



3 February, 2020

Yuantong Australia Pty Ltd
C/- Yarraman Developments P/L
PO Box 3748
MARSFIELD NSW 2122

Our Ref: 1658/2019/ZE

Dear Sir/ Madam

NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

In accordance with Section 4.18 of the Environmental Planning and Assessment Act 1979

Notice is given of determination by the consent authority of the development application described below.

Development:	Small lot housing development creating 11 residential lots/ dwellings
Development Application No.:	1658/2019/ZE
Property Description:	Lot 410 DP 1230476 Lot 410 DP 1230476 Kingston Avenue, MARAYLYA NSW 2765
Applicant:	Yuantong Australia Pty Ltd
Owner:	Yuantong Australia Pty Ltd
Decision:	Approved
Determination Date:	3 February 2020

The development application has been determined by granting consent subject to conditions. The conditions of consent are attached to this notice and are deemed necessary by the consent authority in accordance with Section 4.17 of the Environmental Planning and Assessment Act 1979.

Lapsing of Consent

This consent will lapse unless work is physically commenced within five years from the determination date in accordance with Section 4.53 of the Environmental Planning and Assessment Act 1979.

Right of Review

Division 8.2 of the Environmental Planning and Assessment Act 1979 allows an applicant the right to review a determination subject to such a request being made within six months of the determination date. Division 8.2 does not permit a review of determination in respect of designated development or Crown development (referred to in Division 4.6).

Right of Appeal

Division 8.3 of the Environmental Planning and Assessment Act 1979 allows an applicant who is dissatisfied with the determination of an application by the consent authority the right to appeal to the NSW Land and Environment Court within six months after receipt of this determination.

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Approved Plan

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

Title/ Stage	Reference	Issue	Author	Date
Plan of Subdivision	1255-ST7	A	Yarraman Developments	18/12/2018
Overall Site Plan	A1.2	B	Transpire	-
Lot 951	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 952	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 953	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 954	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 955	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 956	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 957	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 958	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 959	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 960	A3.2 - A3.8	B	Transpire	12/11/2019
Lot 961	A3.2 - A3.8	B	Transpire	12/11/2019
Landscape Plans	19-003/L02 19-003/L03	A	Jocelyn Ramsay	01/05/2019 21/03/2019

2. Planning Agreement

The obligations in the Planning Agreement between The Hills Shire Council and E.J. Cooper and Son Pty Ltd dated 12 March 2015 (Planning Agreement) must be performed in accordance with the terms of the Planning Agreement including but not limited to, the completion of Capital Works identified in Schedule 3 of the Planning Agreement and the Dedication of Land identified in Schedule 1.

3. Compliance with Rural Fire Service

Compliance with the requirements of the Rural Fire Service throughout all stages of the subdivision as outlined in their letter dated 27 June 2019 reference D19/1840 attached to this consent as Appendix 1.

4. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted in order to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

5. External Finishes

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

6. Zero Lot Line Dwellings – Easement Encroachment

No element of those dwellings located on the boundary line with an adjoining lot (zero lot line dwellings) can be located within that adjoining lot. Construction tolerances should be accounted for when surveying and constructing these dwellings.

Similarly, the dwellings on the lots adjacent, being those lots burdened by an easement for repair; must be located wholly outside of the easement except where it is shown on the approved plans that the encroaching eaves/ guttering does not impede maintenance access to either dwelling and that the encroachment is no closer than 450mm to the boundary.

7. 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

8. Planting Requirements

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

9. Disposal of Surplus Excavated Material

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

10. 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.

11. Provision of Domestic Waste Storage Area(s)

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

12. 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.

13. Construction Certificate – Building Works

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

14. Subdivision Works Certificate – Subdivision Works

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

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

15. Street Trees

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

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

16. Recycled Water – Box Hill/ Private

The subject site must be connected to the privately operated reticulated recycled water scheme; to offset the lack of rainwater or stormwater reuse in the development.

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

18. 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
- 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 concrete or bitumen.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- All driveways must be setback at least 1m from existing kerb inlet pits.

19. Vehicular Crossing Request

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

20. Minor Engineering Works

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

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveways must be built to Council's residential standard.

Specifically, only one driveway crossing is approved/ permitted per lot.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

a) Concrete Footpath Paving

A 1.2m wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath adjacent in accordance with the above documents.

b) 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.

c) Site Stormwater Drainage

The entire site area must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

d) Earthworks/ Site Regrading

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

Retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Yarraman Developments drawing number 1255-ST7-RW dated 14/11/2019.

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

e) Service Conduits

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

21. Site Remediation and Validation

The site is to be remediated in general accordance with the Remediation Action Plan (dated 15 April 2015, Report 43376/59205 (Rev 5) submitted for Development Consent 1397/2015/JP).

Any contaminated material that is proposed to be encapsulated and/ or buried on site shall be subject to an Environmental Management Plan which identifies:

- The material;
- Risks associated with the material;
- Justification as to why the material cannot be removed/ remediated;
- Details for a long-term monitoring program;
- Safe Work Method Statement for working in the vicinity of the material.

Prior to the encapsulating and/or burying of any contaminated material on site, prior approval of Council's Manager – Environment and Health is to be obtained.

Validation report

A validation report shall be submitted to the Principal Certifier. The report shall include:

- The degree of contamination originally present;
- Rationale and justification for the validation strategy, including the clean-up criteria and statistically based decision-making methodology;
- Validation sampling and analysis plan;
- Verification that remediation carried out renders the site suitable for the proposed uses.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE/ SUBDIVISION WORKS CERTIFICATE

22. 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.

23. Soil and Water Management Plan

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

A SWMP must include the following standard measures along with notes relating to stabilisation and maintenance:

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

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

24. 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 \$80,000.00 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 based on the size and scale of the development. It is usually calculated at the rate of \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road.

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

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

25. Garage Setback for Lot 958

Prior to the issue of a Construction Certificate for the dwelling on lot 958, the plans are to be updated requiring the garage to be setback 5.5 metres from the front boundary.

PRIOR TO WORK COMMENCING ON THE SITE

26. Builder and PCA Details

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

27. Construction Waste Management Plan Required

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

28. 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.

29. Erection of Signage – Supervision of Subdivision Work

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

- The name, address and telephone number of the Principal Certifier;
- 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.

30. 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.

31. Soil and Water Management

The approved 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.

32. Service Authority Consultation – Subdivision Works

Before subdivision works commence documentary evidence must be submitted confirming that satisfactory arrangements have been made for:

- The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.
- The provision of water and sewerage facilities.

- The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 1978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

33. Property Condition Report – Public Assets

A property condition report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- Planned construction access and delivery routes; and
- Dated photographic evidence of the condition of all public assets.

DURING CONSTRUCTION

34. 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.

35. Compliance with BASIX Certificate

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

Lot/ Dwelling No.	BASIX Certificate No.
951	1011019S
952	1009865S
953	1009588S_02
954	1009612S_02
955	1009856S
956	1009860S
957	1009637S_02
958	1009868S
959	1009645S_02
960	1009848S
961	1009740S

36. Confirmation of Compliance with Zero Lot Line

Prior to the installation of the external roof tiles or sheeting, written advice from a registered surveyor must be provided to the Principal Certifier confirming that the constructed guttering and fascia to the wall for each property using a zero lot line, is located wholly within the property boundary.

37. Critical Stage Inspections/ Inspections Nominated by the Principal Certifier

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

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

38. 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.

39. Critical Stage Inspections – Subdivision Works

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

40. Subdivision Earthworks – Lot Topsoil

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

41. Aboriginal Archaeological Sites or Relics

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

42. Aboriginal Heritage Impact Permit

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

43. 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.

44. Working Hours

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE/ SUBDIVISION CERTIFICATE

45. Planning Agreement

Written evidence is to be submitted to Council prior to the issue of a Subdivision Certificate, demonstrating that the relevant obligations of the Planning Agreement have been satisfied including, but not limited to, the completion of Capital Works identified in Schedule 3 of the Planning Agreement and the Dedication of Land identified in Schedule 1 of the Planning Agreement.

46. Compliance with Rural Fire Service Requirements

A report/ letter from a qualified bushfire consultant must be submitted confirming that the requirements of the Rural Fire Service have been complied with.

47. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

48. Building Services

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

49. Landscaping

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

50. Satisfactory Final Inspection

A final inspection must be carried out before an Occupation Certificate is issued. An Occupation Certificate must be issued before the dwellings are occupied.

51. Maintenance of BASIX Commitments

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

52. 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 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.

53. Completion of Subdivision Works/ Satisfactory Final Inspection

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

54. Subdivision Works – Submission Requirements

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

- Works as Executed Plans
- Site Fill Results

The works as executed plans must be prepared by a suitably qualified engineer or registered surveyor.

55. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

56. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an

authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

The only exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

57. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

58. Provision of Telecommunication Services

The developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

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

59. Site/ Lot Classification Report – Vacant Residential Lots

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

60. Final Plan and Section 88B Instrument

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

a) Easement – Repairs/ Zero Lot Line Dwellings

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

b) Restriction/ Covenant – Asset Protection Zone

All lots within the subdivision must be burdened with a restriction and a positive covenant using the "bushfire requirements/ asset protection zone" terms included in the standard recitals:

- Lots required to be managed as an asset protection zone require a positive covenant affecting the entire lot.
- Lots with a defined asset protection zone measured to a boundary or restricted development area (see below) require a restriction and a positive covenant that refers to an area defined on the plan.
- Lots with a defined approved dwelling footprint require a separate restriction (see above) within the nominated asset protection zone.

The restriction and positive covenant must specifically identify that the asset protection zone referred to earlier has been determined based on a performance based solution as noted in the Rural Fire Service comments attached

THE USE OF THE SITE

61. 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 area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

The reasons for the conditions imposed on this consent are:

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act 1979 and the aims and objectives of any other applicable environmental planning instruments.
2. To ensure local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 are maintained.

A copy of the relevant approved plans and documents is enclosed.

Please contact Gannon Cuneo on (02) 9843 0515 if you require further information.

Yours faithfully



Ben Hawkins

MANAGER – SUBDIVISION & DEVELOPMENT CERTIFICATION

APPENDIX 1

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: records@rfs.nsw.gov.au

Facsimile: 8741 5433



The General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

Your Ref: 1658/2019/ZE
Our Ref: D19/1840
DA19053118959 AS

ATTENTION: Laura Moran

27 June 2019

Dear Ms Moran

Integrated Development Application - 410//1230476 - Kingston Avenue Maraylya 2765

I refer to your correspondence dated 30 May 2019 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the 'Environmental Planning and Assessment Act 1979', and a Bush Fire Safety Authority, under Section 100B of the 'Rural Fires Act 1997', are now issued subject to the following conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the commencement of building works, or the issue of a subdivision certificate (whichever comes first) and in perpetuity, the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

2. The provision of water, electricity and gas services are to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Design and Construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

3. New construction on the entire roof, and the north-eastern, north-western, and south-western elevations of all new dwellings shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.
4. New construction on the south-eastern elevation of all new dwellings shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

Landscaping

5. Future landscaping to the site is required to comply with the principles of Appendix 5 of 'Planning for Bush Fire Protection 2006'. Boundary fencing shall be constructed from non-combustible materials only.

General Advice – consent authority to note

These conditions have been provided on the basis of the NSW RFS accepting the bush fire consultant's assessment that the nearby area subject to a revegetation Vegetation Management Plan will form a 'Scrub' hazard composition.

Should you wish to discuss this matter please contact Adam Small on 1300 NSW RFS.

Yours sincerely



Nika Fomin
Manager - Planning & Environment Services (East)

For general information on bush fire protection please visit www.rfs.nsw.gov.au