

Annexure A**DETERMINATION OF DEVELOPMENT APPLICATION BY GRANT OF
CONSENT**

Development Application No:	1225/2018/JP
Development:	Demolition of existing structures, removal of trees, excavation works and construction of 3x residential flat buildings (Building A, Building B and Building C) containing a total of 4 x home business SOHO units (3x 2 bedroom and 1 x 3 bedroom) and 100 units (10 x 1 bedroom, 71 x 2 bedroom and 19 x 3 bedroom units) over two levels of basement car parking accommodating 140 car parking spaces (114 x residential, 21 x visitor and 5 x retail spaces), resident gym and a neighbourhood shop.
Site:	1-5 Terry Road and 779-781 Windsor Road, Box Hill Lot 1381 DP 1105145 Lots 136, 137, 139 and 139A DP 10157

The above development application has been determined by the granting of consent subject to the conditions specified in this consent.

Date of determination: 12 May 2021.

Date from which consent takes effect: Date the consent is registered on the NSW Planning Portal.

TERMINOLOGY

In this consent:

- (a) Any reference to a Construction, Compliance, Occupation or Subdivision Certificate is a reference to such a certificate as defined in the *Environmental Planning and Assessment Act 1979*.
- (b) Any reference to the “applicant” means a reference to the applicant for development consent or any person who may be carrying out development from time to time pursuant to this consent.
- (c) Any reference to the “site”, means the land known as 1-5 Terry Road and 779-781 Windsor Road, Box Hill.

The conditions of consent are as follows:

GENERAL MATTERS**1. Development in Accordance with Submitted Plans (as amended)**

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red and attached at Appendix B to this consent.

The amendments in red include: -

- Setback to retaining walls on Terry Road and service road frontage.

REFERENCED PLANS AND DOCUMENTS

DESCRIPTION	SHEET	REVISION	DATE
Introduction	DA 01	I	18/09/2020
Design Analysis 3	DA 07	H	18/09/2020
Proposed external works plan	DA 10	I	18/09/2020
Proposed Level 01	DA 12	H	18/09/2020
Proposed Level 00 – pre road opening	DA 13.1	B	18/09/2020
Proposed Level 00	DA 13	K	17/09/2020
Proposed Level 01	DA 14	K	18/09/2020
Proposed Level 02	DA 15	K	18/09/2020
Proposed Level 03	DA 16	K	18/09/2020
Proposed Level 04	DA 17	K	18/09/2020
Proposed Level 05	DA 18	K	18/09/2020
Proposed Level 06	DA 19	K	18/09/2020
Proposed Level 07	DA 20	K	18/09/2020
Proposed Roof Level	DA 21	K	18/09/2020
North West / Terry Road Elevations	DA 23	J	18/09/2020
South / Windsor (service) Road Elevations	DA 24	J	18/09/2020
East / North East Elevations	DA 25	J	18/09/2020
Courtyard Elevations	DA 26	I	18/09/2020
Section D	DA 27	I	18/09/2020
Sections E and F	DA 28	I	18/09/2020
Finishes	DA 29	H	18/09/2020
Subdivision Plan	DA 39	C	18/09/2020
Storage Summary	DA 40	C	18/09/2020
Fence Details	DA 46	C	18/09/2020
Fence Details 2	DA 47	C	18/09/2020
Service Road – Proposed Works	DA 49	A	18/09/2020
Numbering Plan (9 pages)			23 December 2020
BASIX Certificate 880438M_03			11 December 2020
Applicant's letter of offer to enter into a planning agreement			17 February 2021

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. Construction Certificate

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

3. External Finishes

External finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.

4. Provision of Parking Spaces

The development is required to be provided with 140 off-street car parking spaces, including 21 visitor spaces, 5 retail spaces and 114 residential spaces in addition to 34 bicycle spaces. These car parking spaces shall be available for off street parking at all times.

5. Tree Removal

Approval is granted for the removal of thirty-seven (37) trees numbered and located as trees 2-5, 8-21, 30-32, 34-49 in the Arborist Report prepared by Birds Tree Consultancy dated 07/07/2017. Eleven (11) trees numbered 6, 7, 22-29 and 33 are exempt under Council's Tree Management Guidelines and do not require approval for removal.

All other trees are to remain and are to be protected during all works.

6. Planting Requirements

All trees planted as part of the amended landscape plan required by this consent are to be minimum 75 litre pot size. All shrubs, grasses, and ground covers are to be planted in pot sizes and quantities as nominated in the approved amended landscape plan.

For all planting on slab and planter boxes the following minimum soil depths must be achieved:

- 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.

7. 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.

8. 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 or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

9. Vehicular Access and Parking (Interim and Ultimate)

The development relies on Interim (Temporary) driveway access from Terry Road and ultimate driveway access from The Brookline Crescent. The access from Terry Road must be removed and replaced with kerb and gutter, and turfing to the requirements of the Transport of NSW (TfNSW) and Council.

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 design profiles must be generally consistent with the Long Sections of Driveway as shown on the Mance Arraj drawing 2648-DA RW010 Issue A 24/09/2019.
- 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.

10. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

11. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets.

Note: Various development consents have been issued over the adjoining properties in the locality. Any works on the boundaries must be considerate to the approved construction certificate/s and/or the completed structures.

Where anchoring is proposed to support excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.

- The anchors must be located clear of existing and proposed services.
- Details demonstrating compliance with the above must be submitted to the Principal Certifier and included as part of any Construction Certificate or Occupation Certificate issued.

12. Approved Amended Plan

The subdivision component of the development relating to The Brookline Crescent within the development must be in accordance with the concept Subdivision Plan prepared by Kennedy Associates Architects Drawing No. 1709 – DA 39C Revision C dated 18/09/2020, which forms part of the approved architectural drawings.

The construction and the dedication as public road reserve at no cost to Council as stated in this subdivision plan.

13. 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.

14. Approved Street Naming (Box Hill)

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

15. Street Trees

Street trees must be provided for the section of The Brookline Crescent within the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary 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. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written 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.

16. Recycled Water – Rouse Hill/ Sydney 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.

17. 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.

18. Subdivision Works Approval

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

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifier for subdivision works.

19. Demolition Notification

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

20. 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.

21. 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.

22. Air Conditioner Location

The installation of air-conditioning must comply with the following standards:

An air-conditioner must:

- (a) not be located on the wall, or forward of the building line to the primary road, and
- (b) be located at least 450mm from each lot boundary, and
- (c) be attached to the external wall of a building, be ground mounted or be on the roof below parapet height, and
- (d) not involve work that reduces the structural integrity of the building, and
- (f) not reduce the existing fire resistance level of a wall, and
- (g) be designed so as not to operate:
 - (i) between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

23. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20171039.3/3007A/R0/EC, dated 30 July 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

The maximum LAeq levels required are:

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

24. Retention of Trees

All trees not specifically identified in the Arborist Report prepared by Birds Tree Consultancy dated 07/07/17 for removal are to be strictly retained in accordance with AS4970-2009 Protection of Trees on Development Sites.

25. Salinity Requirements

The recommendations of the Salinity Assessment and Report prepared by STS GeoEnvironmental Pty Ltd, referenced as Report No. 19/2047, dated August 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

26. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

27. Construction of Separate Waste Storage Areas

The development must incorporate separate dedicated waste storage areas, to facilitate the separation of residential waste and recycling from commercial material, designed and constructed in accordance with the following requirements. The commercial (retail) area must provide minimum storage facility for 3 x 1100 litre bins. The residential bin presentation area must provide minimum storage facility for 32 x 1100 litre bins (16x garbage and 16x recycling) and 5 x 240 litre bins.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste storage areas must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The design of the waste storage areas must ensure that commercial tenants do not have access to the residential waste storage areas, and vice versa for residential occupants.
- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The maximum grade acceptable for moving bins for collection purposes is 5%.
- The waste storage areas 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 (preferred). The residential waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- In addition to a waste servicing door, the residential waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door must be separate to the waste servicing door.
- All doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.

- The waste storage areas must be adequately ventilated (mechanically). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas, it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The waste storage areas must have appropriate signage (Council approved designs for residential and NSW EPA for commercial), mounted in a visible location on internal walls and are to be permanently maintained.
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

28. Adherence to Waste Management Plan

Prior to the issue of a construction certificate, the Waste Management Plan dated 26 August 2019 must be updated to refer to the approved 104 units, and to specify 3 x 1100L bins for the retail component. The updated Waste Management Plan must also specify the demolition contractor details.

All requirements of the updated Waste Management Plan must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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.

29. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- 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.
- 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.

- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

30. 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.

31. Commercial Waste and Recycling Collection Contract

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all commercial waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

32. 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.

33. Disposal of Surplus Excavated Material

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

34. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 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:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	Purpose: Credit
Open Space - Land	\$ 7,267.60	\$ 7,695.10	\$ 10,687.64	\$ 13,252.68	\$14,535.20
Open Space - Capital	\$ 4,418.19	\$ 4,678.08	\$ 6,497.34	\$ 8,056.70	\$8,836.38
Transport Facilities - Land	\$ 1,882.43	\$ 1,993.16	\$ 2,768.27	\$ 3,432.66	\$3,764.85
Transport Facilities - Capital	\$ 4,746.32	\$ 5,025.52	\$ 6,979.89	\$ 8,655.06	\$9,492.65
Administration	\$ 181.96	\$ 192.66	\$ 267.59	\$ 331.81	\$363.92
Water Management - Land (KCP)	\$ 2,891.05	\$ 3,061.11	\$ 4,251.54	\$ 5,271.91	\$5,782.10
Water Management - Capital (KCP)	\$ 3,215.84	\$ 3,405.01	\$ 4,729.17	\$ 5,864.18	\$6,431.68
Total	\$24,603.38	\$26,050.64	\$36,181.45	\$44,864.99	\$49,206.77

No. of 1 Bedroom Units: 13	No. of 2 Bedroom Units: 68	No. of 3 Bedroom Units: 22	No. of 4 Bedroom Units: 1	Sum of Units	No. of Credits: 5	Total S7.11
\$ 94,478.78	\$ 523,267.09	\$ 235,128.18	\$ 13,252.68	\$ 866,126.73	\$ 72,675.98	\$ 793,450.74
\$ 57,436.47	\$ 318,109.69	\$ 142,941.45	\$ 8,836.38	\$ 527,323.99	\$ 44,181.90	\$ 483,142.09
\$ 24,471.54	\$ 135,534.70	\$ 60,902.03	\$ 3,764.85	\$ 224,673.13	\$ 18,824.26	\$ 205,848.86
\$ 61,702.19	\$ 341,735.23	\$ 153,557.50	\$ 9,492.65	\$ 566,487.57	\$ 47,463.23	\$ 519,024.34
\$ 2,365.47	\$ 13,101.05	\$ 5,886.91	\$ 363.92	\$ 21,717.35	\$ 1,819.59	\$ 19,897.76
\$ 37,583.62	\$ 208,155.42	\$ 93,533.89	\$ 5,782.10	\$ 345,055.03	\$ 28,910.48	\$ 316,144.55
\$ 41,805.90	\$ 231,540.38	\$ 104,041.84	\$ 5,864.18	\$ 383,252.29	\$ 32,158.39	\$ 351,093.91
\$ 319,843.98	\$ 1,771,443.56	\$ 795,991.80	\$ 47,356.75	\$ 2,934,636.08	\$ 246,033.83	\$ 2,688,602.26

Development Category	Rate per M² of Floor Area: 70	Total S7.11
Transport Facilities - Land	\$ 12.37	\$ 865.84
Transport Facilities - Capital	\$ 71.09	\$ 4,976.30
Administration	\$ 1.06	\$ 74.09
Water Management - Land (KCP)	\$ 12.97	\$ 907.64
Water Management - Capital (KCP)	\$ 13.84	\$ 968.63
Total	\$ 111.32	\$ 7,792.50

In accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020, the contribution is to be paid before the issue of the first Occupation Certificate in respect of any building work to which this consent relates. However, if no Construction Certificate in respect of the erection of a building to which the consent relates has been issued on or before 25 September 2022, the contribution is to be paid before the issue of the first Construction Certificate after that date for any such building.

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

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.

35. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service is applicable to every residential unit of the development. The service must be arranged no earlier than two weeks prior to occupancy and no later than occupancy of the development. All requirements of Council's domestic waste management service must be complied with at

all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

36. Property Numbering and Cluster Mail Boxes

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

Please note that street addresses cannot be allocated at this time as Terry Road will be renumbered and Future Road (Brookline Cres is yet to be numbered).

Approved unit numbering is as per plans submitted marked as DWG No DA13K-20K / Dated 18/09/20 marked up within consent documentation; and as follows:

	Building A	Building B	Building C
Ground	G01 (Retail)	G02-G06	N/A
First	101-104	105-108	109-111
Second	201-205	206-217	218-221
Third	301-305	306-310	311-314
Fourth	401-405	406-410	411-414
Fifth	501-505	506-521	522-525
Sixth	N/A	601-605	606-609
Seventh	N/A	N/A	701-705

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Unit numbering provided on plans (dated 18/9/20) lodged with the DA does not comply with Council Addressing Policy or NSW Address Policy dated October 2019. Land Information has prepared marked plans to reflect the correct numbering. Plans relating to this development must be renumbered by applicant so that any reference to a particular unit for any purpose, including marketing, will reflect the approved numbering.

Mail Boxes

Cluster mail boxes are required for Buildings A, B & C as shown on plans submitted marked as DWG No DA14K and DA15K / marked up within consent documentation. Applicant is required to get Australia Post approval for the positions of cluster mail boxes and size requirements.

Cluster mail boxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of units and shop plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A Terry Road.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered to council@thehills.nsw.gov.au for the allocation of final Property and Unit numbering required to be included within the registered Strata Administration sheet.

37. NSW Police Comments

- Ensure ground floor units along Terry Road can be sufficiently reinforced to prevent access. Avoid horizontal sliding windows and install good quality window fasteners.
- Signs are to be installed on fire doors, and also any pedestrian entries to the car park to advise residents not to leave the door open. Doors should be installed with an auto close feature / magnetic strip and alarm.
- CCTV is to be installed within the development to monitor common spaces, entrances to the flats and communal areas, lifts, stairwells, parking and access / exit driveways, along with signs informing of CCTV monitoring.
- Any lifts from the basement should require a swipe card so that only residents can enter the residential areas in the building.
- Each unit should contain an intercom system to enable access for visitors to the basement car park and lobbies. The same should apply to exit the car park.
- Vegetation is to be kept trimmed at all times to minimise concealment opportunities. Lower limb trees should be above head height. Vegetation on pathways should be stepped back in height to maximise sight lines.
- Lighting should be minimum Australian Standards. Special attention should be made to lighting the entry and exit points from the buildings, car park and access / exit driveways.
- Clearly delineate between public and private areas and post warning signs.
- Ensure adequate security to basement storage areas and the like with the section of the security roller shutter near the manual door release being solid.
- Avoid building design and materials that create natural ladders for intruders.
- High quality letterboxes that meet Australian Standards – ISO9001:2008 with surveillance.
- Warning signage to encourage residents to wait for doors to close behind them before entering basement and to discourage valuables being left in cars.
- Consider bollards or similar in front of shop.

38. Compliance with Transport for NSW Requirements

Compliance with the following general conditions of consent provided by TfNSW (2 July 2020, SYD18/00072/07) (A32954093):

- i. TfNSW has previously vested a strip of land as road along the Windsor Road frontage of the subject property. All buildings and structures, together with any improvements integral to the future use of the site are to be wholly within the freehold property (unlimited in height or depth), along the Windsor Road boundary.

- ii. All vehicular access to the subject site should be provided via local roads and all redundant driveways on service road along Windsor Road are to be removed as a result of the proposed development.
- iii. The proposed temporary access on Terry Road should be restricted to left-in/left-out access arrangement on road safety and network efficiency grounds. The temporary access on Terry Road should be removed when alternative access are available via future local roads at the rear of the site at full cost of the developer.
- iv. If not already in place, full time "No Stopping" restrictions are to be implemented along the full Terry Road frontage of the development site.
- v. The access on Terry Road should cater for two-way simultaneous entry/exit of vehicles. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.
- vi. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
- vii. All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.

39. 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.

40. Design of Retaining Walls

All retaining walls shall be designed and certified by a suitably qualified structural engineer. Adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, the inter-allotment drainage pit.

41. Adaptable Housing

Eleven dwellings capable of adaptation for disabled or elderly residents, and designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), are to be provided within the development.

42. Irrigation

An automatic watering drip irrigation system with rain sensor is to be installed as a minimum to all common areas and on slab planting and planter boxes.

43. Ventilation for Basement Carpark

The basement car park is to be provided with ventilation in accordance with Australian / New Zealand Standard AS/NZS 1668.2 2012.

Certification of compliance shall be submitted to the Certifying Authority.

The exhaust from the basement carpark shall be positioned so as to not cause a nuisance due to odour or noise to an occupier of any residential premises.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

43A. Planning Agreement

- (a) In accordance with the letter of offer made by JACS Angels Pty Ltd dated 17 February 2021 made pursuant to section 7.7(3) of the Environmental Planning and Assessment

Act 1979 relating to the construction and dedication of The Brookline Crescent to Council, a voluntary planning agreement must be entered into with the Council prior to the issue of any Construction Certificate.

- (b) Prior to the issue of any Construction Certificate the planning agreement is to be registered on the title of the land pursuant to section 7.6 of the Environmental Planning and Assessment Act 1979.

44. 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.

45. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

46. Integrated Stormwater Management (Box Hill)

Water sensitive urban design elements, consisting of temporary and permanent Stormwater Management measures in the form of Rainwater Tank (minimum 10kL), Onsite Stormwater Detention System (minimum 285Cum storage with 93mm orifice), Ocean Guard and 11 PSorb Storm Filter cartridges, are to be located generally in accordance with the set of concept Stormwater Drainage drawings 2017-1217 DA-STW 102, 103, 108, 109, 200, 201, 203 and 204 Revision G dated 25/01/2021, and associated DRAINS and MUSIC models prepared by LP Consulting.

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 further north-west (KC01) on the Box Hill contribution plan 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.

Detailed plans for the water quality design elements must be reflective of the approved concept plans. 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 associated models and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

47. Stormwater Pump/ Basement Car Park Requirements

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 a junction pit before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. Where Onsite Stormwater Detention is required, the system must be connected to that Onsite Stormwater Detention system. 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.

48. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate or Subdivision Works Certificate is issued.

49. 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 or Subdivision Works Certificate is issued.

50. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$112,000.00 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 100m Service road on one side (200m) multiplied by the width of the road (6m). The bond must be lodged with Council before a Construction Certificate is issued.

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.

51. Security Bond – External Works

In accordance with Section 4.17(6) 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 bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

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.

52. Engineering Works

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".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept Civil Engineering Works plans prepared by Mance Arraj drawing 2648-DA Issue A 24/09/2019 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

a) Transport for NSW Design Approval

The design and construction of the relevant works must be approved by Transport for NSW before any works commence on that road. A copy of their stamped approved construction plans and documentation must be submitted to Council.

b) Full Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
The Brookline Crescent (Loop Road)	Road Type: DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (Total 18m) Pavement Design: Local Road (Design Guidelines Section 3.12)

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

Except where a modified kerb treatment is required roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

Note: The applicant will be required to pay a bond for the construction of The Brookline Crescent until the northern or eastern section of this road is available for connecting Alan Street.

c) Improvement Works – Terry Road and Service Road

Improvement of road shoulder fronting the development to trafficable and safety standards must be carried out until the Brookline is complete and to provide permanent access to the development.

Note: To determine the extent of works on Service Road, the applicant shall contact Council's Manager- Infrastructure & Transport Planning Prior to prepare the Construction documentation.

d) Street Names Signs

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

e) Deleted

f) 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 Council's 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.

g) Footpath Verge Formation - Terry Road & The Brookline Crescent

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.

h) Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on the northern side of The Brookline Crescent in accordance with the DCP and the above documents.

i) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the Terry Road frontage to the requirements of TfNSW.

j) Disused Layback/ Driveway Removal

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

k) Service Conduits

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

l) Stormwater Drainage – Pipe Extension

A new kerb inlet pit must be provided in The Brookline Crescent fronting the site and the street drainage extended from the existing pit downstream. The pipe extension must be located under the proposed kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

53. Construction Management Plan – Major Subdivision Works

Prior to the issuing of a Subdivision Works Certificate a Construction Management Plan must be submitted to Council's Manager – Subdivision and Development Certification for approval. The Construction Management Plan must specifically address each of the following matters:

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.
- Sediment and erosion control as separately conditioned.
- Stockpiles.
- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

54. 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.

55. Amended Landscape Plan

An Amended Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to the satisfaction of Council's Manager - Environment and Health.

The plan must contain:

- a) site boundaries and dimensions surveyed;
- b) north point, and scale (1:200 desirable);
- c) existing and proposed levels;
- d) all trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, retaining walls paving, storage areas, etc); and
- e) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- f) a Landscape Plan sheet containing a staged landscape plan, indicating provisional landscape planting and turfing which will be removed once The Brookline Crescent ring road is completed; and
- g) retaining walls, planter boxes, steps, and hard surfaces to match approved Architectural Plans; and
- h) TOW (Top Of Wall) levels to all retaining walls and planter boxes throughout the development; and
- i) planting between boundaries and retaining walls within the Terry Road and Service Road setbacks; and
- j) an additional 5 x large locally native trees. These could be substituted for 5 of the proposed *Elaeocarpus reticulatus*, or be additional to the 18 x *Elaeocarpus reticulatus* proposed; and
- k) *Photinia glabra* hedge plants proposed to courtyard and balcony planter boxes are to be substituted for species which do not require hedging, as pruning the back of the plants may not be possible in many of positions; and
- l) planting to Level 7 Roof Gardens are to be revised to only include trees and shrubs for high wind and environmental exposure. Additionally, greater tree and shrub species diversity is to be provided; and
- m) minimum soil depths as per Conditions Planting Requirements. Planter box height to Level 7 is to be a minim 1.2m depth to allow for large trees. All planter box height and slab levels are to be provided to allow assessment of soil depth; and
- n) storm water pits are to be located on Landscape Plan and are not to conflict with plantings, or be within the TPZ of Tree 1.

Note: A discussion with Council's Landscape Assessment Officer Prior to the preparation of the amended landscape plan is advised.

56. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifier, 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).

57. Internal Pavement and Turntable Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 8.8m long medium rigid vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

58. Compliance with Transport for NSW Requirements

Compliance with the following general conditions of consent provided by TfNSW (2 July 2020, SYD18/00072/07) (A32954093):

- i. The existing Traffic Control Signal (TCS) plan at the signalised intersection of Windsor Road/Garfield Road East/Terry Road should be amended reflecting the proposed changes in the vicinity of the intersection as a result of the development.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on www.rms.nsw.gov.au). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to development.sydney@rms.nsw.gov.au.

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works.

59. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

60. Acoustic Assessment of mechanical plant and equipment

A detailed review of all external mechanical plant should be undertaken at construction certificate stage (once plant selections and locations are finalised). Acoustic treatments should be determined in order to control plant noise emissions to the levels set out in Section 6.2 of the acoustic report submitted with the development application.

All plant is to be satisfactorily attenuated to levels complying with noise emission criteria through appropriate location and (if necessary) standard acoustic treatments such as noise screens, enclosures, in-duct treatments (silencers/lined ducting or similar.)

PRIOR TO WORK COMMENCING ON THE SITE

61. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

Tree protection for Tree 1 - *Araucaria columnaris* (Cook pine) is to be placed a minimum of 4.5m from the trunk of the tree (or to the kerb if distance is not achievable towards Terry Road). The Project Arborist is to certify that tree protection fencing to protect trees on site, neighbouring trees, and public trees is appropriate Prior to Works Commencing on site. Tree protection fencing is not to be removed without the instruction and under the supervision of the Project Arborist.

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.

62. 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.

63. Mulching within Tree Protection Zone

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

64. 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.

Any trenching for stormwater installation within the TPZ of Tree 1 - *Araucaria columnaris* Cook pine) must be undertaken using tree sensitive excavation methods such as hand digging. Strictly no stormwater pits are to be installed within the TPZ of tree 1. Any pit must be more than 4.6m away from the trunk of the tree.

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.

65. Property Condition Report – Public Assets

A property condition 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.

66. Dust Management Plan – Major Subdivision Works

A site specific dust management plan must be developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Speed control on haul routes.
- Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Jute matting of the core riparian zone within any creeks/ riparian corridors.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

67. 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.

68. Erection of Signage – Supervision of Subdivision Work

In accordance with 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 Certifier (Council);
- 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.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifier for subdivision works.

69. Contractors Details

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.

70. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

71. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining properties within the likely zone of influence from any excavation, dewatering or construction induced vibration.

72. 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 1978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

73. Pavement Design

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a geotechnical engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

74. Management of Building Sites

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

75. 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.

76. 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.

77. 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).

78. Details and Signage - Principal Contractor and Principal Certifier**Details**

Prior to work commencing, submit to the Principal Certifier notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the Principal Certifier in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

Signage

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the Principal Certifier for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

79. 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.

80. 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.

81. 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.

82. Soil and Water Management Plan

A Soil and 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.

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

83. 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 offsite 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 must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, 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.

84. 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.

85. Construction and Demolition Waste Management Plan Required

Prior to the commencement of works, a Waste Management Plan for the construction and/ or 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/ or demolition phases of the development.

86. Compliance with Transport for NSW Requirements

Compliance with the following general conditions of consent provided by TfNSW (2 July 2020, SYD18/00072/07) (A32954093):

- i. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

- ii. Detailed design plans and hydraulic calculations of any changes to the TfNSW stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au. A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

DURING CONSTRUCTION

87. 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.

88. Critical Stage Inspections – Subdivision Works

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

89. Aboriginal Archaeological Sites or Relics

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

90. European Sites or Relics

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

91. Working Hours (Subdivision Works)

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

92. 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.

93. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

94. 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. 880438M_03 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

95. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

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

96. Roof Water Drainage

Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

97. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

98. 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.

99. 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.

100. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

101. 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 PCA within 14 days of completion of the works.

102. Further contamination assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. The assessment shall be provided to the certifying authority. The assessment is to be carried out in accordance with the recommendations of the Further Site Investigation prepared by STS GeoEnvironmental dated August 2019.

103. 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.

104. 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)*.

105. 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.

106. Compliance with Transport for NSW Requirements

Compliance with the following general conditions of consent provided by TfNSW (2 July 2020, SYD18/00072/07) (A32954093):

- i. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Windsor Road.

- ii. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Windsor Road during construction activities.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

106A. Construction of The Brookline Crescent

Construction of road upon the portion of the subject site which is proposed to form part of the Brookline Crescent must be completed prior to the issue of any Occupation Certificate.

106B. Dedication of The Brookline Crescent

In accordance with the letter of offer made by JACS Angels Pty Ltd dated 17 February 2021 made pursuant to section 7.7(3) of the Environmental Planning and Assessment Act 1979, that portion of The Brookline Crescent constructed on the subject site is to be dedicated to Council prior to the issue of any Occupation Certificate.

107. Section 73 Certificate must be submitted to the Principal Certifier 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 Certifier before occupation of the development/release of the plan of subdivision.

108. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage). 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 the DCP and the approved landscape plan.

109. 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.

110. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition 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.

111. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

112. 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 hydraulic engineer.

113. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is

required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

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

114. Completion of Subdivision Works/ Satisfactory Final Inspection

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent. A satisfactory final inspection by Council's Construction Engineer is required.

115. Compliance with Transport for NSW Requirements

A letter from Transport for NSW must be submitted confirming that all relevant works have been completed in accordance with their requirements.

116. Subdivision Works – Submission Requirements

Once the subdivision works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

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.

A template public asset creation summary is available on Council's website and must be used.

117. 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.

118. Confirmation of Pipe Locations

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

119. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the undergrounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent. Reference is made to Endeavour Energy advice already obtained (ENL3491), dated 12 August 2019 and attached to this consent as Appendix A.

120. Strata Certificate Application

When submitted, the Strata 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).

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.

121. Property Condition Report – Private Assets

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

122. Provision of Telecommunication Services

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.

A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.

123. Final Plan and Section 88B Instrument

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

a) Dedication – New Road

The proposed dedication of public roads must be confirmed on the final plan in accordance with the letter of offer dated 17 February 2021 submitted relating to dedication The Brookline Crescent.

b) Restriction – Restricted Access (Terry Road)

The development must be burdened with a restriction precluding vehicular access to Terry Road when The Brookline Crescent is completed, using the "restricted access" terms included in the standard recitals.

c) Restriction – Rainwater Tanks

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

d) Restriction – Bedroom Numbers

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

e) Covenant – Onsite Waste Collection

The development must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

f) Restriction/ Covenant – Onsite Stormwater Detention

The development must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

g) Restriction/ Covenant – Water Sensitive Urban Design

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.

h) Restriction/ Covenant – Temporary Stormwater Management (Box Hill)

The development must be burdened with a restriction and a positive covenant that refers to the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

124. Deleted

125. Security Bond – Temporary Vehicular Access from Terry Road

A security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary vehicular access from Terry road. The value of the bond is as per Council's Schedule of Fees and Charges. The bond is refundable upon written application to Council and is subject to a final inspection.

This bond is not required if the temporary road is not required to be constructed.

126. 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).

127. Validation report

Should any contamination be found on site including soil contamination from asbestos and asbestos containing material a validation report shall be submitted to the Certifying Authority prior to the issue of any occupation certificate.

The validation report must include the following:

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

128. Clearance Certificate for Asbestos Removal

On completion of asbestos removal works a Clearance Certificate in accordance with clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifying Authority.

129. 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 has been constructed in accordance to the approved plans, and is suitable for use by a 8.8m long medium rigid vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

130. Final Inspection of Waste Storage Areas

Prior to any Occupation Certificate being issued, a final inspection of the waste storage area(s) 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 and its Domestic Waste Collection Contractor. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

131. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; www.thehills.nsw.gov.au.

- Flat size: 330mm wide x 440mm high
- Finished size: 330mm wide x 440mm high. Round corners, portrait
- Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel)
- Colours: Printed 4 colour process one side, UV ink
- Finishing: Over laminated gloss clear. Profile cut with radius corners and holes.

132. Installation of Master Key System to Waste Collection Room

The door/s servicing the waste bin collection room/s must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. Waste servicing room doors are doors used by waste collectors to access bins for collection purposes. Installation of the locking system is to be completed prior to the issue of any Occupation Certificate. The Master Key lock is to be installed through Council's contractor at the cost of developer.

Please contact Council's Resource Recovery Project Officer to make the necessary arrangements.

133. Certification of Project Arborist Supervision

Prior to the Issue of any Occupation certificate the project arborist must certify that all tree protection measures required by this consent and Australian Standard 4970-2009 Protection of Trees on Development sites have been implemented. This shall include a detailed summary of all works supervised and any remedial works undertaken or recommended for trees required for retention. Certification is to be provided to The Hills Shire Council's Manager - Environment & Health.

134. Retaining Wall Certification

All retaining walls must be certified by a professional engineer as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and have been installed in accordance with any manufacturer's specifications.

THE USE OF THE SITE **135. Maintenance of Landscaping Works**

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

136. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

137. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

138. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation and use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage areas must be kept clean and tidy, free from offensive odours and bins must be washed regularly, with contaminants removed from bins prior to any collection.

139. Waste and Recycling Collection

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

140. Use of SOHO units / Future Home Business

Ground Floor units fronting Terry Road (shown as "home business SOHO") are not to be physically separated from, or used by occupants other than the residents of the residential unit within which the SOHO is located. As reflected in the approved unit numbering these units are each one unit and are not permitted to be separated into two different units. A separate development application is required for any home business use. A home business is limited to a floor area of 30m² in accordance with SEPP (Sydney Region Growth Centres) 2006 – Appendix 1, Clause 5.4.

141. Use of Resident Gym

The Resident Gym located on the Terry Road frontage of the development is to be used by residents of the development only and must not be used by members of the public.

APPENDIX A – Endeavour Energy Advice

12 August 2019

Endeavour Energy Ref: ENL3491

Kennedy Associates Architects
Level 3 / 1 Booth St
Annandale NSW 2038

Attention: Faraneh Jabalameli

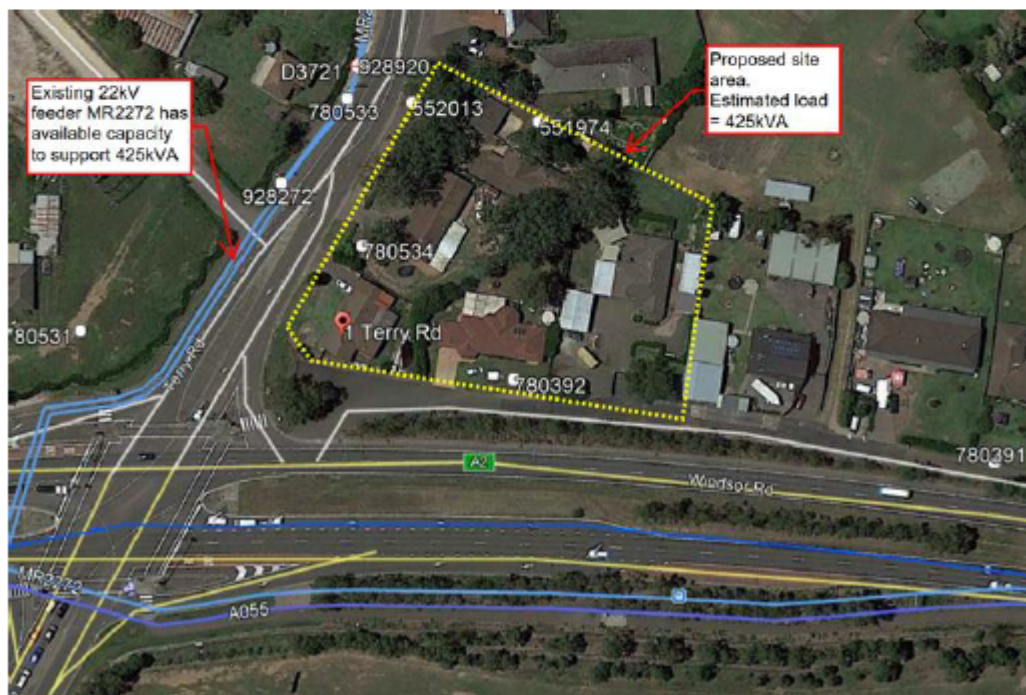
ENL3491 – 1-5 Terry Road and 779, 781 Windsor Road, Box Hill NSW 2765

Thank you for your application requesting for available capacity for the proposed development at the above location. Your application has been registered under the above reference number. Please quote this reference number on all future correspondence.

As per your application the proposed development will constitute of 139 apartment units and 77sqm of commercial space at the above address. Please take note of the below information;

- As per AS3000 and the information provided in the enquiry application, it has been estimated that the proposed development has a load of 425kVA.
- Existing 22kV feeder MR2272 has available capacity to support the estimated load.
- It is likely that a padmount substation rated at 22kV will be required to be installed on site in accordance to Endeavour Energy standard MDI0028 and MCI0006.

Please see below locality sketch for reference.



Should you wish to proceed you will need to submit an application for connection of load and engage an Accredited Service Provider – level 3 (ASP3) to carry out the electrical designs. A list of the ASP3 are provided on our website for your information.

Please note that this a preliminary advice only and network capacity is not reserved until a firm application for connection of load is submitted.

Regards,

Ayman

Ayman Shahalam
Contestable Works Project Manager
Network Connections
T : 02 9853 7803
M: 0439 351 215

490 Hoxton Park Rd, Hoxton Park
<http://www.endeavourenergy.com.au>



APPENDIX B – Plans marked in red

