

DETERMINATION AND STATEMENT OF REASONS

SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	3 November 2022
DATE OF PANEL DECISION	2 November 2022
DATE OF PANEL MEETING	27 October 2022
PANEL MEMBERS	Abigail Goldberg – Chair, Brian Kirk, Roberta Ryan, Robert Buckham, Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	David Ryan (State member) advised a conflict as a business partner had been engaged by the Department of Planning and Environment to undertake a review of the finalisation report for the Planning Proposal for this site in 2021.

Public meeting held by videoconference and teleconference on 27 October 2022, opened at 11am and closed at 2:24pm.

MATTER DETERMINED

PPSSCC-313 – The Hills - 859/2022/JP - 55 Coonara Avenue, West Pennant Hills

Integrated Housing Development comprising the Torrens title subdivision and construction of 61 attached and detached dwellings.

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings and the matters observed at site inspections listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of The Hills Local Environmental Plan 2019, that has demonstrated that:

- compliance with cl. 4.3 (Height of Buildings) is unreasonable or unnecessary in the circumstances; and
- there are sufficient environmental planning grounds to justify contravening the development standard

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R3 zone; and
- the concurrence of the Secretary has been assumed.

Development application

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The Panel's reasons for the decision and responses to community concerns are outlined below. The Panel notes that a number of speakers at the public meeting objected to the height of buildings, however the Panel determined to uphold the Clause 4.6 variation to building height; and approve the Clause 4.6 application for the reasons outlined in the Council assessment report, in particular:

- Overall, the proposed building heights do not result in any significant adverse impacts and provide for a high quality building outcome for future residents
- The proposed building heights provide for an appropriate relationship to development within the site, as well as the interface to the neighbouring bushland and neighbouring properties.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition and heard from those wishing to address the Panel. The Panel notes that issues of concern focused on:

- Height of buildings
- Fauna, including but not limited to the Powerful Owl, microbats, large-eared pied bats, pygmy possums and Dural land snails
- Flora, including but not limited to Blue Gum High Forest
- APZ requirements
- Urban heat island effect of dark coloured roofs
- Electrical vehicle (EV) charging points
- Affordable housing provision.

The Panel considers that several concerns raised by the community warrant further attention. The Panel notes that in addressing these issues, supplementary or amended conditions of approval have been imposed as detailed in **CONDITIONS** below, and as per the attached updated Conditions provided by Council.

CONDITIONS


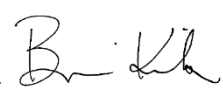



The development application was approved subject to the Conditions in the Council assessment report with a number of minor amendments for administrative reasons. Supplementary or amended conditions have been introduced to this DA (PPSSCC-313) as well as the concept ('parent') DA, PPSSCC-314, and the DA relating to apartment buildings (PPSSCC-315) to address community concerns, as detailed below.

Core issue of concern	Panel response
Height of buildings	<p>The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council assessment report, in particular:</p> <ul style="list-style-type: none">• Overall, the proposed building heights do not result in any significant adverse impacts and provide for a high quality building outcome for future residents• The proposed building heights provide for an appropriate relationship to development within the site, as well as the interface to the neighbouring bushland and neighbouring properties. <p><i>No supplementary or amended conditions were introduced in this regard.</i></p>
Fauna, including but not limited to the Powerful Owl, microbats, large-eared pied bats, pygmy possums, Dural land snails	<p>The Panel notes that biodiversity concerns are already comprehensively addressed in Council's assessment report, with several conditions that address community concerns already in place.</p> <p>The Panel introduced supplementary conditions, or amendments to conditions, in relation to:</p> <ul style="list-style-type: none">• The nest selection/breeding time of March – September for the Powerful Owl, in response to which Hours of Work Conditions have been amended. <i>Hours of Work Condition(s) have been amended across all three DAs.</i>

	<ul style="list-style-type: none"> Monitoring of Powerful Owls roosting and/or nesting during the nest selection/breeding time, by an expert Owl Ecologist. <i>Condition 44b amended.</i> The issue of poisons used for rodents that can affect native fauna. <i>Condition 97g has been introduced.</i> Wildlife friendly fencing. <i>Condition 36a added, and Conditions 44 and 94 updated.</i> Frequency of reporting protocols regarding harm or death of native fauna during construction. <i>Condition 44 updated.</i> <i>A condition relating to Fauna Sensitive Lighting (Condition 36b) has also been added.</i>
Flora, including but not limited to Blue Gum High Forest	<p>The Panel notes that biodiversity concerns are already comprehensively addressed in Council's assessment report, with several conditions that address community concerns already in place.</p> <p>The Panel introduced supplementary conditions, or amendments to conditions, in relation to:</p> <ul style="list-style-type: none"> Tree hollows and crevasses, ensuring that these are carefully treated, with expert input, during tree removal in case of the presence of fauna as well as retained and relocated elsewhere for use by native fauna. <i>Conditions 44f, 81 and 90 have been updated.</i> Clarification regarding the total number of trees to be removed. <i>Condition 14 has been amended to clarify the total tree removal. It is noted that that 530 trees are part of 'grouped trees'. These 'grouped trees' have been identified as part of the Arboricultural Impact Assessment – Part 1, dated 12 July 2021. Council staff confirm that 1,877 trees have been assessed and confirmed for removal to facilitate the development. Furthermore, the tree removal plan is listed in Condition 1 which reinforces the approved trees for removal.</i>
APZ requirements	<ul style="list-style-type: none"> Clarification as to whether any APZ's have been reduced or removed? Council advises as follows: <i>APZs have been amended to reflect the amendments to Superlot 1 at the northern portion of the site. This was to address the issue relating to the buffer distance to the Powerful Owl. Following the redesign and placement of the road, the APZ was moved away from the Cumberland State Forest.</i> <i>The proposed development, specifically the APZ required for Housing South, does not impact neighbouring land. All APZs for the development are within the site.</i> <i>With reference to APZs which border No: 14 The Glade these have not been reduced or removed (i.e. they have stayed the same).</i> The Panel is satisfied by this advice. <i>No supplementary or amended conditions were introduced in this regard.</i>
Urban heat island effect of dark coloured roofs	<ul style="list-style-type: none"> The Panel sought further advice in this regard and notes as following: <i>The applicant advised the following:</i> Roof Tiling – <i>"We have very high sustainability targets for the project, and are seeking a 7 star NatHERS rating for houses. The proposed colour selected for roofing has been modelled and is important to achieve the 7 star rating. The roofs are also covered quite extensively with solar panels. Having to change the roof colour could affect the ability to achieve a 7 star rating. Additionally, given the extent of solar panels, the roofing will not be as perceptible, or cause a "heat island" effect."</i> <i>Council advised that given the superior environmental outcome that will be generated by seeking to achieve a minimum 7 star NatHERS</i>

	<p>rating, Council staff are satisfied with the applicant's response, and consider that amendments to roof colour is not required. Additionally, the proposal provides for the provision of numerous street trees and a landscape outcome for the site that will mitigate the 'heat island' effect.</p> <ul style="list-style-type: none"> Considering the issues raised above, the Panel is satisfied that the urban heat island has been adequately addressed by current conditions. <i>No supplementary or amended conditions were introduced in this regard.</i>
Electrical vehicle (EV) charging points.	<ul style="list-style-type: none"> A <i>supplementary condition</i> addressing this matter has been added to the DA relating to apartment buildings (PPSSCC315).
Affordable housing provision	<ul style="list-style-type: none"> The Panel notes Council's advice as below: <i>The matter of affordable housing is discussed in Council's Local Strategic Planning Statement (LSPS), which was considered in the assessment of the applications. Council has not yet entered into affordable housing contributions schemes under the State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) (now repealed – refer Housing SEPP 2021) according to the LSPS, is that "we seek to ensure a mix of housing types across the Shire, and a supply of housing that is affordable for very low, low and moderate income households.". The development provides for a mix of detached dwellings, attached dwellings and semi-detached dwelling varying in 3-5 bedrooms. Furthermore, the apartment development of the 252 units, 38 are 1 bedroom units, and 136 units are 2 bedrooms, providing for more affordable options for future occupants to suit a variety of housing types.</i> The Panel is satisfied by Council's response. <i>No supplementary or amended conditions were introduced in this regard.</i>

Updated Conditions provided by Council are attached to this Record.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Brian Kirk 
Roberta Ryan 	Robert Buckham 
Jarrold Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-313 – The Hills - 859/2022/JP
2	PROPOSED DEVELOPMENT	Integrated Housing Development comprising the Torrens title subdivision and construction of 61 attached and detached dwellings
3	STREET ADDRESS	55 Coonara Avenue, West Pennant Hills
4	APPLICANT/OWNER	Applicant: Mecone Owner: Mirvac Projects (Retail and Commercial) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> Section 4.15 (EP&A Act) Biodiversity Conservation Act 2016 & Rural Fires Act 1997 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Building Sustainability Index) BASIX 2004 Hills Local Environmental Plan 2019 Draft environmental planning instruments: Nil Development control plans: <ul style="list-style-type: none"> The Hills Development Control Plan 2012 Planning agreements: VPA Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 17 October 2022 The Hills LEP 2019 Clause 4.3 Height of Buildings, Clause 4.6 written submission, R3 Medium Density Residential Zone Written submissions during public exhibition: 669 Verbal submissions at the public meeting: <ul style="list-style-type: none"> The Hills Deputy Mayor Clr Mark Hodges, Greens MP Cate Faehrmann, Peter Ernst for West Pennant Hills Valley Progress Association, Katrina Emmett, Jan Primrose for Forest In Danger, Catherine Woolnough for Protecting Your Suburban Environment Inc, Trish Brown - Ana Warneke – Robyn Smith for Byles Creek Valley Union Inc, John Inshaw for Galston Area Residents Association, Julie Barnes, Jill Green, Farida Irani, Karen Benhar for Friends of Berowra Valley, Liz Nidalutti, Phillip Smith, Danielle Packer, Sofia Cesena, Hugh Vaughan, Elizabeth Jones, Halla Hassan, Keith Stapley, Vida Shahamat, June Tyrrell, Hanif Bismi, Lawrence Murphy <ul style="list-style-type: none"> Council Managers and assessment officers – Cameron McKenzie, Paul Osborne, Sanda Watts On behalf of the applicant – Adrian Checchin, Alec Tzannes, Georgia Sedgman Total number of unique submissions received by way of objection: 669

8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Briefing: 21 December 2021 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair) ○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Sanda Watts ○ <u>Applicant representatives</u>: Stuart Allen, Adrian Checcin, David Hirst, Georgia Sedgmen, Christopher Lam, Katrina Torrenson • Briefing: 17 March 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan ○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Cynthia Dugan ○ <u>Applicant representatives</u>: Stuart Allen, Adrian Checcin, Dean Davies, David Hirst, Georgia Sedgmen, Christopher Lam, Katrina Torrenson • Discussion: 29 August 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair) ○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Sanda Watts • Site inspection: 27 April 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan (via zoom) ○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne ○ <u>Applicant representatives</u>: Adrian Checchin, Robert Malcom, Hugh Halliwell • Site inspection: 13 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Brian Kirk, Robert Buckham, Jarrod Murphy ○ <u>Council assessment staff</u>: Paul Osborne, Sanda Watts ○ <u>Applicant representatives</u>: Adrian Checchin, Robert Malcom, Dean Davies, Georgia Sedgmen • Final briefing to discuss council's recommendation: 27 October 2022 <ul style="list-style-type: none"> ○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Roberta Ryan, Robert Buckham, Jarrod Murphy ○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Sanda Watts
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
-----	Street Numbering Plans (9 Pages – for numbering purposes only)	-----	-----
Sheet 1 of 5	Deposited Plan Administrative Sheet	01	20/05/2022
Sheet 2 of 5	Deposited Plan Administrative Sheet	01	20/05/2022
Sheet 3 of 5	Deposited Plan Administrative Sheet	01	20/05/2022
Sheet 3 of 5	Deposited Plan Administrative Sheet	01	20/05/2022
Sheet 4 of 5	Deposited Plan Administrative Sheet	01	20/05/2022
Sheet 5 of 5	Deposited Plan Administrative Sheet	01	20/05/2022
Sheet 1 of 3	Draft Precinct Plan 1	01	20/05/2022
Sheet 2 of 3	Draft Precinct Plan 1	01	20/05/2022
Sheet 3 of 3	Draft Precinct Plan 1	01	20/05/2022
Sheet 1 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022
Sheet 2 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022
Sheet 3 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022
Sheet 4 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022
Sheet 5 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022
Sheet 6 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022
Sheet 7 of 7	Precinct Subdivision Sequencing Plans	02	20/05/2022

Super Lot 06

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	F	12/09/2022
001	Locality & Site Analysis	F	12/09/2022
100	Lot Layout & Siting Plan – Lots 6-01_6-06	F	12/09/2022
101	Lot Layout & Siting Plan – Lots 6-07_6-12	F	12/09/2022
110	Erosion, Sediment Control & Benching Plan – Lots 6-01_6-06	F	12/09/2022
111	Erosion, Sediment Control & Benching Plan – Lots 6-07_6-12	F	12/09/2022
120	Hydraulic Concept Plan – Lots 6-01_6-06	F	12/09/2022
121	Hydraulic Concept Plan – Lots 6-07_6-12	F	12/09/2022
200	Lower Ground Floor Plan – Lots 6-01_6-03	F	12/09/2022
201	Lower Ground Floor Plan – Lots 6-04_6-06	F	12/09/2022

202	Lower Ground Floor Plan – Lots 6-07_6-09	F	12/09/2022
203	Lower Ground Floor Plan – Lots 6-10_6-12	F	12/09/2022
210	Ground Floor Plan – Lots 6-01_6-03	F	12/09/2022
211	Ground Floor Plan – Lots 6-04_6-06	F	12/09/2022
212	Ground Floor Plan – Lots 6-07_6-09	F	12/09/2022
213	Ground Floor Plan – Lots 6-10_6-12	F	12/09/2022
220	First Floor Plan – Lots 6-01_6-03	F	12/09/2022
221	First Floor Plan – Lots 6-04_6-06	F	12/09/2022
222	First Floor Plan – Lots 6-07_6-09	F	12/09/2022
223	First Floor Plan – Lots 6-10_6-12	F	12/09/2022
250	Roof Plan	F	12/09/2022
251	Roof Plan	F	12/09/2022
252	Roof Plan	F	12/09/2022
253	Roof Plan	F	12/09/2022
260	Elevations	F	12/09/2022
261	Elevations	F	12/09/2022
262	Elevations	F	12/09/2022
263	Elevations	F	12/09/2022
264	Elevations	F	12/09/2022
265	Elevations	F	12/09/2022
266	Coloured Elevations	F	12/09/2022
267	Coloured Elevations	F	12/09/2022
268	Coloured Elevations	F	12/09/2022
269	Coloured Elevations	F	12/09/2022
270	Coloured Elevations	F	12/09/2022
271	Sections	F	12/09/2022
272	Sections	F	12/09/2022
273	Sections	F	12/09/2022
274	Sections	F	12/09/2022
275	Sections	F	12/09/2022
276	Sections	F	12/09/2022
277	Site Section / Corner Lots	F	12/09/2022
410	Private Open Space and Permeable Area Plan	F	12/09/2022
720	BASIX Requirements	F	12/09/2022
721	BASIX Requirements	F	12/09/2022

Super Lot 07

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	F	12/09/2022

001	Locality & Site Analysis	F	12/09/2022
100	Lot Layout & Siting Plan	F	12/09/2022
110	Erosion, Sediment Control & Benching Plan	F	12/09/2022
120	Hydraulic Concept Plan	F	12/09/2022
210	Ground Floor Plan – Lots 7-01_7-04	F	12/09/2022
211	Ground Floor Plan – Lots 7-05_7-08	F	12/09/2022
212	Ground Floor Plan – Lots 7-09_7-11	F	12/09/2022
220	First Floor Plan – Lots 7-01_7-04	F	12/09/2022
221	First Floor Plan – Lots 7-05_7-08	F	12/09/2022
222	First Floor Plan – Lots 7-09_7-11	F	12/09/2022
250	Roof Plan Lots 7-01_7-04	F	12/09/2022
251	Roof Plan Lots 7-05_7-08	F	12/09/2022
252	Roof Plan Lots 7-09_7-11	F	12/09/2022
260	Elevations	F	12/09/2022
261	Elevations	F	12/09/2022
262	Elevations	F	12/09/2022
263	Elevations	F	12/09/2022
266	Coloured Streetscapes	F	12/09/2022
267	Coloured Streetscapes	F	12/09/2022
270	Sections	F	12/09/2022
271	Sections	F	12/09/2022
272	Sections	F	12/09/2022
273	Sections	F	12/09/2022
274	Sections	F	12/09/2022
275	Sections	F	12/09/2022
276	Sections	F	12/09/2022
410	Private Open Space	F	12/09/2022
720	BASIX Requirements	F	12/09/2022
721	BASIX Requirements	F	12/09/2022

Super Lot 08

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	E	20/05/2022
001	Locality & Site Analysis	E	20/05/2022
100	Lot Layout & Siting Plan	E	20/05/2022
110	Erosion, Sediment Control & Benching Plan	E	20/05/2022
120	Hydraulic Concept Plan	E	20/05/2022
210	Ground Floor Plan – Lots 8-01_8-02	E	20/05/2022
211	Ground Floor Plan – Lots 8-03_8-05	E	20/05/2022

212	Ground Floor Plan – Lots 8-06_8-07	E	20/05/2022
220	First Floor Plan – Lots 8-01_8-02	E	20/05/2022
221	First Floor Plan – Lots 8-03_8-05	E	20/05/2022
222	First Floor Plan – Lots 8-06_8-07	E	20/05/2022
250	Roof Plan Lots 8-01_8-02	E	20/05/2022
251	Roof Plan Lots 8-03_8-05	E	20/05/2022
252	Roof Plan Lots 8-06_8-07	E	20/05/2022
260	Elevations	E	20/05/2022
261	Elevations	E	20/05/2022
262	Elevations	E	20/05/2022
263	Elevations	E	20/05/2022
264	Coloured Streetscapes	E	20/05/2022
270	Sections	E	20/05/2022
271	Sections	E	20/05/2022
272	Sections	E	20/05/2022
273	Sections	E	20/05/2022
410	Private Open Space	E	20/05/2022
720	BASIX Requirements	E	20/05/2022
721	BASIX Requirements	E	20/05/2022

Super Lot 09

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	F	12/09/2022
001	Locality & Site Analysis	F	12/09/2022
100	Lot Layout & Siting Plan	F	12/09/2022
110	Erosion, Sediment Control & Benching Plan	F	12/09/2022
120	Hydraulic Concept Plan	F	12/09/2022
210	Ground Floor Plan – Lots 9-01_9-02	F	12/09/2022
211	Ground Floor Plan – Lots 9-03_9-05	F	12/09/2022
212	Ground Floor Plan – Lots 9-06_9-07	F	12/09/2022
220	First Floor Plan – Lots 9-01_9-02	F	12/09/2022
221	First Floor Plan – Lots 9-03_9-05	F	12/09/2022
222	First Floor Plan – Lots 9-06_9-07	F	12/09/2022
250	Roof Plan Lots 9-01_9-02	F	12/09/2022
251	Roof Plan Lots 9-03_9-05	F	12/09/2022
252	Roof Plan Lots 9-06_9-07	F	12/09/2022
260	Elevations	F	12/09/2022
261	Elevations	F	12/09/2022
262	Elevations	F	12/09/2022

263	Elevations	F	12/09/2022
264	Coloured Streetscapes	F	12/09/2022
270	Sections	F	12/09/2022
271	Sections	F	12/09/2022
272	Sections	F	12/09/2022
273	Sections	F	12/09/2022
410	Private Open Space	F	12/09/2022
720	BASIX Requirements	F	12/09/2022
721	BASIX Requirements	F	12/09/2022

Super Lot 10

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	F	12/09/2022
001	Locality & Site Analysis	F	12/09/2022
100	Lot Layout & Siting Plan	F	12/09/2022
110	Erosion, Sediment Control & Benching Plan	F	12/09/2022
120	Hydraulic Concept Plan	F	12/09/2022
210	Ground Floor Plan – Lots 10-01_10-03	F	12/09/2022
211	Ground Floor Plan – Lots 10-04_10-06	F	12/09/2022
212	Ground Floor Plan – Lots 10-07	F	12/09/2022
220	First Floor Plan – Lots 10-01_10-03	F	12/09/2022
221	First Floor Plan – Lots 10-04_10-06	F	12/09/2022
222	First Floor Plan – Lots 10-07	F	12/09/2022
250	Roof Plan Lots 10-01_10-03	F	12/09/2022
251	Roof Plan Lots 10-04_10-06	F	12/09/2022
252	Roof Plan Lots 10-07	F	12/09/2022
260	Elevations	F	12/09/2022
261	Elevations	F	12/09/2022
262	Elevations	F	12/09/2022
263	Elevations	F	12/09/2022
264	Coloured Streetscapes	F	12/09/2022
265	Coloured Streetscapes	F	12/09/2022
270	Sections	F	12/09/2022
271	Sections	F	12/09/2022
272	Sections	F	12/09/2022
273	Sections	F	12/09/2022
410	Private Open Space	F	12/09/2022
720	BASIX Requirements	F	12/09/2022
721	BASIX Requirements	F	12/09/2022

Super Lot 11

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	G	12/09/2022
001	Locality & Site Analysis	G	12/09/2022
100	Lot Layout & Siting Plan	G	12/09/2022
110	Erosion, Sediment Control & Benching Plan – Lots 11-01_11-06	G	12/09/2022
111	Erosion, Sediment Control & Benching Plan – Lots 11-07_11.12	G	12/09/2022
120	Hydraulic Concept Plan Lots 11-01_11-06	G	12/09/2022
121	Hydraulic Concept Plan Lots 11-07_11-12	G	12/09/2022
200	Lower Ground Floor Plan – Lots 11-01_11-03	G	12/09/2022
201	Lower Ground Floor Plan – Lots 11-04_11-06	G	12/09/2022
202	Lower Ground Floor Plan – Lots 11-07_11-09	G	12/09/2022
203	Lower Ground Floor Plan – Lots 11-10_11-12	G	12/09/2022
210	Ground Floor Plan – Lots 11-01_11-03	G	12/09/2022
211	Ground Floor Plan – Lots 11-04_11-06	G	12/09/2022
212	Ground Floor Plan – Lots 11-07_11-09	G	12/09/2022
213	Ground Floor Plan – Lots 11-10_11-12	G	12/09/2022
220	First Floor Plan – Lots 11-01_11-03	G	12/09/2022
221	First Floor Plan – Lots 11-04_11-06	G	12/09/2022
222	First Floor Plan – Lots 11-07_11-09	G	12/09/2022
223	First Floor Plan – Lots 11-10_11-12	G	12/09/2022
250	Roof Plan Lots 11-01_11-03	G	12/09/2022
251	Roof Plan Lots 11-04_11-06	G	12/09/2022
252	Roof Plan Lots 11-07_11-09	G	12/09/2022
253	Roof Plan Lots 11-10_11-12	G	12/09/2022
260	Elevations	G	12/09/2022
261	Elevations	G	12/09/2022
262	Elevations	G	12/09/2022
263	Elevations	G	12/09/2022
264	Elevations	G	12/09/2022
265	Elevations	G	12/09/2022
266	Coloured Streetscapes	G	12/09/2022
267	Coloured Streetscapes	G	12/09/2022
268	Coloured Streetscapes	G	12/09/2022
270	Sections	G	12/09/2022
271	Sections	G	12/09/2022
272	Sections	G	12/09/2022
273	Sections	G	12/09/2022

274	Sections	G	12/09/2022
275	Sections	G	12/09/2022
276	Sections	G	12/09/2022
277	Sections	G	12/09/2022
278	Site Section / Corner Lots	A	12/09/2022
410	Private Open Space Lots 11-01_11-04	G	12/09/2022
411	Private Open Space Lots 11-05_11-08	G	12/09/2022
412	Private Open Space Lots 11-09_11-12	G	12/09/2022
720	BASIX Requirements	G	12/09/2022
721	BASIX Requirements	G	12/09/2022

Super Lot 12

DRAWING NO.	DESCRIPTION	REVISION	DATE
000	Cover Sheet	F	12/09/2022
001	Locality & Site Analysis	F	12/09/2022
100	Lot Layout & Siting Plan	G	12/09/2022
110	Erosion, Sediment Control & Benching Plan	G	12/09/2022
120	Hydraulic Concept Plan	G	12/09/2022
200	Ground Floor – Overall	G	12/09/2022
201	First Floor – Overall	F	12/09/2022
211	Lot 12.01 – Ground & First Floor Plans	F	12/09/2022
212	Lot 12.02 – Ground & First Floor Plans	F	12/09/2022
213	Lot 12.03 – Ground & First Floor Plans	F	12/09/2022
214	Lot 12.04 – Ground & First Floor Plans	F	12/09/2022
215	Lot 12.05 – Ground Floor Plan Lot	G	12/09/2022
216	Lot 12.05 – First Floor Plan Lot	F	12/09/2022
250	Roof Plan – Overall	F	12/09/2022
251	Roof Plan - Lots 12.01_12.03	F	12/09/2022
252	Roof Plan - Lots 12.04_12.05	F	12/09/2022
261	Elevations - Lot 12.01	F	12/09/2022
262	Elevations - Lot 12.02	F	12/09/2022
263	Elevations - Lot 12.03	F	12/09/2022
264	Elevations - Lot 12.04	F	12/09/2022
265	Elevations - Lot 12.05	F	12/09/2022
266	Coloured Streetscapes	F	12/09/2022
267	Coloured Streetscapes	G	12/09/2022
271	Sections – Lot 12.01	F	12/09/2022
272	Sections – Lot 12.02	F	12/09/2022
273	Sections – Lot 12.03	F	12/09/2022

274	Sections – Lot 12.04	F	12/09/2022
275	Sections – Lot 12.05	F	12/09/2022
410	Private Open Space and Permeable Area Plan	G	12/09/2022
720	BASIX Requirements	F	12/09/2022

Civil Engineering Drawings

DRAWING NO.	DESCRIPTION	REVISION	DATE
C-HS-8250	Cover Sheet, Drawing Schedule and Locality Plan	P4	1/06/2022
C-HS-8251	Specification Notes	P4	1/06/2022
C-HS-8255	Bulk Earthworks Cut and Fill Plan	P5	16/09/2022
C-HS-8256	Bulk Earthworks Cut and Fill Sections – Sheet 01	P4	1/06/2022
C-HS-8257	Bulk Earthworks Cut and Fill Sections – Sheet 02	P4	1/06/2022
C-HS-8261	Siteworks and Stormwater Management Plan – Superlot 6	P4	16/09/2022
C-HS-8262	Siteworks and Stormwater Management Plan – Superlot 7 and 8	P5	16/09/2022
C-HS-8263	Siteworks and Stormwater Management Plan – Superlot 9 and 10	P5	16/09/2022
C-HS-8264	Siteworks and Stormwater Management Plan – Superlot 11 and 12	P6	16/09/2022
C-HS-8268	Stormwater Longitudinal Sections – Sheet 01	P4	1/06/2022
C-HS-8269	Stormwater Longitudinal Sections – Sheet 02	P4	1/06/2022
C-HS-8270	Stormwater Longitudinal Sections – Sheet 03	P4	1/06/2022
C-HS-8271	Stormwater Longitudinal Sections – Sheet 04	P4	1/06/2022
C-HS-8273	Stormwater Pit Schedule	P4	1/06/2022
C-HS-8277	Retaining Wall Alignment Control Plan	P5	16/09/2022
C-HS-8278	Retaining Wall Elevations – Sheet 01	P5	16/09/2022
C-HS-8279	Retaining Wall Elevations – Sheet 02	P4	1/06/2022
C-HS-8280	Retaining Wall Elevations – Sheet 03	P4	1/06/2022
C-HS-8285	Stormwater Catchment Plan	P4	1/06/2022
C-HS-8287	Details Sheet 01	P4	1/06/2022
C-HS-8288	Details Sheet 02	P4	1/06/2022
C-HS-8289	Details Sheet 03	P4	1/06/2022

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

2. 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.

3. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Tasy Moraitis of Craig and Rhodes Drawing Reference 011-18G Revisions 01 and 02, dated 20/05/2022 except where amended by other conditions of consent.

4. Protection of Public Infrastructure

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

5. 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.

6. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

7. Vehicular Crossing Request (Public Roads)

Any new driveway on an existing public road 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.

8. Flood Control System

The development is required to ensure the protection of the subject site and downstream properties in the locality from flood risks during all storm events, and throughout the subject development. Given this sensitive nature, the construction activities including earth works changing the terrain, road network and stormwater management are to ensure no additional runoff is directed towards downstream properties.

It must be confirmed that prior to commencement of construction or earth works throughout the development, necessary flood control system (respective Onsite Stormwater Detention Systems) and/ or alternative equivalent temporary detention systems have been in place onsite ensuring the hydraulic compliance intended in the Flood Analysis, the latest response by Northrop dated 05/09/2022 and other references.

The proposed integrated Onsite Stormwater Detention and Water Sensitive Urban Design systems 3 and 4 shown on the Stormwater Catchment Plan – OSD drawing C-MP-8372 and the Stormwater Catchment Plan – WSUD drawing C-MP-8373 Revision P5 dated 16/09/2022 form part of the Conceptual Master Plan Stage 01 Civil Works prepared by Northrop (pursuant to the DA 860/2022/JP) cater the Apartment precinct and the Southern precinct, the subject development.

Separate Compliance Certificates must be approved for the construction of either interim or permanent Flood Control System required.

Copies of work as drawings of such interim flood control systems, and structural certificates and hydraulic compliance certificates issued by respective accredited engineers are to be provided to the Principal Certifying Authority, and a copy of such must be kept on site.

The flood control systems are to be maintained throughout, all phases of the development.

9. 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.

10. 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.

11. Proposed Street Naming

The proposed street naming is required under this consent must be consistent with Conceptual Master Plan Street network pursuant to the DA 860/2022/JP.

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.

12. Street Trees

Street trees must be provided for the internal private roads within the development spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

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

13. 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.

14. 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.

15. Subdivision Works Approval

The Civil works required under this consent must be consistent with Conceptual Master Plan Stage 01 Civil Works pursuant to the DA 860/2022/JP.

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

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

16. Construction Certificate

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

17. 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.

18. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

19. Air Conditioner Location

The air-conditioning unit location is to be as shown on the approved plans or is to comply with the criteria of exempt development as outlined in the SEPP - Exempt & Complying Development Codes 2008.

You are reminded that the air conditioning must be designed so as not to operate:

- (i) Between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

20. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as (Project ID20201245), dated 1 October 2021 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- a) Noise and vibration controls detailed in sections 10 to 13.
- b) Ecological noise control measures for endangered nesting Powerful Owl species, including -
 - i. Hours of work will be restricted within 100m during the breeding season (March – September) and to commence 1 hour after sunrise (8.00am) and finish before 4.00pm; and
 - ii. Noise monitoring to be established during the breeding period in these areas.

21. Retention of Trees

All trees not specifically identified for removal in the Arboricultural Impact Assessment – Part 3 prepared by Footprint Green Pty Ltd, dated 12 September 2022 (Rev. 12 – Dwg. No. aiacc 3.01) shall be retained and protected strictly in accordance with the imposed Conditions of the subject Development Consent and the Australian Standard (AS4970-2009) Protection of trees on development sites.

No additional vegetation (trees and understorey) shall be removed for the creation of an Asset Protection Zone or otherwise without prior consent from Council.

22. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am. To protect the amenity of neighbouring residents, construction vehicles are not permitted to queue outside of the site, along Coonara Avenue before 7:00am.

Out of hours deliveries for oversize vehicles where required, are to be managed in accordance with TfNSW approvals.

23. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each dwelling to enable source separation of recyclable and food organic material from residual garbage. Each dwelling must have a waste storage cupboard provided in the kitchen with at least 3 removable indoor bins with a minimum capacity of 15 litres each or similar. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

24. 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.

25. Disposal of Surplus Excavated Material

The disposal of any material requiring removal from the site must be in accordance with NSW Waste (2014) Waste Classification guidelines, POEO Act and/or and EPA exemption. 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.

26. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

27. Provision of Domestic Waste Storage Areas

A bin storage area sized for a minimum of 3 x 240 litre bins must be provided within each lot boundary. The areas must be screened from view from public land and neighbouring residential property and are to be located behind the building line in the rear courtyard, side access path or a dedicated area in the garage (Super Lot 6). A flat or ramped bin transfer path must be provided leading directly from the bin storage areas to the approved bin collection point along the kerbside. The path must have a minimum clear floor width of 820mm, must not exceed a grade of 7% (1:14), be free of steps and must be external to the dwelling (excludes garage). An associated clear nature strip length of 1.66m must be dedicated along the kerbside for each dwelling for bin presentation. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

28. Property Numbering and Cluster Mail Boxes for Multi Dwelling Housing, Residential Flat Buildings, Mixed Use Development, Commercial Developments and Industrial Developments

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

The overall property address for this development is: - 55 Coonara Avenue, West Pennant Hills NSW 2125

Approved street numbering is as per plans submitted marked as Precinct Subdivision Sequencing Plans Dated 20/05/2022 as Detail Plans x 2 Rev 01; Sheets 1 to 7 Rev 02 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

Lot #	Street #	Road Name Ref
9	46	Road #4
10	44	Road #4
11	42	Road #4
12	40	Road #4
13	38	Road #4
14	36	Road #4
15	34	Road #4
16	32	Road #4
17	30	Road #4
18	28	Road #4
19	26	Road #4
20	21	Road #4
21	19	Road #4
22	17	Road #4
23	15	Road #4
24	13	Road #4
25	11	Road #4
26	9	Road #4
27	7	Road #4
28	5	Road #4
29	3	Road #4
30	1	Road #4
31	14	Road #5
32	12	Road #5
33	10	Road #5
34	8	Road #5
35	6	Road #5
36	4	Road #5
37	2	Road #5
38	13	Road #5

Lot #	Street #	Road Name Ref
39	11	Road #5
40	9	Road #5
41	7	Road #5
42	5	Road #5
43	3	Road #5
44	1	Road #5
45	14	Road #1
46	12	Road #1
47	10	Road #1
48	8	Road #1
49	6	Road #1
50	4	Road #1
51	2	Road #1
52	2	Road #4
53	4	Road #4
54	6	Road #4
55	8	Road #4
56	10	Road #4
57	12	Road #4
58	14	Road #4
59	16	Road #4
60	18	Road #4
61	20	Road #4
62	22	Road #4
63	24	Road #4
64	9	Road #1
65	7	Road #1
66	5	Road #1
67	3	Road #1
68	1	Road #1

The proposed three road name extents and approved property numbering is based on overall Concept Master Plan under DA 860/2022/JP. Three proposed road names are to be submitted to Council's Subdivision Team as required.

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

Under no circumstances can numbering be repeated or skipped throughout the development.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly to ensure that all numbering signage throughout the development is clear to assist emergency service providers locate a destination easily & quickly.

Mailboxes

Australia Post requires mailboxes to be near the footpath or road and within easy reach for the postal delivery officer. For resident's useability and convenience, they are to be located close to relevant pedestrian entry points.

The number of mailboxes to be provided is to be equal to the number of dwellings plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietor's additional mailbox is to be located within Coonara Avenue with the address of 55 Coonara Avenue, West Pennant Hills NSW 2125.

Approval of delivery services to individual mailboxes is to be approved by Australia Post. Approved Numbering Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

Strata Developments

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

It is required that Lot numbers within the proposed strata plan are not duplicated, and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

29. External Finishes

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

30. Planning Agreement

The obligations in the Planning Agreement between Mirvac Projects (Retail and Commercial) Pty Ltd and The Hills Shire Council, adopted by Resolution 443 of Council's Ordinary Meeting of 27 September 2022, or any future amendment / variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement. See 'Prior to the Issue of Construction Certificate' Section for further details.

31. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service – General Terms of Approval, attached to this consent and dated 2 August 2022.

32. Services Screening

All services and service provision visible from the street, public domain and nearby taller buildings are required to be carefully and substantially screened in a manner to match the aesthetic of the approved development.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

33. Flood Control System - Stormwater Management (Southern Precinct)

Flood Control System (Interim and Permanent) and Onsite Stormwater Detention (OSD) are to be provided in accordance with the Flood Analysis submitted with the application is to ensure no additional runoff generated from the site is directed over to the downstream properties, which are flood sensitive.

The construction details must be in accordance with the Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The proposed OSD 3 and OSD 4 shown on the Concept Stormwater Catchment Plan – OSD drawing C-MP-8372 Revision P5 dated 16/09/2022 form part of the Conceptual Master Plan Stage 01 Civil Works prepared by Northrop is for development application purposes only and are not to be used for construction.

The detailed design must reflect the set of documentation listed below also prepared by Northrop submitted with the application:

- a) Civil Engineering Assessment Report Revision 13 dated 1st June 2022
- b) Northrop's letter Response to Request for Information dated 10/08/2022
- c) Addendum for Civil Engineering Assessment Report dated 02/09/2022 and
- d) Response to Request for Information dated 05/09/2022

The integrated Water sensitive urban design elements are to be located generally in accordance with the Stormwater Catchment Plan – WSUD drawing C-MP-8373 Revision P dated 16/09/2022 and information submitted with the application.

Detailed DRAINS model (consolidated network of all outlets) supporting the drainage network reflecting to every stage used in calculating the flood control system/ the OSD in the analysis.

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

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

All model parameters and data outputs are to be provided.

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

- Design/ construction plans prepared by a hydraulic engineer.
- Soft copy of DRAINS model (saved with the results) used in the flood analysis.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

34. Works in Existing Easement

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

35. 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 \$780,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The

above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (640m) multiplied by the width of the road (13m).

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

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

36. Security Bond – External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

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

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

37. Engineering Works

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

Engineering works can be classified as either "subdivision works" or "building works".

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

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

All the engineering design works for the subject development must be referred to the set of Master Plan Stage 01 Civil Works prepared by Northrop drawing C-MP-8200 Revision 5 dated 16/09/2022 approved under the DA 860/2022/JP.

The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

a) Full Width Road Construction (Private Roads)

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

Road Name	Formation: (Footpath/ Carriageway/ Footpath) (Total width m)
R3 - Road 3 (R3-1 With Parking)	Road Type: Community Road Typical Road Section: Drawing R3-1 – C-MP-8222 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 1.6m/ 6m/ 2.1m/ 2m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R3 - Road 3 (R3-3 With Parking)	Road Type: Community Road Typical Road Section: Drawing R3-3 – C-MP-8223 Rev P4 (Footpath/ Parking/ Carriageway/ Footpath) (Total width m)

	2m/ 2.1m/ 6m/ 1.6m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R3 - Road 3 (R3-4 Without Parking)	Road Type: Community Road Typical Road Section: Drawing R3-4 – C-MP-8223 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 1.85m/ 2.25m/ 6m/ 1.6m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R3 - Road 3 (R3-5 With Parking)	Road Type: Community Road Typical Road Section: Drawing R3-5 – C-MP-8223 Rev P4 (Footpath/ Carriageway/ Parking/ Footpath) (Total width m) 1.6m/ 6m/ 2.1m/ 2m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R3 - Road 3 (R3-6 Without Parking)	Road Type: Community Road Typical Road Section: Drawing R3-6 – C-MP-8222 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 1.6m/ 6m/ 4.1m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R4 - Road 4 (R4-1 With Parking)	Road Type: Community Road Typical Road Section: Drawing R4-1 – C-MP-8224 Rev P4 (Footpath/ Carriageway/ Parking/ Footpath) (Total width m) 2m / 2.1m/ 6m/ 1.6m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R4 - Road 4 (R4-2 Without Parking)	Road Type: Community Road Typical Road Section: Drawing R4-2 – C-MP-8224 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 4.1m / 6m/ 1.6m (11.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
P1 – Perimeter Road (P1-2 Without Parking)	Road Type: Community Road Typical Road Section: Drawing P1-2 – C-MP-8226 Rev P4 (Verge/ Carriageway Footpath) (Total width m) 0.45m/ 8m/ 2.1m (10.55m) Pavement Design: Access Road (Design Guidelines Section 3.12)
P1 – Perimeter Road	Road Type: Community Road

(P1-1 With Parking)	Typical Road Section: Drawing P1-1 – C-MP-8226 Rev P4 (Verge/ Carriageway/ Verge) (Total width m) 1.6m/ 8m/ 2.1m/ 2m (13.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
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Except where a one-way cross fall is required all roads are to have a two-way cross fall with a crown in the middle of the carriageway.

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

The above listed works must be completed unless provided under the master plan DA 860/2022/JP or pursuant to other approvals issued for the site.

b) Temporary Turning Heads - Staged Activities

A temporary turning head is required if construction staging of the road network if terminates at the end of any proposed road/s. The cul-de-sac must have a minimum diameter of 19m measured from the edge pavement.

A turning head is required at the northern end of P1- Perimeter Road.

c) Street Lighting

The development is required to provide street lighting in the vicinity of the development, specifically at the entrances of the private road intersections. Street lights will also be required in the vicinity of the required access ramps, subject to the approval of the Local Traffic Committee.

The installation of street lighting must be completed at the construction of first stage of this master plan.

d) 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 new road 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".

e) Footpath Verge Formation

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

The design must take consideration to protect the existing trees within the footpath verge.

f) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided across frontage of the site unless provided under separate approvals. The footpath must be provided on the eastern side of E1-Entry driveway and the western side of E2-Entry driveway in order to protect the existing trees between the E1 & E2 driveways.

The construction must be completed with the subject development unless provided under other approvals issued for the site.

g) Gutter Crossings

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

h) Disused Layback/ Driveway Removal

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

i) 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.

j) Stormwater Drainage – Public Drainage Extension

The Coonara Avenue Street drainage required under this consent is to be integrated with the internal drainage network through the subject site, along with the development works.

The street drainage extended across the site frontage must incorporate adequate kerb inlet pits, and the pipe extension must be located under the kerb required to be provided.

The extension of pipe system must be completed with the construction of the subject development unless provided under other approvals issued for the site.

k) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Natural Resources Access Regulator (even where the receiving waterbody is not a natural watercourse) and Sydney Water, in the case of stormwater management land.

l) 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.

Where Onsite Stormwater Detention is required, a minimum level difference of 800mm measured between the surface level and the invert of the outlet pipe must be provided.

38. Earth Works and Retaining Structures

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.

a) Design and Construction Details

The detailed design and construction of Earth Works and Retaining Structures must be reflective to the Stage 01 Civil Works drawings C-MP-8290, C-MP-8291, C-MP-8292 and C-MP-8293 form part of Conceptual Master Plan development consent DA 860/2022/JP, and outlined in Condition No. 1 above, they are approved for development application and consent purposes only and is not to be used for construction.

Detailed design and construction drawings must be endorsed by the geotechnical engineer confirming the design compliance of a detailed Geotechnical Report.

b) Construction Verification Plan

A construction verification plan shall be developed as part of the projects Quality Management Plan (QMP) to confirm that the works are carried out to relevant standards.

The QMP shall include the requirement for the site inspection to be undertaken by a Geotechnical Engineer.

c) Construction Risk Management Plan

A detailed risk management plan shall be prepared to identify hazards, risk level and appropriate controls during the construction process. The plan shall include:

- Trigger levels/criteria in relation to monitoring and earthworks control.

- Actions and controls to be taken.
- Surface and groundwater management and materials management in the event of significant wet weather events.

d) Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable flood control system and also to be consistent to the recommendation of the detailed Geotechnical report required.

e) Erosion and Sediment Control

Erosion and sedimentation control is to be provided in accordance with Council's "Works Specifications - Subdivisions/Developments" (November 2001). Details are to be shown on the engineering plans and all devices are to be established prior to the commencement of engineering works and maintained for a minimum period of six (6) months after the date of issue of a Subdivision Certificate. Periodic maintenance of the erosion and sedimentation control devices is to be undertaken to ensure their effectiveness.

f) Geotechnical and Structural Certification

All the detailed design and construction documentation required under this consent must be certified by the geotechnical or structural engineer.

39. Construction Management Plan – Major Subdivision Works

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

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

40. Landscape Plan

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

The plan must indicate the following:

- a) proposed levels and propose contour lines; and
- b) all trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, etc); and
- c) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- d) A minimum of 1 tree provided in each front garden: and

- e) bin storage areas for Superlot 6 and 7 and incorporated into landscape structures such as behind feature front fences to maximise landscape area, and avoid bin storage areas abutting front porches and being overly prominent within the front garden spaces; and
- f) 1.8m high fencing on corner lots not extending more than 50% of the secondary street boundary; and
- g) 1.8m high Private Open Space fencing areas of solid construction. Open style (such as palisade style) rear fencing may be considered where rear boundaries interface with Communal Open Space areas, or the Perimeter Road; and
- h) reduced hard surface within the landscaping of lots to achieve the Landscape Area controls within the Site-Specific Design Guidelines; and
- i) landscape area calculations and diagrams for each lot: and
- j) letterboxes integrated into front fencing to maximise landscaping; and
- k) double driveways and crossovers are to be minimised to maximise landscape area, such as to dwellings in Superlot 6 and 8; and
- l) retaining wall heights and materials. These are to be high quality materials to match the dwellings, such as rendered and painted masonry, or face brick etc. Other plans such as Civil and Architectural plans are to be made consistent with the landscape plans; and
- m) landscape levels between Superlot 7 and 8, and between 9 and 10 are resolved utilising terraced walling solutions to provide a maximum single retaining wall height of 1m (for example, the plans propose a concrete sleeper retaining wall of approximately 2.25m high on rear boundary of Lot 9-07 and 10-07 which is not supported). Plans which clearly indicate the levels interfaces between these adjoining Superlots are to be provided; and
- n) garden edging locations and materials; and
- o) landscape planting which is considerate of aspect and overshadowing; and
- p) planting species to Forest Fringe adjacent existing bushland amended to ensure that planting is considerate of the locally native vegetation communities; and
- q) verge planting considerate of bin presentation areas for each dwelling; and
- r) verge planting considerate of the locally native vegetation communities and of hardy species appropriate for occasional foot traffic.

41. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$412,146.35** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

42. 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.

43. 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.

44. Irrigation

An automatic watering system is to be installed as a minimum to the H South Parks (Forest Fringe and H Central Park). Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

45. Planning Agreement

The obligations in the Planning Agreement between Mirvac Projects (Retail and Commercial) Pty Ltd and The Hills Shire Council, adopted by Resolution 443 of Council's Ordinary Meeting of 27 September 2022, or any future amendment / variation of this Planning Agreement, must be satisfied in accordance with the terms of the Planning Agreement.

As specified in Schedule 2 of the Planning Agreement, the following monetary contributions must be paid to Council:-

Contribution	Timing of Payment	Purpose: 'Housing South Precinct'	Total Contribution
Dwelling Contribution	Prior to or concurrent with the issue of the first Construction Certificate.	15% of Total Dwelling Yield (60 Dwellings)	\$291,866.03

The contributions above are applicable at the time this consent was issued. In accordance with the provisions of the Voluntary Planning Agreement, contributions are indexed annually and will be updated at the time of payment.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555.

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

PRIOR TO WORK COMMENCING ON THE SITE

46. Sydney Water Building Plan Approval

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

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

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

47. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be: a) In accordance with the 'Detail Tree Retention & Tree Protection Plans' prepared by Footprint Green Pty Ltd, dated 12 September 2022 (Rev. 12 – Dwg. No. atrpd 3.00); or b) As per directed by a AQF Level 5 (or greater) Project Arborist; or c) In accordance with the Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites. Note: Any variations to the Standards shall be documented and certified by the Project Arborist.

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

- Excavation, installation of services or other works within the TPZ;
- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

Where the provision of the tree protection fencing is impractical due to its proximity to the proposed development footprint, trunk protection shall be erected around nominated trees to avoid accidental damage. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8m metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with galvanised hoop strap.

All areas within the root protection zone shall be mulched with composted leaf mulch to a depth of no less than 100mm as outlined in the mulching condition of this Consent.

Documentation relating to the implementation of the subject tree protection measures (including certification of supervision) by a Project Arborist shall be provided to Council as outlined in this Consent and/or upon request by the Consent Authority.

48. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with Australian Standard – AS1319).

Signs identifying the TPZ shall be placed around the edge of the TPZ and be visible from within the development site.

Access to this area can only be authorised by the Project Arborist or Site Manager. All activities within this area shall be documented by the Project Arborist.

49. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone (TPZ) are to be mulched with composted leaf mulch to a depth of 100mm. The material of the mulch shall consist of approximately 75% leaf litter and 25% fine woodchip as certified to Australian Standard (AS 4454-2012) Composts, Soil Conditioner and Mulches.

Mulch shall be spread to cover the entire TPZ of the trees to be retained or to the discretion of an AQF Level 5 Project Arborist and shall be maintained for the duration of the works.

50. Trenching and Excavation within Tree Protection Zone

Any trenching and excavation for installation of drainage, sewerage, irrigation or any other services, and/or for construction of driveways and roads, and/or any ancillary structures shall not occur within the Tree Protection Zone (TPZ) of any trees identified for retention unless under supervision and certification of a suitably qualified AQF Level 5 (or greater) Project Arborist.

Certification of supervision by a Project Arborist must be provided to Council within 14 days of completion of trenching works and/or upon request by the Consent Authority.

The installation of the stormwater drainage system and/or sewerage drainage system, the construction of driveways and roads, and/or the construction of any ancillary structures within the TPZ of trees on site and/or on any adjacent sites identified to be retained shall be carried out by adopting sensitive construction methods under the supervision of the Project Arborist.

The installation of underground services shall be undertaken by adopting non-destructive excavation techniques such as horizontal directional drilling (trust boring) and hydro & vacuum excavation. Where the method of trust boring is selected the directional drilling bore shall be at least 600mm deep and the pilot bore pits for the machinery should be out of the TPZ of any trees to be retained. Note, prior to the adoption of trust boring practice the Project Arborist shall adequately assess the species and dimension of the tree/s to be preserved, the root structure and associated level of

tolerance to soil disturbances, topography of the site and condition of the soil. Accordingly, where necessary the minimum depth (600mm) of the directional drilling bore shall be increased.

Demolition, construction, or any form of earth works within the Tree Protection Zone of trees identified for retention shall be carried out so as to avoid damage to the tree roots. Manual excavation shall be carried out under the supervision of the Project Arborist. Manual excavation may include the use of pneumatic and hydraulic tools. Note, mattocks and axes shall not be used.

Where roots within the Tree Protection Zone are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm in diameter shall be cut without Project Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

51. Completion of Flood Control System (Interim/Permanent OSD Basin)

No construction activity or earth works is to commence until the interim flood control system or permanent OSD 3 and OSD 4 catering the Apartment precinct catchment (the subject development) is completed to ensure the downstream flood behaviour is not adversely affected.

Documentation required must be provided to the Principal Certifying Authority prior to commencement of other activities.

52. 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.

53. Dust Management Plan – Major Subdivision Works

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

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Speed control on haul routes.
- Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be

considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.

- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Jute matting of the core riparian zone within any creeks/ riparian corridors.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

54. 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.

55. Erection of Signage – Supervision of Subdivision Work

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

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

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

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

56. 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.

57. 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.

58. 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.

59. Pavement Design

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

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

60. Management of Building Sites

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

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

61. Consultation with Service Authorities

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

Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

62. Stabilised Access Point

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

63. Details and Signage - Principal Contractor and Principal Certifier

Details

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

Before work commences, details of the Principal Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

- a) the name, address and telephone number of the Principal Certifier,
- b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

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

64. Engagement of a Project Arborist

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

- a) Name:
- b) Qualification/s:

- c) Telephone number/s:
- d) Email:

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

65. 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.

66. Erosion & Sediment Control Plan Kept on Site

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

67. Construction Waste Management Plan Required

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

68. Protection of Tree Canopy and Ground Protection within Tree Protection Zone

Care shall be taken when operating cranes, drilling rigs and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Under no circumstances shall branches be torn-off by construction equipment. Where there is potential conflict between tree canopy and construction activities, the advice of the Project Arborist must be sought.

Where scaffolding is required, it should be erected outside the TPZ. Where it is essential for scaffolding to be erected within the TPZ, branch removal shall be minimised or avoided. This can be achieved by designing to avoid branches or tying back branches. The ground below the scaffolding shall be protected by boarding such as scaffold board or plywood sheeting. Boarding shall be placed over a layer of mulch and impervious sheeting to prevent soil contamination. The boarding shall be left in place until the scaffolding is removed.

In the event of any tree becoming damaged for any reason during the construction period the Project Arborist shall be engaged to inspect and provide advice on any remedial action to minimise any adverse impact. Such remedial action shall be implemented as soon as practicable and certified by the Project Arborist.

The removal of a small portion of the crown (foliage and branches) is generally tolerable provided that the extent of pruning required is within 10% of the total foliage volume of the tree and the removal of branches does not create large wounds or disfigure the natural form and habit of the tree. All pruning cuts must be undertaken in accordance with the Australian Standard of Pruning of Amenity Tree (AS 4373-2007).

If any construction access or works is required within the TPZ of any tree/s identified for retention ground protection measures shall be required.

Ground protection shall include temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site/s.

The measures may include a permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites.

Any site activity within the Tree Protection Zone and Structural Root Zone of the tree/s to be preserved must have elevated protection installed clear of the ground to avoid compaction and damage to roots. Protection may comprise of timber planks or metal decking supported on scaffolding or the like.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of no less than 100mm as outlined in the mulching condition of this Consent.

Documentation relating to the implementation of the subject tree protection measures (including certification of supervision) by a Project Arborist shall be provided to Council as outlined in this Consent and/or upon request by the Consent Authority.

69. Tree Irrigation / Watering Maintenance

The Project Arborist shall regularly monitor the levels of soil moisture within the TPZ of any trees identified to be retained.

Temporary irrigation system or manual watering may be required within the TPZ of the trees to the discretion of the Project Arborist.

Where practicable an above ground irrigation system shall be installed and maintained by a competent individual under direction and supervision of the Project Arborist.

DURING CONSTRUCTION

70. 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.

71. 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.

72. Documentation – Civil works (All Stages)

A copy of the following certified documents must be kept on site and made available upon request:

- a) Design and Construction Plans (Construction Certificate Documentation)
- b) Construction Management Plans
- c) Construction Verification Plan
- d) Construction Risk Management Plan
- e) Sediment and Erosion Control Plan.
- f) Details of Flood Control Systems provided (Interim/Permanent)
- g) Stormwater Management Documentation & Certifications

73. Site Inspection – Bulk Earth Works

All site works must be carried out under the supervision of suitably qualified geotechnical engineer confirming the works are carried out in accordance with the requirements of Geotechnical Report issued with the Construction Certificate.

74. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

During the nest selection/breeding period of the Powerful Owl, being March to September, for an hour before dawn and one hour after dusk (as reported by the Bureau of Meteorology, Australian Eastern Standard Time) no work is permitted. These hours must not extend beyond the hours of work noted above.

75. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm

the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

76. Compliance with BASIX Certificate

Under Section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this Development Consent that all commitments listed:

Superlot 6 BASIX certificate number: 1213923M_04

Superlot 7 BASIX certificate number: 1204975M_06

Superlot 8 BASIX certificate number: 1205022M_03

Superlot 9 BASIX certificate number: 1208430M_04

Superlot 10 BASIX certificate number: 1208306M_05

Superlot 11 BASIX certificate number: 1221200M_02

Superlot 12 BASIX certificate number: 1213622M_04

are to be complied with. Any subsequent version of these BASIX Certificates will supersede all previous versions of the certificate.

77. 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.

78. 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.

79. 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.

80. Project Arborist

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

All tree work on site including removal shall be also supervised by the Project Arborist.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to Council within 14 days of completion of the works and/or upon request by the Consent Authority.

81. Rock Breaking Noise

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

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

82. Construction Noise

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

83. 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 may continue in accordance with the Contaminated Land Management Act 1997 under the guidance of a suitably qualified environmental consultant, however, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The report is to be submitted to Council's Manager – Environment and Health.

84. Confirmation of Compliance with Zero Lot Line

Prior to the installation of the external roof tiles/sheeting, a survey certificate signed and dated (including contact details) from a registered land surveyor may be requested by the Principal Certifier stating that the as constructed guttering and fascia to the wall on the zero lot line is located wholly within the property boundary.

85. Location of Dwelling(s)

The proposed construction of the dwelling(s) (inclusive of any services, equipment and/or utilities) is to be located wholly within the confines of the subject properties boundaries and clear of the total extent of the easement for access and maintenance that is adjacent to the property boundary.

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

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

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

87. Roof Water Drainage

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

88. Section 73 Certificate must be submitted to the Principal Certifier before the issuing of an Occupation Certificate

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

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

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

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

89. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan (pursuant to condition 39 of this consent) by an Accredited Landscape Architect or be to the satisfaction of

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

90. Project Arborist Final Certification Prior to Issue of any Occupation Certificate

Prior to the issue of an Occupation Certificate the Project Arborist shall provide final documentary evidence and certification together with photographs of all points of supervision including but not limited to the following hold points:

- a) Prior to installation of tree protection measures;
- b) Prior to and during the tree removal work being carried out;
- c) Following installation of tree protection measures, including ground protection, canopy protection, irrigation maintenance within the TPZ and prior to any works commencing on site (including demolition, earth work and construction);
- d) During all works within the TPZ of any trees to be retained on site and on any adjacent sites;
- e) Monthly inspections by site arborist from commencement of works until completion of works; and
- f) At completion of all works including landscaping (i.e. retaining walls, installation of lighting and irrigation, topdressing, planting, paving, etc.).

Any changes in tree health, condition of growing environment or potential damage to trees during construction shall be documented and discussed, and any ongoing tree management recommendations including any taken remedial action shall be provided. The above certification and documentation shall be submitted to the satisfaction of Council's Manager – Environment and Health prior to the issue of an Occupation Certificate.

Note, documentation relating to the implementation of any required tree protection measures including certification of supervision by the Project Arborist of the tree removal work and any form of work undertaken within the TPZ of trees identified to be retained shall be provided to Council during the stages of the development as described under the relevant conditions of Consent and/or upon request by the Consent Authority.

91. Completion of Engineering Works

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

92. 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.

93. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

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

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

94. Certifications Bulk Earth Works & Retaining Structures (All Stages)

Certifications from Geotechnical and Structural Engineers confirming the works have been completed in accordance with the geotechnical investigation reports and certifications issued for the construction.

95. Completion of Subdivision Works/ Satisfactory Final Inspection

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

96. Compliance with Natural Resources Access Regulator Requirements

If applicable, 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.

97. Compliance with Sydney Water Requirements

A letter from Sydney Water must be submitted confirming the relevant works have been completed to their satisfaction.

98. 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
- Stormwater Management (Flood control system) certification
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

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

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

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

99. 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.

100. 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.

101. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. The certificate must refer to this development consent and all of the lots created.

102. Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before the preceding stage/ subdivision creating the superlots pursuant to Development Consent DA 1414/2022/ZB has been registered.

103. 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.

104. 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 – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

b) 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.

c) Easement – Overhanging/ Encroaching Structure

Where an encroaching or overhanging structure has been approved across a proposed boundary, an easement must be created over the affected part of the burdened lot.

d) 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.

e) Restriction – Rainwater Tanks

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

f) Restriction – Residue Lots

Lot 5 must be burdened with a restriction using the "residue lots" terms included in the standard recitals.

g) Restriction – Bedroom Numbers

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

h) Covenant – Waste Collection/ Bin Presentation

Lots 52-63, 20-30, 31-37, 9-19, 64-68 must be burdened with a positive covenant requiring 400mm clearance for lots fronting a 1.6m verge using the “waste collection/ bin presentation” terms included in the standard recitals.

i) Covenant – Onsite Waste Collection

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

j) Restriction/ Covenant – Onsite Stormwater Detention

Lot 5 must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.

k) Restriction/ Covenant – Water Sensitive Urban Design

Lot 5 must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

l) Restriction/ Covenant – Asset Protection Zone

Lots identified in the NSW Rural Fire Service - General Terms of Approval letter dated 2 August 2022, under headings Asset Protection Zones and Construction Standards must be burdened with a restriction and a positive covenant using the “bushfire requirements/ asset protection zone” terms included in the standard recitals:

- Lots required to be managed as an asset protection zone require a positive covenant affecting the entire lot.
- Lots with a defined asset protection zone measured to a boundary or restricted development area (see below) require a restriction and a positive covenant that refers to an area defined on the plan.
- Lots with a defined approved dwelling footprint require a separate restriction (see above) within the nominated asset protection zone.
- The restriction and positive covenant must specifically identify that the asset protection zone referred to earlier has been determined based on a performance based solution as noted in the Rural Fire Service comments attached to this consent.

m) Restriction / Covenant - Keeping of Domestic Animals

Domestic dogs and cats are to be kept from entering wildlife habitat areas at all times.

Dogs and cats are to be kept in an enclosed area and/or inside the dwelling, or on a leash such that they cannot enter areas of wildlife habitat or bushland, on the site or surrounding properties or reserves.

n) Restriction – The use of SGARS Poisons for Pest Control

The use of Second-Generation anticoagulant rodenticides (SGARS) is not permitted on the site for the control of pest rodents or any other purpose.

o) Restriction / Covenant – Fauna Friendly Fencing

All fencing within bushland areas is to be fauna friendly. It must allow fauna passage and be suitably visible to reduce the likelihood of collisions. The use of barbed wire on any sharp materials is prohibited.

Residential fencing must not contain sharp tops that have the potential to injure wildlife and must be suitably visible to reduce the likelihood of fauna collisions

105. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) One copy of the final plan.
- b) The original administration sheet and Section 88B instrument.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA2020/ MGA Zone 56).

106. Internal Pavement Construction

Prior to any Occupation Certificate being issued for a relevant stage, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement for that stage has been constructed in accordance with the approved plans and is suitable for use by a 12.5m long waste collection vehicle when fully laden (i.e., 28 tonnes gross vehicle mass).

THE USE OF THE SITE

107. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. 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.

108. Visitor Parking Spaces

The Housing South Precinct is to provide for 20 on-street visitor spaces.