



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

MATTER DETERMINED

PPSSCC-314 – The Hills - 860/2022/JP - 55 Coonara Avenue, West Pennant Hills

Concept Development Application for 418 dwellings, comprising 252 apartments and 166 dwelling houses including civil works comprising new roads, earthworks, stormwater and services infrastructure.

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.

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:

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

the Panel is satisfied that:

- a) the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- b) 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 R4 zone; and
- c) 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 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

application for the reasons outlined in the Council assessment report. Further community concerns are addressed below.

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, 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

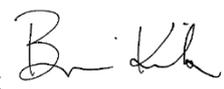
The development application was approved subject to the Conditions in the Council assessment report with a number of minor amendments for administrative reasons as well as the introduction of supplementary or amended conditions to address community concerns.

Core issue of concern	Panel response
Height of buildings	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. <i>No supplementary conditions were introduced in this regard.</i>
Fauna, including but not limited to the Powerful Owl, microbats, large-eared pied bats, pygmy possums, Dural land snails	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. The Panel introduced supplementary conditions, or amendments to conditions, in relation to: <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> • The issue of poisons used for rodents that can affect native fauna. <i>Condition No. 94 of DA has been amended.</i> • Wildlife friendly fencing. <i>Condition no. 36a added, and Conditions nos. 44 and 94 updated.</i> • Frequency of reporting protocols regarding harm or death of native fauna during construction. <i>Condition no. 44 updated.</i> • <i>A condition relating to Fauna Sensitive Lighting (condition no. 36b) has also been added.</i>
Flora, including but not limited to Blue Gum High Forest	<ul style="list-style-type: none"> • Tree hollows and crevasses, ensuring that these are carefully treated during tree removal in case of the presence of fauna as well as retained and relocated elsewhere for use by native fauna. <i>Condition nos. 44 and 81 have been updated.</i> • Clarification regarding the total number of trees to be removed. <i>Condition No. 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</i>

	<p>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 no. 1 which reinforces the approved trees for removal.</p>
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 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 rating, Council staff are satisfied with the applicant’s response, and consider that amendments to roof colour is not required.</i> <i>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.</i> Considering the issues raised above, the Panel is satisfied that the urban heat island has been adequately addressed by current conditions. <i>No supplementary conditions were introduced in this regard.</i>
Electrical vehicle (EV) charging points.	<ul style="list-style-type: none"> A supplementary condition addressing this matter has been added to the DA relating to apartment buildings.
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,</i>

	<p><i>and 136 units are 2 bedrooms, providing for more affordable options for future occupants to suit a variety of housing types.</i></p> <ul style="list-style-type: none"> • The Panel is satisfied by Council's response. <i>No supplementary conditions were introduced in this regard.</i>
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Updated Conditions provided by Council are attached to this Record.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-314 – The Hills - 860/2022/JP
2	PROPOSED DEVELOPMENT	Concept Development Application for 418 dwellings, comprising 252 apartments and 166 dwelling houses including civil works comprising new roads, earthworks, stormwater and services infrastructure
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"> ○ Biodiversity Conservation Act 2016 ○ Water Management Act 2000 ○ State Environmental Planning Policy (Planning Systems) 2021 ○ State Environmental Planning Policy (Resilience and Hazards) 2021 ○ State Environmental Planning Policy (Transport and Infrastructure) 2021 ○ State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development ○ The 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, R4 High Density Residential • Council memo report received: 25 October 2022 • Written submissions during public exhibition: 744 • 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 <ul style="list-style-type: none"> ● Total number of unique submissions received by way of objection: 744
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 Checchin, 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 Checchin, 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
-	Indicative Landscape Concept Plan	-	June 2022
A1.1.1	Concept Plan for Approval	F	16/05/2022
A1.1.2	Housing Precinct Developable Area	F	16/05/2022
A1.2.1	Concept Plan for Approval Extent and Envelope Drawings	F	16/05/2022
A1.2.2	Concept Sections for Approval Extent and Envelope Drawings	F	16/05/2022
-	Road Naming & Street Numbering Plan (1 Page – for numbering purposes only)	-	-

Civil Engineering Drawings

DRAWING NO.	DESCRIPTION	REVISION	DATE
C-MP-8200	COVER SHEET, DRAWING SCHEDULE AND LOCALITY PLAN	P5	16/09/2022
C-MP-8201	SPECIFICATION NOTES - SHEET 01	P4	25/05/2022
C-MP-8202	SPECIFICATION NOTES - SHEET 02	P4	25/05/2022
C-MP-8203	GENERAL ARRANGEMENT PLAN	P5	16/09/2022
C-MP-8204	CIVIL WORKS STAGING PLAN	P5	16/09/2022
C-MP-8205	CONCEPT SEDIMENT AND EROSION CONTROL PLAN - SHEET 01	P5	16/09/2022
C-MP-8206	CONCEPT SEDIMENT AND EROSION CONTROL PLAN - SHEET 02	P5	16/09/2022
C-MP-8207	CONCEPT SEDIMENT AND EROSION CONTROL PLAN - SHEET 03	P5	16/09/2022
C-MP-8208	SEDIMENT AND EROSION CONTROL DETAILS - SHEET 01	P4	25/05/2022
C-MP-8209	SEDIMENT AND EROSION CONTROL DETAILS - SHEET 02	P4	25/05/2022
C-MP-8211	BULK EARTHWORKS CUT AND FILL PLAN - SHEET 01	P5	16/09/2022
C-MP-8212	BULK EARTHWORKS CUT AND FILL PLAN - SHEET 02	P5	16/09/2022
C-MP-8213	BULK EARTHWORKS CUT AND FILL PLAN - SHEET 03	P5	16/09/2022
C-MP-8214	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 01	P4	25/05/2022
C-MP-8215	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 02	P4	25/05/2022

C-MP-8216	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 03	P4	25/05/2022
C-MP-8217	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 04	P4	25/05/2022
C-MP-8218	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 05	P4	25/05/2022
C-MP-8219	BULK EARTHWORKS CUT AND FILL SECTIONS - SHEET 06	P4	25/05/2022
C-MP-8221	TYPICAL ROAD SECTIONS - SHEET 01	P4	25/05/2022
C-MP-8222	TYPICAL ROAD SECTIONS - SHEET 02	P4	25/05/2022
C-MP-8223	TYPICAL ROAD SECTIONS - SHEET 03	P4	25/05/2022
C-MP-8224	TYPICAL ROAD SECTIONS - SHEET 04	P4	25/05/2022
C-MP-8225	TYPICAL ROAD SECTIONS - SHEET 05	P4	25/05/2022
C-MP-8226	TYPICAL ROAD SECTIONS - SHEET 06	P4	25/05/2022
C-MP-8227	TYPICAL ROAD SECTIONS - SHEET 07	P4	25/05/2022
C-MP-8228	TYPICAL ROAD SECTIONS - SHEET 08	P4	25/05/2022
C-MP-8231	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 01	P6	16/09/2022
C-MP-8232	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 02	P6	16/09/2022
C-MP-8233	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 03	P6	16/09/2022
C-MP-8234	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 04	P6	16/09/2022
C-MP-8235	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 05	P5	12/09/2022
C-MP-8236	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 06	P5	12/09/2022
C-MP-8237	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 07	P5	12/09/2022
C-MP-8238	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 08	P5	12/09/2022
C-MP-8239	SITEWORKS AND STORWATER MANAGEMENT PLAN - SHEET 09	P5	12/09/2022
C-MP-8241	STORMWATER PIT SCHEDULE	P5	16/09/2022
C-MP-8251	STORMWATER LONGTIUDINAL SECTION - SHEET 01	P4	25/05/2022
C-MP-8252	STORMWATER LONGTIUDINAL SECTION - SHEET 02	P4	25/05/2022
C-MP-8253	STORMWATER LONGTIUDINAL SECTION - SHEET 03	P4	25/05/2022
C-MP-8254	STORMWATER LONGTIUDINAL SECTION - SHEET 04	P4	25/05/2022
C-MP-8255	STORMWATER LONGTIUDINAL SECTION - SHEET 05	P5	16/09/2022

C-MP-8256	STORMWATER LONGTIUDINAL SECTION - SHEET 06	P5	16/09/2022
C-MP-8257	STORMWATER LONGTIUDINAL SECTION - SHEET 07	P5	16/09/2022
C-MP-8258	STORMWATER LONGTIUDINAL SECTION - SHEET 08	P5	16/09/2022
C-MP-8259	STORMWATER LONGTIUDINAL SECTION - SHEET 09	P5	16/09/2022
C-MP-8260	STORMWATER LONGTIUDINAL SECTION - SHEET 10	P4	25/05/2022
C-MP-8261	STORMWATER LONGTIUDINAL SECTION - SHEET 11	P4	25/05/2022
C-MP-8262	STORMWATER LONGTIUDINAL SECTION - SHEET 12	P5	16/09/2022
C-MP-8263	STORMWATER LONGTIUDINAL SECTION - SHEET 13	P4	25/05/2022
C-MP-8281	OSD DETAILS SHEET 01	P4	25/05/2022
C-MP-8282	OSD DETAILS SHEET 02	P4	25/05/2022
C-MP-8283	OSD DETAILS SHEET 03	P4	25/05/2022
C-MP-8284	OSD DETAILS SHEET 04	P4	25/05/2022
C-MP-8285	OSD DETAILS SHEET 05	P4	25/05/2022
C-MP-8286	OSD DETAILS SHEET 06	P4	25/05/2022
C-MP-8290	RETAINING WALL GENERAL ARRANGEMENT PLAN	P5	16/09/2022
C-MP-8291	RETAINING WALL ALIGNMENT CONTROL PLAN - SHEET 01	P5	16/09/2022
C-MP-8292	RETAINING WALL ALIGNMENT CONTROL PLAN - SHEET 02	P5	16/09/2022
C-MP-8293	RETAINING WALL ALIGNMENT CONTROL PLAN - SHEET 03	P5	16/09/2022
C-MP-8301	RETAINING WALL ELEVATIONS - SHEET 01	P4	25/05/2022
C-MP-8302	RETAINING WALL ELEVATIONS - SHEET 02	P4	25/05/2022
C-MP-8303	RETAINING WALL ELEVATIONS - SHEET 03	P4	25/05/2022
C-MP-8304	RETAINING WALL ELEVATIONS - SHEET 04	P4	25/05/2022
C-MP-8305	RETAINING WALL ELEVATIONS - SHEET 05	P4	25/05/2022
C-MP-8306	RETAINING WALL ELEVATIONS - SHEET 06	P4	25/05/2022
C-MP-8307	RETAINING WALL ELEVATIONS - SHEET 07	P4	25/05/2022
C-MP-8308	RETAINING WALL ELEVATIONS - SHEET 08	P4	25/05/2022
C-MP-8321	ALIGNMENT CONTROL PLAN - SHEET 01	P5	16/09/2022
C-MP-8322	ALIGNMENT CONTROL PLAN - SHEET 02	P5	16/09/2022
C-MP-8323	ALIGNMENT CONTROL PLAN - SHEET 03	P5	16/09/2022
C-MP-8331	ROAD LONGITUDINAL SECTIONS - SHEET 01	P4	25/05/2022
C-MP-8332	ROAD LONGITUDINAL SECTIONS - SHEET 02	P4	25/05/2022

C-MP-8333	ROAD LONGITUDINAL SECTIONS - SHEET 03	P4	25/05/2022
C-MP-8334	ROAD LONGITUDINAL SECTIONS - SHEET 04	P4	25/05/2022
C-MP-8335	ROAD LONGITUDINAL SECTIONS - SHEET 05	P4	25/05/2022
C-MP-8336	ROAD LONGITUDINAL SECTIONS - SHEET 06	P4	25/05/2022
C-MP-8337	ROAD LONGITUDINAL SECTIONS - SHEET 07	P4	25/05/2022
C-MP-8338	ROAD LONGITUDINAL SECTIONS - SHEET 08	P4	25/05/2022
C-MP-8341	ROAD CROSS SECTIONS - SHEET 01	P4	25/05/2022
C-MP-8342	ROAD CROSS SECTIONS - SHEET 02	P4	25/05/2022
C-MP-8343	ROAD CROSS SECTIONS - SHEET 03	P4	25/05/2022
C-MP-8344	ROAD CROSS SECTIONS - SHEET 04	P4	25/05/2022
C-MP-8345	ROAD CROSS SECTIONS - SHEET 05	P4	25/05/2022
C-MP-8346	ROAD CROSS SECTIONS - SHEET 06	P4	25/05/2022
C-MP-8347	ROAD CROSS SECTIONS - SHEET 07	P4	25/05/2022
C-MP-8348	ROAD CROSS SECTIONS - SHEET 08	P4	25/05/2022
C-MP-8349	ROAD CROSS SECTIONS - SHEET 09	P4	25/05/2022
C-MP-8350	ROAD CROSS SECTIONS - SHEET 10	P4	25/05/2022
C-MP-8351	ROAD CROSS SECTIONS - SHEET 11	P4	25/05/2022
C-MP-8352	ROAD CROSS SECTIONS - SHEET 12	P4	25/05/2022
C-MP-8353	ROAD CROSS SECTIONS - SHEET 13	P4	25/05/2022
C-MP-8354	ROAD CROSS SECTIONS - SHEET 14	P4	25/05/2022
C-MP-8355	ROAD CROSS SECTIONS - SHEET 15	P4	25/05/2022
C-MP-8356	ROAD CROSS SECTIONS - SHEET 16	P4	25/05/2022
C-MP-8371	STORMWATER CATCHMENT PLAN - PITS	P5	16/09/2022
C-MP-8372	STORMWATER CATCHMENT PLAN - OSD	P5	16/09/2022
C-MP-8373	STORMWATER CATCHMENT PLAN - WSUD	P5	16/09/2022
C-MP-8374	RIPARIAN OFFSET PLAN	P5	16/09/2022
C-MP-8376	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 01	P5	16/09/2022
C-MP-8377	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 02	P5	16/09/2022
C-MP-8378	PAVEMENT, SIGNAGE AND LINEMARKING PLAN - SHEET 03	P5	16/09/2022
C-MP-8381	DETAILS SHEET 01	P4	25/05/2022
C-MP-8382	DETAILS SHEET 02	P4	25/05/2022
C-MP-8383	DETAILS SHEET 03	P4	25/05/2022
C-MP-8384	DETAILS SHEET 04	P4	25/05/2022
C-MP-8385	DETAILS SHEET 05	P4	25/05/2022
C-MP-8386	DETAILS SHEET 06	P4	25/05/2022

Arborist Report

DRAWING NO.	DESCRIPTION	REVISION	DATE
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aiadtr3.00	cover sheet & general arrangement plan	12	12/09/2022
aiadtr3.01	tree removal plan - detail sheet 1	12	12/09/2022
aiadtr3.02	tree removal plan - detail sheet 2	12	12/09/2022
aiadtr3.03	tree removal plan - detail sheet 3	12	12/09/2022
aiadtr3.04	tree removal plan - detail sheet 4	12	12/09/2022
aiadtr3.05	tree removal plan - detail sheet 5	12	12/09/2022
aiadtr3.06	tree removal plan - detail sheet 6	12	12/09/2022
aiadtr3.07	tree removal plan - detail sheet 7	12	12/09/2022
aiadtr3.08	tree removal plan - detail sheet 8	12	12/09/2022
aiadtr3.09	tree removal plan - detail sheet 9	12	12/09/2022
aiadtr3.10	tree removal plan - detail sheet 10	12	12/09/2022
aiadtr3.11	tree removal plan - detail sheet 11	12	12/09/2022
atrp3.00	cover sheet & general arrangement plan	12	12/09/2022
atrp3.01	tree retention & tree protection plan - detail sheet 1	12	12/09/2022
atrp3.02	tree retention & tree protection plan - detail sheet 2	12	12/09/2022
atrp3.03	tree retention & tree protection plan - detail sheet 3	12	12/09/2022
atrp3.04	tree retention & tree protection plan - detail sheet 4	12	12/09/2022
atrp3.05	tree retention & tree protection plan - detail sheet 5	12	12/09/2022
atrp3.06	tree retention & tree protection plan - detail sheet 6	12	12/09/2022
atrp3.07	tree retention & tree protection plan - detail sheet 7	12	12/09/2022
atrp3.08	tree retention & tree protection plan - detail sheet 8	12	12/09/2022
atrp3.09	tree retention & tree protection plan - detail sheet 9	12	12/09/2022
atrp3.10	tree retention & tree protection plan - detail sheet 10	12	12/09/2022
atrp3.11	tree retention & tree protection plan - detail sheet 11	12	12/09/2022
atrp3.12	general & specific tree protection measures & specifications - sheet 12	12	12/09/2022
aiacc 3.01	Cover Sheet – sheet 1 of 54	12	12/09/2022
aiacs 2.01	Background – sheet 2 of 54	12	12/09/2022
aiace 3.01	Existing tree cover on site – post demolition, prior to concept plan & detailed civil works – sheet 3 of 54	12	12/09/2022
aiacs 3.01	Scope of concept development application including detailed civil works – sheet 4 of 54	12	12/09/2022
aiacr 3.01	Plan showing the extent of tree removals associated with concept plan, detailed civil works & bushfire APZ – sheet 5 of 54	12	12/09/2022
aiass 3.01	General tree protection measures – specifications – sheet 6 of 54	12	12/09/2022
aiass 3.01	Plan showing the locations of specific work areas – sheet 7 of 54	12	12/09/2022
aiass 3.01	Specific works area A – OSD 4 – sheet 8 of 54	12	12/09/2022
aiass 3.01	Specific works areas B – drainage outlets – sheet 9 of 54	12	12/09/2022

aiass 3.01	Specific works area C – Pedestrian footpath alignment – sheet 10 of 54	12	12/09/2022
aiass 3.01	Specific works area D – removal of bitumen carpark & concrete kerb – sheet 11 of 54	12	12/09/2022
aiass 3.01	Specific work areas E – Kerb removal & replacement – sheet 12 of 54	12	12/09/2022
aiass 3.01	Specific works area F – Installation of drainage – sheet 13 of 54	12	12/09/2022
aiacd 3.01	Summary of tree retention & removal – tree numbers – sheet 14 of 54	12	12/09/2022
aiacd 3.01	Summary of tree retention & removal – tree species – sheet 15 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 16 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 17 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 18 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 19 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 20 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 21 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 22 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 23 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 24 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 25 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 26 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 27 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 28 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 29 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 30 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 31 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 32 of 54	12	12/09/2022

aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 33 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 34 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 35 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 36 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 37 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 38 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 39 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 40 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 41 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 42 of 54	12	12/09/2022
aiact 3.01	Details of trees to be removed for civil works & bushfire APZ – sheet 43 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 44 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 45 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 46 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 47 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 48 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 49 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 50 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 51 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 52 of 54	12	12/09/2022
aiact 3.01	Impact assessment on trees to be retained along the interface of civil works – sheet 53 of 54	12	12/09/2022
aiact 3.01	Site photos in context with typical civil works – sheet 54 of 54	12	12/09/2022

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.

Conditions Relating to the Concept Plan

2. Compliance with Concept Plan (All Stages)

Approval is granted for the proposed concept plan and subdivision works in accordance with the stamped approved plans referred to under Condition 1 only.

The works approved under the concept plan is limited within the area identified on the Civil Staging Works Plan Job Number 172528 Drawing Number C-MP-8204 Revision P5 dated 16/09/2022. All construction activities must be substantially in accordance with the approved master plan.

Any activities outside this area must be part of separate development approvals.

All stages of work subject to the concept plan will require the submission and approval by the relevant authority of a Development Application as required by the relevant legislation (including the need for concurrence from the relevant/ applicable external authorities).

Note: Separate applications DA 859/2022/JP and DA 861/2022/JP are approved concurrently to the subject application.

3. Determination of Future Development Applications

Approval is granted for the proposed Concept Development Application in accordance with the plans and details provided with the application to provide guidance for future development of the site. In accordance with section 4.22(1) of the Environmental Planning and Assessment Act all development (other than the approved civil works in this consent) under the concept development application shall be subject of future development application(s). The determination of future development application(s) are to be generally consistent with the terms of the subject development consent.

4. Dwelling Yield

The maximum dwelling yield for the site is 417 dwellings, being:

- 252 units (within a residential flat building precinct); and
- 165 dwelling houses (semi-detached, attached or detached).

5. Tree Replacement Strategy

Tree replacement for all future development applications for the site is to total the following:

- Development footprint (R3 Medium Density zoned land and R4 High Density zoned land) – 1,260 trees
- Area subject to Item 24 THLEP 2019 – 1,340 trees

A total of 2,600 trees are to be planted.

6. Compliance with Site-Specific Design Guidelines

All future development is to comply with the *Site-Specific Design Guidelines*, Revision C, dated 29 April 2022, prepared by Mecone, on behalf of Mirvac, with the exception of Section 4.8 Landscaped Area which is to be pursuant to Condition No. 7 of this consent.

7. Landscaping Requirements

Any future development application for the site (future housing precincts) shall comply with the following controls:

- Front setbacks are to maximise any opportunity for soft landscaping, taking into consideration the requirement for any services, including fencing and letterboxes.
- For dwellings which abut other dwellings on both sides, a minimum landscape area of 15% is to be achieved with no minimum landscape area dimension.
- For dwellings which abut other dwellings on one side only, a minimum landscape area of 20% is to be achieved with a minimum landscape area dimension of 1.5m. For the purpose of calculating landscape area, landscape area is defined as an uncovered part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area. This landscaped area can include services (excluding bin storage areas), fencing, water tanks and spaced steppers where they are adequately incorporated into planted landscaping.
- Clothes drying device is to be provided within private open space areas. Clothes drying areas are not to be visible from internal roads or surrounding bushland areas.

- Planting to be provided between the driveway and side fence.
- Front gardens are to include a small tree. Trees are to be incorporated wherever possible to increase canopy coverage.
- Irregular shaped lot landscape design is generally required to achieve the above, however may be required to be assessed on merit.
- Driveway widths are to be minimised wherever possible to maximise landscape area and sufficient planting.
- Bin storage areas are to be located to maximise opportunities for meaningful landscaping.
- Letterboxes are to be incorporated into fencing wherever possible to maximise landscape area.
- Front fencing is to be no higher than 1.2m in height
- Fencing for Private Open Space areas are to be 1.8m high and 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.
- 1.8m high fencing on corner lots is not to extend more than 50% of the secondary boundary.
- Corner lot dwellings with split level typologies must be provided with sufficient landscape area between the secondary boundary building footprint to allow the resolution of significant landscape level changes whilst maintaining a positive streetscape outcome.
- Street tree and verge planting forward of all dwelling houses are to be considerate of bin presentation, and collection. Verge planting is to utilise locally native vegetation communities and be of hardy species appropriate for occasional foot traffic.
- Where dwelling housing closely interface with bushland areas, planting is to be considerate of the locally native vegetation communities.

8. Site Wide Parking Rates

The site wide parking rates for the residential component of the development on the site is as follows:

Housing

- Dwelling Houses – 2 spaces per dwelling
- Visitors – 40 spaces

Apartments

- 1 Bed – 1 space per dwelling
- 2 Bed – 1.5 spaces per dwelling
- 3 Bed – 2 spaces per dwelling
- 4 Bed or more - 3 spaces per dwelling
- Visitors – 1 space per 5 dwellings

9. Setback to Coonara Avenue

All dwellings, including pergolas, and vergolas and the like are to be setback minimum of 11 metres from Coonara Avenue.

10. 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. This includes its application to Development Applications approved after the issue of development consent for the subject concept development application (860/2022/JP).

Conditions Relating to Physical Works

GENERAL MATTERS

11. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of NSW Rural Fire Service attached as an appendix to this consent and dated 1 August 2022.

12. Compliance with Department of Planning and Environment – Water Requirements

Compliance with the requirements of the Department of Planning and Environment – Water, General Terms of Approval, attached as an appendix to this consent and dated 5 August 2022.

13. Compliance with Transport for NSW Requirements

Compliance with the requirements of Transport for NSW attached as an appendix to this consent and dated 19 April 2022.

14. Tree Removal

Approval is granted for the removal of one thousand eight hundred and seventy-seven (1877) trees as per identified in the Arboricultural Impact Assessment – Part 3 prepared by Footprint Green Pty Ltd, dated 12 September 2022 (Rev. 12 – Dwg. No. aiacc 3.01). Note: with respect to the total trees to be removed, refer to specific tree numbers, as identified in the Arboricultural Impact Assessment – Part 1, Preliminary Arboricultural Report prepared by Footprint Green Pty Ltd dated 12 July 2021 as some of the trees identified in Part 3 form 'grouped trees'.

All other trees are to remain and are to be protected during all works in accordance with the conditions of this Consent and the Australian Standard (AS4970-2009) Protection of trees on development sites.

Stumps located within the Tree Protection Zone of trees to be retained shall be grubbed-out where required using a mechanical stump grinder (or by hand where less than 150mm in diameter) without damage to the root system of other trees. Where trees to be removed are within the Structural Root Zone (SRZ) of any trees to be retained, consideration shall be given to cutting the stump close to ground level and retaining the root crown intact. Stumps within the Tree Protection Zone of other trees to be retained shall not be removed using excavation equipment or similar.

All work on the trees shall be undertaken by a suitably qualified minimum AQF Level 3 Arborist under the supervision of a suitably qualified AQF Level 5 (or greater) Project Arborist in accordance with Safe Work Australia's Guide to Managing Risks of Tree Trimming and Removal Works. The work shall be undertaken with care to minimize the risk of injury or mortality to fauna and to avoid any damage to the adjacent vegetation.

A suitably qualified Project Ecologist shall be onsite during all tree, vegetation, and habitat removal, to rescue and re-locate any displaced fauna that may be disturbed during this activity.

Documentation relating to the removal of trees located within the TPZ (tree protection zone) of any trees to be retained (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.

15. 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.

16. Flood Control Systems

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 and subsequent future applications. 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 of each stage / phase throughout the development of Master Plan, necessary flood control structures (respective Onsite Stormwater Detention Systems) and/ or alternative 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 Onsite Stormwater Detention Systems shown on Civil Staging Works Plan C-MP-8204 and associated Stormwater Catchment Plan – OSD C-MP-8372 and Stormwater Catchment Plan – WSUD C-MP-8372 form part of the set of Conceptual Master Plan Civil works project 172528 Revision P5 dated 16/09/2022 are considered for development purposes only.

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.

17. 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.

18. 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.

19. Proposed Street Naming

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.

20. 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.

21. 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.

22. 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.

23. Subdivision Works Approval

The Civil Works approved under this conceptual master plan development will relate to separate staged subdivision approvals.

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.

24. 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.

25. 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.

26. 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.

27. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic, referenced as (Project ID20201245.1), dated 7 June 2022 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.
- c) Recommendations detailed in the Construction & Environmental Managed Plan prepared by Mivrac, dated 7 June 2022, for noise and vibration controls referenced in Section 9 of the above report.

28. 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.

29. Protection of Existing Trees and Native Vegetation

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

Vegetation not authorised for removal by this consent shall be protected during construction to ensure that natural vegetation and topography on the subject site is not unnecessarily disturbed.

Any excavated material not used in the construction of the subject works is to be removed from the site to a licensed facility (a site that can lawfully receive waste) and under no circumstances is to be deposited in bushland areas.

30. 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 7:00am. 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.

31. 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.

Overall approved concept dwelling, apartment site numbering and road naming is as per plans submitted marked as DWG No A2.0.9 Dated June 2022 and marked up as 'Road Naming & Street Numbering Plan' by Council's Land Information Team within consent documentation; and as follows:

Road Reference	Odd Numbers	Even Numbers
ROAD 1	1-9	2-14
ROAD 2	N/A	2-46
ROAD 3	1-7	2-30
ROAD 4	1-21	2-46
ROAD 5	1-13	2-14
ROAD 6	1-7 (Apartment Buildings)	2-34
ROAD 7	1-37	2-52

A total of seven (7) Proposed Road Names are to be provided to Council's Subdivision Team as required for consideration and approval. The road name for Road 1 in the table above, is to be the same one name from start to finish.

The direction of street numbering within each Road is shown on the 'Road Naming & Street Numbering Plan' within consent documentation.

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 any numbering be repeated or skipped throughout the development regardless of the building name or number.

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

Mail Boxes

Australia Post requires mail boxes to be perpendicular to the footpath or road and within easy reach for the postal delivery officer.

The number of mail boxes to be provided is to be equal to the number of dwellings & units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietor's additional mail box is to be located fronting Coonara Avenue and be addressed as 55 Coonara Avenue, West Pennant Hills.

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.

32. Compliance with Aboriginal Archaeological Due Diligence Assessment

Compliance with recommendation provided in the Aboriginal Archaeological Due Diligence Assessment prepared by McCardle Cultural Heritage Pty Ltd including:

- The persons responsible for the management of onsite works will ensure that all staff, contractors and other involved in construction and other involved in construction and maintenance related activities are made aware of the statutory legislation protecting sites and places of significance. Of particular importance is the National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulations 2010, under the National Parks and Wildlife Act 1974;
- Should any Aboriginal objects be uncovered during works, all work will cease in that location immediately, a qualified archaeologist contact to assess the site and the Environmental Line contacted if a site is identified.

33. Compliance with Construction and Environment Management Plan

Compliance with the Construction and Environment Management Plan, prepared by Mirvac, dated 7 June 2022 (unless otherwise specified in other conditions of consent).

34. Additional Biodiversity Mitigation Measures

To mitigate the potential impacts before, during and after construction, the development must comply with the mitigation measures outlined in Table 15 of the Biodiversity Development Assessment Report prepared by Keystone Ecological dated 16 June 2022. These measures are in addition to the requirements of the Fauna Management Plan.

35. Waste Management Plan Required

Built form applications must be accompanied by a detailed Waste Management Plan, prepared by a suitably experienced person, addressing all objectives and controls of the waste management section/s in the relevant Development Control Plan. Objective 35 of Planning Priority C19 of the Central City District Plan must also be addressed. All Waste management and collection infrastructure must be indicated on design plans.

36. 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 an 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.

36a. Fauna Friendly Construction Fencing

All fencing used throughout the development must comply with the Fauna Friendly Construction Fencing requirements of the Fauna Management Plan. This includes tree protection fencing, barrier fencing, exclusion fencing and any other fence used during the construction period.

36b. Fauna Sensitive Lighting Artificial lighting impacts on bushland and wildlife on and adjacent the site must be minimised by reducing and managing light spill into the environment. Wherever dwellings face or back on to bushland, fauna sensitive lighting must be used in outdoor areas. This can include the use of low sodium lighting (or similar), shields to direct lighting toward the dwelling and away from bushland, and smart control technologies (such as motion sensors and timers). Shields must be used on all internal street lights to direct light onto roads and away from bushland.

No artificial light is to spill from the development into:

- the Cumberland State Forest
- the 50m Powerful Owl buffer vegetation in the north east
- the retained vegetation to the south east of the site in the vicinity of the known Powerful Owl nest tree
- the Environmental Conservation Zoned land.

Design of all lighting in the development must follow the Principles of Best Practice lighting design in the National Light Pollution Guidelines (Department of the Environment and Energy 2020).

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

37. Flood Control System - Stormwater Management (All Stages)

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 to ensure no additional runoff generated by the development 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 Concept 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 is for development application purposes only and are not to be used for construction.

The detailed design for every stage must reflect the sub-catchment relating to it and set of documentation listed below also prepared by Northrop submitted with the application:

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

- a) 90% reduction in the annual average load of gross pollutants
- b) 85% reduction in the annual average load of total suspended solids

- c) 65% reduction in the annual average load of total phosphorous
- d) 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:

- a) Design/ construction plans prepared by a hydraulic engineer.
- b) Soft copy of DRAINS model (saved with the results) used in the flood analysis.
- c) 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.
- d) A completed OSD Detailed Design Checklist.
- e) A maintenance schedule.

38. Security Bond – Road Pavement and Public Asset Protection (All Stages)

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 Subdivision Works 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.

39. 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 Subdivision Works Certificate is issued.

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

40. Engineering Works (All Stages)

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

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

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

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

The set of Conceptual Master plan named Stage 01 Civil Works illustrate the road and drainage network, stormwater management measures and bulk earth works approved under this consent. Any works outside the extent of work (outside the blue line) must undergo a separate application process.

The set of drawings form part of the Stage 01 Civil Works prepared by Northrop drawing C-MP-8200 Revision 5 dated 16/09/2022 is for development application purposes only and is not to be used for

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

The road network shall be generally in accordance with the General Arrangement Plan Drawing C-MP-8203 of the set of Stage 01 Civil Works.

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)
R1 - Road 1	Road Type: Community Road Typical Road Section: Drawing R1 – C-MP-8221 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)
R2 - Road 2 (With Parking)	Road Type: Community Road Typical Road Section: Drawing R2-1 – C-MP-8221 Rev P4 (Footpath/ Parking/ Carriageway/ Footpath) (Total width m) 1.8m/ 2.1m/ 6m/ 3.15m (13.05m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R2 - Road 2 (Without Parking)	Road Type: Community Road Typical Road Section: Drawing R2-2 – C-MP-8221 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 2m/ 6m/ 3.6m (11.6m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R3 - Road 3 (R3-1 With Parking)	Road Type: Community Road Typical Road Section: Drawing R3-1 – C-MP-8222 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 (R3-2 Without Parking)	Road Type: Community Road Typical Road Section: Drawing R3-2 – 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)
R3 - Road 3 (R3-3 With Parking)	Road Type: Community Road Typical Road Section: Drawing R3-3 – C-MP-8223 Rev P4

	<p>(Footpath/ Parking/ Carriageway/ Footpath) (Total width m) 2m/ 2.1m/ 6m/ 1.6m (11.7m)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>
R3 - Road 3 (R3-4 Without Parking)	<p>Road Type: Community Road</p> <p>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)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>
R3 - Road 3 (R3-5 With Parking)	<p>Road Type: Community Road</p> <p>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)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>
R3 - Road 3 (R3-6 Without Parking)	<p>Road Type: Community Road</p> <p>Typical Road Section: Drawing R3-6 – C-MP-8223 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 1.6m/ 6m/ 4.1m (11.7m)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>
R4 - Road 4 (R4-1 With Parking)	<p>Road Type: Community Road</p> <p>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)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>
R4 - Road 4 (R4-2 Without Parking)	<p>Road Type: Community Road</p> <p>Typical Road Section: Drawing R4-2 – C-MP-8224 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 4.1m / 6m/ 1.6m (11.7m)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>
R5 - Road 5 (R5-1)	<p>Road Type: Community Road</p> <p>Typical Road Section: Drawing R5-1 – C-MP-8225 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 2m/ 4.0m / 3.7m (9.7m)</p> <p>Pavement Design: Access Road (Design Guidelines Section 3.12)</p>

R5 - Road 5 (R5-1)	Road Type: Community Road Typical Road Section: Drawing R5-2 – C-MP-8225 Rev P4 (Footpath/ Carriageway/ Parking/ Footpath) (Total width m) 2m / 4m/ 2.1m/ 1.6m (9.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
L1-0: Laneway 1	Road Type: Community Road Typical Road Section: Drawing L1-0 – C-MP-8225 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 1.5m/ 7.2m (varies) / 2m (10.7m varies) Pavement Design: Access Road (Design Guidelines Section 3.12)
L1-1: Laneway 1	Road Type: Community Road Typical Road Section: Drawing L1-1 – C-MP-8225 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 2m/ 6m/ 2m (10m) Pavement Design: Access Road (Design Guidelines Section 3.12)
L1-2: Laneway 1	Road Type: Community Road Typical Road Section: Drawing L1-2 – C-MP-8225 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 2m/ 6m (varies) / 2m (10m varies) Pavement Design: Access Road (Design Guidelines Section 3.12)
P1 – Perimeter Road (P1-1 With Parking)	Road Type: Community Road Typical Road Section: Drawing P1-1 – C-MP-8226 Rev P4 (Footpath/ Carriageway/ Parking/ Footpath) (Total width m) 1.6m/ 8m/ 2.1m/ 2m (13.7m) 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 (P1-3 Without Parking)	Road Type: Community Road Typical Road Section: Drawing P1-3 – C-MP-8227 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 (P1-4 Without Parking)	Road Type: Community Road Typical Road Section: Drawing P1-4 – C-MP-8227 Rev P4 (Verge/ Carriageway/ Verge) (Total width m) 0.45m/ 8m/ 3.6m (12.05m) Pavement Design: Access Road (Design Guidelines Section 3.12)
P1 – Perimeter Road (P1-5)	Road Type: Community Road Typical Road Section: Drawing P1-5 – C-MP-8228 Rev P4 (Verge/ Carriageway/ Verge) (Total width m) 2.5m/ 8m/ 2.5m (13m) Pavement Design: Access Road (Design Guidelines Section 3.12)
P1 – Perimeter Road (P1-6)	Road Type: Community Road Typical Road Section: Drawing P1-6 – C-MP-8228 Rev P4 (Footpath/ Carriageway/ Verge) (Total width m) 3.2m/ 6m/ 3m/ 6m/ 5.6m (23.8m) Pavement Design: Access Road (Design Guidelines Section 3.12)
Greenlink	1.8m/ 3m Footpath (4.8m)

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.

With various staging of the subject development, the road network around each stage is required to be completed.

The R5-Road 05 is restricted for one-way traffic movement only.

b) Street Lighting

The development is required to provide street lighting along Coonara Avenue fronting the site and along the proposed internal roads. With respect to Coonara Avenue specifically, AS1158 Category P2 lighting must be provided which may require additional or upgraded street lights on the opposite/ northern side of Coonara Avenue so as to avoid impacting the existing trees within the footpath verge fronting the site. The detailed design must be subject to a street lighting design brief and Section 138 Roads Act 1993 approval from Council at the detailed design stage.

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

c) Turning Heads

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

A turning head is required at the northern end of R2- Road 2.

d) 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 diameter of 19m measured from the edge pavement.

e) Signage and Line Marking Requirements/ Plan

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

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

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

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

f) 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.

g) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided across frontage of the site. 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.

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 as part of 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 where it can be accommodated without impacting existing trees.

The extension of pipe system must be completed with the construction of stages in accordance with C-MP-8204 P5 of this master plan.

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.

41. Bulk 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 concept Bulk Earth Works and Retaining Structures drawings C-MP-8290, C-MP-8291, C-MP-8292 and C-MP-8293 form part of the Conceptual Master Plan Stage 01 Civil Works documentation approved under this consent is for development application purposes only and is not to be used for construction.

The detailed design and construction must reflect the concept drawings and the conditions of consent and detailed geotechnical report and design recommendations.

Each phase of the development including design detailing must comply with the recommendations of a detailed Geotechnical Report.

Detailed design and construction drawings should be endorsed by the geotechnical engineer confirming the satisfactory design compliance.

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 with the recommendations of the detailed civil engineering and Geotechnical engineering reports.

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 Certifications

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

42. Construction Management Plan – Major Works (All Stages)

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:

- Flood Control Management
- 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)

43. Vegetation Management Plan

A Vegetation Management Plan must be prepared strictly in accordance with Council's *Vegetation Management Plan Guideline* (available on Council's website www.thehills.nsw.gov.au). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management. The Plan must be submitted to Council's Manager – Environment and Health for approval.

The Vegetation Management Plan must include details relating to:

- The rehabilitation and management of native vegetation within the Community Lot/Restricted Development Area.
- The production of an information fact sheet (maximum 1 page double sided) prepared in accordance with Council's *Guidelines for preparing Information Fact Sheet* (available on Council's website).
- The wording and erection of signage at key locations.
- The location and type of fencing required.

44. Fauna Management Plan

A Fauna Management Plan (FMP) is to be prepared and submitted to Council's Manager – Environment & Health for approval. The fauna management plan must contain relevant details for pre-clearance surveys, fauna protection, rescue, relocation and installation of fauna nest boxes and timelines for work. The FMP is to include (but is not limited to) the following:

- a) Methodology for the identification, numbering and marking of hollow-bearing trees and other habitat features such as active nests or hollow logs proposed to be removed. A system for marking vegetation that does not meet Council's definition of a tree is to be included in the FMP. Details of survey effort and timing must be included.
- b) Targeted surveys for Powerful Owls roosting and/or nesting within the surrounding forest (including Cumberland State Forest and C2 land) is to be undertaken by an expert Owl Ecologist in this field (to be approved by Council). Surveys must be conducted monthly during the nest selection period and throughout the breeding season (April to September) for the duration of clearing and construction phases in order to identify whether a pair has established a breeding territory and success of the breeding attempt. A map showing the location of roosting/nesting owls in relation to clearing/demolition works is to be included. Consultation with Birdlife and other relevant stakeholders is recommended. Monitoring reports are to be submitted to Council monthly following survey.
- c) Targeted searches and relocation for Dural Land Snail is to be undertaken by an expert Ecologist in this field. The surveys must be undertaken both during the day and at night, particularly during or after rain. Details of survey effort and personnel must be included. Any Dural Land Snails found within the proposed development area are to be relocated to an area of appropriate habitat onsite (preferably E2 Zone area). Relocation is to be undertaken in accordance with the NSW Office of Environment and Heritage's Translocation Operational Policy (May 2019).

- d) Requirements for fauna exclusion fencing where appropriate including a plan to detail locations.
- e) Specific recommendations for the rescue, handling and care of Echidnas that are known to occur within the forest.
- f) A nest box/habitat supplementation strategy for the salvage and relocation of tree hollows/crevices/habitat features (e.g. Ring-tailed Possum dreys) or substitution with artificial nest boxes/habitat features where this cannot be achieved. Nest boxes/habitat features are to be installed at the ratio 2:1 for every hollow/habitat feature removed. This is to provide displaced fauna a greater variety of options when seeking new habitat. Nest boxes/habitat features are to be installed prior to vegetation removal following the preclearance survey. Where additional hollows or nests are identified during tree removal an appropriate number of additional nest boxes/habitat features are to be installed. The strategy is to include a map showing the location of installed nest boxes/habitat features and details of nest box/habitat feature type, design and quantity. A monitoring and maintenance program for nest boxes is to be provided.
- g) Procedures for the rescue and relocation of fauna encountered during the clearing/demolition process, including number and type of personnel required to undertake each task.
- h) Details for the treatment and rehabilitation of any injured fauna including contact information for veterinary surgeries for emergency treatment of injured fauna.
- i) Details for notifying registered wildlife carer organisations following placement of injured fauna into veterinary care.
- j) Protocols for dealing with fauna (e.g. macropods) encountered within constructions zones post vegetation clearing works.
- k) Fauna management induction checklist for the induction of all staff involved in vegetation clearance works.
- l) Details of relevant qualifications and appropriate licences for personnel involved in wildlife rescue and relocation.
- m) The requirement to provide reports of preclearance fauna surveys and relocation on a weekly basis to be provided for the records of The Hills Shire Council.
- n) The requirement to report all fauna deaths or injuries to The Hills Shire Council within 24 hours of the incident occurring.
- o) Specifications for fauna friendly construction fencing. This is to include designs that are suitably visible to reduce the likelihood of collision by fauna and no sharp tops or materials that could potentially injure or entangle wildlife.

The pre-clearance surveys, exclusion fencing, fauna relocation and installation of nest boxes (items a-o) are to be undertaken strictly in accordance with the approved plan and implemented in accordance with the approved timelines. Certification by the project Ecologist shall be submitted to Council's Manager – Environment & Health for endorsement two weeks prior to any work commencing.

45. Biodiversity Offsetting Requirements

To offset the loss of biodiversity from the site from the development, the following ecosystem and species credits listed in the tables below must be retired prior to any clearing of vegetation.

The development must purchase and retire credits which may be satisfied by sourcing credits from the Biodiversity Credit market or payment to the Biodiversity Conservation Fund of an amount

equivalent to the class and number of ecosystem credits, as calculated by the Biodiversity Offsets Payment Calculator (The amount payable to discharge an offset obligation will be determined at the time of payment).

Table 1 Ecosystem credit requirement

Impacted plant community type	Number of ecosystem credits	IBRA subregion	Plant community type(s) / species that can be used to offset the impacts from development
PCT 1237 Blue Gum High Forest in the Sydney Basin Bioregion	19	Cumberland, Burragarang, Pittwater, Sydney Cataract, Wollemi and Wyong. or Any IBRA subregion that is within 100 km of the outer edge of the impacted site.	PCT 1237 (HBT – No)

Table 2 Species Credit Requirement

Species	Number of Species Credits	Offset option	Approved variation species credit species that can be used to offset the impacts from development.	IBRA region
<i>Cercartetus nanus</i> (Eastern Pygmy Possum)	9	Like for like	<i>Cercartetus nanus</i> (Eastern Pygmy Possum)	Any in NSW
<i>Chalinolobus dwyeri</i> / Large eared Pied Bat	11	Like for like	<i>Chalinolobus dwyeri</i> / Large eared Pied Bat	Any in NSW
<i>Myotis macropus</i> / Southern Myotis	9	Like for like	<i>Myotis macropus</i> / Southern Myotis	Any in NSW
<i>Ninox strenua</i> / Powerful Owl	4	Like for like	<i>Ninox strenua</i> / Powerful Owl	Any in NSW
<i>Pommerhelix duralensis</i> / Dural Land Snail	10	Like for like	<i>Pommerhelix duralensis</i> / Dural Land Snail	Any in NSW

A retirement certificate from the NSW Department of Planning, Industry & Environment and/or Statement confirming payment into the Biodiversity Conservation Trust from the Biodiversity Conservation Trust to demonstrate compliance with this condition is to be provided to The Hills Shire Council's Manager – Environment and Health prior to the removal of any vegetation.

46. Erosion & Sediment Control Plan

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

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

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

47. 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 **\$347,175.40** 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.

48. Construction Pedestrian Traffic Management Plan (CPTMP)

A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Subdivision Works Certificate.

PRIOR TO WORK COMMENCING ON THE SITE

49. 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.

50. 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.

51. 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.

52. 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.

53. Completion of Flood Control System (All Stages)

Each stage of the construction activity or earthworks must be supported by the required stormwater management infrastructure detailed on the plans and reports prepared by Northrop and referred to in Condition 1 to ensure there are no nuisance stormwater or flooding impacts downstream.

Documentation required must be provided to the Principal Certifier.

54. 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.

55. 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.

56. 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.

57. Erection of Signage – Supervision of Engineering Works

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.

58. 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.

59. 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.

60. 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.

61. 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.

62. 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.

63. Project Ecologist

Prior to any works commencing, a Project Ecologist 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 Ecologist is replaced, The Hills Shire Council's Manager – Environment & Health is to be notified in writing of the reason for the change and the details of the new Project Ecologist within 7 days.

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. Site Water Management Plan

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

67. 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.

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.

70. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not

to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

71. Approved Temporary Closet

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

72. 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).

73. 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.

DURING CONSTRUCTION

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. 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.

76. Critical Stage Inspections – Civil Works (All Stages)

The civil works relate to separate subdivision applications 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.

77. 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

78. Site Inspection – Bulk Earth Works (All Stages)

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.

79. Stockpiles

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

80. 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.

81. Tree/Vegetation Removal & Fauna Protection

All tree and vegetation clearance works are to be carried out strictly in accordance with the approved Fauna Management Plan required by this consent unless otherwise approved by Council's Manager – Environment and Health.

The Project Ecologist is to be onsite during all tree, vegetation and habitat removal, to rescue and re-locate any displaced fauna that may be disturbed during this activity. Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine. Following tree felling, the project ecologist is to inspect all hollows/crevices for resident fauna prior to trees being chipped or removed from the site.

Any injured fauna is to be placed into the hands of a wildlife carer or taken to a veterinary clinic for treatment (please note only appropriately vaccinated personnel are to handle bats).

Tree hollows are to be salvaged from trees removed and placed within the bushland areas of the allotment/s. This is to be done by a qualified and experienced arborist, under the direction of the Project Ecologist.

82. Project Arborist

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

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.

83. 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.

84. 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)*.

85. 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.

86. 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.

87. Location of Works

The total extent of the development shall be contained wholly within the confines of the allotment boundaries including the footings and any associated drainage lines. A survey report from a registered land surveyor may be required for confirmation of the same.

88. European Sites or Relics

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

89. 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

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 remedial action taken 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. 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.

92. Flood Control and Stormwater Management System/s 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.

93. 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.

94. Civil Works – Submission Requirements (All Stages)

Once the Civil works covered under this master plan development, 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
- Flood Control System/s
- 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.

95. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the engineering 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.

96. 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.

97. Final Plan and Section 88B Instrument (Separate Approvals)

The final plan and Section 88B Instrument relating to separate subdivision approvals must be reflective to the civil works master plan, and 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) Restriction – Rainwater Tanks

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

d) Restriction/ Covenant – Onsite Stormwater Detention

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

This also relates to interim flood control system required under this consent.

e) Restriction/ Covenant – Water Sensitive Urban Design

The site 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.

f) 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 on surrounding properties or reserves.

g) 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.

h) 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.

98. Final Plan and 88B Instrument

The final plan and Section 88B Instrument must provide for the following:

Restriction/Positive Covenant – Vegetation Management Plan

The community land (PT.20) covered by the Vegetation Management Plan must be burdened with a restriction and a positive covenant using the “Vegetation Management Plan/Restricted Development Area” terms included in the standard recitals.

Council’s standard recitals are available on Council’s website (www.thehills.nsw.gov.au) and must be used.

99. Vegetation Management Plan (VMP) Implementation

All performance criteria for the establishment phase of the VMP (first 5 years) must be complied with prior to the issue of a Subdivision Certificate, Occupation Certificate or Certificate of Practical Completion (whichever comes first).

A statement certifying such compliance must be provided by the author of the VMP or an equally qualified and experienced person.

Consideration may be given to early release of a Subdivision Certificate, Occupation Certificate or Certificate of Practical Completion in lieu of this by agreement with Council’s Manager – Subdivision and Development Certification, based on alternative arrangements to secure the completion of works.

Such agreement must comply with s6.10(2) or s6.15(2) of the EP&A Act and will be conditional upon there being no circumstances prohibiting the issuing of a Subdivision Certificate, Occupation Certificate or Certificate of Practical Completion contained within s6.10(1) or s6.15(1) of the EP&A Act at the time of any such agreement.

This condition applies to the subdivision work included as part of this development consent as well as any subsequent development consents relating to the future development of the site subject to this masterplan.

100. Biodiversity Compliance

Certification that the following measures have been undertaken shall be submitted to The Hills Shire Council’s Manager – Environment & Health:

- a) **Fauna Nest Boxes** – Location plan and photographs of installed nest boxes.
- b) **Tree Removal & Fauna Protection** – Details prepared by the project ecologist demonstrating compliance with the Fauna Management Plan and Tree/Vegetation Removal and Fauna Protection condition/s of this consent.

THE USE OF THE SITE

101. Management of Area Subject to Vegetation Management Plan (VMP)

The areas that are subject to the Vegetation Management Plan (VMP) shall be managed in accordance with the approved VMP in perpetuity by the property owner/s.

102. 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, bushland or foreshore unrestrained, on the site or on surrounding properties or reserves.