

COUNCIL ASSESSMENT REPORT

Panel Reference	2019CCI004
DA Number	2028/2018/JPZ
LGA	The Hills Shire Council
Proposed Development	Small lot housing development and subdivision creating 59 community title residential lots/ attached dwellings and one community association lot (additional land added from previous stage/ plan) including civil works, landscape embellishment and estate signage over four stages
Street Address	Lot 135 DP 1234082 Development Lot, 1 Pasquale Avenue, Bella Vista NSW 2153
Applicant/ Owner	Mulpha Norwest Pty Limited/ Mulpha Norwest Pty Limited
Date of DA Lodgement	16 May 2018
Consultant/s	Ethos Urban Vince Morgan Surveyors Pty Ltd A+ Design Group Northrop Site Image Landscape Architects Waste Audit and Consultancy Services Pty Ltd Access Mobility Solutions GeoEnviro Consultancy Pty Ltd Rodney Stevens Acoustics Greenfield Certifiers Varga Traffic Planning Pty Ltd JDG Consulting SLR Consulting Australia Pty Ltd Kelleher Nightingale Consulting Pty Ltd
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value (CIV) in excess of \$30 million
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 – Remediation of Land • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No 64 – Advertising and Signage • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2—1997) • The Hills Local Environmental Plan 2012 • The Hills Development Control Plan 2012 – Part D Section 5 – Kellyville/ Rouse Hill Release Area (guide only) • The Hills Development Control Plan 2012 – Part D Section 7 – Balmoral Road Release Area

List all documents submitted with this report for the Panel's consideration	• Subdivision Plan • Architectural Plans • Concept Subdivision Works Plans • Landscape Plans
Report Prepared by	PADRAIG SCOLLARD SENIOR TOWN PLANNER
Report Date	ELECTRONIC DETERMINATION

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Yes**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The Development Application is for a small lot housing development and subdivision creating 59 community title residential lots/ attached dwellings and one association lot (additional land added from previous stage/ plan) including a communal facilities building and estate signage over four stages.

The Development Application is the third DA in a broader residential development over land at 23A-29 Fairway Drive, Bella Vista comprising a total of 107 residential lots, 74 dwellings and common open space. Stage 1 (DA No. 421/2017/ZB) was approved by Council's Development Assessment Unit at its meeting on 11 July 2017, while Stage 2 (DA 1463/2017/ZE) was approved by Council staff under delegated authority on 7 November 2017. The subject Development Application for Stage 3 relies on the registration of Stage 2 as it involves the further subdivision of a development lot within the community plan/ scheme established by the preceding stage.

The Development Application has been assessed against the relevant Environmental Planning Instruments including The Hills Local Environmental Plan 2012. The proposal satisfies the requirements of this plan with respect to building height, minimum lot size, site servicing and remediation. The proposed development is also consistent with the relevant Directions for Liveability contained within the Central City District Plan under A Metropolis of Three Cities – the Greater Sydney Region Plan.

The Development Application has been assessed against the provisions of The Hills Development Control Plan 2012 in relation to residential development and small lot housing.

Variations to the extent of front, side and garage setbacks are proposed and are considered acceptable as detailed in this report.

The application was advertised for 30 days and no submissions were received.

The Development Application is recommended for approval.

DETAILS AND SUBMISSIONS

Owner:	Mulpha Norwest Pty Ltd
Zoning:	R3 Medium Density Residential
Area:	2.0910 hectares
Existing Development:	Vacant site created under DA 1463/2017/ZE
Section 7.11 Contribution	Stage 3.1 - \$1,035,000 Stage 3.2 - \$720,000 Stage 3.3 - \$180,000 Stage 3.4 - \$675,000
Exhibition:	Yes
Notice Adj Owners:	Yes
Number Advised:	19
Submissions Received:	No submissions received.

BACKGROUND

The subject development application is the third Development Application in a three stage development comprising a total of 107 residential lots and 74 dwellings to be constructed over land at 23A-29 Fairway Drive, Bella Vista. Stage 1 is a Torrens title residential subdivision creating 33 residential lots. Stages 2 and 3 are for the subdivision of land into 74 lots and construction of 74 dwellings. The lots/ dwellings in Stages 2 and 3 are proposed to be bound by a Community Development Scheme, sharing two common open space areas.

The approved and proposed subdivision plans for Stages 1, 2 and 3 are provided in Attachment 6, 7 and 8 respectively. A brief description of the overall development is provided below:

Stage 1

DA 421/2017/ZB

Approved 11 July 2017

Stage 1 was for subdivision creating 33 residential lots, one stormwater management lot and two residue lots. The 33 residential lots were created as vacant conventional/ Torrens title lots. The stormwater management lot was created for acquisition by Sydney Water. Residue lots 134 and 135 were created for future residential development. Stage 1 included half width construction of Fairway Drive, stormwater management works, construction and dedication of public roads, earthworks and servicing.

Stage 2

DA 1463/2017/ZE

Approved 7 November 2017

Stage 2 proposes the subdivision of approved residue Lot 136, created within Stage 1. The subdivision will create 15 community title residential lots (Lots 2-16), one community title residue lot (Lot 17) and one community association lot (Lot 1). The proposal included an

attached dwelling on each residential lot with each having direct access to the community association lot.

Stage 3
DA 2028/2018/JPZ
Subject Development Application

The subject Development Application seeks to subdivide residue Lot 17 created in Stage 2 development application 1463/2017/ZE into a community title residential development comprising 59 lots/ dwellings and one community association lot. The subject application is proposed as part of the community scheme approved under Stage 2 in which all lots approved under Stages 2 and 3 form part of the same community plan/ scheme. Proposed Lot 1 (community association lot) has a combined total area of 8,200.4m².

The proposal also includes construction of a communal facilities building described as the Clubhouse on the architectural plans. The Clubhouse is a communal facility for residents in the community association created in Stages 2 and 3 of the development. Facilities provided include an in ground swimming pool, barbeque area and communal facilities building containing a lounge, yoga area, gym and bathrooms. The communal area is fully accessible which is supported by an accessibility report.

The subject Development Application was lodged on 16 May 2018. The application has been subject to a number of minor changes due to concerns or issues raised by Council staff through the assessment process.

On 31 August 2018 the applicant submitted an amended application with minor changes to residential configuration and design.

On 1 November 2018 a request for additional information was issued to the applicant. The issues raised related to engineering matters, minimum lot size, subdivision, site coverage/ landscaped area, community association lot and associated facilities, setbacks, dwelling design, Building Code of Australia compliance and BASIX/ staging. Additional information and amended plans were submitted by the applicant on 17 December 2018. Further amendments were requested on 8 March 2019 and 18 April 2019.

On 17 May 2019 a preliminary response was provided by the applicant. A final amended package was submitted to Council on 25 June 2019 containing amended plans and information including but not limited to architectural, civil and landscaping plans and BASIX certificates.

PROPOSAL

The development application seeks consent for the following:

- Subdivision of one lot in a community plan to create 59 community title residential lots;
- Construction of a two storey dwelling on each lot;
- Construction of a clubhouse on the association lot for the sole use of residents and their guests;
- Construction of a private road;
- Landscaping works; and
- Subdivision works.

The proposed plan of subdivision is provided in Attachment 8. A site/ staging plan for the proposed dwellings is provided in Attachment 9.

The subject site has an area of 2.091 hectares. The application seeks approval for the development to be undertaken over four stages. The proposed staging of the development is outlined in detail below:

Stage 3.0 is not described as forming part of the development, however it is required to facilitate the creation lot 17 as a development lot in Stage 3.1 and include community lot (Lot 1 on the plan) for the road and communal facility.

Stage 3.1 of the development is for subdivision of one residue lot in a community plan to create 21 residential lots and three residue lots in a community plan.

Stage 3.2 of the development is for subdivision of one residue lot in a community plan to create 17 residential lots in a community plan.

Stage 3.3 of the development is for subdivision of one residue lot in a community plan to create 5 residential lots in a community plan.

Stage 3.4 of the development is for subdivision of one residue lot in a community plan to create 16 residential lots in a community plan.

The subdivision is proposed to create 59 community title residential lots with an area ranging between 240m² and 345.1m².

The proposal includes construction of a two storey dwelling on each lot with living, dining, kitchen, bathroom, laundry and parking on the ground floor. The first floor contains bedrooms and a bathroom. A number of dwellings are constructed as attached dwellings and therefore require easements for party walls.

The development application includes landscaping of each lot in conjunction with the proposed dwellings and subdivision works including minor earthworks, retaining walls, road construction and stormwater drainage works.

ISSUES FOR CONSIDERATION

1. State Environmental Planning Policy (State and Regional Development) 2011

Item 2 under Schedule 7 - Regionally Significant Development of the State Environmental Planning Policy (State and Regional Development) 2011 provides the following referral requirements to the Sydney Central City Planning Panel (SCCPP):

2. General development over \$30 million

Development that has a capital investment value of more than \$30 million.

The proposed development has a Capital Investment Value of \$36,947,703.00 thereby requiring referral to and determination by the SCCPP. The application was referred to and listed with the SCCPP for determination.

2. State Environmental Planning Policy No. 55 – Remediation of Land

State Environmental Planning Policy No 55 – Remediation of Land contains guidelines and prescriptive measures with regard to site contamination and remediation requirements for all land-based development across the State. In considering a development application for new

development, the consent authority is to have regard for the prescriptive requirements of Clause 7 of the SEPP provided below:

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The contamination status of the subject site was addressed under the parent subdivision application (DA 421/2017/B). In particular, a Phase 1 Contamination, Salinity and Pavement Investigation prepared by GeoEnviro Consultancy Pty Ltd was submitted and concluded the site was suitable for residential development. This report was resubmitted with the subject application and has been reviewed by Council's Environment Health Team who are satisfied with the proposal subject to the imposition of conditions.

3. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004. This Policy provides State-wide planning controls to promote and guide the achievement of energy efficiency and ecological sustainability in all new development.

The applicant has addressed this requirement through the preparation of four Multi-Dwelling BASIX Certificates, with each certificate relating to a specific stage within the development. These certificates confirm that each stage within the proposed development will meet the NSW government's requirements for sustainability.

4. State Environmental Planning Policy No 64 – Advertising and Signage

Clause 8 of State Environmental Planning Policy No 64—Advertising and Signage establishes that a consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) *that the signage is consistent with the objectives of this Policy as set out in clause 3(1)(a), and*
- (b) *that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

The proposed signage meets the objectives of the SEPP as set out in clause 3(1)(a) in that:

- The proposed signage is compatible with the desired amenity and visual character of an area. In particular, the signage is appropriately scaled and the materials proposed are in keeping with the desired character of the area;
- The signage does not block any significant views and will not have an adverse impact on the amenity or future character of the surrounding area; and
- The proposed signage is clear and legible and will be suitably located at the entrance to the wider "Essentia" site; and
- The signage is of highly quality design and finish.

An assessment of the proposed signage against the assessment criteria specified in Schedule 1 of the SEPP is provided below.

Assessment	Proposal	Compliance
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed sign is compatible with the character of the local area. N/A	Yes N/A
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposal will not detract from the visual quality of the area.	Yes
3. Views and vistas Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers?	The proposed does not obscure or compromise any view. The proposal does not dominate the skyline. The proposal will not obstruct viewing rights of other advertisers.	Yes Yes Yes
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the sign is satisfactory to its setting.	Yes

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The sign is to be used small in scale and will not be a visually dominant feature.	Yes
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed sign is clear and legible thereby reducing visual clutter.	Yes
Does the proposal screen unsightliness?	No. Satisfactory	Yes
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. Satisfactory	Yes
Does the proposal require ongoing vegetation management?	No. Satisfactory	Yes
5. Site and building		
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed sign is suitable in its proposed location.	Yes
Does the proposal respect important features of the site or building, or both?	The sign will not be the predominant visual feature of the proposal.	Yes
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The sign is to be integrated into the building design.	Yes
6. Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?		

7. Illumination Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew?	The signage will be backlit and will not result in unacceptable glare. No No Yes No. Conditions will require monitoring to ensure lighting does not create a nuisance.	Yes Yes Yes Yes Yes
8. Safety Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No. The signage is located on the boundary wall fronting Fairway Drive. Nonetheless, the signage will not result in unacceptable glare and therefore will not cause disturbance to public road. No. No.	Yes Yes Yes

5. Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)

In accordance with clause 3 of the Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997), the aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Subject to the imposition of the recommended development consent conditions, which include erosion and sediment control measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

6. The Hills Local Environmental Plan 2012

(i) Permissibility

The land is zoned R3 Medium Density Residential under the The Hills Local Environmental Plan 2012 (LEP). Attached dwellings are permitted with consent in the R3 Zone. The proposed communal facilities building is not a defined use under the Standard Instrument, nonetheless this use is considered to be ancillary to the proposed residential development and is therefore permitted with consent in the R3 Zone.

(ii) Zone Objectives

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

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

The proposal is considered to be consistent with the stated objectives of the zone, in that:

- The proposed development has a built form that is consistent with the desired future character of the locality, adding to the variety of housing typologies within the area;
- The proposal will not inhibit the provision of other land uses that provide facilities or services to meet the day to day needs of residents; and
- The proposal is located in a medium density setting, in close proximity to public transport routes on Norwest Boulevard and Windsor Road.

(iii) Development Standards

Clause 4.1 – Minimum subdivision lot size

Clause 4.1 of the LEP states that the size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the lot size map. The lot size map indicates that the minimum lot size for this site is 700m². Nonetheless, an exception to the minimum lot size for certain forms of residential development, including attached dwellings, is permitted under Clause 4.1B of the LEP.

Clause 4.1B – Exceptions to Minimum Lot Size for Certain Residential Development

Clause 4.1B of the LEP is worded as follows:

- (1) *The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) *This clause applies to development on land in the following zones:*
 - (a) *Zone R3 Medium Density Residential,*
 - (b) *Zone R4 High Density Residential.*
- (3) *Development consent may be granted to a single development application for development to which this clause applies that is both of the following:*

- (a) *the subdivision of land into 3 or more lots,*
- (b) *the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision, if the size of each lot is equal to or greater than:*
 - (i) *for the erection of a dwelling house—240 square metres, or*
 - (ii) *for the erection of an attached dwelling—240 square metres.*

The proposed development is consistent with the provisions of this clause as:

- The proposal allows for diversity in housing without adversely impacting upon amenity, complying with sub-point (1).
- The site is zoned R3 Medium Density Residential complying with sub-point (2)(i);
- The proposal includes a single development application that includes 59 community title residential lots and includes both the subdivision of land and the construction of dwelling houses, complying with sub-point (3)(a); and
- All of the lots created are in excess of 240m² complying with sub-point (3)(b)(i).

Accordingly, the proposal complies with Clause 4.1B of the LEP.

Clause 4.3 – Height of Buildings

Clause 4.3 of the LEP states that the height of any building must not exceed the maximum height shown on the building height map. The building height map indicates that the maximum building height for this site is 10m. The proposed attached dwellings and communal facilities building comply with this control.

Clause 4.4 – Floor Space Ratio

Clause 4.4 does not establish a floor space ratio for the site.

Clause 6.1 – Arrangements for Designated Stage Public Infrastructure

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

Clause 6.2 – Public Utility Infrastructure

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

7. The Hills Development Control Plan 2012

The following sections of The Hills Development Control Plan 2012 apply to either the subject site or the proposed form of development:

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

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

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

In the absence of development controls, a merit based assessment is considered a reasonable approach. However, in the interests of providing a complete assessment the application has been considered against the development standards for “dwelling houses” in the BRRR DCP as well as the development standards for “integrated housing” in the KRHRA DCP. The proposal is generally consistent with these sections of the DCP with the exception of the matters addressed below:

Control	Lot	Required	Proposed	Compliance/ Comment
Minimum Front Setback	33	6m	5.5m	No, see below
Side Setback	38 41	900mm 900mm	Nil Nil	No, see below No, see below
Garage Setback	49	5.5m	2m	No, see below
Pre-planned Road Layout	-	-	-	No, see below

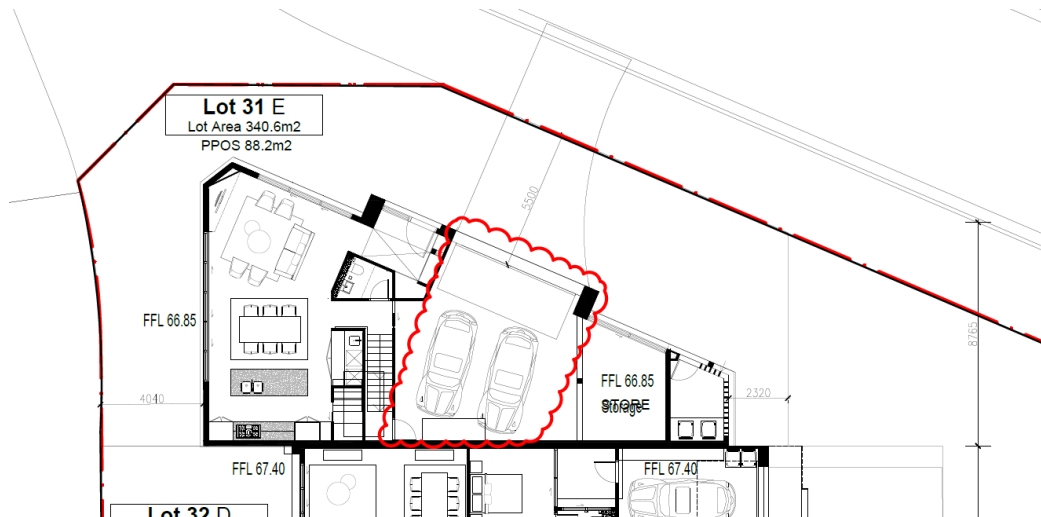
The proposed variations are considered below:

Front Setback

The proposal seeks approval for a minor variation to the front setback requirement to a public road. The DCP requires a front setback to a public road of 6 metres. The proposed development seeks a variation of 0.5m, with the dwelling on Lot 31 proposing a front setback of 5.5 metres.

The proposed lot has an irregular shape and results in a custom designed dwelling to fit the dimensions of the lot. The applicant has demonstrated that the proposed design is suitable with appropriate side setbacks provided to adjoining properties and the secondary street. The proposal also includes substantial landscaping to assist in reducing the potential impact the built form may have on the streetscape.

The proposed variation as shown on the diagram below has no adverse impact on the streetscape and maintains a consistent setback pattern as envisaged by the DCP. The variation to the front setback is supported in this instance.

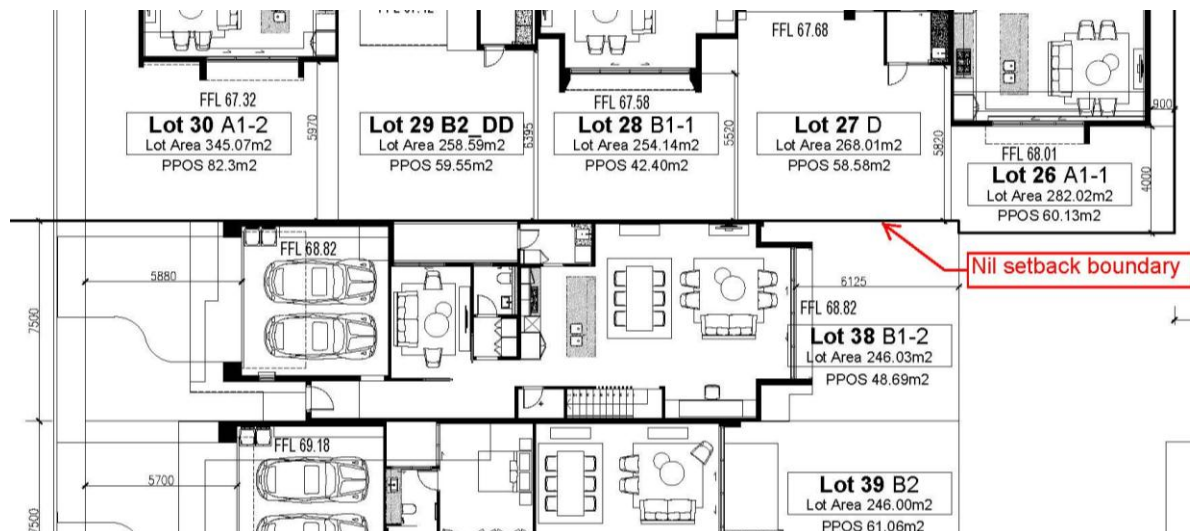


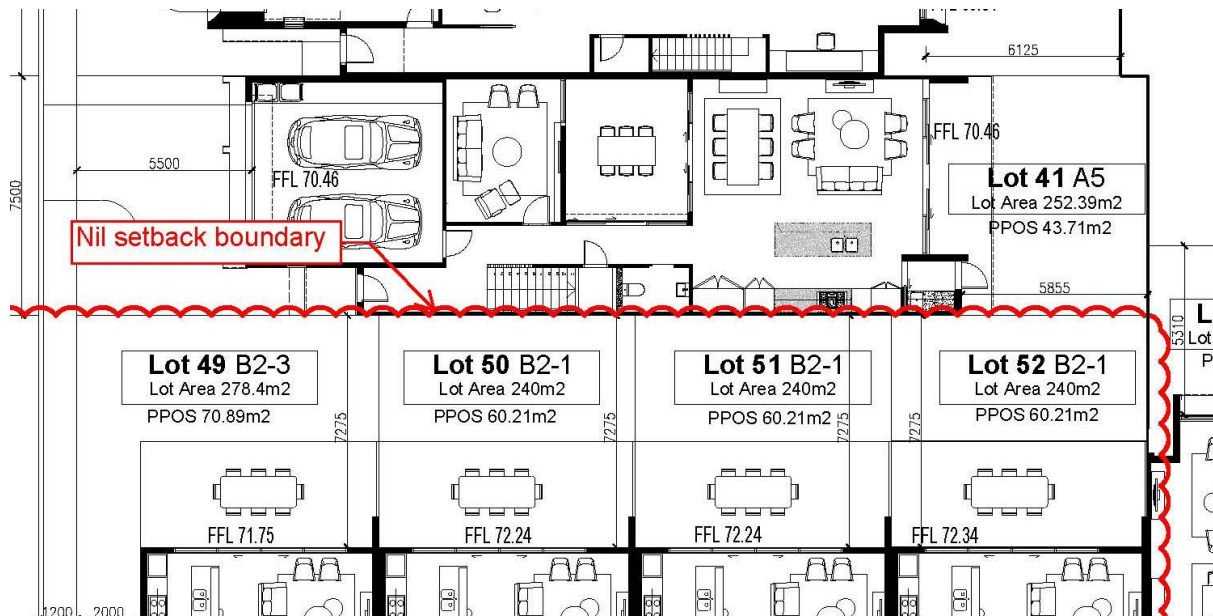
Garage Setback

The proposal seeks approval for a minor variation to the garage setback requirement on lot 31. The DCP requires garages to be setback 6 metres from a public road. As noted above and as shown on the diagram provided with the front setback discussion, the dwelling on lot 31 has been designed in a manner that addresses the irregular lot shape. The design has been amended to ensure a 5.5 metre setback is provided to allow for off street parking for the occupants of the dwelling. Whilst the garage setback demonstrates a non-compliance with the DCP control, the intent of the control is achieved and the variation is supported.

Side Setback

The proposal seeks approval for a minor variation to the side setback requirement of 900mm. The DCP requires that a 900mm setback be provided between the side boundary and building line of a dwelling. The diagrams below illustrate the dwellings on lots 38 and 41. The dwelling on lot 38 has a nil setback to its northern side boundary that adjoins the rear boundary of lots 27-30 and the dwelling on lot 41 has a nil setback to its southern side boundary that adjoins the rear of lots 49-52.

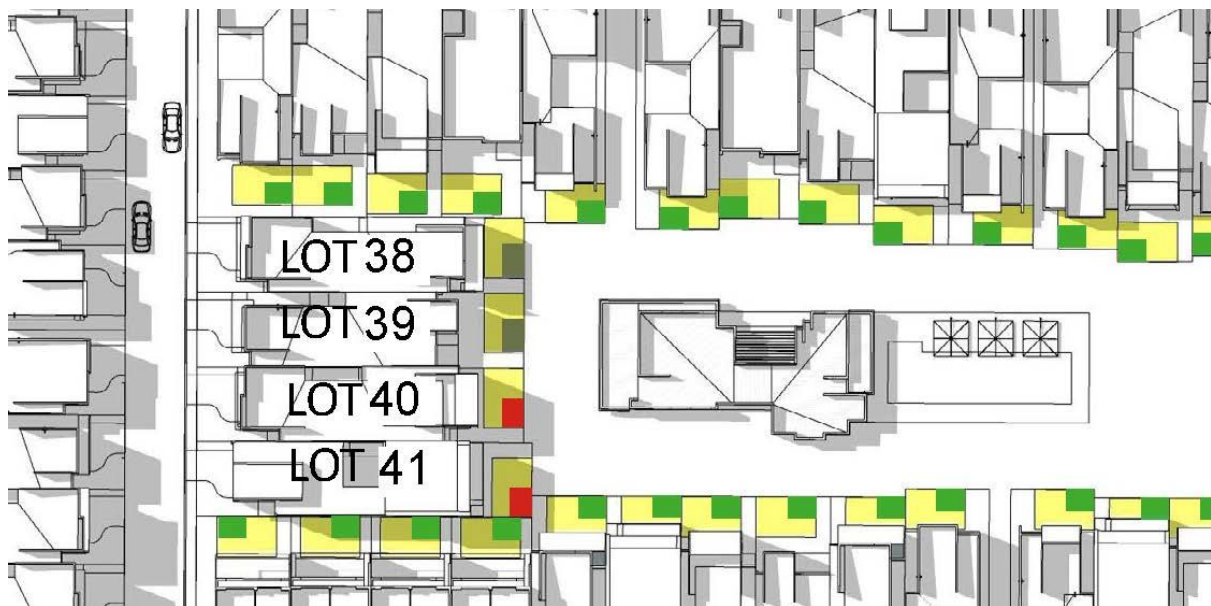




The variation has been justified by the applicant through the provision of a zero lot line easement along the rear boundary of lots 27-30 and 49-52. This allows for access to be provided to the side and rear of dwellings on lots 38 and 41.

Solar Access

The DCP requires each dwelling achieve a minimum of 2 hours of sunlight to the private open space area on 21 June between 9am and 3pm. Lots 38-41 are provided with an area of private open space that is unable to achieve the minimum solar access required due to the location of the road and orientation of the dwellings. The diagram below shows shadow impact at midday 21 June.



The applicant has provided justification stating that the variation represents 6% of the 59 dwellings provided in the development. Furthermore, the provision of a centrally located communal open space area (to which lots 38-41 have direct access) provides in excess of two hours of solar access on 21 June. The variation to the solar access requirement is supported in this instance.

Pre-planned Road Layout

The proposal seeks approval for minor variation to the pre-planned road layout. The diagram below identifies the pre-planned road layout with the areas highlighted representing the proposed changes:



The road edged in red shown above, is proposed to be deleted completely. Stage 1 of the development does not make provision for Elena Avenue to be constructed between Ernesta Place and Pasquale Avenue. The applicant argued during the assessment of Stage 1 development application that Elena Avenue introduces an irregular pattern to the locality which does not allow efficient use of the land to occur. The applicant also argued that the proposed modification is contained within the development site and does not impact upon adjoining neighbours. The variation to the pre-planned road layout is wholly contained to the subject site and has no impact on adjoining properties or their ability to development. The argument offered by the applicant was accepted with Stage 1 and the pre-planned road layout with respect to this matter is supported. Further, Elena Avenue was originally aligned with an Endeavour Energy transmission line/ easement that dissected the site when the DCP was prepared. That Endeavour Energy transmission line has since been undergrounded and relocated along Free Settlers Drive further north and the easement has been removed from the title of the subject site.

The proposed variations are minor and no objections are raised.

The following other matter warrants consideration:

SUBDIVISION ENGINEERING COMMENTS

No objections are raised to the proposal subject to conditions.

BUILDING COMMENTS

No objections are raised to the proposal subject to conditions.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objections are raised to the proposal subject to conditions.

TREE MANAGEMENT COMMENTS

No objections are raised to the proposal subject to conditions.

SUSTAINABILITY (ECOLOGY) COMMENTS

No objections are raised to the proposal.

WASTE MANAGEMENT COMMENTS

No objections are raised to the proposal subject to conditions.

NATURAL RESOURCES ACCESS REGULATOR

No objections are raised to the proposal subject to compliance with the General Terms of Approval dated 16 July 2018 attached as Appendix 1.

CONCLUSION

The development application has been assessed against the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979, The Hills Local Environmental Plan 2012 and The Hills Development Control Plan 2012. All key issues have been identified, addressed or suitably conditioned and the proposed development is considered satisfactory.

IMPACTS

Financial

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

The Hills Future – Community Strategic Plan

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

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Approved Subdivision Plan

The subdivision must be carried out in accordance with the approved plan of subdivision prepared by Ian Vincent Myers draft community plan DP 271142 dated 12/12/2018 and other supporting documentation submitted with the development application except where amended by other conditions of consent.

2. Approved Building Plans

The subdivision must be carried out in accordance with the plans listed in the table below and supporting documentation submitted with the development application except where amended by other conditions of consent.

Plan	Reference	Issue	Author	Date
Master Plan/ Villa Mix	A 1.04	C	A+ Design	11/06/2019
Ground Floor Plan	A 1.06	F	A+ Design	11/06/2019
First Floor Plan	A 1.07	G	A+ Design	13/06/2019
Roof Plan	A 1.08	D	A+ Design	13/06/2019
Ground Floor Plan – Block A	A 1.09	G	A+ Design	11/06/2019
Ground Floor Plan – Block B	A 1.10	G	A+ Design	11/06/2019
Ground Floor Plan – Block C	A 1.11	G	A+ Design	11/06/2019
Ground Floor Plan – Block D	A 1.12	G	A+ Design	11/06/2019
First Floor Plan – Block A	A 1.13	F	A+ Design	11/06/2019
First Floor Plan – Block B	A 1.14	F	A+ Design	11/06/2019
First Floor Plan – Block C	A 1.15	F	A+ Design	11/06/2019
First Floor Plan – Block D	A 1.16	F	A+ Design	11/06/2019
Roof Plan – Block A	A 1.17	D	A+ Design	14/06/2019
Roof Plan – Block B	A 1.18	D	A+ Design	14/06/2019
Roof Plan – Block C	A 1.19	D	A+ Design	14/06/2019
Roof Plan – Block D	A 1.20	D	A+ Design	14/06/2019
Section B-B	A 2.02	E	A+ Design	12/06/2019
South Elevation – Block A-B-C-D	A 3.01	E	A+ Design	13/06/2019
A1_1 – Front and Rear Elevations	A 6.01	B	A+ Design	14/06/2019
A1_1 – Side Elevation	A 6.02	B	A+ Design	14/06/2019

A1_2 – Front and Rear Elevation	A 6.03	B	A+ Design	14/06/2019
A1_2 – Side Elevation	A 6.04	B	A+ Design	14/06/2019
A5 – Front and Rear Elevation	A 6.05	C	A+ Design	14/06/2019
A5 – Side Elevation	A 6.06	C	A+ Design	14/06/2019
B1-1 – Front and Rear Elevation	A 6.07	B	A+ Design	14/06/2019
B1-1 – Side Elevation	A 6.07A	A	A+ Design	14/06/2019
B1-2 – Front and Rear Elevation	A 6.08	B	A+ Design	14/06/2019
B1-2 – Side Elevation	A 6.09	B	A+ Design	14/06/2019
B2 – Front and Rear Elevation	A 6.10	B	A+ Design	14/06/2019
B2 – Side Elevation	A 6.10A	A	A+ Design	14/06/2019
B2-1 – Front and Rear Elevations	A 6.11	B	A+ Design	14/06/2019
B2-1 – Side Elevation	A 6.12	B	A+ Design	14/06/2019
D – Front and Rear Elevation	A 6.13	B	A+ Design	14/06/2019
D – Side Elevation	A 6.14	B	A+ Design	14/06/2019
E – Front and Rear Elevation	A 6.15	B	A+ Design	14/06/2019
E – Side Elevation	A 6.16	B	A+ Design	14/06/2019
B2-3 – Front and Rear Elevations	A 6.20	B	A+ Design	14/06/2019
B2-3 Side Elevation	A 6.21	B	A+ Design	14/06/2019
[Clubhouse] Site Plan	A 0.02	3	A+ Design	21/06/2019

[Clubhouse] Ground Floor	A 1.01	4	A+ Design	21/06/2019
[Clubhouse] Roof Plan	A 1.02	4	A+ Design	21/06/2019
[Clubhouse] Elevations	A 3.01	4	A+ Design	21/06/2019
[Clubhouse] Sections	A 4.01	4	A+ Design	21/06/2019
[Clubhouse] Materials and Finishes	A 8.01	3	A+ Design	21/06/2019
Landscape Plans	L-100 - L-502	N	Site Image	24/06/2019

The plans referred to above are subject to the following additional requirements:

- The bin store servicing the Clubhouse is to be redesigned to provide a storage area for 2 x 240L garbage bins and 1 x 240L recycling bin.

3. Compliance with Natural Resources Access Regulator

Compliance with the requirements of the Natural Resources Access Regulator throughout all stages of the subdivision as outlined in their letter dated 16 July 2018 reference IDAS1107280 attached to this consent as Appendix 1.

4. 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.

5. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

6. Association Lot

All lots or dwellings within the scheme must be entitled to utilise the association lot and share in the costs associated with its upkeep.

The association lot will be allocated a separate specific street address by Council as part of this preliminary check process (above), and a physical mailbox must be installed as part of the subdivision works for that address to enable the delivery of mail to the site.

If a strata/ community manager has not been appointed by the time the Subdivision Certificate is applied for, the applicant for the subdivision must notify Council (in writing) once a manager has been appointed and the strata/ community association has been formed. The details of the manager must be included with that written notice. Should the manager change over time, the strata/ community association must notify Council (in writing) of the new details.

7. External Finishes

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

8. Fencing and Utility Installations

All corner lot boundary fencing (so lots 25, 26, 30, 31, 49, 58, 59, 70 and 79) is to be located a minimum of 1 metre behind the “front” building line. All fencing visible from a public road is to be timber lapped and capped or aluminium palisade style fencing, or another similar equivalent as approved by Council.

All ancillary utility installations (air conditioning units, rainwater tanks, hot water systems, etc;) are to be screened from public view by fencing or landscaping.

9. Australia Post Mailbox Requirements

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

The association lot will be allocated a separate specific street address by Council as part of this preliminary check process (above), and a physical mailbox must be installed as part of the subdivision works for that address to enable the delivery of mail to the site.

Australia Post has advised that they cannot guarantee that mail will be delivered to the front of individual lots in a community plan in rural areas. For all subdivisions in rural areas that include a private road a bank of grouped letterboxes and a stopping bay in front must be provided for as part of the subdivision works. Where applicable, this includes the mailbox for the association lot required above.

10. BCA Compliance

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

11. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application 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

12. Contamination Assessment and Site Remediation

The recommendations of the Site Assessment and Report prepared by GeoEnviro Consultancy Pty Ltd referenced as JC13168A dated December 2013 JC13168B-r1 dated April 2017 and JC13168B-r2 dated April 2018 and submitted as part of the Development Application are to be implemented as part of this approval.

13. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

www.wastelocate.epa.nsw.gov.au

14. 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.

15. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council for each lot. The service is to be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

16. Provision of Domestic Waste Storage Area

Sufficient space must be allocated in the garages (or within courtyards where accessible) to store 3 x 240 litre bins. The measurements of a 240 litre bin are: 735mm (d) 580mm (w) 1080mm (h). The bins must be able to be wheeled to the street over flat or ramped surfaces, grade not to exceed 1:14, and not over steps or through the dwelling.

17. Construction of Clubhouse Bin Store

The Clubhouse bin store must be designed and constructed in accordance with the following requirements. The bin store must provide minimum storage facility for 2 x 240 litre garbage bins and 1 x 240 litre recycling bin.

- The bin store must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the bin store 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 0.82m wide.
- The bin store must have a servicing door, with a minimum clear floor width of 0.82m. The door must be located to allow the most direct access to the bins by cleaning staff.
- All doors of the bin store, when fully opened, must be flush with the wall, and must not block or obstruct footways. All doors must be able to be fixed in position when fully opened.
- The maximum grade acceptable for moving bins for collection purposes is 7%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- Finishes and colours of the bin store are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h)

18. Waste and Recycling Collection Contract (Clubhouse)

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated on site for the Clubhouse. 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.

19. Provision of No Parking Signs

The development is to have regulatory/ no parking signs erected throughout both sides of the entire private road. A condition must be referenced within the strata management statement in regards to residents and their visitors adhering to the parking restrictions. The signs must be maintained by the Owners Corporation.

20. Construction Certificate – Building Works

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

21. 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.

22. Planting Requirements

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

23. Extension of Ernesta Place/ Pasquale Avenue

The lots/ dwellings adjacent to the southern site boundary cannot be created/ constructed until both Ernesta Place and Pasquale Avenue have been extended south into the adjoining property and the temporary stormwater easement/ pipeline and temporary right of access/ cul-de-sac turning head burdening the subject site and shown on the stamped approved plans removed.

24. Construction Certificate – Subdivision Works

Before any works are carried out a Construction Certificate must be obtained and a Principal Certifying Authority appointed. The plans and accompanying information submitted with the Construction 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 Certifying Authority for subdivision works.

25. Proposed Street Naming – Private Road

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

The application must nominate three suggested names per street, in order of preference, and the source of the names proposed. The source needs to consider the existing theme of the surrounding public roads established by Council.

26. Street Trees

Street trees must be provided for the section of Pasquale Avenue within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. The location of street trees must be considerate of driveways, services, drainage

pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

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

27. Recycled Water – Rouse Hill/ Sydney Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme.

28. 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.

29. Protection of Public Infrastructure

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

30. Structures Adjacent to Piped Drainage Easements

Buildings and structures, including footings and brick fences, adjacent to existing or proposed drainage easements must be located wholly outside the easement. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the easement.

31. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

32. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

33. Controlled Activity Authority – Natural Resources Access Regulator

A copy of the Controlled Activity Authority must be submitted before a Construction Certificate is issued for the relevant section of the works.

34. Irrigation

An automatic watering system is to be installed as a minimum to all common areas (excluding the common area along the creek line in the preceding stage/ initial association lot closer to Fairway Drive). Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council's Manager Environment and Health or Private Certifier prior to issue of the construction certificate.

35. Section 7.11 Contribution – Balmoral Road Release Area

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:

Stage 1

Stage 1	Purpose: Subdivision	Purpose: Integrated Housing	Purpose: Credit	No. of Lots: 3	No. of Int Dwellings: 21	No. of Credits: 1	Total \$7.11
Open Space - Land	\$ 28,298.21	\$ 28,298.21	\$ 28,298.21	\$ 84,894.63	\$ 594,262.41	\$ 28,298.21	\$ 650,858.83
Open Space - Capital	\$ 7,510.25	\$ 7,510.25	\$ 7,510.25	\$ 22,530.75	\$ 157,715.25	\$ 7,510.25	\$ 172,735.75
Transport Facilities - Capital	\$ 5,347.67	\$ 5,347.67	\$ 5,347.67	\$ 16,043.01	\$ 112,301.07	\$ 5,347.67	\$ 122,996.41
Community Facilities - Land	\$ 559.62	\$ 559.62	\$ 559.62	\$ 1,678.86	\$ 11,752.02	\$ 559.62	\$ 12,871.26
Community Facilities - Capital	\$ 2,292.65	\$ 2,292.65	\$ 2,292.65	\$ 6,877.95	\$ 48,145.65	\$ 2,292.65	\$ 52,730.95
Administration	\$ 392.77	\$ 392.77	\$ 392.77	\$ 1,178.31	\$ 8,248.17	\$ 392.77	\$ 9,033.71
Drainage Facilities - Capital	\$ 598.83	\$ 598.83	\$ 598.83	\$ 1,796.49	\$ 12,575.43	\$ 598.83	\$ 13,773.09
Total	\$ 45,000.00	\$ 45,000.00	\$ 45,000.00	\$ 135,000.00	\$ 945,000.00	\$ 45,000.00	\$ 1,035,000.00

Stage 2

Stage 2	Purpose: Integrated Housing	Purpose: Credit	No. of Dwellings: 17	No. of Credits: 1	Total \$7.11
Open Space - Land	\$ 28,298.21	\$ 28,298.21	\$ 481,069.57	\$ 28,298.21	\$ 452,771.36
Open Space - Capital	\$ 7,510.25	\$ 7,510.25	\$ 127,674.25	\$ 7,510.25	\$ 120,164.00
Transport Facilities - Capital	\$ 5,347.67	\$ 5,347.67	\$ 90,910.39	\$ 5,347.67	\$ 85,562.72
Community Facilities - Land	\$ 559.62	\$ 559.62	\$ 9,513.54	\$ 559.62	\$ 8,953.92
Community Facilities - Land	\$ 2,292.65	\$ 2,292.65	\$ 38,975.05	\$ 2,292.65	\$ 36,682.40
Administration	\$ 392.77	\$ 392.77	\$ 6,677.09	\$ 392.77	\$ 6,284.32
Drainage Facilities - Capital	\$ 598.83	\$ 598.83	\$ 10,180.11	\$ 598.83	\$ 9,581.28
Total	\$ 45,000.00	\$ 45,000.00	\$ 765,000.00	\$ 45,000.00	\$ 720,000.00

Stage 3

Stage 3	Purpose: Integrated Housing	Purpose: Credit	No. of Dwellings: 5	No. of Credits: 1	Total \$7.11
Open Space - Land	\$ 28,298.21	\$ 28,298.21	\$ 141,491.05	\$ 28,298.21	\$ 113,192.84
Open Space - Capital	\$ 7,510.25	\$ 7,510.25	\$ 37,551.25	\$ 7,510.25	\$ 30,041.00
Transport Facilities - Capital	\$ 5,347.67	\$ 5,347.67	\$ 26,738.35	\$ 5,347.67	\$ 21,390.68
Community Facilities - Land	\$ 559.62	\$ 559.62	\$ 2,798.10	\$ 559.62	\$ 2,238.48
Community Facilities - Land	\$ 2,292.65	\$ 2,292.65	\$ 11,463.25	\$ 2,292.65	\$ 9,170.60
Administration	\$ 392.77	\$ 392.77	\$ 1,963.85	\$ 392.77	\$ 1,571.08
Drainage Facilities - Capital	\$ 598.83	\$ 598.83	\$ 2,994.15	\$ 598.83	\$ 2,395.32
Total	\$ 45,000.00	\$ 45,000.00	\$ 225,000.00	\$ 45,000.00	\$ 180,000.00

Stage 4

Stage 4	Purpose: Integrated Housing	Purpose: Credit	No. of Dwellings: 16	No. of Credits: 1	Total \$7.11
Open Space - Land	\$ 28,298.21	\$ 28,298.21	\$ 452,771.36	\$ 28,298.21	\$ 424,473.15
Open Space - Capital	\$ 7,510.25	\$ 7,510.25	\$ 120,164.00	\$ 7,510.25	\$ 112,653.75
Transport Facilities - Capital	\$ 5,347.67	\$ 5,347.67	\$ 85,562.72	\$ 5,347.67	\$ 80,215.05
Community Facilities - Land	\$ 559.62	\$ 559.62	\$ 8,953.92	\$ 559.62	\$ 8,394.30
Community Facilities - Land	\$ 2,292.65	\$ 2,292.65	\$ 36,682.40	\$ 2,292.65	\$ 34,389.75
Administration	\$ 392.77	\$ 392.77	\$ 6,284.32	\$ 392.77	\$ 5,891.55
Drainage Facilities - Capital	\$ 598.83	\$ 598.83	\$ 9,581.28	\$ 598.83	\$ 8,982.45
Total	\$ 45,000.00	\$ 45,000.00	\$ 720,000.00	\$ 45,000.00	\$ 675,000.00

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

This condition has been imposed in accordance with Contributions Plan No 12.

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

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

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

Information about the special infrastructure contribution can be found on the 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.

37. Amended Plans for Clubhouse

Prior to a Construction Certificate being issued, amended plans must be submitted to and approved by Council's Resource Recovery Project Officer demonstrating that the Clubhouse bin store is suitably sized to store 2 x 240 litre garbage bins and 1 x 240 litre recycling bin.

The measurements of a 240 litre bin are: 735mm (d) 580mm (w) 1080mm (h). The bins must be able to be wheeled to the collection point over flat or ramped surfaces and not over steps or through the unit.

38. 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.

39. Erosion and Sediment Control Plan

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

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

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

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

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

An ESCP is required for this development.

40. Construction Management Plan (Staged Applications)

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

41. 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 \$149,600.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$88.00 per square metre based on the road frontage of the subject site (200m) multiplied by the width of the road (8.5m).

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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

42. Engineering Works and Design

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

Engineering works can be classified as either "subdivision works" or "building works". 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 in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

a) Full Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Private Road	Road Type: 0.4m/ 6m/ 1.2m (7.6m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)

The 0.4m verge is only required along the western edge of this road where it abuts the site boundary.

Roll kerb is to be used for all roads.

With respect to the private road, the intersection with Pasquale Avenue needs to delineate the public road from the private road using a gutter crossing rather than kerb returns, pavement threshold treatment or similar.

The association lot will be allocated a separate specific street address by Council as part of this preliminary check process (above), and a physical mailbox must be installed as part of the subdivision works for that address to enable the delivery of mail to the site.

b) Turning Heads

A cul-de-sac turning head must be provided at the end of all blind/ dead-end roads. The cul-de-sac must have a diameter of 19m measured from the face of kerb.

A turning head is required at the southern end of the private road.

c) 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".

d) Gutter Crossings

Gutter crossings to each of the proposed new lots are required.

Gutter crossings are not required where roll kerb has been provided/ permitted.

e) 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.

f) Earthworks/ Site Regrading

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

Retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Northrop Revision 5 dated 21/06/2019.

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

g) Inter-allotment Stormwater Drainage

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

PRIOR TO WORK COMMENCING ON THE SITE

43. Builder and PCA Details

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

44. 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.

45. 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.

46. Erection of Signage – Supervision of Subdivision Work

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

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

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

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 Certifying Authority for subdivision works.

47. 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.

48. 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.

49. 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.

50. 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.

DURING CONSTRUCTION

51. Dust Control

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

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

52. 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.

53. 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.

54. 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.

55. 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.

56. Subdivision Earthworks – Lot Topsoil

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

57. 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.

58. Aboriginal Heritage Impact Permit

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

59. 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.

60. Working Hours

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

61. Compliance with BASIX Certificate

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

Stage	BASIX Certificate No.
Stage 3.1	955871M_02
Stage 3.2	959036M_02
Stage 3.3	959049M_02
Stage 3.4	959044M_02

PRIOR TO ISSUE OF AN OCCUPATION AND/ OR SUBDIVISION CERTIFICATE

62. Compliance with Natural Resources Access Regulator Requirements

A letter from the Natural Resources Access Regulator must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

63. 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).

64. Building Services

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

65. Landscaping

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

66. Maintenance of BASIX Commitments

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

67. 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 12.5m long waste collection vehicle when fully laden (28 tonnes gross vehicle mass).

68. Landscaping

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate or Subdivision Certificate for the relevant stage, whichever comes first. 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. Landscaping is to be maintained at all times in accordance with DCP Part C Section 3 – Landscaping and the approved landscape plan.

69. 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.

70. 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.

71. 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.

72. 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 plans must be prepared by a suitably qualified engineer or registered surveyor.

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.

73. 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.

74. 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.

75. Section 73 Compliance Certificate

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

76. 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 and all of the lots created.

77. 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.

78. Site/ Lot Classification Report – Vacant Residential Lots

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

79. Building Adjacent to Proposed Boundary

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

80. 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) Easement – Private Stormwater Drainage

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

b) Easement – Repairs/ Zero Lot Line Dwellings

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

Similarly, party walls must be shown as such on the final plan.

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

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

THE USE OF THE SITE

81. 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.

82. Waste and Recycling Management (Small Lot Housing)

To ensure the adequate storage and collection of waste from the occupation of all residential premises, all garbage and recyclable materials emanating from each premise must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premise between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

83. Waste and Recycling Management (Clubhouse)

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area/bin store, 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. All waste storage areas must be screened from view from any adjoining residential property or public place. A caretaker must be appointed to manage waste operations on site to enable waste collection. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

85. Collection Point and Servicing of Clubhouse Bins

The appointed caretaker or cleaning staff must wheel the bins from the Clubhouse bin store to the designated collection point on the day prior to collection. The collection point where the bins will be presented is located at the end of the internal walkway providing access to the communal area via the internal private road. Under no circumstance are the bins to be presented along the kerbside. Collection staff are directed to wheel the bins from within the collection point to the truck to empty the bins and back to the collection point. Cleaning staff must then immediately wheel the bins back to the bin store within the clubhouse.

APPENDIX 1



Natural Resources Access Regulator

Contact: Irene Zinger
Phone: 02 9842 8431
Email: irene.zinger@nrar.nsw.gov.au

General Manager
The Hills Shire Council
Attn: Anthony Donaldson
PO Box 7064
Baulkham Hills BC
BAULKHAM HILLS NSW 2153

Our ref: IDAS1107280
Our file: V18/534-2#89
Your ref: DA2028/2018

Attention: Simon Turner

16 July 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2028/2018
Description: Small lot housing development and subdivision creating 59 community title residential lots / attached dwellings and one community association lot (additional land added from previous stage / plan) including estate signage over three stages
Location: 101-129 Fairway Drive KELLYVILLE

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.55 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities

NRAR requests that Council provide a copy of this letter to the development consent holder.

NRAR also requests a copy of the determination for this development application be provided by Council as required under section 4.47 (6) of the EPA Act.

Yours Sincerely

P.P. 

Irene Zinger
Manager, Regional Water Regulation - East
Water Regulatory Operations
Natural Resources Access Regulator



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1107280

Issue date of GTA: 18 July 2018

Type of Approval: Controlled Activity

Description: Small lot housing development and subdivision creating 59 community title residential lots / attached dwellings and one community association lot (additional land added from previous stage / plan) including estate signage over three stages

Location of work/activity: 101-129 Fairway Drive KELLYVILLE

DA Number: DA2028/2018

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval after development consent has been issued by Council and before the commencement of any work or activity.

Condition Number	Details
------------------	---------

Design of works and structures

GT0009-00010 Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.

GT0013-00001 A. Any proposed controlled activity carried out under a controlled activity approval must be directly supervised by a suitably qualified person. B. A copy of this approval must be: i. kept at the site where the controlled activity is taking place, and ii. provided to all personnel working on the controlled activity.

Erosion and sediment controls

GT0008-00003 The following plan(s): - Erosion and Sediment Control Plan; Storm Water Management Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.

GT0014-00007 A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.

GT0021-00002 The proposed erosion and sediment control works must be inspected and maintained throughout the construction period of the controlled activity and must not be removed until the site is fully stabilised.

GT0022-00005 During the time the proposed controlled activity is taking place or being constructed, restrictions must be imposed by Natural Resources Access Regulator, such as: A. machinery must not enter the water course at anytime, B. there must be a minimum flow in the water course.

Plans, standards and guidelines

GT0002-00418 A. This General Terms of Approval (GTA) only applies to the proposed controlled

Level 11, 10 Valentine Avenue, Parramatta, NSW 2124 | LOCKED BAG 5123, Parramatta, NSW 2124
water.enquiries@dpi.nsw.gov.au | www.water.nsw.gov.au



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1107280
Issue date of GTA:	16 July 2018
Type of Approval:	Controlled Activity
Description:	Small lot housing development and subdivision creating 59 community title residential lots / attached dwellings and one community association lot (additional land added from previous stage / plan) including estate signage over three stages
Location of work/activity:	101-129 Fairway Drive KELLYVILLE
DA Number:	DA2028/2018
LGA:	The Hills Shire Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources
	activity described in the plans and associated documents found in Schedule 1, relating to Development Application 2028.2018 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0004-00003	A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.
GT0005-00183	A. The application for a controlled activity approval must include the following plan(s): - i. Detailed Civil Construction and Drainage Plans; ii. Erosion and Sediment Control Plans; iii. Vegetation Management Plan including plans indicating fully structured native vegetation plantings as required by the NRAR guidelines; iv. Detailed Project Costings; v. Stormwater Management Plans; and vi. Detailed Stormwater Outlet Structure Plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities .
GT0008-00024	A. Before the proposed controlled activity can commence, a riparian corridor must be clearly marked, protected and maintained in accordance with a plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator. B. The corridor must extend for: i. a width of 20 m, measured horizontally landward from the highest bank of the river, and ii. the length of the site directly affected by the controlled activity.
GT0030-00008	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities .
Rehabilitation and maintenance	
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).
Reporting requirements	
GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1107280

Issue date of GTA: 16 July 2018

Type of Approval: Controlled Activity

Description: Small lot housing development and subdivision creating 59 community title residential lots / attached dwellings and one community association lot (additional land added from previous stage / plan) including estate signage over three stages

Location of work/activity: 101-129 Fairway Drive KELLYVILLE

DA Number: DA2028/2018

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources

GT0017-00004 When required: A. a suitably qualified person must provide a certificate of completion for any controlled activity carried out under a controlled activity approval, and B. the certificate must be sent to Natural Resources Access Regulator.

SCHEDULE 1

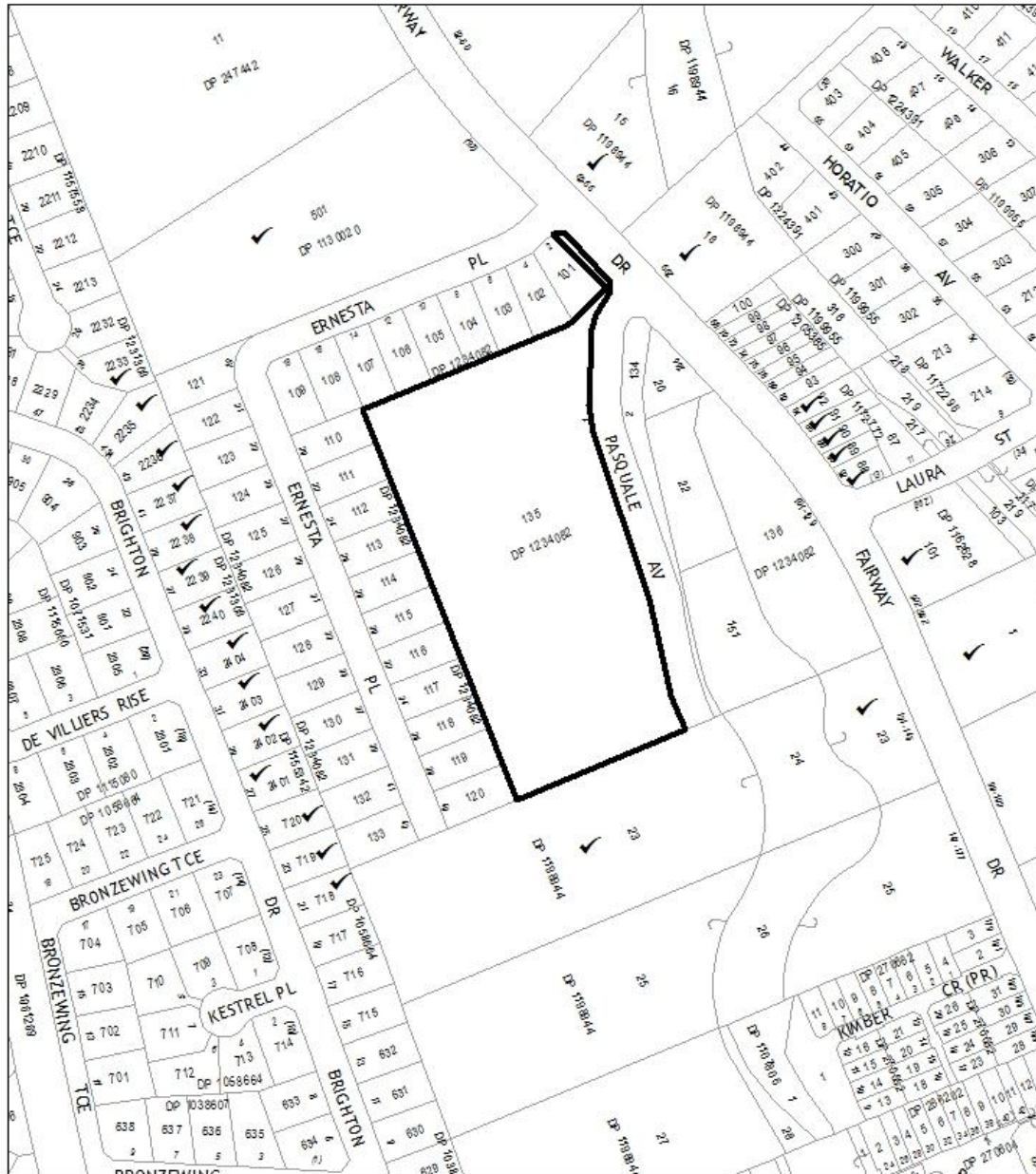
The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA2028/2018 as provided by Council:

- 1) Statement of Environmental Effects;
- 2) Engineering Report;
- 3) Civil Plans; and
- 4) Flora and Fauna Report.

ATTACHMENTS

- Attachment 1 – Locality Plan
- Attachment 2 – Aerial Photograph
- Attachment 3 – LEP Zoning Map
- Attachment 4 – LEP Minimum Lot Size Map
- Attachment 5 – LEP Height of Buildings Map
- Attachment 6 – Stage 1 (DA 421/2017/ZB) Plan of Subdivision (Approved)
- Attachment 7 – Stage 2 (DA 4163/2017/ZE) Plan of Community Subdivision (Approved)
- Attachment 8 – Stage 3 (DA 2028/2018/JPZ) Plan of Community Subdivision (Proposed)
- Attachment 9 – Site/ Staging Plan
- Attachment 10 – Concept Subdivision Works Plan
- Attachment 11 – Ground Floor Plan
- Attachment 12 – First Floor Plan
- Attachment 13 – Elevations
- Attachment 14 – 3D Perspectives

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

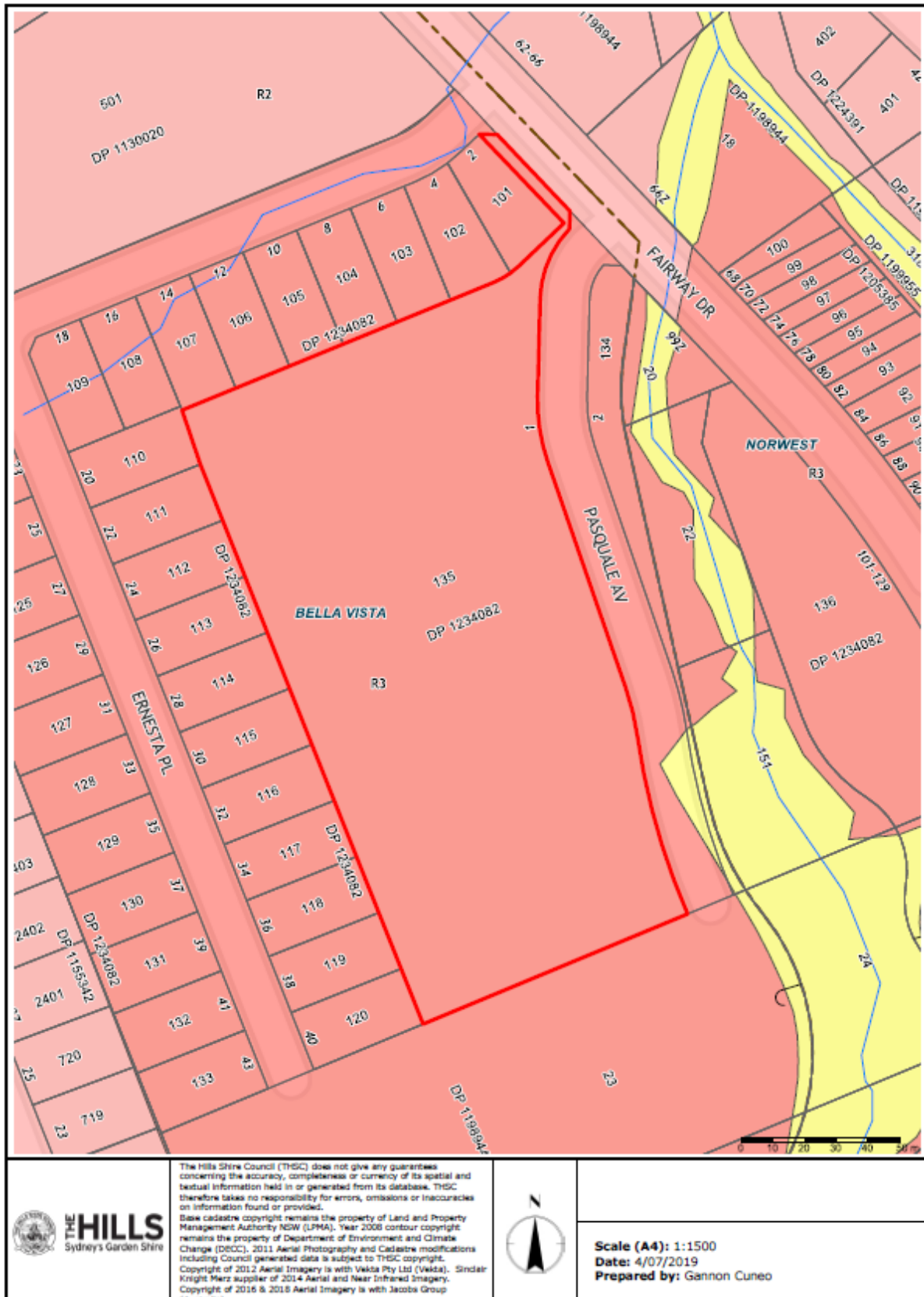
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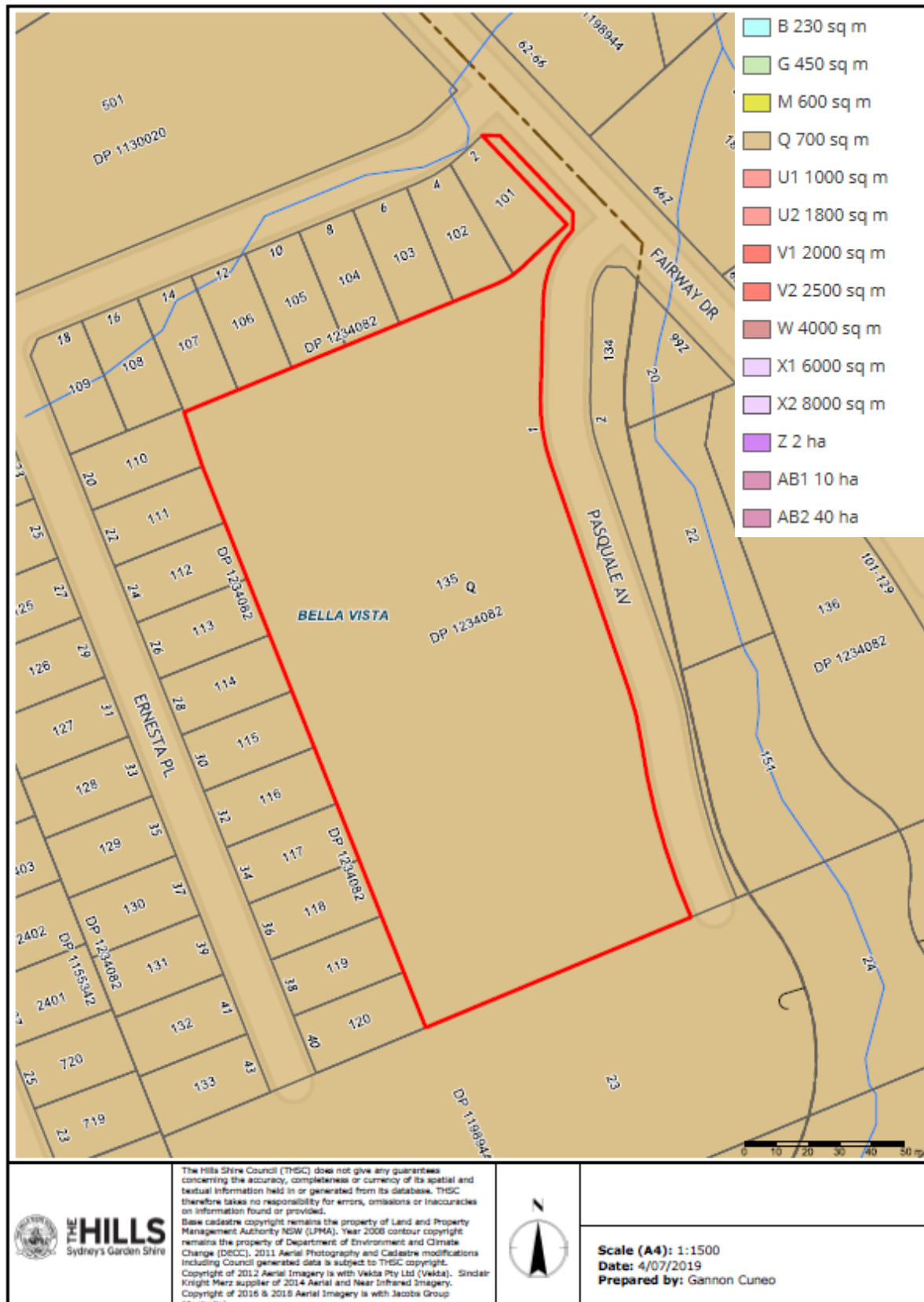
ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – LEP ZONING MAP



ATTACHMENT 4 – LEP MINIMUM LOT SIZE MAP



ATTACHMENT 5 – LEP MAXIMUM BUILDING HEIGHT MAP



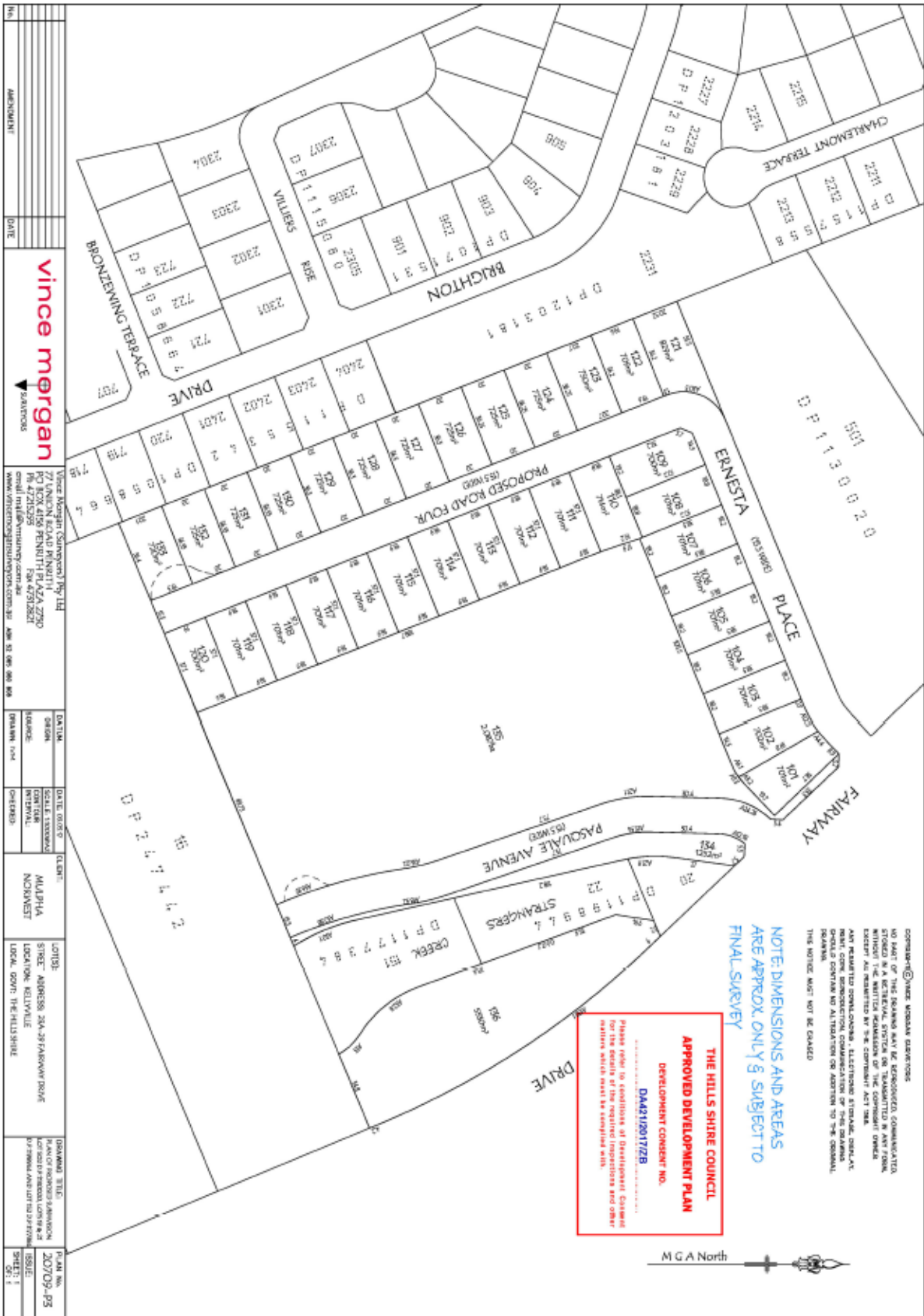
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Scale (A4): 1:1500
Date: 4/07/2019
Prepared by: Gannon Cuneo

ATTACHMENT 6 – STAGE 1 PLAN OF SUBDIVISION (DA 421/2017/ZB)



THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
 DEVELOPMENT CONSENT NO.
DA1403/2017/ZE

Please refer to conditions of Development Consent for the details of the required easements and other matters which must be complied with.

DRAFT ONLY
 10.10.17
 SUBJECT TO FINAL SURVEY

LOCATION DIAGRAM

501
 DP 11130020

ERNESTA PLACE

PASQUALE AVENUE

STRANGERS CREEK

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DP 11234082

DP 247442

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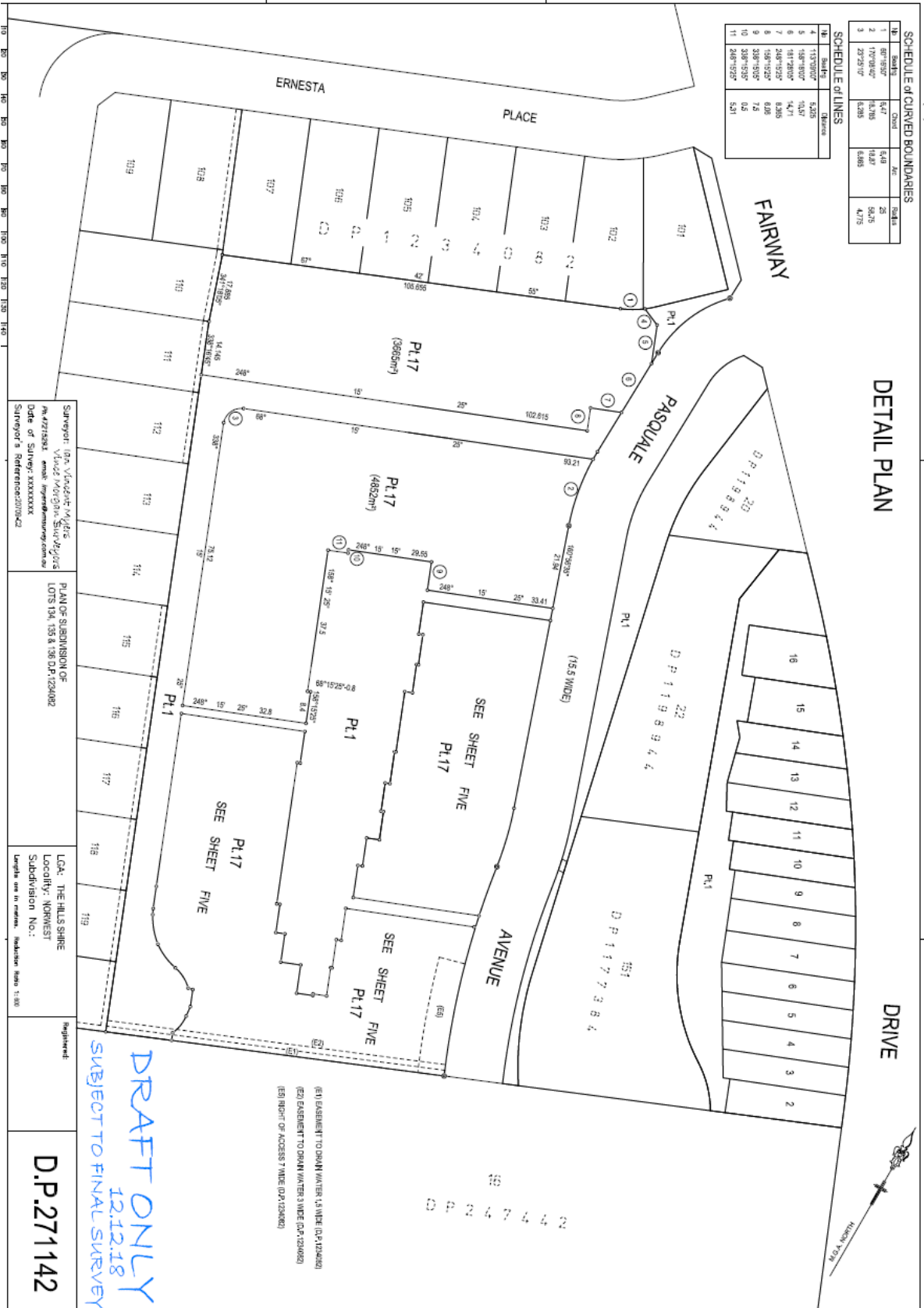
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SCHEDULE of CURVED BOUNDARIES				
Id	Seating	Chord	Arc	Radius
1	60°18'30"	6.47	6.49	25
2	17°00'42"	16.785	16.87	59.75
3	23°25'10"	6.285	6.805	4.775

ID	Seating	Chord	Age	Position
1	80°15'50"	6.47	6.48	25
2	170°02'42"	18.785	18.87	58.75
3	23°25'10"	6.285	6.665	4.775

No	Ball-kg	Distance
4	113.0907	5.225
5	158.1807	10.57
6	181.2805	14.71
7	248.1525	8.395
8	158.1525	8.08
9	338.1505	7.5
10	338.1535	0.5
11	248.1525	5.31

DRIVE



DETAIL PLAN

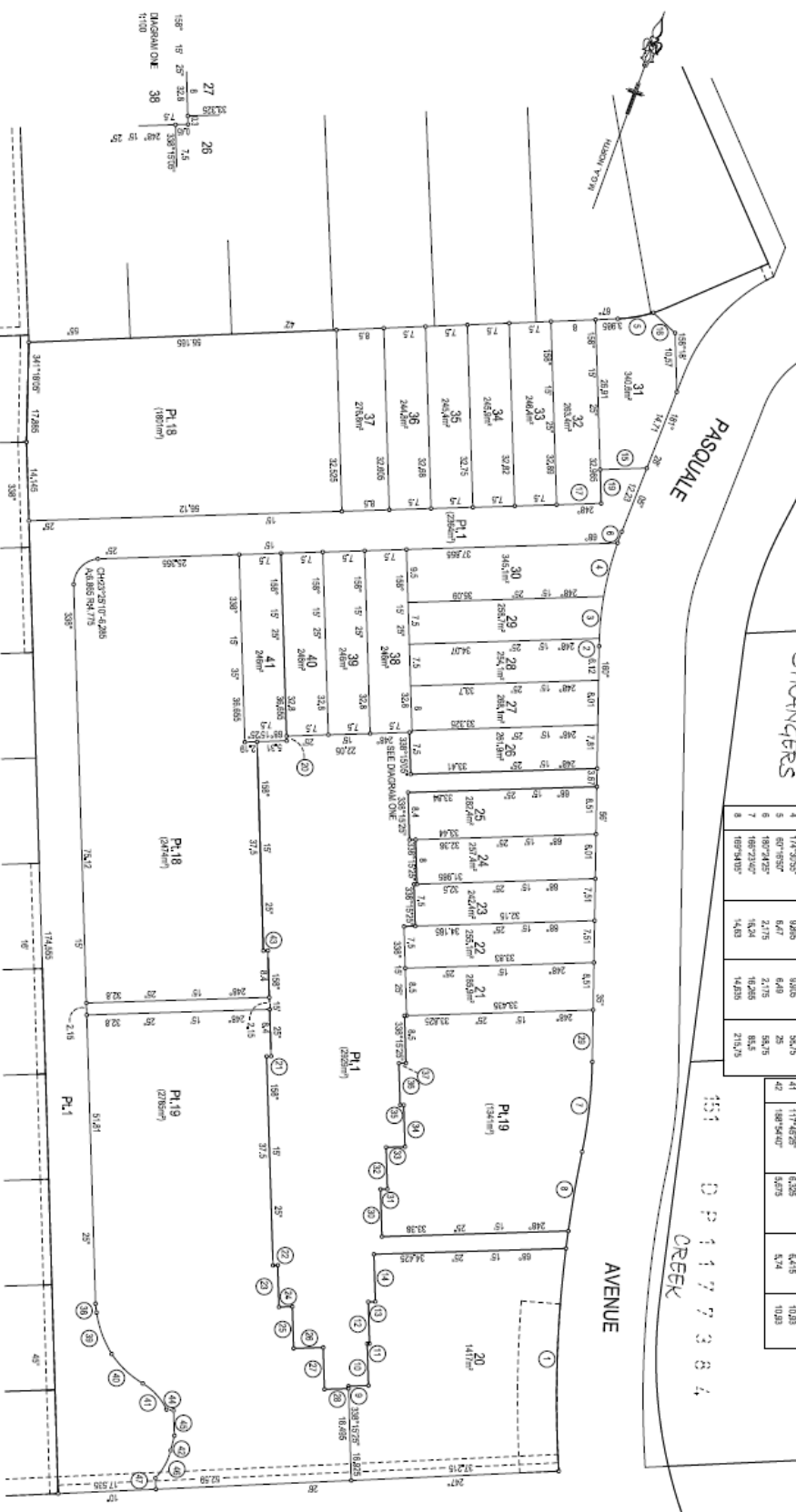
D.P. 117 3 8 4

STRANGERS

Stake	Dist	Ac	Stake	Stake	Dist	Ac	Stake
1	1617.13'	1.38	40	1617.13'	1.38	1.38	1617.13'
2	1617.13'	1.38	41	1617.13'	1.38	1.38	1617.13'
3	1617.13'	1.38	42	1617.13'	1.38	1.38	1617.13'
4	1617.13'	1.38	43	1617.13'	1.38	1.38	1617.13'
5	1617.13'	1.38	44	1617.13'	1.38	1.38	1617.13'
6	1617.13'	1.38	45	1617.13'	1.38	1.38	1617.13'
7	1617.13'	1.38	46	1617.13'	1.38	1.38	1617.13'
8	1617.13'	1.38	47	1617.13'	1.38	1.38	1617.13'

D.P. 117 3 8 4

AVENUE



SCHEDULE OF LINES

No.	Stake	Dist	No.	Stake	Dist	No.	Stake	Dist	No.	Stake	Dist	No.	Stake	Dist	No.	Stake	Dist
1	1617.13'	1.38	21	1617.13'	1.38	41	1617.13'	1.38	61	1617.13'	1.38	81	1617.13'	1.38	101	1617.13'	1.38
2	1617.13'	1.38	22	1617.13'	1.38	42	1617.13'	1.38	62	1617.13'	1.38	82	1617.13'	1.38	102	1617.13'	1.38
3	1617.13'	1.38	23	1617.13'	1.38	43	1617.13'	1.38	63	1617.13'	1.38	83	1617.13'	1.38	103	1617.13'	1.38
4	1617.13'	1.38	24	1617.13'	1.38	44	1617.13'	1.38	64	1617.13'	1.38	84	1617.13'	1.38	104	1617.13'	1.38
5	1617.13'	1.38	25	1617.13'	1.38	45	1617.13'	1.38	65	1617.13'	1.38	85	1617.13'	1.38	105	1617.13'	1.38
6	1617.13'	1.38	26	1617.13'	1.38	46	1617.13'	1.38	66	1617.13'	1.38	86	1617.13'	1.38	106	1617.13'	1.38
7	1617.13'	1.38	27	1617.13'	1.38	47	1617.13'	1.38	67	1617.13'	1.38	87	1617.13'	1.38	107	1617.13'	1.38
8	1617.13'	1.38	28	1617.13'	1.38	48	1617.13'	1.38	68	1617.13'	1.38	88	1617.13'	1.38	108	1617.13'	1.38
9	1617.13'	1.38	29	1617.13'	1.38	49	1617.13'	1.38	69	1617.13'	1.38	89	1617.13'	1.38	109	1617.13'	1.38
10	1617.13'	1.38	30	1617.13'	1.38	50	1617.13'	1.38	70	1617.13'	1.38	90	1617.13'	1.38	110	1617.13'	1.38

DRAFT ONLY
12.12.18
SUBJECT TO FINAL SURVEY

Surveyor: G.A. VANDERKAM
Vice: MORGAN SURVEYS
Date of Survey: xxxxxxxx
Surveyor's Reference: 2018-03
PLAN OF SUBDIVISION OF
LOT 17 D.P. 271142
LGA: THE HILLS SHIRE
Locality: NELLYVILLE
Subdivision No.:
Lengths are in metres. Reduction factor 1:100
Registered:
D.P. 271142

DETAIL PLAN



SCHEDULE OF CURVED BOUNDARIES

No.	Bearing	Dist	Area	Radius
1	23°20'07"	5.205	0.055	4.775

Pl. 1

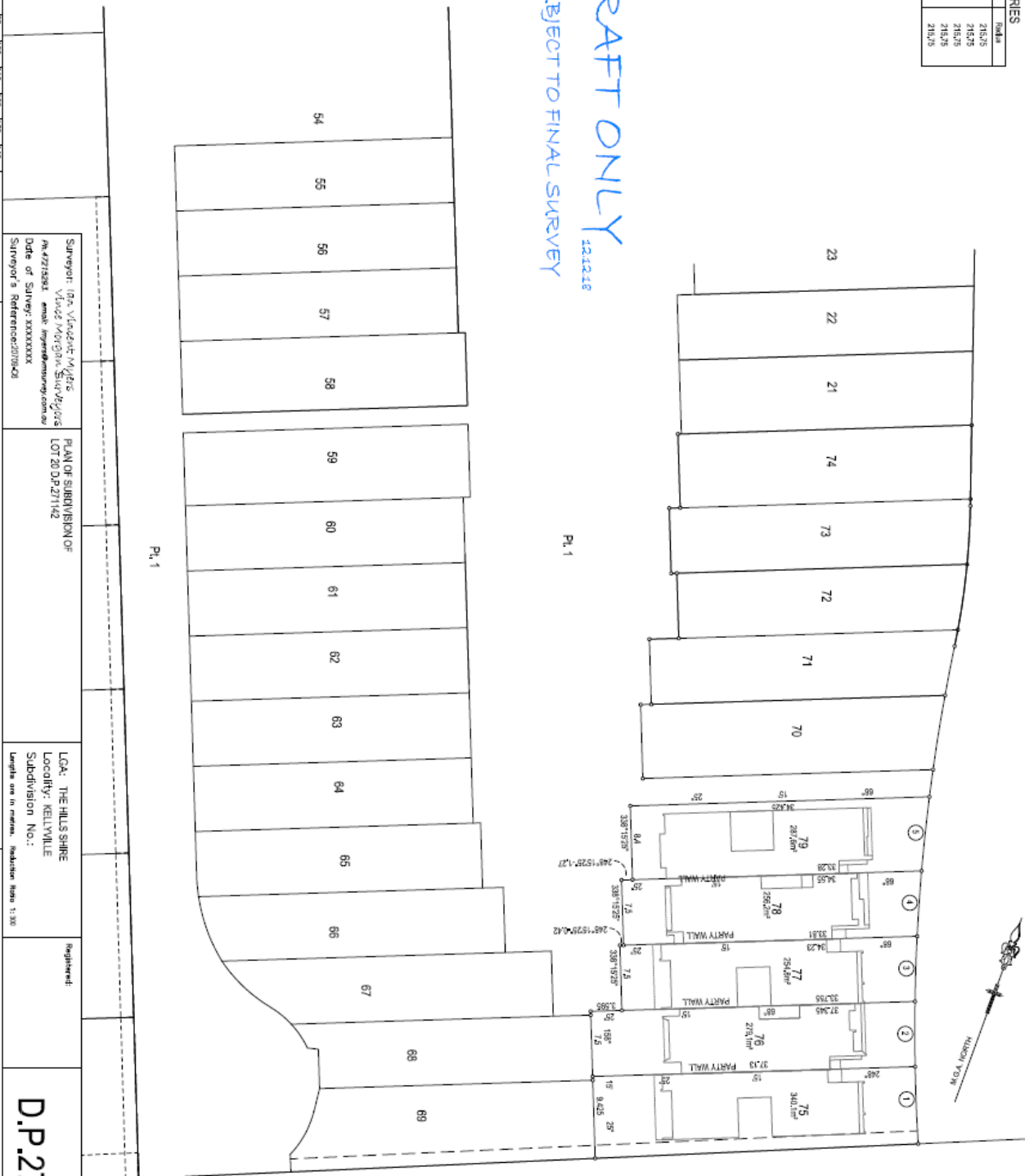
DRAFT ONLY
12.12.18
SUBJECT TO FINAL SURVEY



Surveyor: Ian Vincent Wright No. 4712581 email: ianv@vicsurvey.com.au Date of Survey: xxxxxxxx Surveyor's Reference: 2079041	PLAN OF SUBDIVISION OF VLAND 18/03/04, SUBDIVISION LOT 18 D.P.271142	LGA: THE HILLS SHIRE Locality: KELLVILLE Subdivision No.: Lengths are in metres. Reduction Ratio 1:500	Registered: D.P.271142
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SCHEDULE OF CURVED BOUNDARIES				
No	Start to	Chain	Area	Perimeter
1	157°42'30"	1.68	1.68	215.25
2	159°54'05"	1.65	1.65	215.25
3	161°53'40"	1.61	1.61	215.25
4	163°53'40"	1.58	1.58	215.25
5	165°22'20"	1.54	1.54	215.25

DRAFT ONLY
12.12.18
SUBJECT TO FINAL SURVEY



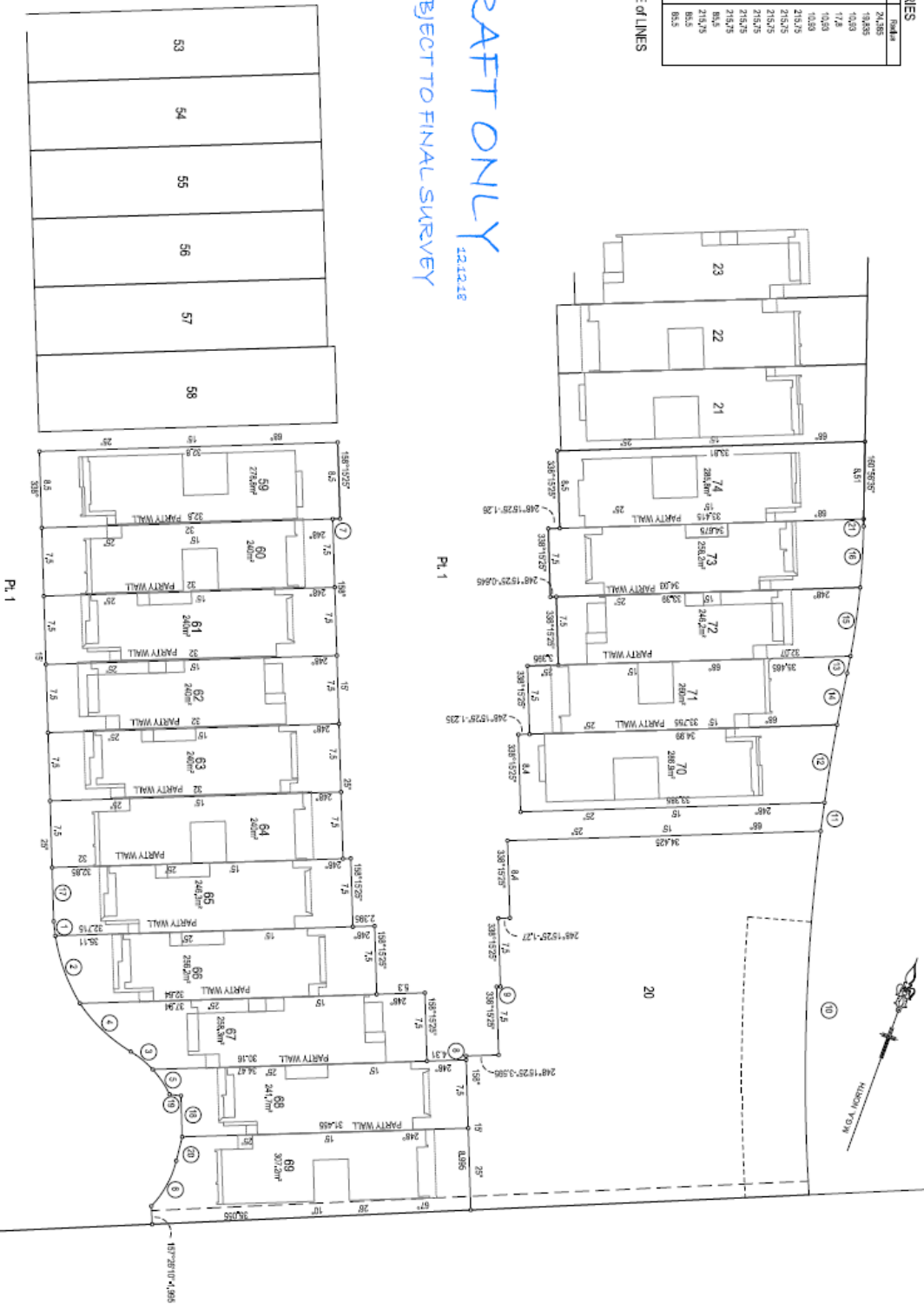
SCHEDULE OF CURVED BOUNDARIES

No.	Starting	Chord	Area	Radius
1	333°13'27"	1.6	1.6	24.485
2	330°13'27"	1.6	1.6	24.485
3	289°13'27"	3.09	3.1	10.09
4	289°13'27"	1.72	1.7	10.09
5	309°13'27"	3.3	3.3	10.09
6	8°54'42"	5.675	5.7	10.09
7	168°15'25"	1.5	1.5	215.75
8	168°15'25"	1.5	1.5	215.75
9	168°15'25"	1.5	1.5	215.75
10	168°15'25"	1.5	1.5	215.75
11	168°15'25"	1.5	1.5	215.75
12	168°15'25"	1.5	1.5	215.75
13	171°12'47"	1.815	1.8	16.5
14	171°12'47"	1.815	1.8	16.5
15	168°12'40"	1.815	1.8	16.5
16	168°15'25"	1.5	1.5	215.75

SCHEDULE OF LINES

No.	Starting	Distance
7	248°15'25"	0.8
8	338°15'25"	0.43
9	68°15'25"	0.42
17	338°15'25"	5.895
18	338°15'40"	4.915
19	258°12'07"	1.385
20	333°13'10"	2.72
21	168°15'40"	0.49

DRAFT ONLY
12.12.18
SUBJECT TO FINAL SURVEY



Surveyor: JON VANDER WYDE
AN 42715838 email: jonvanderwyde@survey.com.au
Date of Survey: XXXXXXXX
Surveyor's Reference: 207863

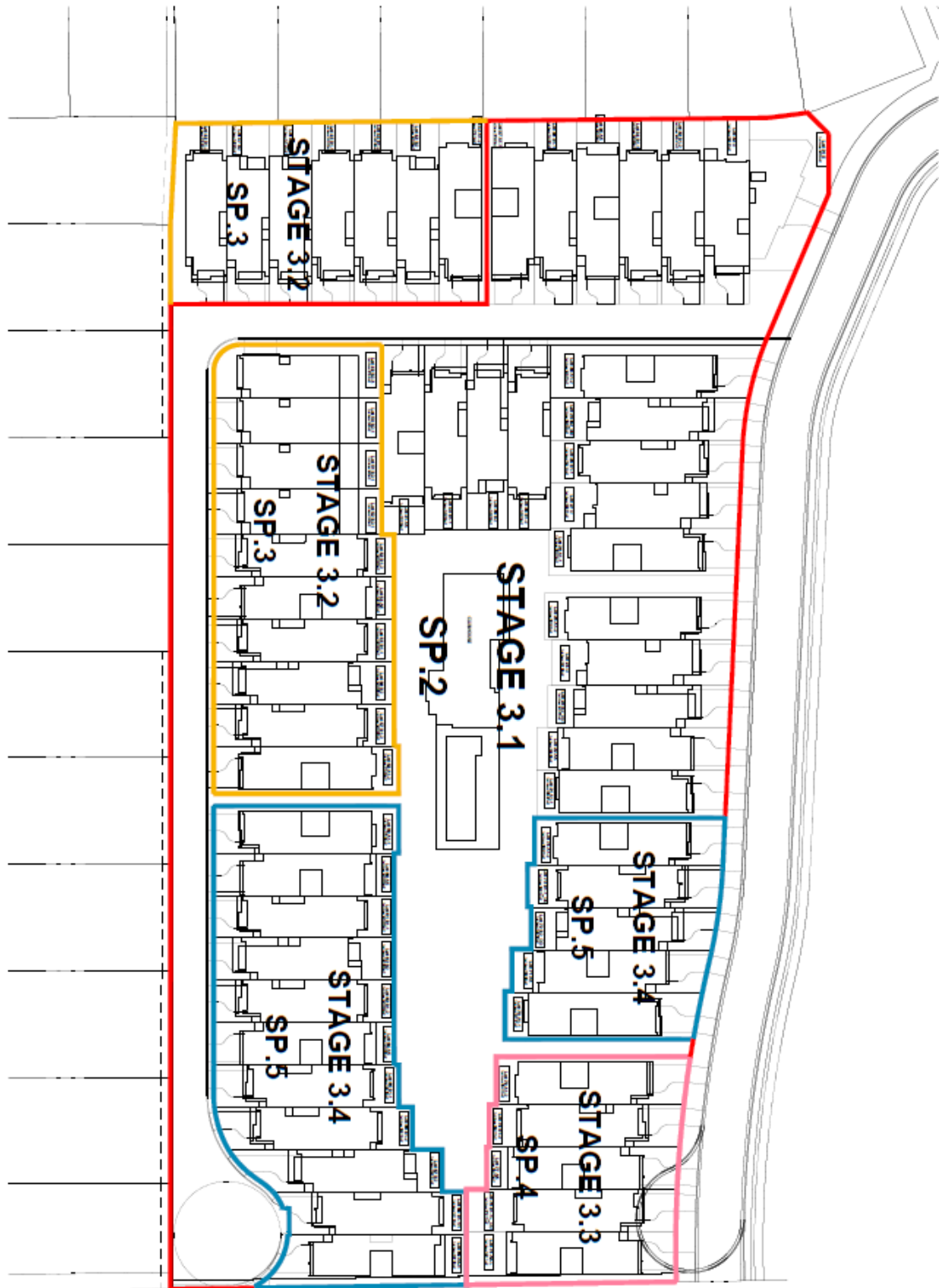
PLAN OF SUBDIVISION OF
LOT 19 D.P. 271142

LGA: THE HILLS SHIRE
Locality: KELLVILLE
Subdivision No.:
Lengths are in metres. Reduction Ratio 1:300

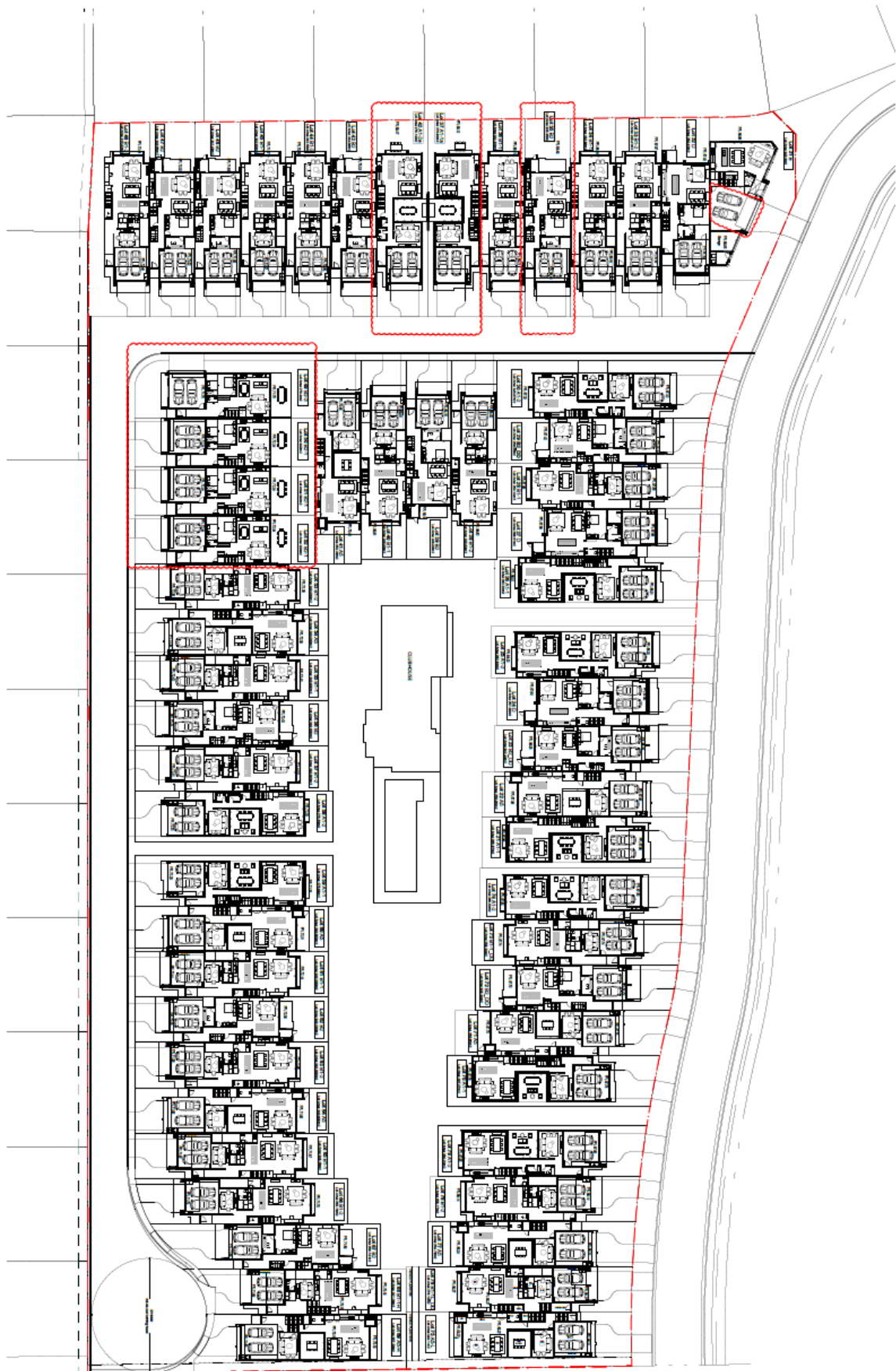
Registered:

D.P. 271142

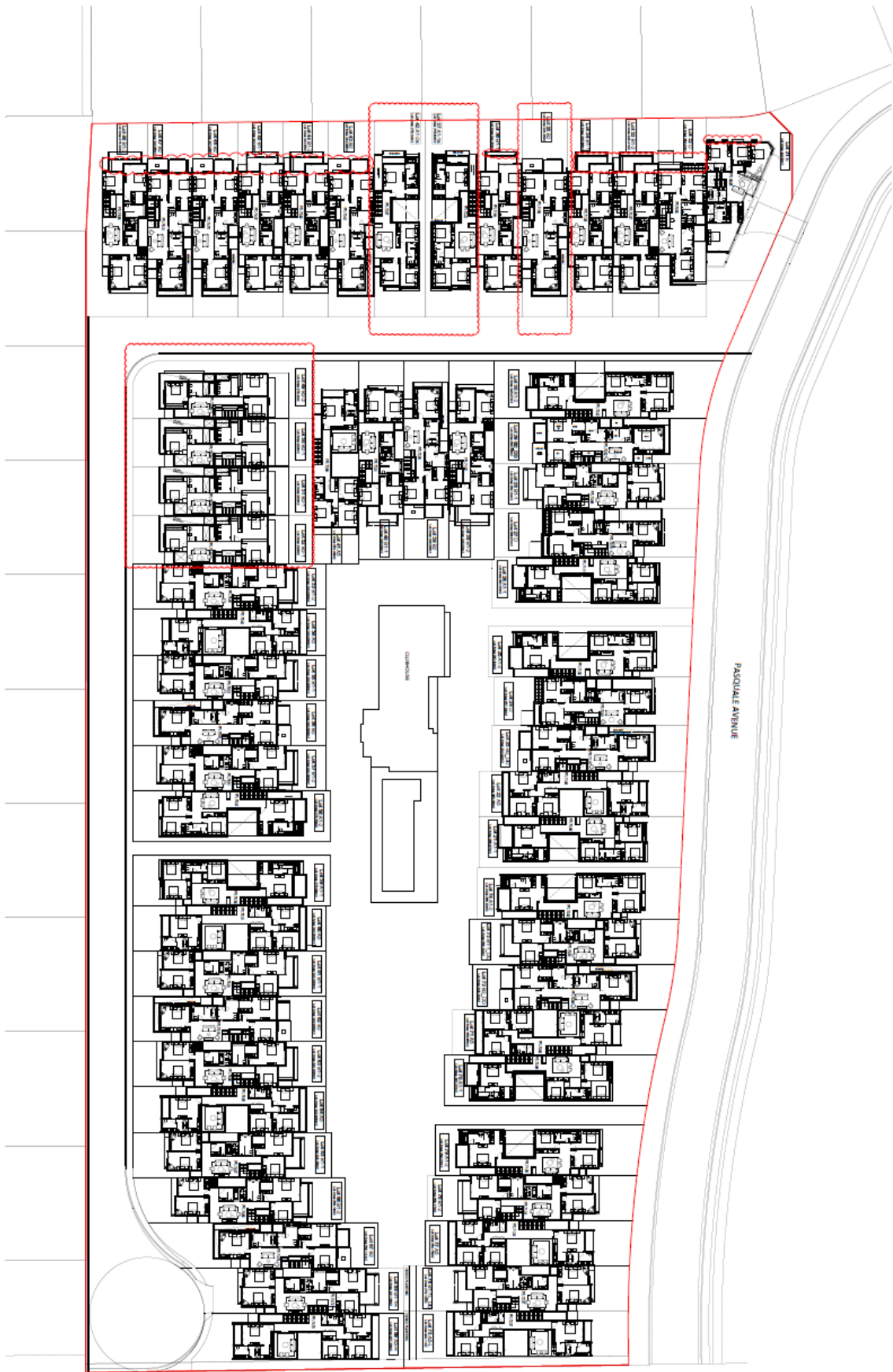
ATTACHMENT 9 – SITE/ STAGING PLAN



ATTACHMENT 11 – GROUND FLOOR PLAN



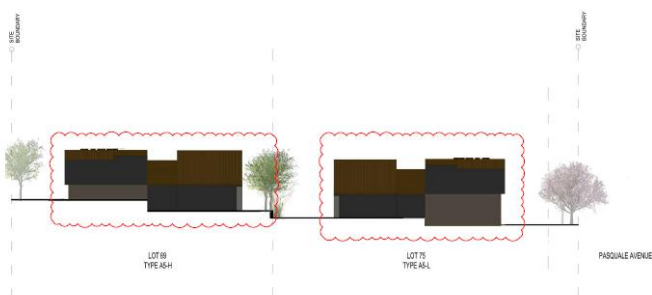
ATTACHMENT 12 – FIRST FLOOR PLAN



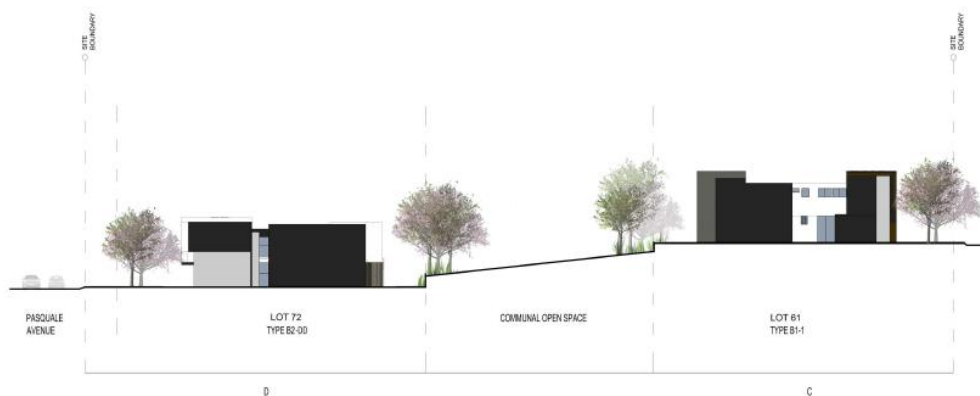
ATTACHMENT 13 – ELEVATIONS



A South Elevation AA' - Block B and A
1:200



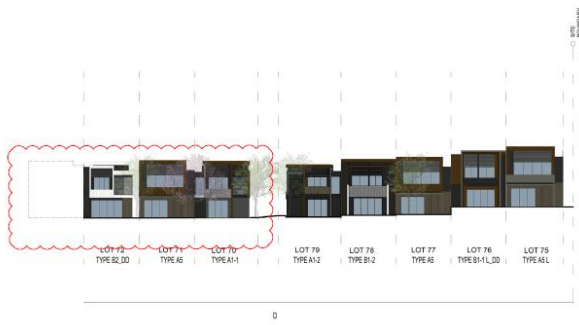
C North Elevation CC' - Block A and B
1:200



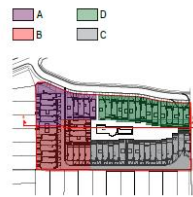
D North Elevation DD' - Block D and C
1:200



E West Elevation EE' - Block A, B and D
1 : 200



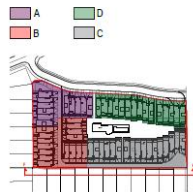
Keyplan



F West Elevation FF' - Block B and C
1 : 200



Keyplan





G East Elevation GG' - Block B and C
1:200



Keyplan



H East Elevation HH' - Block D and A
1:200



Keyplan



[illegible]

ATTACHMENT 15 – 3D PERSPECTIVES



