
MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

ITEM	SUBJECT	PAGE
ITEM-1	DA 141/2017/ZB - SUBDIVISION CREATING THREE RESIDENTIAL LOTS - LOT 12 DP 263747, NO. 58 RANGE ROAD, WEST PENNANT HILLS	3
ITEM-2	LOCAL GOVERNMENT REMUNERATION TRIBUNAL	16
ITEM-3	MODEL CODE OF MEETING PRACTICE	16

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

1 PRESENT

Clr Y D Keane (Mayor, in the Chair)
General Manager Dave Walker

2 IN ATTENDANCE

Group Manager – Environment & Planning, Cameron McKenzie
Group Manager – Strategic Planning, Michael Edgar

3 TIME OF COMMENCEMENT

10.00am

4 TIME OF COMPLETION

10.13am

5 DECLARATIONS OF INTEREST

Nil.

6 ARRIVALS AND DEPARTURES

Nil.

7 DISSENT FROM COUNCIL'S DECISIONS

Nil.

8 ADJOURNMENT & RESUMPTION

Nil.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

ITEM-1 **DA 141/2017/ZB - SUBDIVISION CREATING THREE RESIDENTIAL LOTS - LOT 12 DP 263747, NO. 58 RANGE ROAD, WEST PENNANT HILLS**

Proceedings in Brief

Clive Nichols of West Pennant Hills (Objector) addressed Council regarding this matter.

A MOTION WAS MOVED BY THE GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR KEANE THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

9 RESOLUTION

The application be approved subject to the following conditions of consent:-

GENERAL MATTERS

1. Approved Plan

The subdivision must be carried out in accordance with the approved plan of subdivision prepared by P.S. Graham and Associates Drawing S.15370A Revision INSERT dated 7-03-16 and other supporting documentation except where amended by other conditions of consent.

2. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service throughout all stages of the subdivision as outlined in their letter dated 23 August 2016 Ref D16/2536 attached to this consent as Appendix A.

3. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

4. Fencing

To protect the privacy of the adjoining properties boundary fencing is required to be erected along the side and rear boundaries, behind the building line. The fencing is to have a minimum height of 1.8m and is to consist of colorbond (or similar) or other material permitted to be erected in a bush fire prone area.

If you can get the agreement of an adjoining property owner in writing stating that they do not require the fencing to be erected than that section of boundary fencing does not need to be constructed.

5. Tree Removal

Approval is granted for the removal of 31 trees as detailed in Section 5 of the Arboricultural Impact Assessment Report prepared by Jacksons Nature Works 24th May 2016.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

6. Replacement Planting Requirements

To maintain the treed environment of the Shire six (6) local provenance advanced (45 litres) replacement trees from the following list are to be planted elsewhere within the property (2 per lot).

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

Large mature size:

Angophora costata Smooth barked Apple

Eucalyptus pilularis Blackbutt

7. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

8. Adherence to Demolition Waste Management Plans

All requirements of the Demolition Waste Management Plans submitted as part of the Development Application must be implemented during the demolition phase of the development, except if contrary to other conditions of consent which take precedence. The information submitted 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.

9. Management of 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

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au.

10. 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.

11. Construction of Garbage Bin Storage Area

The garbage bin storage area must be sized to hold 9 x 240 litre bins. The floor must be constructed of concrete with a smooth non-slip finish, graded and drained to landscape areas. Bin screening must be a minimum of 1.5m high. The purpose of the garbage bin storage area is to provide an alternative bin storage point which allows bins to be wheeled to the street over acceptable gradient.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

12. Creation of Easement

Prior to the release of the construction certificate evidence must be submitted to council that an easement over a downstream property has been created to allow for the site to be drained via gravity to a legal point of discharge in accordance with this consent.

13. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

14. Engineering Works and Design

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

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

a) 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.

b) 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.

c) Access Handle Driveway Construction

A 5m wide (minimum) reinforced concrete driveway over the shared access handle of proposed lots 2 and 3 is required in accordance with the above documents and Council's driveway specifications.

d) 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.

e) 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.

f) Stormwater Drainage – Pipe Extension

The proposed stormwater/ inter-allotment drainage easement outlet must be connected to exiting kerb inlet pit in Heidi Place. Where this no kerb inlet pit in close proximity to the discharge point, a new kerb inlet pit must be provided in Heidi Place and the street drainage extended from the existing pit downstream. The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

g) Inter-allotment Stormwater Drainage

Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a graded

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system.

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

15. 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.

16. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and
- A maintenance program.

PRIOR TO WORK COMMENCING ON THE SITE

17. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

18. 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.

19. Erection of Signage – Supervision of Work

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

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

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

20. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, 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.

21. Sediment and Erosion Control

The approved sediment and erosion control measures, including a stabilised all weather access point, 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.

22. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

- 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 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

23. 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.

24. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. 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. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

25. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

DURING CONSTRUCTION

26. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

27. Critical Stage Inspections – Subdivision Works

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

28. 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.

29. 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.

30. 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.

31. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

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.

32. Tree Removal & Fauna Protection

Trees with hollows shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.

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

33. Protection of Existing Vegetation

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

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

34. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Private Certifying Authority within 14 days of completion of the works.

35. Vegetation Management & Weed Removal

All noxious weeds shall be removed from the subject site within 1 year of commencement of subdivision works, using best practice weed management techniques.

36. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

37. Compliance with NSW Rural Fire Service Requirements

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

38. 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).

39. Completion of Subdivision Works

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

40. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

41. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

42. 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.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

43. 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.

44. Provision of Telecommunication Services

For a fibre-ready facility, written certification from a qualified installer must be submitted confirming that the telecommunications infrastructure has been installed in accordance with the following requirements:

- The Telecommunications Act 19978 (Cth).
- The standard specifications of NBN Co current at the time of installation.
- All telecommunications infrastructure must be undergrounded.

The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

In all other cases (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.

45. Final Plan and Section 88B Instrument

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

a) Easement – Private Stormwater Drainage

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

b) Easement – Right of Access/ Easement for Services

A right of access/ easement for services must be created over the access handle of proposed lot 2 and 3.

c) Positive Covenant – Maintenance/ Repair of Shared Driveway

A positive covenant must be placed on the title of proposed lots 1 to 3 to ensure the maintenance/ repair of the shared driveway using the "maintenance/ repair of shared access" terms included in the standard recitals.

d) Restriction/ Covenant – Onsite Stormwater Detention

Two of the proposed lots must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

e) Restriction/ Covenant – Asset Protection Zone

All lots 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.

f) Easement – Waste Storage

An easement which burdens lot 3 to the benefit of lots 1 and 2 must be created which allows the storage of waste bins as shown on the approved plan of subdivision.

46. Site/ Lot Classification Report

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.

47. Biodiversity compliance

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

- a. **Evidence of Local Provenance** – Invoices detailing the procurement of local provenance species used in any landscaping/bush regeneration works.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

Appendix A

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

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

Facsimile: 8741 5433



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

Your Ref: 141/2017/ZB
Our Ref: D16/2536
DA16081003271 MA

ATTENTION: Simon Turner

23 August 2016

Dear Sir/Madam

Integrated Development for Lot 12 DP 263747, 58 Range Road West Pennant Hills NSW 2125

I refer to your letter dated 2 August 2016 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered 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 issue of subdivision certificate 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'.

General Advice – consent authority to note

This approval is for the subdivision of the land only. Any further development application for class 1,2 & 3 buildings as identified by the 'Building Code of Australia' may be subject to separate application under section 79BA of the EP & A Act and address the requirements of 'Planning for Bush Fire Protection 2006'.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

For any queries regarding this correspondence please contact Matthew Apps on 1300 NSW RFS.

Yours sincerely

Handwritten signature of Jason Maslen in black ink, consisting of the initials 'J.M.C.' in a cursive style.

Jason Maslen
Team Leader Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

MINUTES of the duly convened Delegated Authority Meeting of The Hills Shire Council held in the Council Chambers on 24 January 2017

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

General Manager, Dave Walker
Clr Y D Keane

VOTING AGAINST THE MOTION

Nil

ITEM-2 LOCAL GOVERNMENT REMUNERATION TRIBUNAL

A MOTION WAS MOVED BY THE GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR KEANE THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

10 RESOLUTION

The Mayor and General Manager be authorised to make a submission to the Local Government Remuneration Tribunal.

ITEM-3 MODEL CODE OF MEETING PRACTICE

A MOTION WAS MOVED BY THE GENERAL MANAGER DAVID WALKER AND SECONDED BY COUNCILLOR KEANE THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

11 RESOLUTION

The report be received.

The Minutes of the above Meeting were confirmed at the Meeting of the Council held on 14 February 2017.

MAYOR

GENERAL MANAGER