

SYDNEY CENTRAL CITY PLANNING PANEL

Panel Reference	2016SYW234
DA Number	709/2017/JP
LGA	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF 90 TOWNHOUSES
Street Address	LOT 93 DP 10157, No. 47 HYNDLS ROAD, BOX HILL
Applicant/Owner	UMA PROJECT MANAGEMENT PTY LTD/TORPOINT INVESTMENTS PTY LTD
Date of DA lodgement	3 NOVEMBER 2016
Number of Submissions	NIL
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Regional Development Criteria (Schedule 4A of the EP&A Act)	CAPITAL INVESTMENT VALUE IN EXCESS OF \$20 MILLION
List of all relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • SEPP (Sydney Region Growth Centres) 2006 • SEPP (State and Regional Development) 2011 • SEPP No. 55 — Remediation of Land • Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan) • Box Hill DCP 2017 • DCP 2012 Part C Section 1 – Parking • DCP 2012 Part C Section 3 – Landscaping
List all documents submitted with this report for the Panel's consideration	N/A
Report prepared by	SANDA WATTS SENIOR TOWN PLANNER
Report date	ELECTRONIC DETERMINATION

Summary of S.79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures and the staged development of a multi dwelling housing development consisting of 90 townhouse dwellings and basement carparking for 135 resident vehicles and 18 visitor spaces. Overall, the development comprises 67 x 3 three bedroom townhouses and 23 x 4 four bedroom townhouses.

The site is known as Lot 93 DP 10157, No. 47 Hynds Road, Box Hill, and is zoned R3 Medium Density Residential and SP2 Infrastructure – Local Road under Sydney Region Growth Centres (SRGC) SEPP 2006. The SP2 zoned land fronts Terry Road and is land required for road widening. The development site is located on the northern side of Hynds Road with a frontage of 212.3m, and a frontage of 80.4 metres to Terry Road and has an area of 16,740m². The site has a cross fall of approximately 7 metres from the north-eastern corner of the site down to the south-western corner of the site.

The proposal includes the full width reconstruction of Hynds Road fronting the site.

The application is recommended for approval subject to conditions.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Torpoint Investments P/L	1.	<u>Section 79C (EP&A Act) – Complies.</u>
Zoning:	R3 Medium Density Residential and SP2 Infrastructure	2.	<u>SEPP Sydney Region Growth Centres 2006 – Complies.</u>
Area:	16,740m ²	3.	<u>SEPP Building Sustainability Index BASIX 2004 – Complies.</u>
Existing Development:	Dwelling house	4.	<u>State Environmental Planning Policy</u>

	outbuildings and paddock.		No 55 — Remediation of Land – Complies.
		5.	Draft SEPP Sydney Region Growth Centres 2006 – Satisfactory.
		6.	Box Hill Growth Centre Precinct DCP 2017 – Complies.
		7.	Section 94 Contribution – Stage 1 - \$1,230,000.00 Stage 2 - \$1,440,000.00
		8.	Capital Investment Value: \$29,490,030.

SUBMISSIONS

REASONS FOR REFERRAL TO SCCPP

1. Exhibition:	Not required.	1.	Capital Investment Value in Excess of \$20 million (\$29,490,030).
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	11		
4. Submissions Received:	Nil		

HISTORY

03/11/2016

Subject Development Application lodged.

30/11/2016

Letter sent to the applicant requesting further details including colours and finishes, adaptable units, compliance with car parking requirements, street numbering/letter boxes, waste collection, road construction and stormwater details.

15/12/2016

SCCPP (formally SWCPP) briefing meeting held.

30/12/2016

Further letter sent to the applicant requesting additional information in relation to salinity, acoustic and landscaping details.

17/03/2017

Outstanding information submitted.

20/03/2017

Salinity and acoustic information requested again from the applicant.

01/05/2017

Acoustic, access landscaping and salinity details provided.

02/06/2017

Further engineering information requesting including road construction/alignment details and tree management details.

01/09/2017

Outstanding engineering and landscape details provided.

24/11/2017

Advice provided to the applicant stating that a Tree Management Application is required to be submitted for the removal of the tree on No. 21 Terry Road (adjacent to the proposed development).

07/12/2017

Updated basement plan requested and received from applicant showing the delineation of the stages.

- 11/12/2017** Amended driveway levels on the architectural plans requested from the applicant to be consistent with the engineering plans.
- 14/12/2017** Amended driveway details and plans received from the applicant.

PROPOSAL

The Development Application is for demolition of existing structures and the staged development of a multi dwelling housing development consisting of 90 townhouse dwellings and basement carparking for 135 resident vehicles and 18 visitor spaces. Overall, the development comprises 67 x 3 three bedroom townhouses and 23 x 4 four bedroom townhouses. The proposal also includes the full width reconstruction of Hynds Road.

Stage one is for the construction of 41 townhouses and basement parking on the eastern half of the site and a temporary stormwater detention basin on the western portion of the site. Stage two is for the construction of 49 townhouses and basement parking on the western half of the site. Both basement car parking areas are accessed from Hynds Road.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

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

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

The proposed development has a Capital Investment Value of \$29,490,030 thereby requiring referral to and determination by the SCCPP. The application was referred to and listed with the SCCPP for determination.

2. Compliance with Requirements of SEPP (Sydney Region Growth Centres) 2006

(i) Permissibility

The proposal is defined as multi dwelling housing:

"multi dwelling housing" means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building or a manor home.

Pursuant to the Land Use Table in Appendix 11 of Growth Centres SEPP, multi dwelling housing is permitted with consent within the R3 Medium Density Residential zone.

(ii) Development Standards

The following addresses the relevant principal development standards of the SEPP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1AB Minimum lot sizes for development	Multi dwelling – 1,500m ²	R3 Multi-Dwelling Site Area: 1.67ha (16,700 m ²)	Yes
4.1B Residential Density	Minimum residential density - 18 dwellings per hectare	53.8 dwellings per hectare	Yes
4.3 Height of buildings	14 metres	7.5m	Yes
4.4 Floor space ratio	N/A	N/A	N/A

(iii) Draft Amendment to SEPP (Sydney Region Growth Centres) 2006

In May 2017 the Department of Planning released the draft North West Land Use and Infrastructure Implementation Plan. The amendments were on exhibition from 15 May 2017 to 27 June 2017. In addition to a new growth centres structure plan and an infrastructure schedule the package proposes a draft amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and associated draft changes to the DCP. The proposed changes include the introduction of density bands (rather than a minimum density standard only) and reinstatement of minimum lot sizes for all residential areas (that were removed as part of the 2014 Housing Diversity changes). The subject site will be affected by the replacement of the minimum density provision with a density band. The R3 zoned portion of the site currently has a minimum density of 18 dwelling per hectare, this to be amended to a minimum density of 15 dwellings per hectare and a maximum density of 30 dwellings per hectare. The subject proposal has a density of 53.8 dwellings per hectare.

It should be noted that the Explanation of Intended Effects includes a savings provision that identifies that a consent authority is not required to apply the draft provisions for Development Applications lodged prior to 22 May 2017. The subject Development Application was lodged on 3 November 2016.

3. SEPP 55 - Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land, states:

"(1) A consent authority must not consent to the carrying out of any development on land unless:

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

An investigation of the site has been undertaken and a Phase 1 Environmental Site Assessment prepared by RPS Australia East Pty Ltd accompanies the Development Application.

The report concludes that based on the site history, the main source of potential contamination, the contaminant observed or with the potential to be present is asbestos present in construction material. The majority of the observed cement sheeting is within

buildings on site. Based on the results of the Phase 1 ESA, potential contamination issues are unlikely and further intrusive investigations is unwarranted.

The report recommended that a hazardous materials survey is to be undertaken, including laboratory confirmation of the nature of cement sheeting prior to demolition of any structures and / or prior to the issue of the construction certificate. In addition laboratory confirmation of the possible broken asbestos on the soils around the dog kennels is required to be undertaken to ensure the provisions of SEPP 55 can be met. A condition has been recommended to be imposed in this regard (refer Condition No. 6).

4. Compliance with the Box Hill Development Control Plan

(i) Development Controls

The following table addresses the relevant development controls of the DCP for multi dwelling housing (table 18):

DEVELOPMENT CONTROL	PROPOSED	COMPLIANCE
Maximum 50% site cover	35% site coverage proposed	Yes
Minimum 30% landscaped area	47% landscaped area	Yes
POS – 16m ² with 3m dimension 10m ² per dwelling if provided as balcony or rooftop with 2.5m dimension	All dwelling have min. 16m ² of useable space	Yes
Front setback – 4.5m to building façade line and 3m articulation zone	Min 4.5m building façade zone to and >3m for articulation zone to Hynds Road.	Yes
Corner lots secondary setbacks 2m	>2m from dwellings to Terry Road	Yes
Side setback – 0.9m ground floor and upper floor	0.9m min.	Yes
Rear setback – 4m	5.2m min.	Yes
Internal building separation – 5m	5m min.	Yes
Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom Visitor – 1 per 5 units Therefore 135 resident and 18 visitor spaces required.	Proposed - 135 residents spaces and 18 visitor's spaces provided.	Yes

As demonstrated in the above table, the development achieves full compliance with the Box Hill DCP in relation to the multi dwelling housing controls.

(ii) Indicative Layout Plan

The Indicative Layout Plan (ILP) within the Box Hill Development Control Plan has the subject site, as well as the adjoining site to the north mapped as "school". Both sites are in private ownership and are not reserved for acquisition (SP2 Infrastructure – School) under the SEPP. Land zoned SP2 School under the SEPP is located further north of the site, on Terry Road. The subject site is zoned R3 Medium Density Residential and the proposed multi dwelling housing is a permissible land use within the zone. The departure from the ILP in this instance is considered satisfactory.

It is noted that the Department of Education has acquired sites within the Growth Areas that have been zoned R2 Low Density Residential, therefore it is considered unlikely that the subject site, being zoned R3 Medium Density would be acquired for educational purposes given the high density yield.

SUBDIVISION ENGINEERING COMMENTS

No objections are raised to the proposal subject to conditions.

TREE MANAGEMENT COMMENTS

No objections are raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objections are raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objections are raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Sydney Region Growth Centres) 2006, State Environmental Planning Policy No. 55 – Remediation of Land and the Box Hill Development Control Plan and is considered satisfactory.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been identified and addressed in the report.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS – ALL STAGES

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA01	Site Plan – Master Plan	C	29/06/2017
DA11	Stage 1 – Ground Floor Plan	C	29/06/2017
DA12	Stage 1 – First Floor Plan	C	29/06/2017
DA13	Stage 1 – Basement Plan	C	13/12/2017
DA14	Stage 2 – Ground Floor Plan – Plan A	C	29/06/2017
DA15	Stage 2 – First Floor Plan – Plan A	C	29/06/2017
DA16	Stage 2 – Basement Plan	C	13/12/2017
DA17	Stage 2 – Ground Floor Plan – Plan B	C	29/06/2017
DA18	Stage 2 – First Floor Plan – Plan B	C	29/06/2017
DA19	Basement Plan – Stage 1 & 2	B	13/12/2017
DA21	Block A/B/C/G/J Elevations	C	29/06/2017
DA22	Block D/E/F Elevations	C	29/06/2017
DA23	Block H/I/K/L/M/N Elevations	C	29/06/2017
DA24	Block O Elevation	B	10/03/2017
DA31	Section AA	C	13/12/2017
DA32	Section BB, CC, DD, EE	C	13/12/2017
DA91	Schedule of Finishes	B	10/03/2017
DA92	Schedule of Finishes	B	10/03/2017
L0.00	Cover Page – Landscape Plan	B	06/06/2017
L1.01	Landscape Plan 1 of 8	C	06/06/2017
L1.02	Landscape Plan 2 of 8	C	06/06/2017
L1.03	Landscape Plan 3 of 8	C	06/06/2017
L1.04	Landscape Plan 4 of 8	C	06/06/2017
L1.05	Landscape Plan 5 of 8	C	06/06/2017
L1.06	Landscape Plan 6 of 8	C	06/06/2017
L1.07	Landscape Plan 7 of 8	C	06/06/2017
L1.08	Landscape Plan 8 of 8	C	06/06/2017

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. 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.

3. 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. Fees apply and are to be paid prior to or at the time of booking the inspection. The Development Certification Team can be contacted to book and pay for inspections on 9843 0431.

4. Tree Removal

Approval is granted for the removal of trees numbered 1-5 as detailed in the Arboricultural impact Assessment (Addendum Report) prepared by Redgum Horticultural dated 27 April 2017.

All other trees, including those within the neighbouring property are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

5. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

Landscaping Plan (Date: 20170315 Issue F) shows 3 letterbox banks at the Hynds Road frontage. These will be the primary addresses for the units (potentially 3 street numbers) however the following must be considered:

Hynds Road will be renumbered in line with the future changed usage. This means that 47 Hynds Road must not be used as this number will not be the final street number. Once Council is certain of the formation of future developments along Hynds Road in line with new developments, a street number allocation will be made. Applicant is to contact Land Information prior to issue of Construction Certificate for street number allocation.

Unit numbering supplied on plans submitted and numbered DA & DA 14 Issue B comply with Council and NSW Addressing Policy and are approved as submitted. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

Unit numbers assigned to Letter box banks

(shown on Landscaping Plan Date: 20170315 Issue F):

LETTER BOXES in the "car park entry" stage 1:

Unit 1-7, Unit 13-22, Unit 28-37, Total 27 Letter Boxes

Bollards & letter boxes at the "main access" stage 1:

Unit 8-12, Unit 23-27, Unit 38-41, Unit 42-51, Unit 57-60, Total 28 Letter Boxes

LETTER BOXES at the "car park entry" stage 2:

Unit 52-56, Unit 61-90, Total 35 Letter Boxes

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lift/lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

6. Contamination Assessment & Site Remediation

The recommendations of the *Phase 1 Environmental Site Assessment* for Hynds Road, Box Hill, prepared by RPS Australia East Pty Ltd, project no: Hynds Road, Box Hill NSW, version Rev b, dated June 2016 and submitted as part of the Development Application

(specific to 47 Hynds Road, Box Hill only) are to be implemented as part of this approval. In particular, a hazardous materials survey is to be undertaken, including laboratory confirmation of the nature of cement sheeting prior to demolition of any structures and / or prior to the issue of the construction certificate. In addition laboratory confirmation of the possible broken asbestos on the soils around the dog kennels.

7. Approved Street Naming

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

8. Street Trees (Stages 1 and 2)

Street trees must be provided for the section of Hynds Road fronting the development site spaced between 7m and 10m apart across the 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.

9. 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.

10. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

11. 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.

12. 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.

13. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

14. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2
- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- The driveway profiles must be consistent with the sections DD and EE shown on the architectural drawing No. DA 32 Issue C dated 13/12/2017.
- The driveway access to the area of garbage collection must be redesigned without kerb return.
- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

15. Management of Construction and 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.

16. 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.

17. Commencement of Domestic Waste Service

A domestic waste service for the entire site must be commenced with Council. The service must be arranged no earlier than one week prior to occupancy and no later than two days post occupancy. All requirements of Council's domestic waste collection service must be complied with at all times. Contact Council's Resource Recovery Team for the commencement of domestic waste services.

18. Construction of Bin Rooms

All work involving construction of the two bin room must comply with the requirements below. The Stage 1 bin room must accommodate a minimum of 5 x 1100 litre garbage bins, 5 x 1100 litre recycling bins and 5 x 240 litre garden organics bins. The Stage 2 bin room must accommodate a minimum of 6 x 1100 litre garbage bins, 6 x 1100 litre recycling bins and 5 x 240 litre garden organics bins. Additionally, both bin rooms must have a separate bulky goods storage room that has a minimum floor area of 10m².

1. The layout of the bin rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the bin rooms with minimal or no manual handling of other bins.
2. The walls of the bin rooms must be constructed of brickwork.
3. The floor of the bin rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The bin rooms must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
5. The bin rooms must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.
6. All doors of the bin rooms, when fully opened, must be flush with the **outside wall** and must not block or obstruct footways. All doors must be able to be fixed in position when fully opened.
7. The bin rooms must be adequately ventilated (mechanically).
8. The bin rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply, to facilitate bin washing. If the tap is located inside the bin rooms, it is not to conflict with the space designated for the placement of bins.
9. The bin rooms must be provided with an internal light (artificial) such as automatic sensor lights.
10. The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance are these grades to be exceeded. They are to allow safe manoeuvring and servicing of the full bins by waste collection operators.
11. The bin rooms must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be permanently maintained by the Owners Corporation.
12. Finishes and colours of the bin rooms are to complement the design of the development.

Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) **660L:** 850 (d) 1370 (w) 1250 (h) **1100L:** 1245 (d) 1370 (w) 1470 (h)

19. Communal Composting Areas

An area shall be incorporated in the landscape design of the development for communal composting. Whilst the operation of such a facility will depend upon the attitudes of occupants and their Owners Corporation, the potential to compost should exist.

20. Access and Loading for Onsite Waste Collection

Minimum vehicle access and loading facilities must be provided onsite and designed in accordance with Australian standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle. The following additional requirements are applicable:

1. All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
2. Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
3. There is no requirement for reversing. Waste collection vehicles must be able to enter and exit the site in a forward direction in order to empty bins.
4. The service bay must have appropriate signage such as no parking at any time and garbage truck collection area.
5. The loading area must have a sufficient level of lighting, and allow additional space for access and loading (e.g. wheeling a bulk bin from the bin rooms to the back of the waste collection vehicle for rear load collection).
6. Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium and heavy vehicles, remote access or other measure to ensure there is no requirement for collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

21. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

For all planting on slab and planter boxes allow the following minimum soil depths:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and *not* the overall depth of the planter.

The following additional planting is required;

- Additional planting will be required in front of the proposed boundary fence to units 1-12, 42-46, 71-77 and 81-86.
- Allow to continue planters and proposed planting for length of rear courtyard between Units 23 & 18, 27 & 22, 52 & 47, 56 & 51.
- Provide screen planting along full length of;
 - eastern boundary to Units 1, 28, and to rear of stair well adjacent Unit 13 and
 - northern boundary of Unit 71.
 - Dividing boundary between Unit 32 and 33, and 57 and 41.

Species to be selected from the following options; -Callistemon 'Endeavour' (Bottlebrush), Syzigium 'Resilience' (Lilly Pilly), Hakea salicifolia (Willow leaved Hakea) and planted at maximum 1m centres.

22. Irrigation

Automatic watering system to be installed as a minimum to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate

GENERAL MATTERS – STAGE 1

23. Provision of Parking Spaces – Stage 1

The development is required to be provided with 9 visitor and 68 residential off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

24. Construction Certificate (Stages 1)

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.

25. Subdivision – Terry Road Widening (Stage 1)

The road widening across the site's Terry Road frontage must be created as a separate lot on the plan so that it can be acquired/ dedicated by the Council under a separate process. The creation must be completed prior to commencement of Stage 1 construction activities.

26. Flood Compatible Development (Stage 1)

The development must be designed and constructed to be compatible with the flood behaviour in the locality. The detailed design and construction requirements must ensure:

- a) Floor Levels of the building must be elevated to Flood Planning Level, a minimum RL 29m AHD (1 in 100 year ARI flood level plus 500mm freeboard).
- b) The works associated with the indented driveway for garbage area must ensure no impact on existing flood inundation area and/or to be compensated within the stage 2 development area.
- c) No fence or earth works are permitted within the 1%AEP flood inundation land shown on the General Arrangement Plan Drawings No. 01630_201 and 01630_202 Revision 03 dated 01/08/2017.
- d) All service conduits located below Flood Planning Level 3 RL 29m AHD are to be made fully flood compatible and suitable for continuous underwater immersion. Conduits are to be self-draining if subject to flooding.

GENERAL MATTERS – STAGE 2

27. Provision of Parking Spaces – Stage 2

The development is required to be provided with 9 visitor and 66 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

28. Council's Confirmation – Stage 2 Works

The south-western corner of the site is affected by flood inundation. No activities including earth works (cut/fill) and/or built form structure are permitted within the floodplain until the regional flood basin KC02 has been built according to the Box Hill Contribution Plan.

Council's confirmation must be obtained to fill / build over the floodplain according to the Fig 51 – 'Flood Affected areas with Potential to be Filled' of the Box Hill Development Control Plan.

29. Construction Certificate (Stages 2)

Construction Certificate for the stage 2 works must not be issued until the Council's confirmation requested above in this consent is provided to the Principal Certifying Authority.

Detailed design of the Stage 2 works must ensure that the design and construction plans are compatible with the final Council's design and construction details relating to Terry Road, Hynds Road and the detention basin KC02.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – ALL STAGES

30. Special Infrastructure Contribution – Growth Centres

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 Department of Planning and Environment website:

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

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

31. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

32. Acoustic - Protection of Internal Noise Levels

An acoustic statement is required to be submitted to Council's Manager - Environment and Health prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the *Proposed Town Houses at 47 Hynds Road, Box Hill DA Acoustic Assessment* prepared by Acoustic Logic Pty Ltd, project number 20170356.1 and dated 7 April 2017, have been included in the construction plans of the development.

33. Acoustic – Mechanical Ventilation

Prior to the issue of any Construction Certificate and as per the recommendations contained in section 6.4 of *Proposed Town Houses at 47 Hynds Road, Box Hill DA Acoustic Assessment* prepared by Acoustic Logic Pty Ltd, project number 20170356.1 and dated 7 April 2017, a detailed acoustic assessment is to be undertaken following the final design of plant selection and location.

The acoustic assessment is to be submitted to Council's Manager – Environment and Health for review and if satisfactory written approval will be provided in support of a Construction Certificate being issued.

34. 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.

35. 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) Street Names Signs (Stages 1 and 2)

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.

b) Footpath Verge Formation (Stages 1 and 2)

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

c) Concrete Footpath (Stages 1 and 2)

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on northern side of Alan Street and southern side of proposed Road 1 in accordance with the DCP and the above documents.

d) Concrete Cycleway/ Shared Path (Stages 1 and 2)

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern side of proposed Road 1 in accordance with the DCP and the above documents.

e) Disused Layback/ Driveway Removal (Stages 1 and 2)

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.

f) Service Conduits (Stages 1 and 2)

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.

g) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the above documents and Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

With respect to "local street" and "park street" roads in North Kellyville specifically, the parking lane on either side must be line marked to ensure the full width of the single trafficable lane is kept clear at all times.

h) Stormwater Drainage – Temporary Works (Stages 1 and 2)

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

i) Integrated Site Stormwater Management

Rainwater Tank (Stages 1 and 2)

The development must incorporate Rainwater tank of a minimum 41.3kL for each stage 1 and stage 2 buildings (total 82.6Cum) respectively in accordance with the Box Hill Water Cycle Management Strategy.

Detailed plans for the Integrated Stormwater Management measures must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.

36. Erosion and Sediment Control/ Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

37. Construction Management Plan (Staged Applications)

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

38. 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.

39. 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.

40. 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 (onsite truck pull-in bay). 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.

41. Stormwater Pump/ Basement Car Park Requirements (Stages 1 and 2)

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 1

42. Section 94 Contribution

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

Payments comprise of the following:-

Stage 1

Stage 1	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	No. of 3 Bedroom Units: 32	No. of 4 Bedroom Units: 9	Sum of Units	Total S94
Open Space - Land	\$ 6,640.98	\$6,640.98	\$ 212,511.45	\$ 59,768.80	\$ 272,280.25	\$ 272,280.25
Open Space - Capital	\$ 8,342.61	\$8,342.61	\$ 266,963.61	\$ 75,083.51	\$ 342,047.12	\$ 342,047.12
Transport Facilities - Land	\$ 643.72	\$643.72	\$ 20,599.00	\$ 5,793.50	\$ 26,392.50	\$ 26,392.50
Transport Facilities - Capital	\$ 5,508.00	\$5,508.00	\$ 176,255.98	\$ 49,572.01	\$ 225,828.00	\$ 225,828.00
Water Management - Land (KCP)	\$ 2,448.43	\$2,448.43	\$ 78,349.79	\$ 22,035.87	\$ 100,385.66	\$ 100,385.66
Water Management - Capital (KCP)	\$ 6,155.78	\$6,155.78	\$ 196,985.08	\$ 55,402.06	\$ 252,387.13	\$ 252,387.13
Administration	\$ 260.47	\$260.47	\$ 8,335.09	\$ 2,344.25	\$ 10,679.34	\$ 10,679.34
Total	\$ 30,000.00	\$ 30,000.00	\$ 960,000.00	\$ 270,000.00	\$ 1,230,000.00	\$ 1,230,000.00

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 15.

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.

43. Engineering Works and Design (Stage 1)

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 Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Stage 1 Hynds Road (Fronting to stage 1 – between the chainage 115m – 245m)	Road Type: DCP Collector Road 4.5m/ 11.6m/ 3.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

The Hynds Road design profile must be consistent with the Road Longitudinal Sections drawings No. 01630_301 Revision 03 dated 01/08/2017 prepared by C&M Consulting Engineers submitted with the development application. The detailed construction drawings must be verified for consistency against Council's final Terry Road design and detention basin design.

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

The kerb return associated with the garbage collection shown on the drawings must be deleted, and replaced with driveway access.

Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

All roads are to have a two-way cross fall with a crown in the middle of the carriageway.

Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.

The wider 4.5m verge must be located on the southern side of Hynds Road correlating with the cycleway required at this location.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

All civil infrastructures (roads, stormwater drainage and the like) should be built for saline soils.

b) Integrated Site Stormwater Management

Stormwater Drainage – Temporary Management (Box Hill) (Stage 1)

Temporary stormwater management in the form of Detention and Bio-Retention must be provided as per the design concept General Arrangement Plan – Sheet 02 Revision 03 dated 01/08/2017 prepared by C&M consulting Engineers.

The purpose of the temporary stormwater management measures is to ensure there is no impact downstream between the pre-development and post development conditions, both with respect to the volume and quality of runoff, for a range of storm events. The cost of removing these temporary stormwater management measures and all associated re-work to pits and pipes must be determined at the detailed design stage, with a bond for 150% of the cost of these works submitted to ensure this occurs when the permanent basin/ rain garden planned in the locality is constructed and runoff from the subject site is/ can be connected to the same via the development of the intermediary properties downstream. The bond amount must be confirmed with Council prior to payment.

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.

44. Flood Management Plan (Stage 1)

A construction management plan must be submitted demonstrating how the development is protected from flood inundation whilst no impact on the existing flood storage within the stage 2 development area shown on the Civil Engineering Design General Arrangement Plan – Sheets 01 and 02 Revision 03 dated 01/08/2017 prepared by C&M Consulting Engineers.

45. Security Bond – Road Pavement and Public Asset Protection (Stage 1)

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$51,000.00 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 plus an additional 50m on either side (100m Hynds Road) multiplied by the width of the road (6m).

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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2

46. Section 94 Contribution

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

Payments comprise of the following:-

Stage 2

Stage 2	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	Purpose: Credit	No. of 3 Bedroom Units: 35	No. of 4 Bedroom Units: 14	Sum of Units	No. of Credits: 1	Total S94
Open Space - Land	\$ 6,640.98	\$6,640.98	\$ 6,640.98	\$ 232,434.40	\$ 92,973.69	\$ 325,408.09	\$ 6,640.98	\$ 318,767.12
Open Space - Capital	\$ 8,342.61	\$8,342.61	\$ 8,342.61	\$ 291,991.45	\$ 116,796.58	\$ 408,788.03	\$ 8,342.61	\$ 400,445.41
Transport Facilities - Land	\$ 643.72	\$643.72	\$ 643.72	\$ 22,530.16	\$ 9,012.11	\$ 31,542.27	\$ 643.72	\$ 30,898.54
Transport Facilities - Capital	\$ 5,508.00	\$5,508.00	\$ 5,508.00	\$ 192,779.98	\$ 77,112.02	\$ 269,892.00	\$ 5,508.00	\$ 264,384.00
Water Management - Land (KCP)	\$ 2,448.43	\$2,448.43	\$ 2,448.43	\$ 85,695.08	\$ 34,278.02	\$ 119,973.10	\$ 2,448.43	\$ 117,524.67
Water Management - Capital (KCP)	\$ 6,155.78	\$6,155.78	\$ 6,155.78	\$ 215,452.43	\$ 86,180.98	\$ 301,633.40	\$ 6,155.78	\$ 295,477.62
Administration	\$ 260.47	\$260.47	\$ 260.47	\$ 9,116.50	\$ 3,646.61	\$ 12,763.11	\$ 260.47	\$ 12,502.64
Total	\$ 30,000.00	\$ 30,000.00	\$ 30,000.00	\$ 1,050,000.00	\$ 420,000.00	\$ 1,470,000.00	\$ 30,000.00	\$ 1,440,000.00

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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

This condition has been imposed in accordance with Contributions Plan No 15.

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.

47. Engineering Works and Design (Stages 2)

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 Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Stage 2 Hynds Road ((Fronting to stage 1 – between the chainage 10m – 115m))	Road Type: DCP Collector Road 4.5m/ 11.6m/ 3.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

The Hynds Road design profile must be consistent with the Road Longitudinal Sections drawings No. 01630_301 Revision 03 dated 01/08/2017 prepared by C&M Consulting Engineers submitted with the development application. The detailed construction drawings must be verified for consistency against Council's final Terry Road design and detention basin design.

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

The kerb return associated with the garbage collection shown on the drawings must be deleted, and replaced with driveway access.

Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

All roads are to have a two-way cross fall with a crown in the middle of the carriageway.

Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.

The wider 4.5m verge must be located on the southern side of Hynds Road correlating with the cycleway required at this location.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

All civil infrastructures (roads, stormwater drainage and the like) should be built for saline soils.

48. Security Bond – Road Pavement and Public Asset Protection (Stage 2)

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$142,000.00 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 plus an additional 50m on either side (180m Terry Road and 100m Hynds Road) multiplied by the width of the road (6m).

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.

PRIOR TO WORK COMMENCING ON THE SITE – ALL STAGES

49. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

50. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

51. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

52. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

53. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

54. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifying Authority upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

55. 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. The location of fencing shall be as per

the Tree Protection Plan in the Arboricultural Impact Assessment (addendum Report) prepared by Redgum Horticultural dated 27 April 2017.

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.

56. 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.

57. 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.

58. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

59. 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.

60. Site Water Management Plan

A Site Water Management Plan is to be prepared. The plan shall be in accordance with *"Managing Urban Stormwater - Soils and Construction" (Blue Book)* produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.

61. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

62. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

63. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before 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.

64. Service Authority Consultation – Subdivision Works

Before subdivision works commence documentary evidence must be submitted confirming that satisfactory arrangements have been made for:

- The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.
- The provision of water and sewerage facilities.
- The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

65. 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:

- The name, address and telephone number of the Principal Certifying Authority;
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- 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.

66. 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.

67. 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:

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

68. 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.

69. 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.

70. Construction and Demolition Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction and demolition phases of the development must be submitted to and approved by the Principal Certifying Authority. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and demolition phases of the development.

DURING CONSTRUCTION – ALL STAGES

71. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

72. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate

No. 763144M are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

73. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

74. Salinity Requirements

All construction works are to be carried out in accordance with:

- Building in Saline Environment 2008;
- Western Sydney Salinity Code of Practice 2003; and
- Australian Standard AS 2159-1995: Piling – Design and Installation.

75. Dam Dewatering Requirements

The dam located on 47 Hynds Road, Box Hill is to be dewatered via spray irrigation within the property boundaries, prior to vegetation removal. No water from the dam is to be discharged into any local waterway or stormwater drain. In addition the following is to be complied with:

- The intake pipe for the irrigation is to be monitored to prevent injury to aquatic fauna.
- The dewatered dam must be inspected for fauna which may be buried in the sediments on the bottom of the dam.
- Following dewatering, fauna is to be provided with an opportunity to relocate prior to reshaping / filling. A minimum of 72 hours is to be provided.
- Any rescued fauna is to be released at a suitable nearby location or if injured, placed into the care of a wildlife carer.

A dam silt / sediment analysis report is to be prepared by an appropriately qualified person once the dam has been dewatered and dam sediment stockpiled. The report is to be submitted to Council's Manager – Environmental and Health for review and approval prior to the dam being backfilled and sediments being reused or disposed of. The analysis shall consider the presence of any heavy metals or contaminants and provide recommendations for appropriate removal or remediation methods (if required).

76. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

77. Filling of Dam

All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development.

All fill must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. The source of the VENM material and relevant certificates are to be obtained and provided to Council.

78. 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 redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health "Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)" available from the NSW Health website (<http://www.health.nsw.gov.au/>).

Note: Methods 1.1 & 2.1 (Demolition) are not permissible.

79. 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)*.

80. 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.

81. 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.

82. 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.

83. 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.

84. 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.

85. 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.

86. Critical Stage Inspections – Engineering 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – ALL STAGES

87. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

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

The Section 73 Certificate must be submitted to the Principal Certifying Authority before occupation of the development/release of the plan of subdivision.

88. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

89. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory

arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

90. Acoustics - Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components during construction as recommended in report *Proposed Town Houses at 47 Hynds Road, Box Hill DA Acoustic Assessment* prepared by Acoustic Logic Pty Ltd, project number 20170356.1 and dated 7 April 2017, and any acoustic reports accepted and / or approved by Council's Manager – Environmental Health. Certification is to be provided to Council's Manager – Environment and Health.

91. 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 (including dam sediments and soils around dog kennels);
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

92. 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.

93. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the engineering works are 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.

94. 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.

95. 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.

96. 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.

97. Public Asset Creation Summary

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

98. 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.

99. Pump System Certification

Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer.

100. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

101. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council a copy of the strata certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days.

102. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

a) Restriction – Rainwater Tanks (Stages 1 and 2)

The development must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

b) Restriction – Bedroom Numbers (Stages 1 and 2)

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.

c) Positive Covenant – Stormwater Pump (Stage 1 and 2)

The subject site must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

103. Internal Pavement Construction

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement (onsite truck pull-in bay) has been constructed in accordance to the approved plans, and is suitable for use by the approved waste collection vehicle when fully laden.

104. Final Inspection of Waste Storage Areas

Prior to any Occupation Certificate being issued, a final inspection of the bin rooms and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

105. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Final Occupation Certificate (within each stage if applicable) The Landscaping shall be either certified to be

in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

106. Provision of Telecommunication Services

Prior to the issue of an Occupation Certificate the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 1

107. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

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

108. Temporary Stormwater Management Basin Certification

The Stormwater Management Basin must be completed to the satisfaction of Council prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of Stormwater Management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance from a suitably qualified engineer verifying that the constructed temporary basin will function hydraulically;
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed temporary basin are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

109. Creation of Restrictions / Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.

a) Restriction – Restricted Access (Stage 1)

Stage 2 must be burdened with a restriction precluding access to Terry Road using the "restricted access" terms included in the standard recitals.

b) Restriction/Positive Covenant – Flow Path and Flood Storage (Stage 1)

The subject site must be burdened with a restriction and positive covenant to ensure the overland flow path and flood storage identified within the Stage 2 development area must be maintained to ensure unimpeded flow path and the loss of flood storage until the stage 2 development.

c) Restriction/ Covenant – Water Sensitive Urban Design Elements (Stages 1)

The development must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

THE USE OF THE SITE – ALL STAGES

110. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

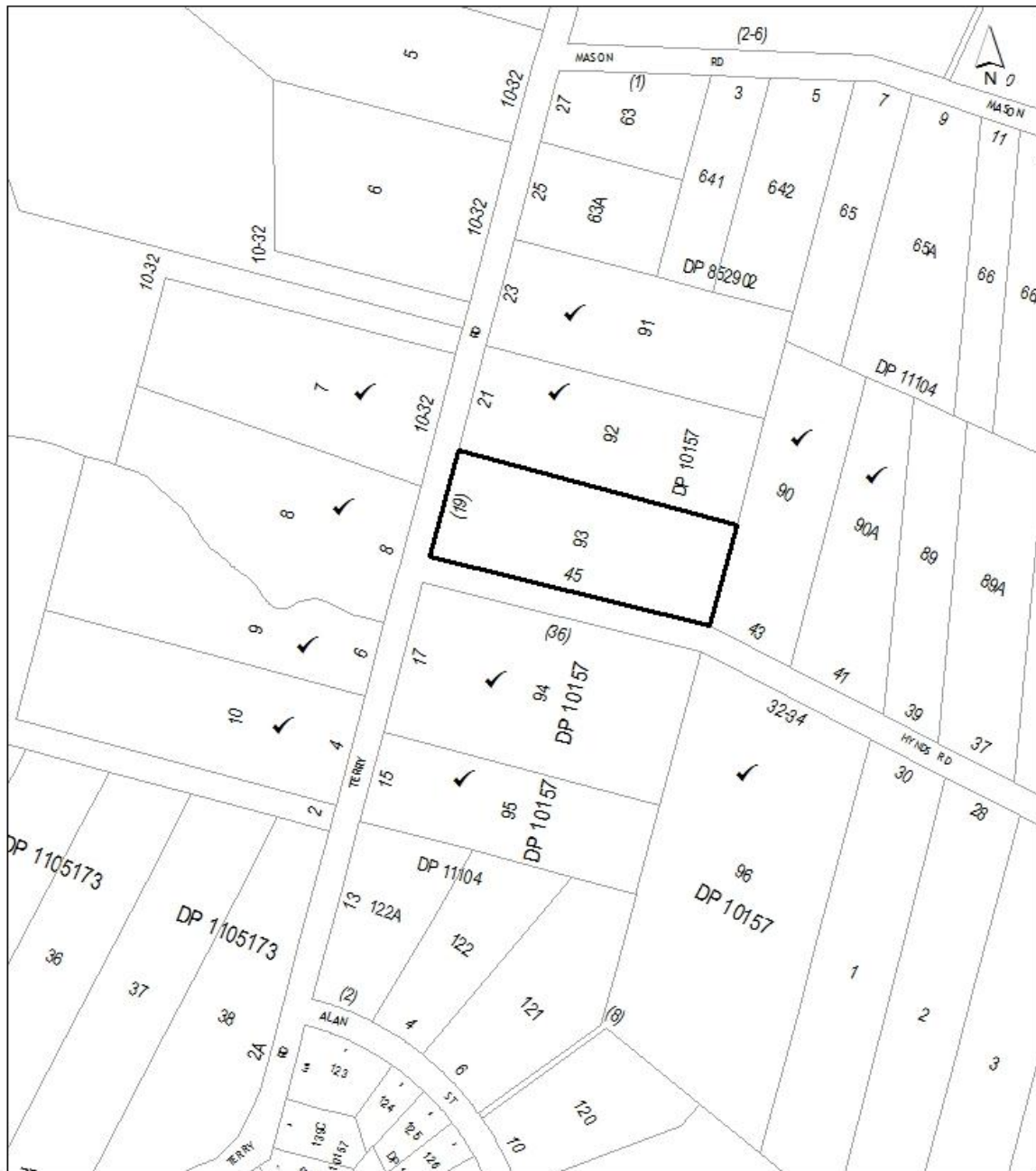
111. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the approved bin rooms, which include provision for the storage of all waste generated on the premises between collections. A caretaker must be appointed by the Owners Corporation to undertake all instructions issued by Council to enable waste collection. Additionally, responsibilities for cleaning the bin rooms and bins on a regular basis must be established.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. SEPP Zoning Map
4. SEPP Height Control Limit and DCP Road Layout Map
5. SEPP Density Map
6. Site Plan – Stages 1 and 2
7. Basement Plan
8. Elevations and Sections
9. Photomontages

ATTACHMENT 1 – LOCALITY PLAN



SUBJECT SITE



PROPERTIES NOTIFIED



THE HILLS SHIRE COUNCIL

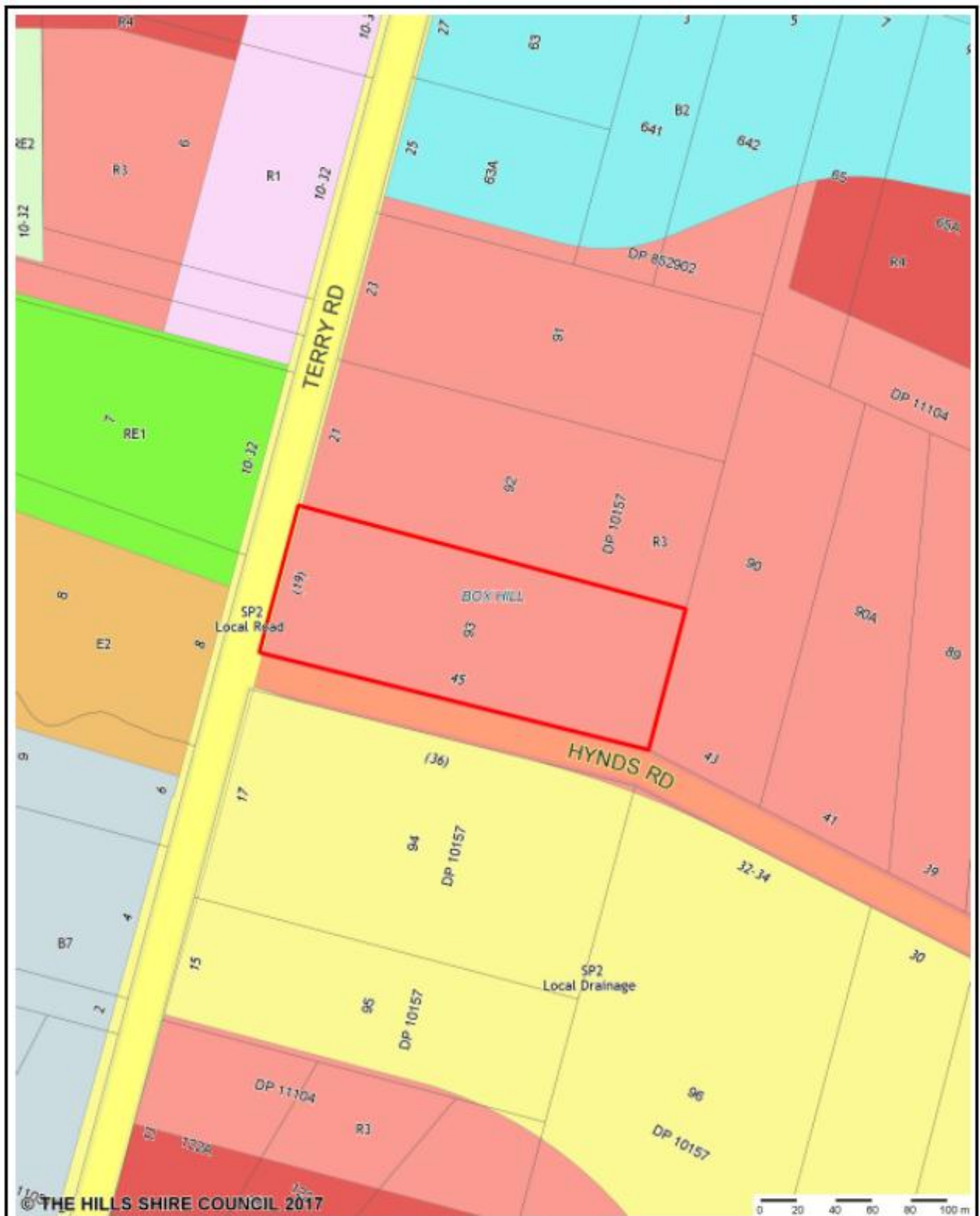
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ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – SEPP ZONING MAP



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Prepared by: Sanda Watts

ATTACHMENT 4 – SEPP HEIGHT CONTROL AND DCP ROAD LAYOUT MAP



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ATTACHMENT 5 – SEPP DENSITY MAP



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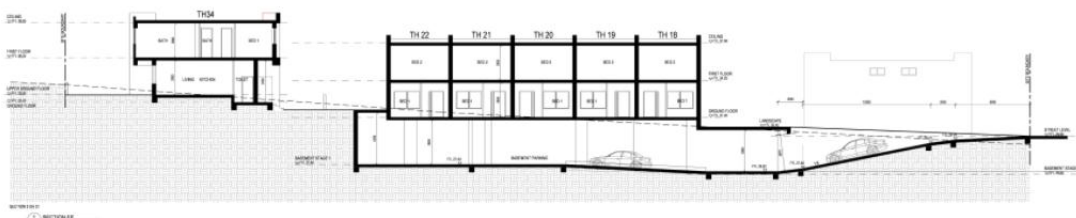
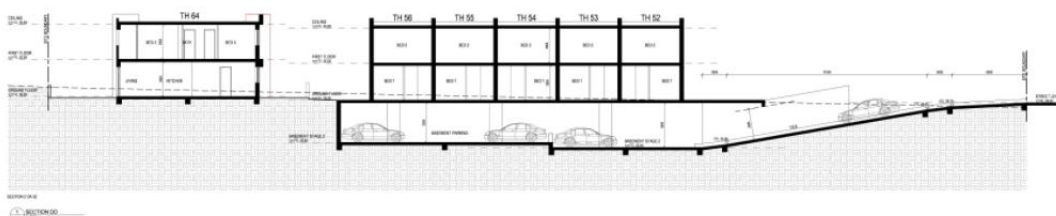
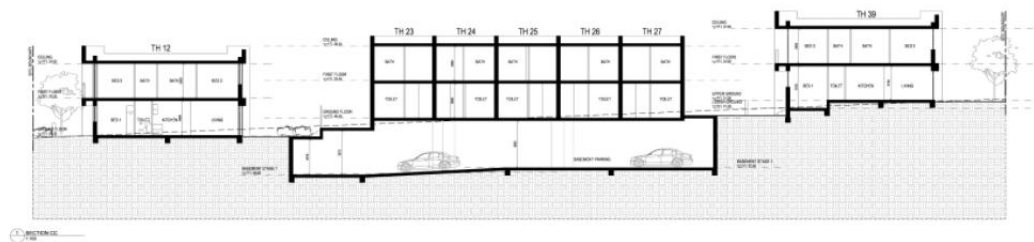
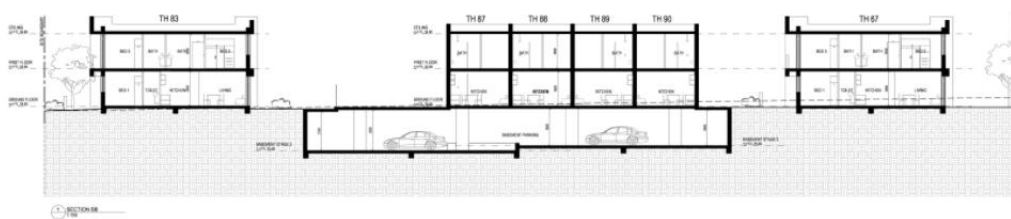
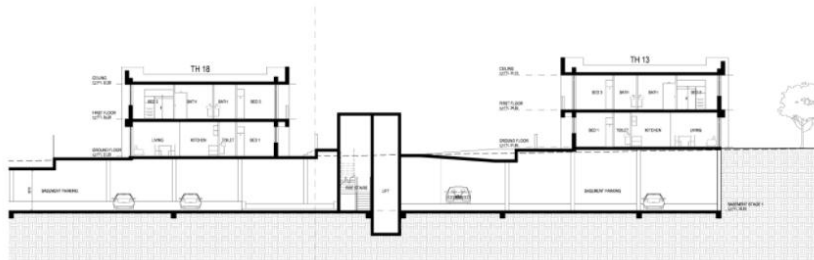
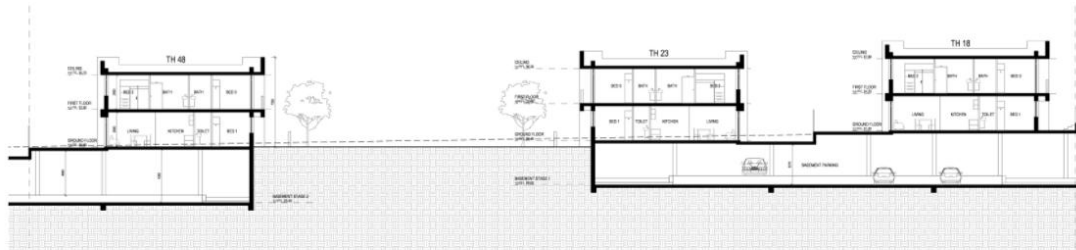
Stage 1

ATTACHMENT 7 – BASEMENT PLAN



ATTACHMENT 8 – ELEVATIONS AND SECTIONS





ATTACHMENT 9 – PHOTOMONTAGES

