

Form G

Commonwealth of Australia
Competition and Consumer Act 2010 — subsection 93 (1)
NOTIFICATION OF EXCLUSIVE DEALING

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with subsection 93 (1) of the *Competition and Consumer Act 2010*, of particulars of conduct or of proposed conduct of a kind referred to subsections 47 (2), (3), (4), (5), (6), (7), (8) or (9) of that Act in which the person giving notice engages or proposes to engage.

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

1. Applicant

- (a) Name of person giving notice:
(Refer to direction 2)

N98959 Lendlease GPT (Rouse Hill) Pty Limited ACN 106 393 917 of Level 4, The Bond 30 Hickson Road Millers Point NSW 2000

- (b) Short description of business carried on by that person:

Property development - subdivision and sale of residential lots of land

(Refer to direction 3)

- (c) Address in Australia for service of documents on that person:

Level 4, The Bond 30 Hickson Road Millers Point NSW 2000

2. Notified arrangement

- (a) Description of the goods or services in relation to the supply or acquisition of which this notice relates:

- residential lots in a new component of housing development within Lots 152 and 153 in DP 280009, Bellcast Road and Picket Place, Rouse Hill, being developed by Lendlease GPT (Rouse Hill) Pty Limited (Lendlease GPT);
- contracts for construction of residential dwellings.

- (b) Description of the conduct or proposed conduct:
(Refer to direction 4)

The proposed conduct involves offering for sale residential lots on each development in Rouse Hill on the condition that the purchaser enters into a building contract with a builder (nominated by Lendlease GPT) for the construction of a dwelling on the land.

Background

The Minister administering the Environmental Planning and Assessment Act 1979 (**Vendor**) is the owner of the property in Folio Identifiers 152/280009 and 153/280009 located at Bellcast Road and Picket Place, Rouse Hill, New South Wales which is part of a staged development known as The New Rouse Hill (the **New Rouse Hill Development**).

Lots 152 and 153 in DP 280009 (being approximately 2,148 square meters) will be further subdivided into 7 residential lots (**Residential Lots**). Approval for the subdivision of Lots 152 and 153 in DP280009 has been granted by Development Consent no. DA1040/2015/HB.

Lendlease GPT proposes to assess and choose a selected builder for the Residential Lots from a list of nominated builders (**Selected Builder**). In selecting a builder Lendlease GPT will make assessment of which builder it considered most suitable based on the necessary skills and capabilities. The Selected Builder when chosen will be required to meet a high standard of design and comply with Lendlease GPT's specifications.

Lendlease GPT proposes to enter into a Call Option Deed with the Selected Builder with respect to Lots 152 and 153 (**Call Option Deed**).

Pursuant to the Call Option Deed, the Selected Builder may nominate a third party purchaser to purchase the lot or lots the subject of the Call Option Deed.

If the Selected Builder nominates a third party purchaser to purchase the lot or lots, the purchaser will enter into a building contract with the Selected Builder for the construction of a dwelling by the Selected Builder on the lot (**Building Contract**). Once the Building Contract has been entered into, the purchaser may then enter into a contract with Lendlease GPT for the purchase of the land and the construction of the dwelling on the land (**Land Contract**).

Lendlease GPT proposes to include in the contract for sale of the Residential Lots, a condition that the purchaser is required to enter into a Building Contract with the Selected Builder to construct a specific home and improvements on the land the subject of the Land Contract.

3. **Persons, or classes of persons, affected or likely to be affected by the notified conduct**

- (a) Class or classes of persons to which the conduct relates:
(*Refer to direction 5*)

Potential purchasers of lots 152 and 153 in DP 280009.

- (b) Number of those persons:
(i) At present time:

Nil

- (ii) Estimated within the next year:
(Refer to direction 6)

7 potential purchasers

- (c) Where number of persons stated in item 3 (b) (i) is less than 50, their names and addresses:

Not applicable.

4. Public benefit claims

- (a) Arguments in support of notification:
(Refer to direction 7)

The purpose of requiring potential purchasers to engage the Selected Builder is to ensure that all homes are constructed in accordance with the same criteria and standards set by Lendlease GPT, thereby creating consistency of design and quality throughout the New Rouse Hill Development.

By retaining control of the design and construction of these properties, Lendlease GPT aims to create a consistent and aesthetically pleasing development based on high quality and design standards. This will in turn protect and enhance the value of the properties within the New Rouse Hill Development.

Lendlease GPT will work closely with the Selected Builder to ensure that the houses will comply with the New Rouse Hill Development's design guidelines. Lendlease GPT will also be able to control the environmental and social objectives of the New Rouse Hill Development and to ensure compliance by the Selected Builder.

The following public benefits are also likely to result from this arrangement:

1. a reduction in the search time and transaction costs for potential purchasers in regards to finding a builder;
2. lower building costs for potential purchasers due to economies of scale generated by the Selected Builder in relation to the acquisition of building supplies and supply of labour;
3. a competitive price for the house and land package. Lendlease GPT is able to negotiate more competitive prices with the Selected Builder than if individual purchasers were to negotiate with the builder; and
4. ensures that there is a certain level of consistency throughout the New Rouse Hill Development which may result in a higher resale value for each residential home.

Accordingly, Lendlease GPT submits that the proposed 'house and land' arrangement will be an effective and simple method for consumers to buy quality-constructed homes in the New Rouse Hill Development.

(b) Facts and evidence relied upon in support of these claims:

- Annexure A: Development Consent No. 1040/2015/HB
- Annexure B: Draft Precinct Plans of Subdivision

5. Market definition

Provide a description of the market(s) in which the goods or services described at 2 (a) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions): *(Refer to direction 8)*

For the purposes of this notification, Lendlease GPT considers that the relevant market is likely to be the residential real estate market and the home building market within the geographical vicinity of the subject property, that is, in suburban Sydney. Both are highly competitive markets.

6. Public detriments

(a) Detriments to the public resulting or likely to result from the notification, in particular the likely effect of the notified conduct on the prices of the goods or services described at 2 (a) above and the prices of goods or services in other affected markets: *(Refer to direction 9)*

Lendlease GPT submits that the proposed conduct is unlikely to cause any detriment to the public at large. As discussed above, Lendlease GPT considers that the overall effect of the notified behaviour will be to provide the buyer with the construction of a home at a lower cost.

The potential buyers will be able to compare the price of the property in the New Rouse Hill Development with those of existing houses, vacant lots and other 'house and land' packages to ensure that the prices have not been inflated by the use of the Selected Builder.

Lendlease GPT also submits that any adverse impact on competition would be negligible given the size of the property market and the number of properties involved in this development.

Overall, Lendlease GPT submits that the notified behaviour will not limit the vast range of choices available to potential buyers based on quality and price and potential buyers will have a genuine choice whether or not to purchase the 'house and land' package offered by Lendlease GPT.

14 MAR 2016

- (b) Facts and evidence relevant to these detriments:

In Sydney, where the New Rouse Hill Development is situated, there is a number of competing residential subdivisions and developments currently selling 'house and land' packages.

7. Further information

- (a) Name, postal address and contact telephone details of the person authorised to provide additional information in relation to this notification:

Cameron Sheather

Partner

Holding Redlich

Level 65, MLC Centre, 19 Martin Place, Sydney NSW 2000

Dated..... 9 MARCH 2016

Signed by/on behalf of the applicant

.....
(Signature)

.....
(Full Name)

.....
(Organisation)

.....
(Position in Organisation)

DIRECTIONS

1. In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission to take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

2. If the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the notice, and the notice is to be signed by a person authorised by the corporation to do so.
3. Describe that part of the business of the person giving the notice in the course of which the conduct is engaged in.
4. If particulars of a condition or of a reason of the type referred to in section 47 of the *Competition and Consumer Act 2010* have been reduced in whole or in part to writing, a copy of the writing is to be provided with the notice.
5. Describe the business or consumers likely to be affected by the conduct.
6. State an estimate of the highest number of persons with whom the entity giving the notice is likely to deal in the course of engaging in the conduct at any time during the next year.
7. Provide details of those public benefits claimed to result or to be likely to result from the proposed conduct including quantification of those benefits where possible.
8. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
9. Provide details of the detriments to the public which may result from the proposed conduct including quantification of those detriments where possible.

DETAIL PLAN

SURVEYING AND SPATIAL INFORMATION REGULATION 2008 CLAUSE 61(2) & CLAUSE 35(1)(b)				
MARK	MGA EASTING	MGA NORTHING	CLASS ORDER METHOD	ORIGIN
SSM 141655	307 904.721	6289 616.485	C	4
SSM 154310	308 001.711	6289 591.505	C	4
SSM 154311	308 010.588	6289 649.087	C	4
SSM 165462	308 010.216	6289 700.577	C	4
COMBINED SCALE FACTOR - 1.000347				ZONE 56
SOURCE: MGA CO-ORDINATES AND SCALE FACTOR ADOPTED FROM SCMS ON THE FEBRUARY 2016				

SSM CONNECTIONS
 SSM 141655-SSM 154310-SSM 154311 SURVEY
 42°45'30"-155°37' SURVEY
 SSM 154310-SSM 154311 SURVEY
 179°43'55"-81°48' MGA GRID
 SSM 154311-SSM 165462 SURVEY
 232°59'05"-101°78' MGA GRID

SCHEDULE OF SHORT & CURVED LINES

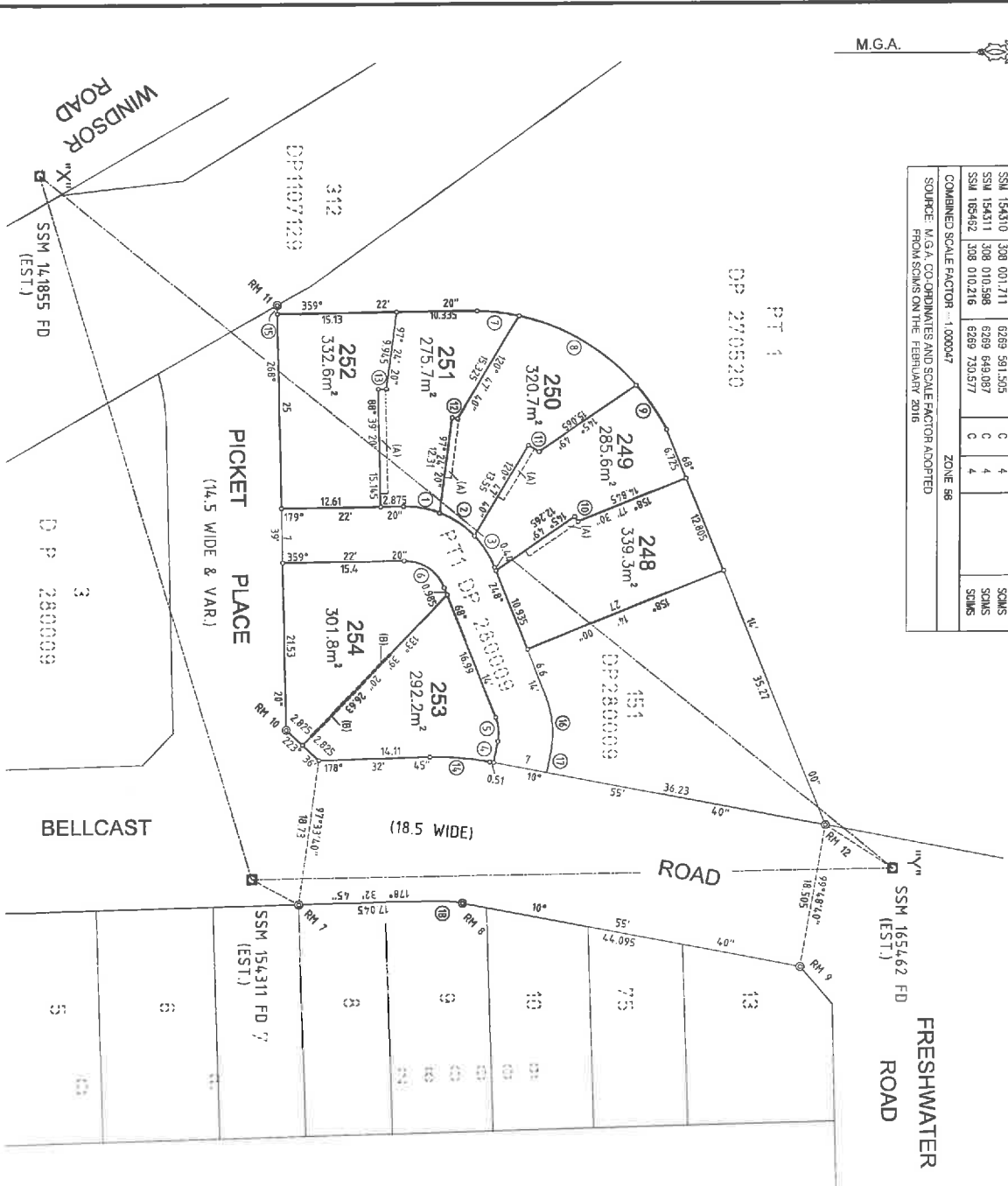
No.	Bearing	Distance	Arc	Radius
1	10°12'45"	4.7	4.73	12.5
2	33°32'30"	5.405	5.45	12.5
3	57°08'00"	4.815	4.845	12.5
4	280°54'50"	2.79		
5	84°34'55"	3.095	3.11	5.5
6	33°48'15"	6.22	6.61	5.5
7	6°57'00"	5.44	5.445	28.16
8	30°42'30"	17.605	17.905	28.16
9	55°58'50"	6.92	6.935	28.16
10	234°51'50"	0.77		
11	210°47'42"	1.62		
12	187°24'20"	0.235		
13	178°39'20"	1.01		
14	184°44'20"	7.82	7.835	36.25
15	268°39'20"	1.12		
16	84°34'55"	7.035	7.135	12.5
17	100°55'50"	2.79		
18	4°42'20"	3.83	3.835	17.75

(A) EASEMENT FOR REPAIRS 0.9 WIDE
 (B) EASEMENT FOR SUPPORT 0.15 WIDE

SCHEDULE OF REFERENCE MARKS

No	MARK	BEARING	DISTANCE
RM 6	D.H.&W. FD (DP280009)	84°45'	3.45
RM 7	SSM 154310 FD	44°40'	19.15
RM 8	SSM 154311 FD	28°43'30"	5.86
RM 9	D.H.&W. FD (DP280009)	105°34'30"	14.415
RM 10	D.H.&W. FD (DP280009)	142°19'	4.54
RM 11	D.H.&W. FD (DP280009)	113°33'	14.175
RM 12	D.H.&W. FD (DP280009)	63°45'	4.235
RM 13	D.H.&W. FD (DP280009)	99°22'	13.885
RM 14	D.H.&W. FD (DP280009)	358°30'	3.375
RM 15	D.H.&W. FD (DP280009)	356°46'	11.08
RM 16	D.H.&W. FD (DP280009)	323°22'	4.155
RM 17	D.H.&W. FD (DP280009)	346°47'28"	14.035
RM 18	D.H.&W. FD (DP280009)	281°11'	4.42
RM 19	SSM 165462 FD	217°42'	10.315

NOTE:
 LOT AREAS AND DIMENSIONS ARE SUBJECT TO FINAL SURVEY



M.G.A.



ADDITIONAL SHEET NOTE
 THIS IS SHEET 34 OF DP 280009 AND IT
 REPLACES SHEET 21 AS REGARDS LOT 152 AND
 153 AND IS AN ADDITIONAL SHEET

Surveyor: Matthew Russell Stanley
 Date of Survey: February 2016
 Surveyors Ref: 0059-STB-002.dwg

PLAN OF
 SUBDIVISION OF LOT 152 AND 153 IN DP 280009

L.G.A. THE HILLS SHIRE
 Locality: ROUSE HILL
 Subdivision No:
 Lengths are in metres
 Reduction Ratio: 1 400

D.P. DRAFT
 26/02/2016

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 1 of 7 sheet(s)

<p>Registered: _____</p> <p>Title System: _____</p> <p>Purpose: _____</p>	<p>Office Use Only</p> <p style="text-align: center;">DRAFT</p> <p style="text-align: center;">26/02/2016</p>
<p>PLAN OF SUBDIVISION OF LOTS 152 AND 153 IN DP 280009</p>	<p>LGA: THE HILLS SHIRE</p> <p>Locality: ROUSE HILL</p> <p>Parish: CASTLE HILL</p> <p>County: CUMBERLAND</p>
<p>Crown Lands NSW/Western Lands Office Approval</p> <p>I, (Authorised Officer) in approving this plan certify that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature:</p> <p>Date:</p> <p>File Number:</p> <p>Office:</p>	<p style="text-align: center;">Survey Certificate</p> <p>I, MATTHEW RUSSELL STANLEY of RPS AUST EAST PTY LTD a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certify that:</p> <p>*(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on</p> <p>*(b) The part of the land shown in the plan (*being/*excluding ^.....) was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>, is accurate and the survey was completed on,..... the part not surveyed was compiled in accordance with that Regulation.</p> <p>*(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>.</p> <p>Signature: Dated:</p> <p>Surveyor ID: 8759</p> <p>Datum Line: "A"- "B"</p> <p>Type: *Urban/*Rural</p> <p>The terrain is *Level-Undulating / *Steep-Mountainous.</p> <p>*Strike through if inapplicable.</p> <p>^Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>
<p style="text-align: center;">Subdivision Certificate</p> <p>I, *Authorised Person/*General Manager/*Accredited Certifier, certify that the provisions of s.109J of the <i>Environmental Planning and Assessment Act 1979</i> have been satisfied in relation to the proposed subdivision, new road or reserve set out herein.</p> <p>Signature:</p> <p>Accreditation number:</p> <p>Consent Authority:</p> <p>Date of endorsement:</p> <p>Subdivision Certificate number:</p> <p>File number:</p> <p>*Strike through if inapplicable.</p>	<p>Plans used in the preparation of survey/compilation: DP 280009</p> <p style="text-align: right;">If space is insufficient continue on PLAN FORM 6A</p>
<p>Statements of intention to dedicate public roads, create public reserves and drainage reserves, acquire/resume land.</p> <p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	<p>Surveyor's Reference: D059-ST3Ba</p>

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 2 of 7 sheet(s)

Office Use Only

Registered:

**PLAN OF SUBDIVISION OF
LOTS 152 AND 153 IN DP 280009**

Subdivision Certificate number:

Date of Endorsement:

Office Use Only

DRAFT

26/02/2016

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

PURSUANT TO SEC 88B OF THE CONVEYANCING ACT 1919 AS AMENDED, IT IS INTENDED TO CREATE:-

1. EASEMENT FOR REPAIRS 0.9 WIDE (A)
2. EASEMENT FOR SUPPORT 0.15 WIDE (B)
3. RESTRICTION ON THE USE OF LAND

Surveyor's Reference: D059-ST3Ba

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 3 of 7 sheet(s)

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Registered:

PLAN OF SUBDIVISION OF
LOTS 152 AND 153 IN DP 280009

DRAFT
26/02/2016

Subdivision Certificate number:

Date of endorsement:

Signatures and Consents, a schedule of lots and addresses and statements relating to a section 88B instrument should be provided on Plan Form 6A

Name of Development (Optional)
SOUTHERN RESIDENTIAL PRECINCT

Address for Service of Notices

WARNING STATEMENT (Approved Form 7)

This document shows an initial schedule of unit entitlements for the ~~Community~~ Precinct or Neighbourhood Scheme which is liable to be altered, as the scheme is developed or on completion of the scheme, in accordance with the provisions of section 30 *Community Land Development Act 1989*.

Any changes will be recorded in a replacement schedule.

UPDATE NOTE (Approved Form 8)

This document contains an *updated/*revised Schedule of Unit Entitlements and replaces the existing schedule registered on ^ 31.10.2012

* Strike through if inapplicable ^ Insert registration date of previous schedule

VALUER'S CERTIFICATE (Approved Form 9)

I, of being a Valuer registered under the *Valuers Registration Act 1975*, certify that;

- * (a) The unit entitlements shown in the schedule herewith are based upon valuations made by me on ^
- * (b) The unit entitlements shown in the schedule herewith, for the new lots created by the subdivision, are based upon their market value on ^ being the date of the valuer's certificate lodged with the original initial schedule or the revised schedule.

Signature: Dated:

* Strike through if inapplicable ^ Insert date of valuation

SCHEDULE OF UNIT ENTITLEMENT

LOT	ENTITLEMENT	SUBDIVISION	LOT	ENTITLEMENT	SUBDIVISION	LOT	ENTITLEMENT	SUBDIVISION
1	PRECINCT PROPERTY		18	43		34	36	
2	NOW LOTS 151-153	SEE SHEET 21	19	39		35	40	
3	475		20	46		36	36	
4	46		21	43		37	44	
5	43		22	46		38	40	
6	46		23	43		39	46	
7	39		24	46		40	39	
8	39		25	46		41	46	
9	43		26	46		42	43	
10	43		27	44		43	43	
11	NOW LOTS 13 TO 76	SEE SHEETS 7 - 10	28	43		44	46	
12	NOW ROAD	SEE DOC. H	29	43		45	46	
13	49		30	44		CONTINUED SHEET 4		
14	46		31	44				
15	46		32	40				
16	43		33	36				
17	39							

If space is insufficient use annexure sheet -Plan Form 6A

Surveyor's Reference: D059-ST3Ba

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 4 of 7 sheet(s)

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26/02/2016

**PLAN OF SUBDIVISION OF
LOTS 152 AND 153 IN DP 280009**

This sheet is for the provision of the following information as required:

- A schedule of lots and addresses - See 60(c) *SSI Regulation 2012*
- Statements of intention to create and release affecting interests in accordance with section 88B *Conveyancing Act 1919*
- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

LOT	UNIT ENTITLEMENT	SUBDIVISION	LOT	UNIT ENTITLEMENT	SUBDIVISION
46	39		80	44	
47	26		81	44	
48	26		82	46	
49	43		83	43	
50	46		84	43	
51	NOW LOTS 131 - 137	SEE SHEETS 17 - 19	85	46	
52	46		86	43	
53	43		87	44	
54	53		88	43	
55	43		89	39	
56	46		90	39	
57	43		91	43	
58	39		92	46	
59	40		93	39	
60	43		94	40	
61	40		95	43	
62	40		96	51	
63	36		97	43	
64	40		98	39	
65	46		99	39	
66	40		100	43	
67	43		101	43	
68	46		102	40	
69	40		103	39	
70	40		104	39	
71	36		105	26	
72	36		106	46	
73	40		107	40	
74	40		108	36	
75	36		109	40	
76	NOW LOTS 77 + ROAD	SEE SHEETS 11 - 13	110	36	
77	NOW LOTS 78 -130	SEE SHEETS 14 - 16	111	40	
78	44		112	44	
79	40		CONTINUED SHEET 5		

Surveyor's Reference: D059-ST3Ba

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 5 of 7 sheet(s)

Office Use Only

Office Use Only

Registered:

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26/02/2016

**PLAN OF SUBDIVISION OF
LOTS 152 AND 153 IN DP 280009**

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- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

LOT	UNIT ENTITLEMENT	SUBDIVISION	LOT	UNIT ENTITLEMENT	SUBDIVISION
113	36		149	42	
114	36		150	44	
115	36		151	86	
116	40		152	NOW LOTS 248-252	SEE SHEET 34
117	39		153	NOW LOTS 253-254	SEE SHEET 34
118	26		154	43	
119	40		155	43	
120	36		156	39	
121	36		157	39	
122	40		158	43	
123	40		159	39	
124	40		160	46	
125	44		161	43	
126	46		162	39	
127	44		163	40	
128	NOW LOTS 138 - 150	SEE SHEET 20	164	40	
129	NOW LOTS 214 -222	SEE SHEETS 27 -28	165	40	
130	NOW LOTS 154 - 213	SEE SHEETS 22 - 26	166	40	
131	25		167	40	
132	21		168	36	
133	21		169	43	
134	21		170	43	
135	21		171	36	
136	21		172	40	
137	23		173	40	
138	39		174	46	
139	39		175	46	
140	39		176	43	
141	39		177	43	
142	42		178	46	
143	39		179	46	
144	39		180	46	
145	39		181	46	
146	39		182	46	
147	42		183	46	
148	42				
			CONTINUED	SHEET	6

Surveyor's Reference: D059-ST3Ba

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 6 of 7 sheet(s)

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Registered:

DRAFT

26/02/2016

**PLAN OF SUBDIVISION OF
LOTS 152 AND 153 IN DP 280009**

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Subdivision Certificate number:

Date of Endorsement:

LOT	UNIT ENTITLEMENT	SUBDIVISION	LOT	UNIT ENTITLEMENT	SUBDIVISION
184	44		221	40	
185	40		222	36	
186	40		223	35	
187	46		224	35	
188	39		225	35	
189	43		226	35	
190	43		227	35	
191	43		228	35	
192	43		229	35	
193	43		230	35	
194	46		231	35	
195	43		232	-	CONVERTED TO LOT 1 (SEE SHEET 5A)
196	46		233	35	
197	46		234	29	
198	46		235	29	
199	46		236	29	
200	44		237	29	
201	43		238	29	
202	43		239	29	
203	43		240	30	
204	43		241	30	
205	40		242	30	
206	36		243	30	
207	43		244	30	
208	43		245	30	
209	36		246	30	
210	NOW LOTS 234-247	SEE SHEETS 31-33	247	-	CONVERTED TO LOT 1 (SEE SHEET 5B)
211	NOW LOTS 223-233	SEE SHEETS 29-30	248	61	
212	1		249	54	
213	-	DRAINAGE RESERVE	250	54	
214	36		251	54	
215	36		252	61	
216	36		253	39	
217	36		254	40	
218	36				
219	38				
220	38		TOTAL	9973	

Surveyor's Reference: D059-ST3Ba

DEPOSITED PLAN ADMINISTRATION SHEET

Sheet 7 of 7 sheet(s)

Office Use Only

Office Use Only

Registered:

DRAFT

26/02/2016

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LOTS 152 AND 153 IN DP 280009**

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- Signatures and seals- see 195D *Conveyancing Act 1919*
- Any information which cannot fit in the appropriate panel of sheet 1 of the administration sheets.

Subdivision Certificate number:

Date of Endorsement:

STREET ADDRESS SCHEDULE

LOT	STREET No.	STREET NAME	STREET TYPE	LOCALITY
248	10	CRAB APPLE	LANE	ROUSE HILL
249	8	CRAB APPLE	LANE	ROUSE HILL
250	6	CRAB APPLE	LANE	ROUSE HILL
251	4	CRAB APPLE	LANE	ROUSE HILL
252	2	CRAB APPLE	LANE	ROUSE HILL
253	6	BELLCAST	ROAD	ROUSE HILL
254	1	PICKET	PLACE	ROUSE HILL

Surveyor's Reference: D059-ST3Ba

THE HILLS SHIRE COUNCIL

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ABN No. 25 034 494 656

5 August 2015

Lend Lease GPT (Rouse Hill) Pty Ltd
PO Box 4
PARRAMATTA NSW 2124

Ref No.:1040/2015/HB
Delegated Authority

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by The Hills Shire Council of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.

This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Review

Section 82A of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000. For development applications lodged before 28 February 2011, the statutory timeframe for review is twelve (12) months from the determination date.

Section 82(A)(1) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) Designated development, or
- b) Integrated development, or
- c) An application by the Crown determined by Council under section 116(E).

Right of Appeal

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

APPLICANT Lend Lease GPT (Rouse Hill) Pty Ltd

OWNER: Minister Administering The Environmental Planning & Assessment Act

PROPERTY: Lot 153 DP 280009 and Lot 152 DP 280009
Picket Place and Bellcast Road, Rouse Hill

DEVELOPMENT: Integrated Housing Development comprising Seven Dwellings and Associated Subdivision

ENDORSED DATE OF CONSENT: 05 August 2015

CONDITIONS OF CONSENT

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	DATE
1406 DA01	Site Plan & Locality	2/6/15 Rev. E
1406 DA02	Site Plan – Ground Floor	2/6/15 Rev. D
1406 DA03	First Floor & Roof Plan	2/6/15 Rev. D
1406 DA04	Site Elevations	12/1/15 Rev. C
1406 DA05	Dwelling - Type 1	30/3/15 Rev. C
1406 DA06	Dwelling – Type 2	10/11/14 Rev. B
1406 DA07	Dwelling – Type 3	9/6/15 Rev. E
1406 DA08	Dwelling Type 3	12/1/15 Rev. D
1406 DA09	Shadow Diagrams	15/1/15 Rev. C
1406 DA10	Materials and Finishes	10/9/14 Rev. A
1406 DA10a	Street Massing	10/9/14
D059-ST3B	Plan of Lots 152 and 153 DP 280009	---
D059-ST3A-002c.dwg	Plan of Subdivision of Lot 2 DP 280009 & Easements within Lot 12 DP280009	29 th February 2008

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. Rouse Hill Regional Centre Planning Agreement

Contributions for the 7 dwellings created are to be made in accordance with the provisions of the Rouse Hill Regional Centre Planning Agreement dated 29/12/2006.

3. External Finishes

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

4. 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 an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

5. 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.

6. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by RPS AUST EAST P/L Drawing D059-ST3B except where amended by other conditions of consent.

7. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

8. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways are required with their design and construction complying with:

- a) AS/ NZS 2890.1
- b) Council's DCP Part C Section 1 – Parking
- c) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

9. Minor Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Any variance from these documents requires separate approval from Council.

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.

i. Site Stormwater Drainage

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

ii. 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.

iii. 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.

10. Subdivision Certificate Pre-Lodgement Meeting/ Check

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

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

11. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

12. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained and protected throughout the works.

13. 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.

14. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the development. 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.

15. 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

16. Commencement of Domestic Waste Services

A domestic waste service is required to be commenced for each dwelling. The service is to be arranged by the property owner or agent acting for the owner no earlier than two days prior to occupancy and no later than two days after occupancy. All requirements of Council's domestic waste collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

17. Provision of Domestic Waste Storage Areas

Sufficient space must be allocated within the lot boundary of each property to store a minimum of 2 x 240L and 1 x 140L bins. The nominated locations must ensure that the

bins are not visible from any adjoining property or public place, and allow the bins to be wheeled to the street over flat or ramped surfaces and not over steps, kerbs, landscape edging or a habitable area of the dwelling. The measurements of the abovementioned bins are as follows:

140L: 540mm (d) 500mm (w) 1065mm (h) **240L:** 735mm (d) 580mm (w) 1080mm (h)

18. Property Numbering for Integrated Housing

The responsibility for property numbering is vested solely in Council.

The property addresses for this development in Rouse Hill are: -

Lot 248	10 Crab Apple Lane
Lot 249	8 Crab Apple Lane
Lot 250	6 Crab Apple Lane
Lot 251	4 Crab Apple Lane
Lot 252	2 Crab Apple Lane
Lot 253	6 Bellcast Road
Lot 254	1 Picket Place

The street numbers as issued are to be displayed at the front entrance to each property or on the relevant mail box.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

19. Sydney Trains Requirements

The following is required by Sydney Trains (Railcorp):

- i. Prior to the issue of a Construction Certificate the Applicant is to submit to Council an acoustic assessment demonstrating how the development will comply with the Department of Planning and Infrastructure's document titled *"Development Near Rail Corridors and Busy Roads - Interim Guidelines"*.
- ii. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the electrolysis risk to the development from stray currents from the North West Rail Link. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.
- iii. Prior to the issue of a Construction Certificate the Applicant is to submit to the Deputy Project Director, Rapid Transit Integration, North West Rail Link Delivery Office of Transport for NSW (TfNSW) a plan showing all craneage and other aerial operations for the development and must comply with all TfNSW requirements. The Principle Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from the TfNSW confirming that this condition has been satisfied.
- iv. Drainage from the development must be adequately managed and disposed of and not allowed to discharge into the rail corridor.

20. Privacy Measures for Windows

Upper storey habitable room windows within 4.5 metres of a side boundary, within 5 metres of a rear boundary of a 25 metre deep lot or within 7 metres of a rear boundary of a 30 metre lot are to have permanent privacy measures. Acceptable privacy measures include landscaping, alternative window arrangements, external louvers, 1.5 metre sill

height or fixed and obscured glass to 1.5 metres with clear and/or operable glass over. Details are to be provided the Private Certifying Authority prior to issue of the Construction Certificate.

21. Sydney Water Building Plan Approval

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

For further assistance please telephone 13 20 92 or refer to Sydney Water's website www.sydneywater.com.au for:

Quick Check agent details - see Plumbing, building and developing then Quick Check agents, and

Guidelines for Building Over/Adjacent to Sydney Water Assets - see Plumbing, building and developing then Building over or next to assets.

22. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$92,650 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 rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on one side (109m) multiplied by the width of the road (10m).

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.

23. Security Bond Requirements

A security bond may be submitted in lieu of a cash bond. The security bond must:

- a) Be in favour of The Hills Shire Council;
- b) 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);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;
- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) 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.

24. 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:

- a) Allotment boundaries;
- b) 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; and
- j) A maintenance program for the erosion and sediment controls.

25. Construction requirements - acoustics

Plans and specifications for the construction certificate shall demonstrate that:

- External walls have a minimum R_w of 45 dB;
- Roof/ceilings have a minimum R_w of 43 dB;
- Rooms identified in the table below as requiring laminated glazing are required to be mechanically ventilated;
- Glazing thickness to achieve the following:

Unit	Window Reference	Recommended Glazing Minimum Thickness	Required Minimum R_w or STC (dB)
Lot 248 Dwelling Type 2 - Ground Floor			
Lounge	WG01, WG02, WG03	8.38 mm Laminated	28
	WG08	6.38 mm Laminated	26
Family	WG07	8.38 mm Laminated	28
Study	WG05	4 mm Float	24
Laundry	WG04	4 mm Float	22
Lot 248 Dwelling Type 2 - First Floor			
Bedroom 1	W107	6.38 mm Laminated	26
Bedroom 2	W101	8.38 mm Laminated	28
Bedroom 3	W102, W103	10.5 mm Laminated	30
Bedroom 4	W110	4 mm Float	24
Ensuite	W105	4 mm Float	22
Bathroom	W109	4 mm Float	24
Stairs	W104	4 mm Float	22
Lot 249 Dwelling Type 1 - Ground Floor			
Lounge, Kitchen	WG01, WG02,	6.38 mm Laminated	25
Dining	WG05	6.38 mm Laminated	25
	WG06	4 mm Float	24
Laundry	WG03	4 mm Float	22
Entry	WG04	4 mm Float	22
Lot 249 Dwelling Type 1 - First Floor			
Bedroom 1	W107	6.38 mm Laminated	25
Bedroom 2	W101	8.38 mm Laminated	29
Bedroom 3	W102, W103	8.38 mm Laminated	29
Ensuite	W108	4 mm Float	22
Bathroom	W109	4 mm Float	22
Stairs	W104, W105, W106	4 mm Float	22
Lots 250 & 251 Dwelling Type 1 - Ground Floor			
Lounge, Kitchen	WG01, WG02,	6.38 mm Laminated	26
Dining	WG05	6.38 mm Laminated	26
	WG06	4 mm Float	24
Laundry	WG03	4 mm Float	22
Entry	WG04	4 mm Float	22
Lots 250 & 251 Dwelling Type 1 - First Floor			

Bedroom 1	W107	6.38 mm Laminated	26
Bedroom 2	W101	10.5 mm Laminated	33
Bedroom 3	W102, W103	10.5 mm Laminated	33
Ensuite	W108	4 mm Float	22
Bathroom	W109	4 mm Float	22
Stairs	W104, W105, W106	4 mm Float	22
Lot 252 Dwelling Type 2 - Ground Floor			
Lounge	WG01, WG02, WG03	10.5 mm Laminated	33
	WG08	8.38 mm Laminated	28
Family	WG07	10.5 mm Laminated	33
Study	WG05	4 mm Float	24
Laundry	WG04	4 mm Float	22
Lot 252 Dwelling Type 2 - First Floor			
Bedroom 1	W107	6.38 mm Laminated	26
Bedroom 2	W101	10.5 mm Laminated	33
Bedroom 3	W102, W103	10.5 mm Laminated	35
Bedroom 4	W110	4 mm Float	24
Ensuite	W105	4 mm Float	22
Bathroom	W109	4 mm Float	24
Stairs	W104	4 mm Float	22
All other glazing to be a minimum of 4 mm thick float glass for habitable rooms with a minimum R_w or STC rating of 22 dB;			

26. Mechanical ventilation – acoustic requirements

Internal noise levels from mechanical ventilation or air-conditioning shall not exceed 35 dB(A) for bedroom areas and 40 dB(A) for all other habitable areas.

External noise levels from mechanical ventilation or air-conditioning shall not exceed 5 dB over the lowest existing background noise level (L_{AF90}) when in day time use and when measured at the neighbouring boundary.

PRIOR TO WORK COMMENCING ON THE SITE

27. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

28. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

29. Management of Building Sites – Builder's Details

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. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

30. 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.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

31. 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.

32. Protection of Existing Trees

The trees that are to be retained (including those on adjoin lots) 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,
- 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.

33. Public Infrastructure Inventory Report

A public infrastructure inventory 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:

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

34. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to 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.

35. 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:

- a) The name, address and telephone number of the Principal Certifying Authority;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) 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.

36. 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.

37. 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.

38. Service Authority Consultation – Subdivision Works

Before subdivision works commence:

- a) Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the relocation, undergrounding and/ or provision of electrical services for the non-residue lots created by the subdivision.
- b) Documentary evidence, including a notice of requirements from Sydney Water, must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
- c) Consultation with the relevant telecommunications provider authorised under the Telecommunications Act regarding the installation of telephone conduits is required. The design and construction of these works must comply with current NBN standards, where applicable.

DURING CONSTRUCTION

39. 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. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

40. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

41. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate Nos. 601036S, 602088S, 602107S, 602111S, 602114S, 602118S_02 and 602127S be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

42. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

43. Compliance with Critical Stage Inspections and Other Inspections

Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

44. 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.

45. 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.

46. 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.

47. 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 NSW Office of Environment and Heritage must be notified immediately.

48. National Parks and Wildlife Act 1974

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.

49. 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 NSW Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Office of Environment and Heritage.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

50. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved landscape plan prepared by ecodesign, outdoor living environments dated 21/01/2015. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

51. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

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

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

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

52. Completion of Engineering Works

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

53. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory 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.

54. Completion of Subdivision Works

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

55. 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.

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.

56. 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.

57. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication 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. Final Plan and 88B Instrument

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

i. 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.

ii. Restriction – Salinity

All residential lots must be burdened with a restriction that refers to the salinity report submitted with the development application using the "salinity requirements" terms included in the standard recitals.

59. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

60. Acoustic construction compliance

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant shall provide written verification that the requirements of the acoustic report (Rail Traffic Noise Assessment – Crab Apple Complex – Crab Apple Lane and Picket Place, Rouse Hill, NSW 2142 (June 2015)(Report No. nss22224A – Final – Rev B) by Noise and Sound Services) and the acoustic conditions contained within this consent, have been satisfied.

61. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

THE USE OF THE SITE

62. Waste and Recycling Collection (Lots 248-252)

Bin presentation is permitted within Crab Apple Lane, unless otherwise determined by Council.

63. Waste and Recycling Collection (Lots 253 and 254)

Bin presentation is not permitted within Crab Apple Lane, unless otherwise determined by Council. Bins must be presented to Picket Place or Bellcast road for collection.

ATTACHMENT: DEVELOPMENT ADVISORY NOTES

Pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

- 1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
- 2. To ensure that the 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 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Kristine McKenzie on 9843 0319

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Osborne', written in a cursive style.

Paul Osborne
MANAGER-DEVELOPMENT ASSESSMENT

DEVELOPMENT ADVISORY NOTES

A. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER HOME BUILDING ACT 1989

(refer to Clause 98 of Environmental Planning & Assessment Regulation 2000)

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force.
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

B. EXCAVATIONS AND BACKFILLING

- (1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.
- (2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

C. RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

- (1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided as indicated on the plans, and
- (2) adequate provision must be made for drainage.
- (3) A separate Development Application and Construction Certificate Application are required for the retaining walls that are not indicated on the approved plans where such works cannot be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Structural Engineer's details are required to be submitted to Council as part of the application if the amount to be retained is over 1 m in height.

D. SUPPORT FOR NEIGHBOURING STRUCTURES

- (1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure on an adjoining property, the person causing the excavation to be made:
 - (a) must seek advice from a professional structural engineer, and
 - (b) must preserve and protect the building or retaining structure from damage, and
 - (c) if necessary, must underpin and support the building or retaining structure in an approved manner, and
 - (d) must, at least 7 days before excavating below the level of the base of the footings of a building or retaining structure on an adjoining property, give notice of intention to do so and furnish particulars of the excavation to the owner of the adjoining property.

- (2) The owner of the adjoining property is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining property.
- (3) In this clause, **adjoining property** includes a public road and any other public place.

E. PROTECTION OF PUBLIC SPACES

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
- (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

F. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

- (1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

G. TOILET FACILITIES

- (1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
- (2) Each toilet provided:
 - (a) must be a standard flushing toilet, and
 - (b) must be connected:
 - (i) to a public sewer, or

- (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
 - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
- (3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

H. DRIVEWAYS, FOOTPATHS ROAD AND OTHER PAVEMENT WORKS IN THE FOOTPATH VERGE

1. The provision and maintenance of a vehicular access driveway from the property boundary to the kerb and gutter or the edge of road seal is the responsibility of the property owner. However, any work undertaken by private owners within the public road area or footpath verge requires written approval from Council. Where new or replacement driveways and gutter crossings are proposed, the submission of an application for gutter and footpath crossings, accompanied by the current applicable fee as prescribed in Council's Schedule of Fees and Charges, must be submitted to Council.

This process is necessary to ensure the work complies with Australian Standards and Council policies and that all road users, including pedestrians and cyclists are protected both during and after construction. Work in the road reservation without Council approval may be removed if deemed to be a public liability or safety risk.

A copy of the "Footpath Crossing Application" form and Council's specifications relating such works be obtained from Council's website at www.thehills.nsw.gov.au or from Council's Customer Service Centre.

2. The removal of all disused driveways and gutter crossings and their replacement with full kerb and gutter together with the restoration and turfing of the adjacent footpath verge area is required.
3. Council must be notified in the event of any existing damage to road, pavement, footpaving, kerbing and guttering and street trees prior to the commencement of the work. This notification should include photographic evidence of the existing damage. If Council does not receive notification it will be assumed that no damage existed prior to the work commencing.

Adequate protection must be provided for Council road pavement footpaving, kerbing and guttering and existing street trees prior to commencing and during building operations.

Upon completion of the work, any damage to road pavement, footpaving, kerbing and guttering and street trees not previously reported in accordance with (3) above shall be reported to Council and the cost of repair paid for in full prior to final certification of the works. A cost can be obtained from the Restorations Coordinator (ph. 9843 0234).

DRIVEWAY LOCATIONS & LEVELS

Owners and/or applicants are responsible to ensure that proper connection with the roadway can be made whilst maintaining safe levels across the footpath verge and along the driveway. Driveways must also be located a minimum of 6m from kerb returns and splayed corners and are sufficiently clear of street trees, service utility infrastructure such as power poles and drainage structures such as kerb inlet pits. Council's Engineer can be contacted on 9843 0374 to assist with these matters. Driveway gradients must conform to Council's specifications which can be obtained from Council's website at www.thehills.nsw.gov.au or from Council's Customer Service Centre. The level of the garage floor is to be checked prior to pouring of concrete to ensure compliance with Council's requirements.

ROAD OPENINGS

Obtain a Road Opening Permit and pay relevant service restoration fees and charges prior to excavations within the road reserve. The Road Opening permit must be kept on

site at all times while work is being carried out in the Road Reserve and must be produced upon request from a Council Officer. If the Permit is not able to be produced to the Council Officer the Works in the public way may be stopped. Upon completion of excavation works in the public way Council's Restoration Coordinator (ph. 9843 0234) must be advised and the full cost of the final restoration paid prior to final certification. of those works

I. STREET NUMBER

A street number is to be prominently displayed in a conspicuous position on completion of the building.

J. HOUSEHOLD SERVICES

The householder is required to notify Council upon occupancy that the garbage service, which is mandatory, is to be commenced and pay the necessary charges upon receipt of an account.

- (1) No encroachment by any building or structure for private use will be permitted on a public reserve.
- (2) Soil and building materials are not to be deposited on any road, footpath or public reserve.
- (3) Building refuse or materials shall not be burnt on site.
- (4) No vehicular traffic or any drainage work is permitted on any public reserve without the prior approval of Council.
- (5) Council consent is required before the removal of any tree, except those approved by this consent, or that is exempt under the Tree & Bushland Management Provision.
- (6) Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letter boxes respectively.
- (7) Unimpeded access must be available to the utilities supply authorities, during and after building, to the utilities metering equipment.
- (8) The approved plans must be submitted to a Sydney Water Quick Check agent or customer Centre, prior to work commencing, to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. The approved plans will be appropriately stamped. For Quick Check agent details please refer to "Your Business" section of Sydney Water's web site at **www.sydneywater.com.au** then see Building & Renovating under the heading Building & Developing, or telephone 132092.
- (9) Persons with land holdings in areas of the Shire where no water reticulation system is available are to provide an adequate wholesome water supply and are encouraged to provide additional water storage for use during fire fighting operations, for fire fighting purposes. Further information regarding the provision of water storage for fire fighting purposes is available from the Rural Fire Service District Office on 9654 1244
- (10) Roof water connection across footways shall be a 100mm diameter, sewer grade UPVC pipe(s). Connection to kerb shall be made with a rectangular, hot dip galvanised, mild steel weephole shaped to suit the kerb profile and with a capacity equal to a 100mm pipe. The pipe shall be connected to the weephole with a UPVC profile adaptor.

K. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial before You Dig* at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig Service, an amendment to the development consent (or a new development application) may be necessary. *Individuals* owe asset owners a duty of

care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (*and its authorised contractors*) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's Infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 18008 10443.

L. CONNECTION OF STORMWATER DRAINS

All roof stormwater drains connected to Council's kerb must comply with the levels advised at the street alignment, must cross the footpath at 90° to the kerb line and be connected to existing holes provided in the kerb. Any alternative arrangements must be approved by Council's engineer and must comply with Council's Standard Drawing SD.13 (Roofwater Outlet Connection) a copy of which can be obtained from Council's website at www.thehills.nsw.gov.au.

M. TREE MANAGEMENT PROVISIONS

Clause 5.9 (Preservation of trees or vegetation) of The Hills Local Environmental Plan 2012, requires the preservation of all trees and prohibits the ringbarking, cutting down, topping, lopping or wilful destruction of trees except with the prior approval of Council.

N. INSURANCE REQUIREMENTS

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract must be in force.

THIS APPROVAL IN NO WAY VARIES COVENANTS, IF ANY, ATTACHING TO THE LAND NOR SHALL PREJUDICE ANY ACTION THAT MAY BE TAKEN BY ANY INTERESTED PARTY IN THIS REGARD.