

## DETERMINATION AND STATEMENT OF REASONS

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>DATE OF DETERMINATION</b>	3 November 2022
<b>DATE OF PANEL DECISION</b>	2 November 2022
<b>DATE OF PANEL MEETING</b>	27 October 2022
<b>PANEL MEMBERS</b>	Abigail Goldberg – Chair, Brian Kirk, Roberta Ryan, Robert Buckham, Jarrod Murphy
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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-315 – The Hills - 861/2022/JP - 55 Coonara Avenue, West Pennant Hills

Construction of Four Residential Flat Buildings containing a total of 252 Units and Basement Car Parking

#### PANEL CONSIDERATION AND DECISION

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

##### Application to vary a development standard

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

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

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of cl. 4.3 (Height of Buildings) of the LEP and the objectives for development in the R4 zone; and
- the concurrence of the Secretary has been assumed.

##### Development application

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

The decision was unanimous.

#### REASONS FOR THE DECISION

The Panel's reasons for the decision and responses to community concerns are outlined below.

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

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

## CONSIDERATION OF COMMUNITY VIEWS

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

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

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

## CONDITIONS


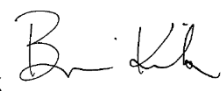


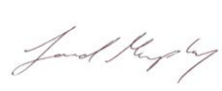
The development application was approved subject to the Conditions in the Council assessment report with a number of minor amendments for administrative reasons. Supplementary or amended conditions have been introduced to this DA (PPSSCC-315) as well as the concept ('parent') DA, PPSSCC-314, and the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

Core issue of concern	Panel response
Height of buildings	<p>The Panel determined to uphold the Clause 4.6 variation to building height; and approve the application for the reasons outlined in the Council assessment report, in particular:</p> <ul style="list-style-type: none"> <li>• Overall, the proposed building heights do not result in any significant adverse impacts and provide for a high quality building outcome for future residents</li> <li>• The proposed building heights provide for an appropriate relationship to development within the site, as well as the interface to the neighbouring bushland and neighbouring properties.</li> </ul> <p><i>No supplementary or amended conditions were introduced in this regard.</i></p>
Fauna, including but not limited to the Powerful Owl, microbats, large-eared pied bats, pygmy possums, Dural land snails	<p>The Panel notes that biodiversity concerns are already comprehensively addressed in Council's assessment report, with several conditions that address community concerns already in place.</p> <p>The Panel introduced supplementary conditions, or amendments to conditions, in relation to:</p> <ul style="list-style-type: none"> <li>• 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></li> <li>• Monitoring of Powerful Owls roosting and/or nesting during the nest selection/breeding time, by an expert Owl Ecologist. <i>Condition 44b amended.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• The issue of poisons used for rodents that can affect native fauna. <i>Condition 97g has been introduced.</i></li> <li>• Wildlife friendly fencing. <i>Condition 36a added, and Conditions 44 and 94 updated.</i></li> <li>• Frequency of reporting protocols regarding harm or death of native fauna during construction. <i>Condition 44 updated.</i></li> <li>• <i>A condition relating to Fauna Sensitive Lighting (Condition 36b) has also been added.</i></li> </ul>
Flora, including but not limited to Blue Gum High Forest	<p>The Panel notes that biodiversity concerns are already comprehensively addressed in Council's assessment report, with several conditions that address community concerns already in place.</p> <p>The Panel introduced supplementary conditions, or amendments to conditions, in relation to:</p> <ul style="list-style-type: none"> <li>• Tree hollows and crevasses, ensuring that these are carefully treated, with expert input, during tree removal in case of the presence of fauna as well as retained and relocated elsewhere for use by native fauna. <i>Conditions 44f, 81 and 90 have been updated.</i></li> <li>• Clarification regarding the total number of trees to be removed. <i>Condition 14 has been amended to clarify the total tree removal. It is noted that that 530 trees are part of 'grouped trees'. These 'grouped trees' have been identified as part of the Arboricultural Impact Assessment – Part 1, dated 12 July 2021. Council staff confirm that 1,877 trees have been assessed and confirmed for removal to facilitate the development. Furthermore, the tree removal plan is listed in Condition 1 which reinforces the approved trees for removal.</i></li> </ul>
APZ requirements	<ul style="list-style-type: none"> <li>• 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></li> <li>• The Panel is satisfied by this advice. <i>No supplementary or amended conditions were introduced in this regard.</i></li> </ul>
Urban heat island effect of dark coloured roofs	<ul style="list-style-type: none"> <li>• The Panel sought further advice in this regard and notes as following:</li> <li>• <i>The applicant advised the following:</i> <b>Roof Tiling</b> – <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></li> <li>• <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. Additionally, the proposal provides for the provision of numerous</i></li> </ul>

	<p><i>street trees and a landscape outcome for the site that will mitigate the 'heat island' effect.</i></p> <ul style="list-style-type: none"> <li>Considering the issues raised above, the Panel is satisfied that the urban heat island has been adequately addressed by current conditions. <i>No supplementary or amended conditions were introduced in this regard.</i></li> </ul>
Electrical vehicle (EV) charging points.	<ul style="list-style-type: none"> <li>A supplementary condition addressing this matter has been added to the conditions for this DA.</li> <li><i>New Condition 33a refers.</i></li> </ul>
Affordable housing provision	<ul style="list-style-type: none"> <li>The Panel notes Council's advice as below:</li> <li><i>The matter of affordable housing is discussed in Council's Local Strategic Planning Statement (LSPS), which was considered in the assessment of the applications. Council has not yet entered into affordable housing contributions schemes under the State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes) (now repealed – refer Housing SEPP 2021) according to the LSPS, is that "we seek to ensure a mix of housing types across the Shire, and a supply of housing that is affordable for very low, low and moderate income households.". The development provides for a mix of detached dwellings, attached dwellings and semi-detached dwelling varying in 3-5 bedrooms. Furthermore, the apartment development of the 252 units, 38 are 1 bedroom units, and 136 units are 2 bedrooms, providing for more affordable options for future occupants to suit a variety of housing types.</i></li> <li>The Panel is satisfied by Council's response. <i>No supplementary or amended conditions were introduced in this regard.</i></li> </ul>

Updated Conditions provided by Council are attached to this Record.

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

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-315 – The Hills - 861/2022/JP
2	PROPOSED DEVELOPMENT	Construction of Four Residential Flat Buildings containing a total of 252 Units and Basement Car Parking
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"> <li>Environmental planning instruments: <ul style="list-style-type: none"> <li>Section 4.15 (EP&amp;A Act)</li> <li>Biodiversity Conservation Act 2016</li> <li>Water Management Act 2000</li> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>The Hills Local Environmental Plan 2019</li> <li>Draft environmental planning instruments: Nil</li> </ul> </li> <li>Development control plans:</li> <li>The Hills Shire Development Control Plan 2012</li> <li>Planning agreements: VPA</li> <li>Provisions of the Environmental Planning and Assessment Regulation 2000: Nil</li> <li>Coastal zone management plan: Nil</li> <li>The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</li> <li>The suitability of the site for the development</li> <li>Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations</li> <li>The public interest, including the principles of ecologically sustainable development</li> </ul>
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>Council assessment report: 17 October 2022</li> <li>4.6 variation request to Height of Building Standard</li> <li>Written submissions during public exhibition: 687</li> <li>Verbal submissions at the public meeting:</li> <li>Verbal submissions at the public meeting: <ul style="list-style-type: none"> <li>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"> <li>Council Managers and assessment officers – Cameron McKenzie, Paul Osborne, Sanda Watts</li> </ul> </li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ On behalf of the applicant – Adrian Checchin, Alec Tzannes, Georgia Sedgman</li> <li>• Total number of unique submissions received by way of objection: 687</li> </ul>
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• Briefing: 21 December 2021 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair)</li> <li>○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Sanda Watts</li> <li>○ <u>Applicant representatives</u>: Stuart Allen, Adrian Checchin, David Hirst, Georgia Sedgmen, Christopher Lam, Katrina Torrenson</li> </ul> </li> <li>• Briefing: 17 March 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan</li> <li>○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Cynthia Dugan</li> <li>○ <u>Applicant representatives</u>: Stuart Allen, Adrian Checchin, Dean Davies, David Hirst, Georgia Sedgmen, Christopher Lam, Katrina Torrenson</li> </ul> </li> <li>• Discussion: 29 August 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair)</li> <li>○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Sanda Watts</li> </ul> </li> <li>• Site inspection: 27 April 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), David Ryan, Roberta Ryan (via zoom)</li> <li>○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne</li> <li>○ <u>Applicant representatives</u>: Adrian Checchin, Robert Malcom, Hugh Halliwell</li> </ul> </li> <li>• Site inspection: 13 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Brian Kirk, Robert Buckham, Jarrod Murphy</li> <li>○ <u>Council assessment staff</u>: Paul Osborne, Sanda Watts</li> <li>○ <u>Applicant representatives</u>: Adrian Checchin, Robert Malcom, Dean Davies, Georgia Sedgmen</li> </ul> </li> <li>• Final briefing to discuss council's recommendation: 27 October 2022 <ul style="list-style-type: none"> <li>○ <u>Panel members</u>: Abigail Goldberg (Chair), Brian Kirk, Roberta Ryan, Robert Buckham, Jarrod Murphy</li> <li>○ <u>Council assessment staff</u>: Cameron McKenzie, Paul Osborne, Sanda Watts</li> </ul> </li> </ul>
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
	<b>Architectural Plans</b>		
DA-00-0000	Cover Sheet	A	17.09.2021
DA-00-0001	Yield Schedule	B	12.04.2022
DA-00-1002	Site Analysis	A	17.09.2021
DA-00-1003	Site Analysis	A	17.09.2021
DA-00-1004	Site Plan	A	17.09.2021
DA-00-1005	Site Plan Setbacks and APZ	A	17.09.2021
DA-00-1010	Loading Dock	B	12.04.2022
DA-00-1011	Building D – Lower Ground 1	B	12.04.2022
DA-00-1012	Building C – Lower Ground 1 / Building D – Ground	B	12.04.2022
DA-00-1013	Building B - Lower Ground 2 / Building C - Ground /Building D - Level 01	B	12.04.2022
DA-00-1014	Building A - Lower Ground 2 / Building B - Lower Ground 1 /Building C - Level 01 /Building D - Level 02	B	12.04.2022
DA-00-1015	Building A - Lower Ground 1 /Building B - Ground /Building C - Level 02 /Building D - Level 03	B	12.04.2022
DA-00-1016	Building A - Ground /Building B - Level 01 /Building C - Level 03 /Building D - Level 04	B	12.04.2022
DA-00-1017	Building A - Level 01 /Building B - Level 02 /Building C - Level 04 /Building D - Level 05	B	12.04.2022
DA-00-1018	Building A - Level 02 /Building B - Level 03 /Building C - Level 05 /Building D - Level 06	B	12.04.2022
DA-00-1019	Building A - Level 03 /Building B - Level 04 /Building C - Level 06 /Building D - Roof	B	12.04.2022
DA-00-1020	Building A - Level 04 /Building B - Level 05 /Building C - Roof	B	12.04.2022

DA-00-1021	Building A - Level 05 / Building B - Roof	B	12.04.2022
DA-00-1022	Roof Plan	B	12.04.2022
DA-00-1030	Long Elevation	B	12.04.2022
DA-00-1031	Building A Elevations	A	17.09.2021
DA-00-1032	Building B Elevations	A	17.09.2021
DA-00-1033	Building C Elevations	A	17.09.2021
DA-00-1034	Building D Elevations	A	17.09.2021
DA-00- 1037	Short Sections	B	12.04.2022
DA-00- 1038	Long Sections	B	12.04.2022
DA-00- 1046	External Finishes	A	17.09.2021
DA-00- 1047	Fencing Details	A	17.09.2021
DA-00-1070	Storage Schedule	A	17.09.2021
DA-00-1071	Storage Schedule	A	17.09.2021
DA-00-1072	Storage Plan – Loading Dock	A	17.09.2021
DA-00-1073	Storage Plan - Building D - Lower Ground 1	A	17.09.2021
DA-00-1074	Storage Plan - Building C - Lower Ground 1 / Building D - Ground	A	17.09.2021
DA-00-1075	Storage Plan - Building B - Lower Ground 2 /Building C - Ground / Building D - Level 01	A	17.09.2021
DA-00-1076	Storage Plan - Building A - Lower Ground 2 / Building B - Lower Ground 1 /Building C - Level 01 /Building D - Level 02	A	17.09.2021
DA-00-1077	Storage Plan - Building A - Lower Ground 1/ Building B - Ground / Building C - Level 02 / Building D - Level 03	A	17.09.2021
DA-00-1078	Storage Plan - Building A - Ground / Building B - Level 01 / Building C - Level 03 / Building D - Level 04	A	17.09.2021
DA-00-1079	Storage Plan - Building A - Level 01 / Building B - Level 02 / Building C - Level 04 / Building D - Level 05	A	17.09.2021
DA-00-1080	Storage Plan - Building A - Level 02 / Building B - Level 03 / Building C - Level 05 / Building D - Level 06	A	17.09.2021
DA-00-1081	Storage Plan - Building A - Level 03 / Building B - Level 04 / Building C - Level 06 / Building D - Roof	A	17.09.2021



DA-00-1082	Storage Plan - Building A - Level 04 / Building B - Level 05 / Building C - Roof	A	17.09.2021
DA-00-1083	Storage Plan - Building A - Level 05 / Building B - Roof	A	17.09.2021
DA-00-1101	Building A - Adaptable Apartments	A	17.09.2021
DA-00-1102	Building B - Adaptable Apartments	A	17.09.2021
DA-00-1103	Building C - Adaptable Apartments	A	17.09.2021
DA-00-1104	Building D - Adaptable Apartments	A	17.09.2021
DA-00-1105	Loading Dock Driveway Section	B	12.04.2022
DA-00-1106	Entry Driveway Section	B	12.04.2022
DA-00-1107	Internal Ramps Sections	A	17.09.2021
<b>DRAWING NO.</b>	<b>DESCRIPTION</b>	<b>REVISION</b>	<b>DATE</b>
DA00-1005 & DA 00-1010 – DA 00-1021	Street/Unit Numbering Plans (13 Pages – for numbering purposes only)	A	17.09.2021
<b>Civil Engineering Works</b>			
C-APT-8200	Cover Sheet, Drawing Schedule and Locality Plan	P2	06.09.2021
C-APT-8201	Specifications	P2	06.09.2021
C-APT-8203	General Arrangement Plan	P2	06.09.2021
C-APT-8204	Concept Sediment and Erosion Control Details	P2	06.09.2021
C-APT-8205	Sediment and Erosion Control Details	P2	06.09.2021
C-APT-8207	Bulk Earthworks Cut and Fill Plan	P2	06.09.2021
C-APT-8208	Bulk Earthworks Cut and Fill Sections	P2	06.09.2021
C-APT-8212	Siteworks and Stormwater Management Plan – Sheet 01	P2	06.09.2021
C-APT-8213	Siteworks and Stormwater Management Plan – Sheet 02	P2	06.09.2021
C-APT-8215	Typical Sections	P2	06.09.2021
C-APT-8219	Stormwater Catchment Plan	P2	06.09.2021
172528	Civil Engineering Assessment Report	2	11.10.2021
<b>Shoring Wall Drawings</b>			
SK-02-00	SHORING PLAN - OVERALL	C	01.09.2021
SK-02-10	SHORING ELEVATIONS - SHEET 1	A	13.07.2021
SK-02-15	SHORING SECTIONS - SHEET 1	A	13.07.2021

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

## **2. External Finishes**

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

## **3. Compliance with NSW Rural Fire Service Requirements**

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

## **4. Compliance with Department of Planning and Environment – Water Requirements**

Compliance with the requirements of the Department of Planning and Environment – Water attached as an Appendix to this consent and dated 5 August 2022.

## **5. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 100 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 140mm pot size.

Lawn is to be a sterile hybrid turf variety.

All planting on podium or over stormwater infrastructure are to achieve the minimum soil depths:

- 1.2m for large trees or 800mm for small trees;
- 500-600mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

## **6. Provision of Parking Spaces**

The development is required to be provided with car parking spaces for 456 vehicles (405 residents and 51 visitors), 2 service vehicles, 2 car wash bays, 6 motorcycles and 16 dedicated bicycle spaces located in basement carpark and on-street.

## **7. Separate Application for Strata Subdivision**

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

## **8. Protection of Public Infrastructure**

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

## **9. Structures Adjacent to Piped Drainage Easements**

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

## **10. Requirements for Council Drainage Easements**

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

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

#### **11. Vehicular Access and Parking**

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

#### **12. Flood Control System**

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

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

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

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

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

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

### **13. 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.

### **14. 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.

### **15. 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.

### **16. 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.

### **17. 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.

### **18. 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 Mirvac, dated 7 June 2022, for noise and vibration controls referenced in Section 9 of the above report.

### **19. 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.

### **20. Control of early morning noise from trucks**

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am. To protect the amenity of neighbouring residents, construction vehicles are not permitted to queue outside of the site, along Coonara Avenue before 7:00am. Out of hours deliveries for oversize vehicles where required, are to be managed in accordance with TfNSW approvals.

### **21. Provision of Kitchen Waste Storage Cupboard**

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

### **22. Adherence to Waste Management Plan**

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

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

[www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

### **23. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading, and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

#### **24. Communal Composting Areas**

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

#### **25. Management of Construction and/or Demolition Waste**

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

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

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool [www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

#### **26. Provision of Waste Chute System**

The development must incorporate dual waste chute systems for garbage and recycling. Chute openings must be provided on every residential floor within the building corridors. The waste

chutes must terminate into the waste storage rooms. Garbage must discharge into 1100 litre bins with compactor (2:1 compaction ratio) and recyclables must discharge into 1100 litre bins. The waste chute system must be maintained in accordance with manufactory standards.

### **27. Provision of Bin Cupboards**

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal or a third waste stream. The cupboards must be sized to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

### **28. 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.

### **29. Commencement of Domestic Waste Service**

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

### **30. Construction of Waste Holding Room and Waste Chute Rooms**

All waste storage areas must be designed and constructed in accordance with the following requirements. The waste holding room must provide minimum storage facility for 14 x 1100 litre garbage and 14 x 1100 litre recycle bins. The waste chute rooms must provide minimum storage facility for one dual chute system (one garbage and one recycle chute) and compactor for garbage.

- The waste holding rooms must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the waste holding rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste holding rooms must be constructed of brickwork or blockwork.
- The floor of the waste holding rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste holding rooms must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred). The waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- The waste chute rooms located on each residential level must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.
- All doors of the waste holding rooms, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.

- The waste holding rooms must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste holding rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste holding rooms, it is not to conflict with the space designated for the placement of bins.
- The waste holding rooms must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for manually handling bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage areas are to complement the design of the development.

#### **Example Bin Measurements (mm)**

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

#### **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 property addresses for this development are:**

**Building A: 1 future road name 5**

**Building B: 3 future road name 5**

**Building C: 5 future road name 5**

**Building D: 7 future road name 5**

Approved unit numbering is as per plans submitted marked as DWG No: DA 00-1005, DA 00-1010 –DA 00-1021, Rev: A, Dated 17.09.2021 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

<b>LEVEL</b>	<b>BUILDING A</b>	<b>BUILDING B</b>	<b>BUILDING C</b>	<b>BUILDING D</b>
<b>GROUND</b>	G01-G04	G05	G06-G09	G10-G12
<b>ONE</b>	101-108	109-110	111-117	118-125
<b>TWO</b>	201-210	211-218	219-228	229-238
<b>THREE</b>	301-310	311-319	320-329	330-339
<b>FOUR</b>	401-410	411-419	420-429	430-439
<b>FIVE</b>	501-510	511-519	520-529	530-539
<b>SIX</b>	601-610	611-619	620-626	627-633
<b>SEVEN</b>	701-707	708-713	714-720	721-727

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



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

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

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

#### Mail Boxes

Australia Post requires cluster mail boxes within a foyer to be as close to the footpath or road as possible.

Locations as provided on plans DWG No: DA 00-1011-1013, Rev: A, Dated: 17.09.2021 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email [Gregory.dimmock@auspost.com.au](mailto:Gregory.dimmock@auspost.com.au) or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

Cluster mail boxes are to be located as shown on plans submitted marked as DA 00-1011-1013, Rev: A, Dated: 17.09.2021 and marked up as 'Numbering Plan' by Council's Land Information Team within consent documentation. Cluster mail boxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer.

The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at **Building A: 1 future road name 5.**

#### 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](mailto: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. Planning Agreement**

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

### **33. Services Screening**

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

**33a. Electric Vehicle Charging** A minimum of one parking space for each residential unit is to be provided with an EV (electric vehicle) Ready Connection. An EV Ready Connection is the provision of a cable tray and a dedicated spare 32A circuit provided in an EV Distribution Board to enable easy future installation of cabling from an EV charger to the EV Distribution Board and a circuit breaker to feed the circuit.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **34. Notice of Requirements**

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

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

### **35. Flood Control System - Stormwater Management (Apartment Precinct)**

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

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

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

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

- 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:

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

All model parameters and data outputs are to be provided.

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

- 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.

### **36. Stormwater Pump/ Basement Car Park Requirements**

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

### **37. Security Bond – Road Pavement and Public Asset Protection**

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$780,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (640m) multiplied by the width of the road (13m).

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

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

### **38. Engineering Works**

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

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

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

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available

on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

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

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

**a) Full Width Road Construction (Private Roads)**

The full width construction of the roads listed below is required unless they are provided under the Master Plan DA 860/2022/JP and/or DA 859/2022/JP, including footpath paving, indented carpark and other ancillary work to make this construction effective:

Road Name	Formation: (Footpath/ Carriageway/ Footpath) (Total width m)
R5 - Road 5 (R5-1)	Road Type: Community Road Typical Road Section: Drawing R5-1 – C-MP-8225 Rev P4 (Footpath/ Carriageway Footpath) (Total width m) 2m/ 4.0m / 3.7m (9.7m) Pavement Design: Access Road (Design Guidelines Section 3.12)
R5 - Road 5 (R5-2)	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)
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 (P1-4 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)

The works listed above are required to provide access to the development and relate to the subject development unless they have been completed under other approvals either Master Plan DA 860/2022/JP and/or DA 859/2022/JP.

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.

#### **b) Temporary Turning Heads - Staged Activities**

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

A turning head is required at the northern end of P1- Perimeter Road and/or the western end of Laneway 1.

#### **c) Street Lighting**

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

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

#### **d) Signage and Line Marking Requirements/ Plan**

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

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

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

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

#### **e) Footpath Verge Formation**

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

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

#### **f) Concrete Footpath**

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

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

#### **g) 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.

#### **h) Service Conduits**

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

#### **i) Stormwater Drainage – Public Drainage Extension**

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

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

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

### **39. Earth Works and Retaining Structures**

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

#### **a) Design and Construction Details**

The detailed design and construction of Earth Works and Retaining Structures must be reflective to the Stage 01 Civil Works drawings C-MP-8290, C-MP-8291, C-MP-8292 and C-MP-8293 form part of Conceptual Master Plan development consent DA 860/2022/JP and outlined in condition 1, they are approved for development application purposes only and is not to be used for construction.

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

#### **b) Construction Verification Plan**

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

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

#### **c) Construction Risk Management Plan**

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

- Trigger levels/criteria in relation to monitoring and earthworks control.
- Actions and controls to be taken.
- Surface and groundwater management and materials management in the event of significant wet weather events.

#### **d) Stormwater Drainage**

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

#### **e) Erosion and Sediment Control**

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

#### **f) Geotechnical and Structural Certification**

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

### **40. Construction Management Plan & Documentation**

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 Risk Management measures
- Stormwater Management Plan
- 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)

#### **41. Landscape Plan**

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

The plan must contain:

- a) site boundaries and dimensions surveyed;
- b) north point, and scale (1:200 desirable);
- c) existing and proposed levels;
- d) Top of Wall (TOW) levels for all retaining walls;
- e) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- f) a legend and schedule of landscape materials for all retaining walls, garden edging, and landscape surfaces; and
- g) permeable surfaces as permeable pavers or porous poured surfaces provided within deep soil zones. Surfaces which compact such as decomposed granite are not considered permeable; and
- h) planting of majority species from the nearest native vegetation community (Blue Gum High Forest or Sydney Turpentine Ironbark Forest); and
- i) plant species selection considerate of aspect and overshadowing; and
- j) minimum plant pot sizes as per condition 5 of this consent.
- k) detail of soil depths over basements, OSD and planter boxes. These depths must comply with ADG minimum soil depth requirements; and
- l) minimal use of large mixes, or mass plantings i.e. adequate diversity of planting;
- m) a landscape level resolution between the Green Link and Superlot 5 rear Private Open Space areas which results in no retaining walls when viewed from the Green Link being higher being higher than 1m (terracing and/or battering may be required); and
- n) planter boxes to private terraces and balconies pursuant to condition 47 of this consent.

#### **42. 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).



#### **43. 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 **\$1,547,088.00** 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;

<b>Proposed cost of the development</b>	<b>Maximum percentage of the levy</b>
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.

#### **44. Internal Pavement Structural Design Certification**

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

#### **45. Planning Agreement**

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

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

<b>Contribution</b>	<b>Timing of Payment</b>	<b>Purpose: <i>'Apartments Precinct'</i></b>	<b>Total Contribution</b>
Dwelling Contribution	Prior to or concurrent with the issue of the first Construction Certificate.	60% of Total Dwelling Yield (252 Dwellings)	\$1,205,741.63

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

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

As per Council's exhibited Fees and Charges effective from 1 July 2022,

**Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

#### **46. Bird Strike Mitigation Plan**

A Bird Strike Mitigation Plan (BSMP) is required to be prepared by a suitably qualified ecologist and submitted to the Principal Certifying Authority (PCA). The BSMP shall include but may not be limited to assessing the risk of bird strike into windows of the proposed residential flat buildings adjacent to the forest. The report must identify potential areas of concern and bird species most vulnerable and make recommendations as to design solutions that may be applied to minimise bird strikes into windows. The solutions shall consider materials to be used (e.g anti reflective windows, no glazing for balcony balustrades etc.) that shall be documented into the final design and material specifications.

#### **47. Balcony and Terrace Planting**

All Private Open Space balconies and terraces of over 50m<sup>2</sup> in area are to be provided with in-built masonry planter boxes. These planter boxes are to be located and sized as to provide resident amenity. Detail drawings of typical planter boxes, soils, irrigation, and waterproofing are to be provided.

Balcony and Terrace Planting is to be provided in amended Landscape Plan pursuant to Condition 41 of this consent to be submitted to the satisfaction of Council's Manager - Environment and Health.

#### **48. Irrigation**

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

### **PRIOR TO WORK COMMENCING ON THE SITE**

#### **49. 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.

#### **50. 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.

#### **51. 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.

#### **52. 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.

#### **53. 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.

#### **54. Completion of Flood Control System (Interim/Permanent OSD Basin)**

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

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

#### **55. 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.

#### **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 Subdivision Work**

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

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

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

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

#### **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. Consultation with Service Authorities**

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

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

#### **63. 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.

#### **64. 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).

#### **65. 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.

#### **66. 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.

#### **67. 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.

#### **68. 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.

#### **69. 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.

#### **70. 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.

#### **71. Tree Irrigation / Watering Maintenance**

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

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

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

## **DURING CONSTRUCTION**

### **72. 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.

### **73. Critical Stage Inspections – Civil Works**

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

### **74. Documentation – Civil works**

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.

### **75. Site Inspection –Earth Works**

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

### **76. 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.

### **77. 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.

### **78. Compliance with BASIX Certificate**



Under Section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1226283M\_03 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

#### **79. 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.

#### **80. 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.

#### **81. 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.

#### **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 suitability 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 for review.

## **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

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

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

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

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

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

### **87. Landscaping Prior to Issue of any Occupation Certificate**

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan pursuant to condition 41 of this consent by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

### **88. Project Arborist Final Certification Prior to Issue of any Occupation Certificate**

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

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

Any changes in tree health, condition of growing environment or potential damage to trees during construction shall be documented and discussed, and any ongoing tree management

recommendations including any taken remedial action shall be provided. The above certification and documentation shall be submitted to the satisfaction of Council's Manager – Environment and Health prior to the issue of an Occupation Certificate.

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

#### **89. Design Verification Certificate**

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

#### **90. Completion of Engineering Works**

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

#### **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. Pump System Certification**

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

#### **93. Stormwater Management Certification**

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

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

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

#### **94. Creation of Restrictions/ Positive Covenants**

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

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

**a) Restriction – Bedroom Numbers**

The subject site must be burdened with a restriction using the “bedroom numbers” terms included in the standard recitals.

**b) Restriction/ Positive Covenant – Onsite Stormwater Detention**

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

**c) Restriction/ Positive Covenant – Water Sensitive Urban Design**

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

**d) Positive Covenant – Stormwater Pump**

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

**e) Positive Covenant – Onsite Waste Collection**

The subject site must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

**95. Completion of Civil Works/ Satisfactory Final Inspection**

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

**96. Civil Works – Submission Requirements**

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

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

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

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

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

#### **97. 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.

#### **98. Internal Pavement Construction**

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

#### **99. Final Inspection of Waste Storage Areas**

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

#### **100. Provision of Signage for Waste Storage Areas**

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

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

#### **101. Domestic Waste Collection Risk Assessment**

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

#### **102. Waste Chute System Installation Compliance Certificate**

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.

#### **103. Installation of Master Key System to Waste Collection Room**

Before the issue of an Occupation Certificate, the site project manager must organise with Council's contractor to install a lock box fitted with Council's Waste Management Master Key System 'P3520'. The lock box shall store keys to provide Council's Contractor access into the

waste holding room. The lock box fitted with Council's Master Key system is to be installed through Council's contractor at the cost of developer. Please contact Council's Resource Recovery Assessment Officer to organise the installation.

#### **104. Waste Tug and Trailer**

Prior to the issue of an Occupation Certificate, a ride-on waste tug and trailer attachment must be purchased at the cost of the developer and provided at the site. The tug and trolley must be handed over into the ownership of the Owners Corporation. The tug or trailer must be sized to hold at least 4 x 1100L bins. The ride-on tug must be capable of towing the trailer and full bins over all ramps and slopes between the waste storage areas and the designated collection point. A dedicated parking space, separate to residential and visitor spaces must also be provided to store the waste tug and trailer when not in use. Contact the Resource Recovery Department at Council should further clarification be needed.

#### **105. Insect and Odour Control**

Before the issue of an occupation certificate, Council's Resource Recovery Assessment Officer must be satisfied with the installation of an insect control system provided in the waste holding or collection rooms. The equipment installed must be an ultraviolet fly trap with a UV lamp of at least 20W or higher or similar. The fly trap should be an electric-grid style and mounted to an internal wall or attached to the ceiling. In addition, an adequate air deodoriser must be installed to help prevent offensive odours.

#### **106. Residential Apartment Noise Attenuation – compliance**

A AAAC 5 Star Certificate must be submitted by a qualified member of the Association of Australasian Acoustical Consultants (AAAC) demonstrating that the construction of the building including internal walls and floors ensures that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems as well as noise generated between residential units has sufficient acoustical attenuation. Details of compliance must be submitted to the Principal Certifying Authority before the issue of any Occupation Certificate.

### **THE USE OF THE SITE**

#### **107. Waste and Recycling Management**

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

#### **108. Waste Tug and Trailer Use**

Waste tug and trailer movements will be restricted to the lot boundaries of the development site. Under no circumstance is the waste tug and trailer be permitted to travel outside of the site onto surrounding private roads.

