMENCING ON THE SITE

49. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

50. NSW Roads and Maritime Services Design Approval

The design and construction of the relevant works must be approved by the NSW Roads and Maritime Services (RMS) before any works commence on that road. A copy of the RMS stamped approved construction plans must be submitted to Council.

51. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- a) The name, address and telephone number of the Principal Certifying Authority;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

52. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

53. Sediment and Erosion Control

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

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

54. Service Authority Consultation – Subdivision Works

Before subdivision works commence:

- a) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the relocation, undergrounding and provision of electrical services for the non-residue lots created by the subdivision.
- b) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
- c) Consultation with the relevant telecommunications provider regarding the installation of telecommunication pits and pipes is required. The design and construction of these works must comply with current NBN standards, where applicable. Development within the area affected by the publically announced rollout maps by NBN must be registered with NBN via their website.

55. Builder and PCA Details

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

56. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

57. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

58. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

59. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be as per Tree Protection Plan as per Arborist report for project.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;

- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

60. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

61. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

62. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

63. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

64. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time

mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

DURING CONSTRUCTION

65. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

66. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

67. Subdivision Earthworks – Lot Topsoil

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

68. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be notified immediately.

69. National Parks and Wildlife Act 1974

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

70. European Sites or Relics

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

71. Working Hours

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

72. Compliance with BASIX Certificate

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

Lot/ Dwelling No.	BASIX Certificate No.
All lots	687794M

73. Confirmation of Compliance with Zero Lot Line

Prior to the installation of the external roof tiles or sheeting, written advice from a registered surveyor must be provided to the Principal Certifying Authority confirming that the constructed guttering and fascia to the wall for each property using a zero lot line, is located wholly within the property boundary.

74. Location of Dwelling

The dwellings on lots burdened by an easement for repair in response to an adjacent zero lot line dwelling must be located wholly outside of the easement except where

Council has permitted an encroachment (limited to eaves/ guttering). This includes all services, equipment and utilities.

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

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

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

76. Construction Noise

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

77. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

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

Note: Methods 1 & 5 (Demolition) are not permitted.

78. Contamination

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

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

79. Stockpiles

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

80. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

81. Dust Control

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

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

82. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Private Certifying Authority within 14 days of completion of the works.

83. Tree Removal and Fauna Protection

Trees with hollows shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.

Any injured fauna is to be placed into the hands of a wildlife carer (note only appropriately vaccinated personnel are to handle bats).

PRIOR TO ISSUE OF AN OCCUPATION AND/ OR SUBDIVISION CERTIFICATE

84. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all relevant works have been completed in accordance with their requirements.

85. Completion of Subdivision Works

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

86. Completion of Engineering Works

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

87. Public Infrastructure Inventory Report - Post Construction

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

88. Works as Executed Plans

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

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

89. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

90. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

91. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

92. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

93. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

94. Site/ Lot Classification Report

A site/ lot classification report prepared by a suitably qualified geotechnical engineer must be prepared and submitted following the completion of all subdivision works confirming that all residential lots are compliant with AS 2870 and are suitable for development. The report must be accompanied by a table which summarises the classification of all lots created as part of the subdivision.

95. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

96. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

97. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

a) Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication.

b) Easement – Temporary Public Access

A temporary public access easement must be created over the temporary cul-de-sac turning heads (or temporary roads) called for by this consent using the “temporary public access easement” terms included in the standard recitals.

c) Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council’s Design Guidelines Subdivisions/ Developments.

d) Easement – Temporary Public Stormwater Drainage/ Outlet

Temporary drainage easements, minimum 5m wide and 30m long, must be created over all temporary outlets within the property or on adjoining land using the “temporary public stormwater outlet” terms included in the standard recitals.

e) Easement – Repairs/ Zero Lot Line Dwellings

A 900mm wide (minimum) easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan using the “zero lot line dwellings” terms included in the standard recitals.

f) Restriction – Rainwater Tanks

All residential lots must be burdened with a restriction using the “rainwater tanks” terms included in the standard recitals.

g) Restriction – Bedroom Numbers

All lots that contain a new dwelling home/ attached dwelling must be burdened with a restriction using the “bedroom numbers” terms included in the standard recitals.

h) Positive Covenant – Onsite Waste Collection

Lot 1 must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

99. Security Bond – Temporary Turning Head

A \$20,000.00 security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

This bond is not required if the temporary cul-de-sac turning head is not required to be constructed.

100. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) One copy of the final plan.
- b) The original administration sheet and Section 88B instrument.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

101. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

102. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

103. Landscaping

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

104. Satisfactory Final Inspection

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

105. Maintenance of BASIX Commitments

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

106. Rainwater Tanks

An Occupation Certificate must not be issued for each dwelling prior to the installation of the rainwater reuse tank required by this consent.

107. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled 20151276.1/0210A/R1/JD prepared by Acoustic Logic Pty Ltd dated 02/10/2015. Certification is to be provided.

108. Validation Report

A validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

109. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

110. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

APPENDIX A



Transport
Roads & Maritime
Services

28 January 2016

RMS Ref: SYD15/01624(A11403524)
Council Ref: DA920/2016/JPZ

The General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

Attention: Simon Turner

PROPOSED SUBDIVISION
30 MEMORIAL AVENUE, KELLYVILLE

Dear Sir/Madam,

Reference is made to Council's email dated 17 December 2015 with regard to the abovementioned development proposal, which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with State Environmental Planning Policy (Infrastructure) 2007.

Roads and Maritime has reviewed the development application and provides the following conditions for Council's inclusion in the determination of the application:

1. The subject property is affected by a road proposal as shown by pink colour on the attached Sketch SR2454. However, Roads and Maritime would raise no objection on property grounds to the submitted application provided any new building or structures, together with any improvements integral to the future use of the site, are erected on the land required for road (unlimited in height or depth). The area required for road should be identified as a separate lot/part of the common property in any plan of the subdivision.
2. All access into the proposed development is to be from Rocks Street and Rutherford Ave in accordance with Council's DCP. Access will not be supported from Memorial Avenue.
3. A Construction Traffic Management detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 |
PO Box 973 Parramatta NSW 2150 |

www.rms.nsw.gov.au | 13 22 13

4. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability through the site, shall be accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
5. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Memorial Avenue.
6. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Memorial Avenue during construction activities.
7. Should the post development storm water discharge from the subject site into the Roads and Maritime system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to Roads and Maritime for approval, prior to the commencement of works on site

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

8. All vehicles are to enter and leave the site in a forward direction.
9. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

In addition, Roads and Maritime provides the following advisory comments for Council's consideration in the determination of the development application:

1. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.
2. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath.

Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

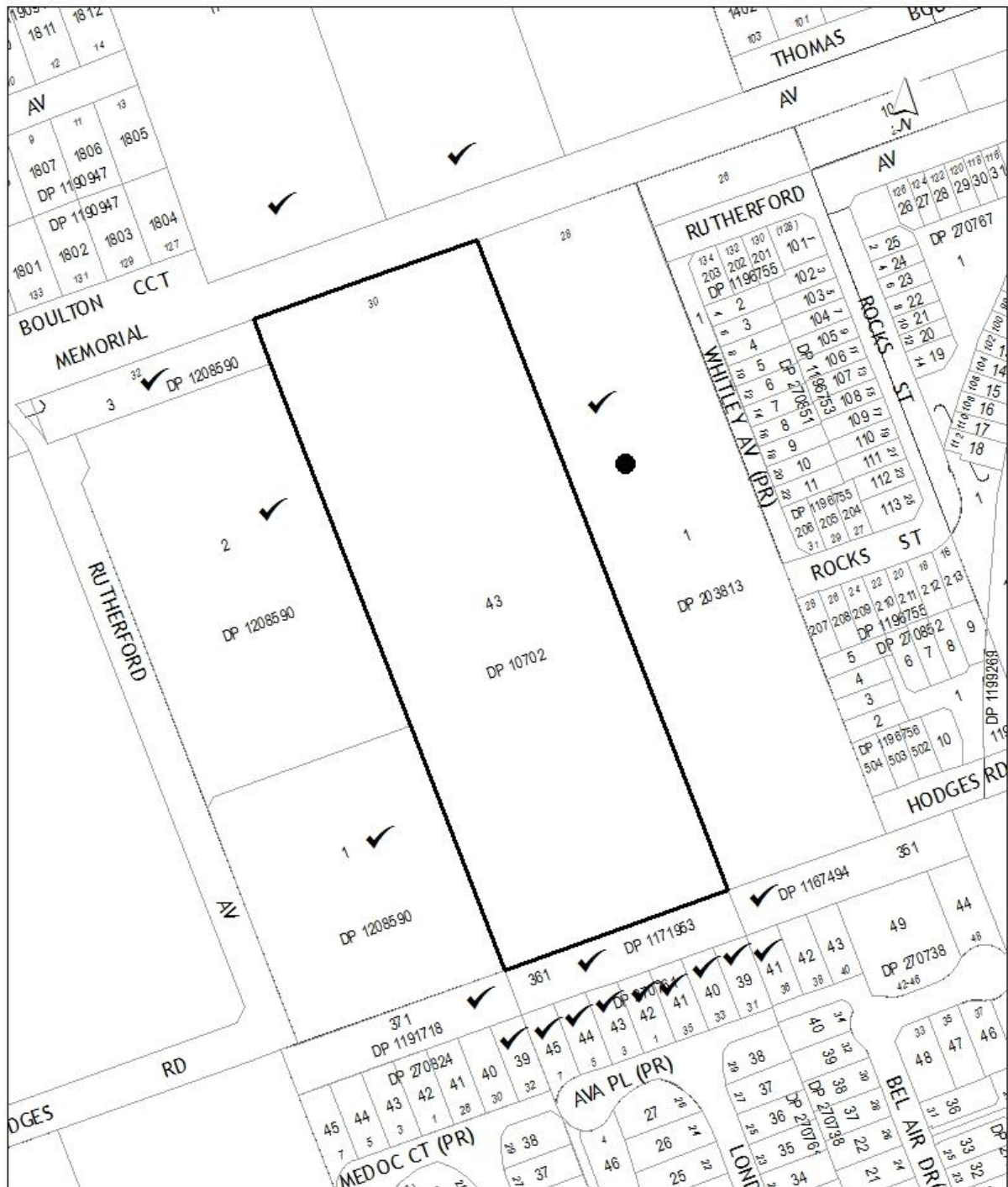


Laura Van Putten
A/Senior Land Use Planner
Network and Safety Section

ATTACHMENTS

1. Locality Plan (1 Page)
2. Ground Floor Plan (1 Page)
3. First Floor Plan (1 Page)
4. Elevations (2 Pages)
5. Subdivision Plan (1 Page)
6. Landscape Plan (3 Pages)
7. Colour Schedule (1 Page)
8. Road Location (1 Page)

ATTACHMENT 1 – LOCALITY PLAN



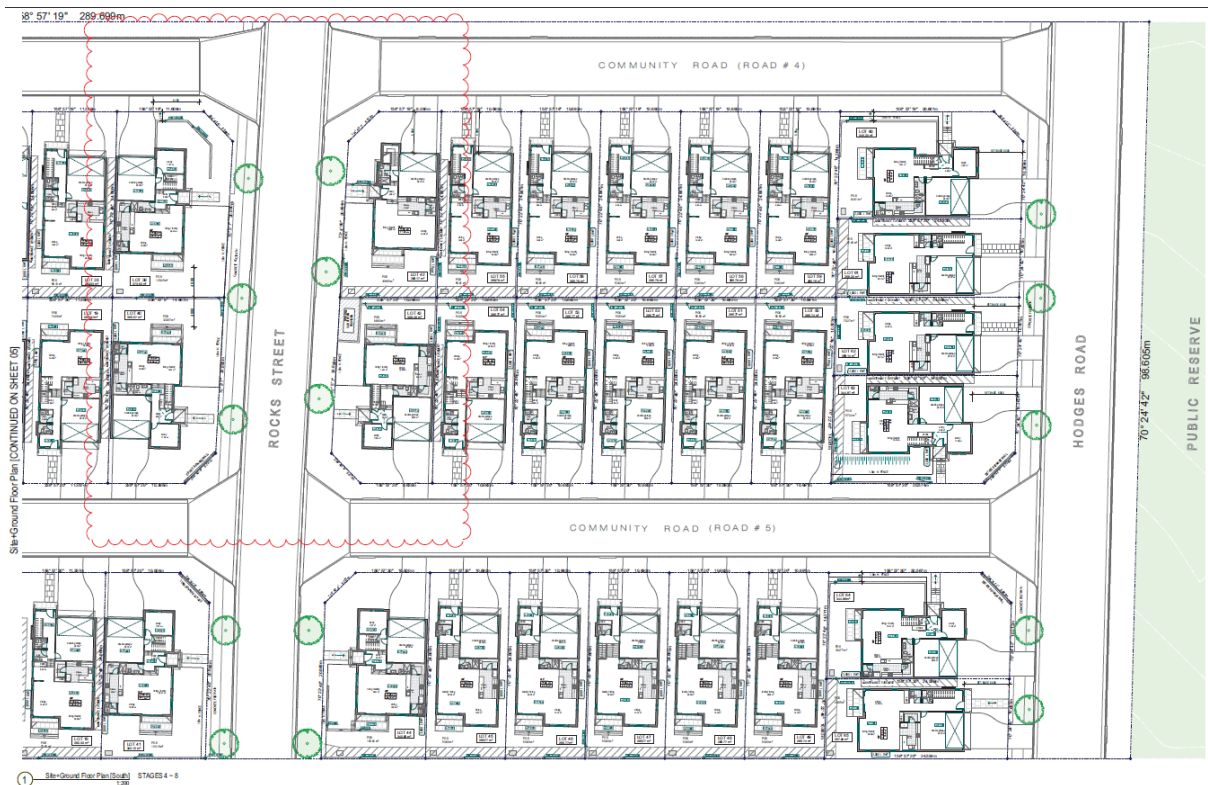
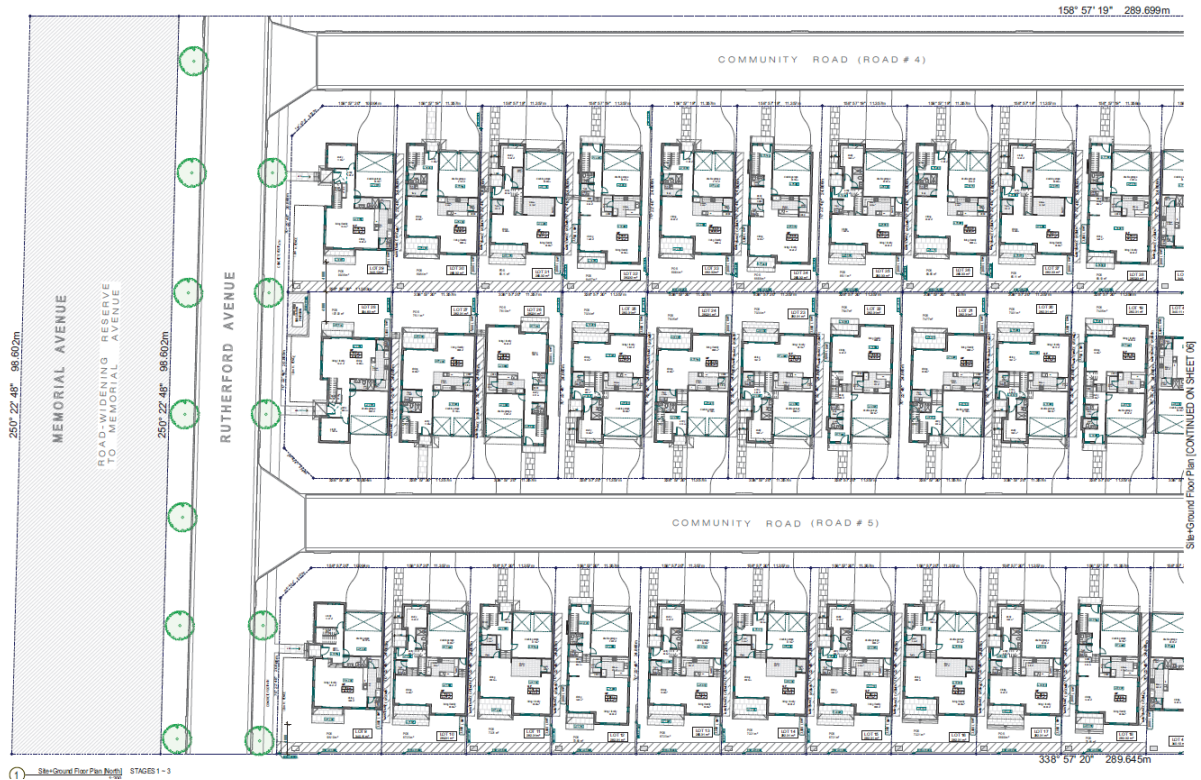
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – GROUND FLOOR PLAN

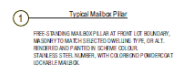
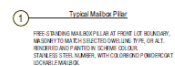
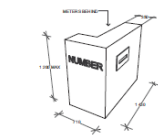
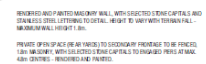


ATTACHMENT 3 – FIRST FLOOR PLAN

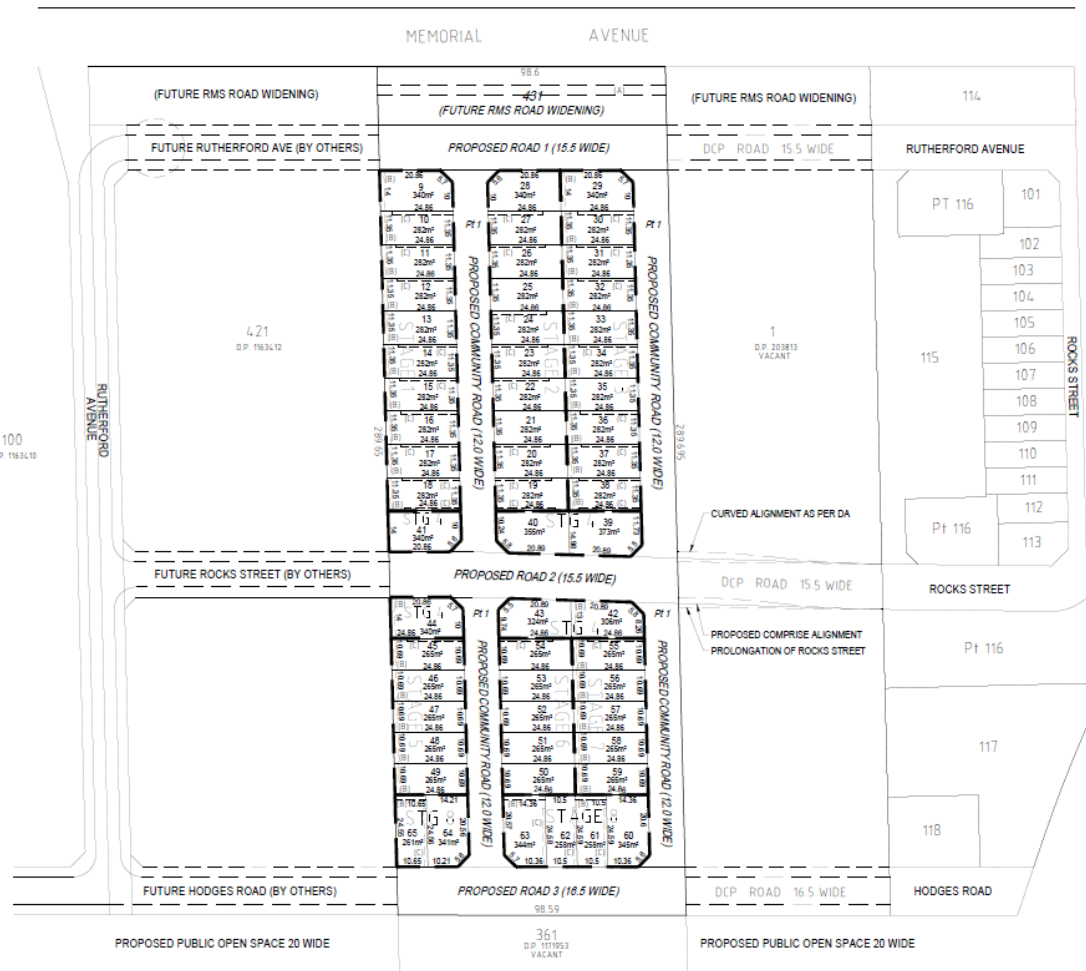


ATTACHMENT 4 – ELEVATIONS





ATTACHMENT 5 – SUBDIVISION PLAN



ATTACHMENT 6 – LANDSCAPE PLAN

Masterplan 1:100 @ A1


Zone A - sheet 2



Zone C - sheet 4

A, B etc - Typical landscape layout type. See sheets 2-4.
 (R) - Revised layout

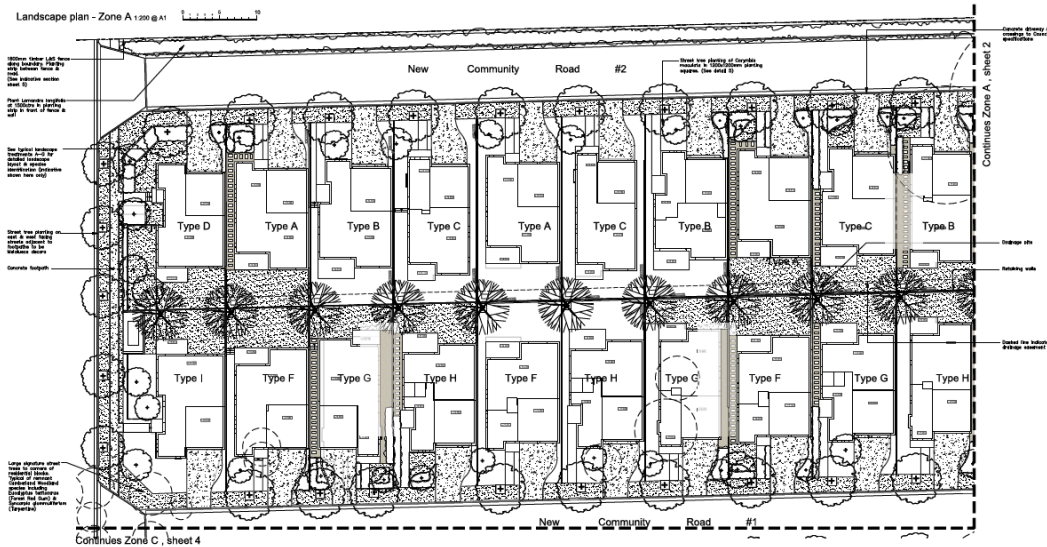
Zone D - sheet 5

Drawing schedule
 Sheet 1: Masterplan
 Sheet 2: Zone A, Type A, B & C
 Sheet 3: Zone B, Type D, E & F
 Sheet 4: Zone C, Type G, Schedules
 Sheet 5: Zone D, Typical details

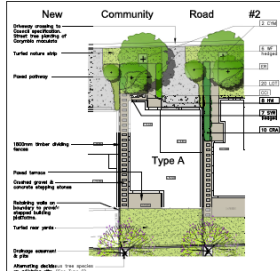
Indicative pictures



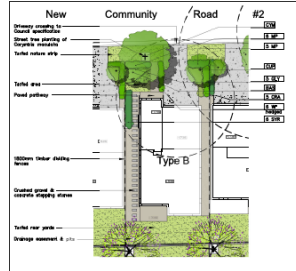
Landscape plan - Zone A 1:200 @ A1



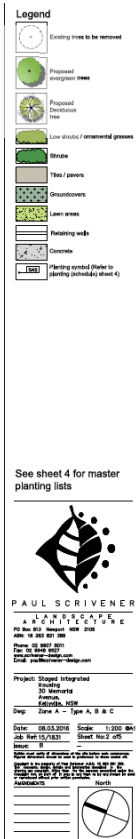
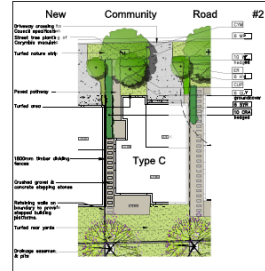
Type A - Landscape treatment 1:200 @ A1



Type B - Landscape treatment 1:200 @ A1



Type C - Landscape treatment 1:200 @ A1



ATTACHMENT 7 –COLOUR SCHEDULE

THE HAMPTONS ~ ESTATE
SUSTAINABLE ♦ ENERGY EFFICIENT ♦ COMMUNITY



ATTACHMENT 8 – ROAD LOCATION

