



Issued: 21 October 2020 12:10 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Land and Environment Court of NSW
Division	Class 1
Registry	Land and Environment Court Sydney
Case number	2019/00163049

TITLE OF PROCEEDINGS

First Applicant	Tanmay Development 2 Pty Ltd
First Respondent	The Hills Shire Council ABN 25034494656

DATE OF JUDGMENT/ORDER

Date made or given	16 September 2020
Date entered	16 September 2020

TERMS OF JUDGMENT/ORDER

The Court orders that:

(1) Leave is granted for the Applicant to rely on:

(a) the amended BASIX Certificate no. 983431M_02 as referred to in condition 1 of the conditions of consent at Annexure A; and
(b) The Detailed Site Investigation and Dust Management Plan prepared by Australian Geotechnical Pty Ltd dated 1 March 2019.

(2) The appeal is upheld.

(3) Development application no. 1032/2019/JP for demolition of existing structures and construction of a multi dwelling development comprising of 15 x 2 storey townhouses and basement car parking at 70-72 Old Northern Road, Baulkham Hills is approved subject to the conditions in Annexure A.

SEAL AND SIGNATURE



Signature	S. Froh
Capacity	Registrar
Date	21 October 2020

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

FURTHER DETAILS ABOUT Applicant(s)

First Applicant
Name Tanmay Development 2 Pty Ltd
Address 44 Centenary Avenue
NORTHMEAD NSW 2152
Telephone
Fax
E-mail
Client reference

Legal representative for plaintiffs

Name Matt Sonter
Practicing certificate number 57980
Address MILLS OAKLEY Level 7
151 Clarence Street
SYDNEY NSW 2000
DX address DX 13025 Syd-Market St NSW
Telephone 02 8035 7851
Fax 02 9247 1315
Email msonter@millsoakley.com.au
Electronic service address msonter@millsoakley.com.au

FURTHER DETAILS ABOUT Respondent(s)

First Respondent

Name The Hills Shire Council
ABN 25034494656
Address Post Office Box 7064
BAULKHAM HILLS NSW 2153
Frequent User Identifier HILLSC

ATTACHMENTS TO ORDERS

(163049.19 Gray C Annexure A with Appendix.pdf)

[attach.]

Annexure A

Tanmay Development 2 Pty Ltd v The Hills Shire Council

Conditions of Consent

70-72 Old Northern Road, Baulkham Hills

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development is to be carried out in accordance with the approved plans listed below in the table titled 'Referenced Plans and Documents' except where amended by the following:

- *Change 45L trees to 75L trees.*
- *Planter box forward of the building line, which falls between the entry steps and ramp to bin area is to be continued to surround the entirety of the bed.*
- *An additional two (2) 75 litre Tristaniopsis laurina 'Luscious' trees are to be provided to the development. The trees are to be installed in the rear courtyards of Unit 4 and 5.*
- *The location of stormwater inlet pit in the rear yard of Unit 12 is to be moved beyond the Structural Root Zone (2.3m) of Tree 11 (Jacaranda) as per Landscape Plan prepared by Site Design Studios Issue J dated 09/07/20 marked up in red.*

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	REVISION	DATE
0401	Demolition Plan	F	31/08/2020
1103	Basement Plan	F	31/08/2020
1203	Ground Floor Plan	F	31/08/2020
1303	First Floor Plan	F	31/08/2020
1401	Roof Plan	F	31/08/2020
1501	Elevations (North & South)	F	31/08/2020
1502	Elevations (East & West)	F	31/08/2020
1503	Elevations (Inner North & South)	F	31/08/2020
1504	Elevations (Streetscape)	F	31/08/2020
1601	Building Sections	F	31/08/2020
1602	Building Sections	F	31/08/2020
L-01-04	Landscape Plans (1-4)	J	09/07/2020
Attachment B of Tree Management Sheet 1 of 2	Tree Management Plan prepared by Tree Wise Men (contained at attachment B to Tree Management Report dated 24/08/2020)	-	19/08/2020
983431M_02	BASIX Certificate	-	15/09/2020

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

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of eight (8) trees within the site boundaries numbered 1, 2, 4, 5, 6, 13, 15 and 16 as located in Attachment B Sheet 1 of 2 of Tree Management Plan prepared by Tree Wise Men dated (report dated 24/08/20 and Plan dated 19/08/2020).

All other trees located on site and within neighbouring properties are to remain and are to be protected during all works.

4. Compliance with Transport for NSW Requirements

Compliance with the requirements of Transport for NSW outlined in their letter attached as Appendix (A) to this consent and dated 1 September 2020.

5. 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 provided in a minimum 150mm pot size and are to be planted at 5/m².

An additional two (2) 75 litre *Tristanopsis laurina* 'Luscious' trees are to be provided to the development. The trees are to be installed in the rear courtyards of Unit 4 and 5.

For all planting on slab and planter boxes, the following minimum soil depths are to be achieved:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and not the overall depth of the planter.

Planter box forward of the building line, which falls between the entry steps and ramp to bin area is to be continued to surround the entirety of the bed as indicated on Ground Floor Plan prepared by Architecture Design Studio Revision F dated 31/08/20 and marked up area in red on Landscape Plan prepared by Site Design Studios Revision J dated 09/07/20. Wall height in this location can be heightened to TOW 108.660 to enable the raised bed to be a minimum of 200mm above the surrounding entry surface.

6. Separate Application for Strata Subdivision

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

7. Protection of Public Infrastructure

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

8. Structures Adjacent to Piped Drainage Easements

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

9. Diversion of Drainage Easement

The existing drainage structure within the development site drains stormwater runoff generated from Old Northern Road, and the upstream catchment. Drainage easement currently benefits the Transport of NSW (previously RMS). The works include:

- Construction of a new kerb inlet drainage pit in the vicinity of southern boundary, aligned to the proposed easement.
- Reconstruction of the existing drainage pipe on Old Northern Road frontage to the requirements of TfNSW.

10. Requirements for Public Drainage Easements

No works are permitted within the proposed public drainage easements unless approved by Transport for NSW. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- No overland flow is to be diverted out of the easement. No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.
- Stairs accessing the private court yards along the drainage easement must be removable to facilitate the maintenance of the drainage easement.

11. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

12. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to support excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.

- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifier and included as part of any Construction Certificate or Occupation Certificate issued.

13. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

14. 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.

15. Construction Certificate

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

16. Demolition Notification

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

17. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

18. Roof Sheetting

Metal roof sheetting to be pre-colour coated in accordance with the details submitted with the development application and approved with this consent.

19. 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.

20. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

21. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by West and Associates Pty Ltd, referenced as 70-72 Old Northern Road, Baulkham Hills DA Acoustic Report for Tanmay Development Pty Ltd, dated 27th November 2018 and submitted as part of the Development Application are to be implemented as part of this approval.

22. Contamination Assessment & Site Remediation

The recommendations of the Detailed Site Assessment and Dust Management Plan prepared Australian Geotechnical Pty Ltd, referenced as Detailed Site Investigation and Dust Management Plan 70 -72 Old Northern Road, Baulkham Hills, dated 1st March 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

23. Retention of Trees

All trees not specifically identified in the Tree Management Plan prepared by Tree Wise Men dated 24/08/20 for removal are to be retained with remedial work to be carried out strictly in accordance with 3.4 Tree Retention Recommendations in the Tree Management Plan.

The location of stormwater inlet pit in the rear yard of Unit 12 is to be moved beyond the Structural Root Zone (2.3m) of Tree 11 (Jacaranda) as per Landscape Plan prepared by Site Design Studios Issue J dated 09/07/20 marked up in red.

24. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

25. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

26. Secure Properties and Maintain Vegetation

The houses that are currently located on the development site are to be made secure so that the public cannot access the house or dump rubbish on the land. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the properties is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and / or unhealthy environment.

27. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

28. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

29. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application (dated 14 December 2018) must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

30. 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.

31. 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.

32. Commencement of Domestic Waste Service

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

33. Construction of Waste Storage Area

The waste storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 18 x 240 litre mobile garbage bins (8 x garbage, 8 x recycling and 2 x garden organics).

- The waste storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 820mm wide.
- The walls of the waste storage area must be constructed of brickwork.
- The floor of the waste storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.
- All doors of the waste storage area, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area, it is not to conflict with the space designated for the placement of bins.
- The waste storage area must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 7.1%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient handling of bins.

- The waste storage area must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage area are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h)

34. Property Numbering and Cluster Mail Boxes

The responsibility for property numbering is vested solely in Council.

The property address for this development is: - **70 Old Northern Road, Baulkham Hills.**

References to the address of 72 Old Northern Road, Baulkham Hills are not to be used.

Approved unit numbering is as per plans submitted marked as DWG No 1203 Rev F Dated 31/08/2020.

E.g. 1/70 Old Northern Road, Baulkham Hills.

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

Under no circumstances can unit numbering be repeated or skipped throughout the development.

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

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

Mail Boxes

One Cluster mail box is to be located fronting Old Northern Road for easy access for all residents. These mail boxes are to be located on the public footpath boundary within easy reach from the public road for the postal delivery officer.

The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

35. Compliance with NSW Police Requirements

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

Vegetation

The safety objective of "to see and be seen" is important in landscaped areas. Vegetation is commonly used by criminals to aid concealment and entrapment opportunities. As this development proposes to have significant vegetation throughout the site, it must be emphasised that the vegetation, especially the shrubs and shade trees, be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment. Vegetation closest to pedestrian pathways requires close attention. It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

Lighting and Technical Supervision

It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit.

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

CCTV

Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor access/exit driveway of the lower basement car park, entrances to the flats and the community facilities within the site such as in the lifts, in the stairwells, covering the disabled parking and the motorcycle/bike parking.

Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. The owner should train all relevant staff of how to use the CCTV cameras.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of a guardian to detect, challenge or apprehend is an important consideration. The strategic location of supervisors and employees increases the risk to offenders and crime effort. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

Territorial reinforcement can be achieved through:

- . A design that encourages people to gather in public spaces, and to feel some responsibility for its uses and condition.
- . Design with clear transitions and boundaries between public and private space.
- . Clear design cues on who is to use space and what it is to be used for.

Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting.

Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property. Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. All areas of the development not open to the public need to have clear indications of this. Any areas that are restricted should have a sign present so that criminals have no excuse to being in an area they are not supposed to.

Security and Entry Control System

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the unit block, particularly the car park areas, and breaking into the units' garages and storage areas. Offenders often gain access to commit these offences despite the presence of a security shutter restricting unauthorised access at the entrance to the car park area. Offenders will stick a length of wire through the security roller door. The length of wire has a hook on the end and they are able to manipulate the manual door release to gain entry. Ensuring the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and better quality locking mechanism would reduce the incidence of this type of crime.

Natural Ladders

Natural ladders are design features, trees or nearby structures that help criminals to climb on to balconies, rooftops, ledges and windows. Current design trends in multi-story apartment blocks are making it easy for "Spiderman" type burglars to target residences.

Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

Unfortunately, offenders target this type of development, both in its construction phase and when the building/s is occupied. Police would support the use of security sensor lights and a security company to monitor the site while construction is in progress. When the building is under construction, Police require signage that outlines an after-hour's number as well as other contact details if the location has been broken into etc.

36. Compliance with SEPP (Affordable Rental Housing) 2009

Dwelling Nos. 12, 13, 14 & 15 are required to be dedicated to affordable rental housing:

The affordable housing component of the approved development is required to comply with the following requirements pursuant to SEPP (Affordable Rental Housing) 2009 –

- (a) The household / occupants have a gross income that is less than 120 per cent of the median household income for the time being for the Sydney Statistical Division (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or
- (b) The household occupants are eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.
- (c) For 10 years from the date of the issue of the occupation certificate:
 - i. the dwellings proposed to be used for the purposes of affordable housing (i.e. Dwellings 12, 13, 14 & 15) must be used for the purposes of affordable housing, and
 - ii. all accommodation that is used for affordable housing must be managed by a registered community housing provider.

37. Irrigation

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**38. Stormwater Management – Upper Parramatta River Catchment Area**

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The stormwater concept plans prepared by Enspire Project Reference 180060 drawings is for development application purposes only and is not to be used for construction.

Drawing No.	Description	Revision	Date
DA-C5.01	Ground Sheet 1	12	07/08/2020
DA-C5.02	Ground Sheet 2	11	07/08/2020
DA-C5.03	Basement Sheet 1	9	10/07/2020
DA-C5.04	Basement Sheet 2	9	10/07/2020
DA C14.01	Details Sheet	7	21/02/2020

The detailed design must reflect the stormwater concept plan and the following necessary changes:

- a) Design of all the roof gutters, down pipes and pipe network collecting and draining stormwater runoff to the OSD tanks 1 and 2 must be designed to the 1 in 100 year ARI storm event.

Water sensitive urban design elements, consisting of Stormfilters are to be located at a suitable location to collect and treat the stormwater runoff to the required standards.

Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction, and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

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

All model parameters and data outputs are to be provided.

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

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

39. Stormwater Pump/ Basement Car Park Requirements

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

40. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate or Subdivision Works Certificate is issued.

41. 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 or Subdivision Works Certificate is issued.

42. Security Bond – Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$25,000.00 is required to be submitted to Council to guarantee the protection of the public assets in the vicinity of the site during construction works. The above amount is generally calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road.

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.

43. Security Bond – External Works

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

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

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

44. Engineering Works

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

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

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

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

The set of Concept Stormwater Management Plan and associated drawings listed below prepared by Ensfire is for development application purposes only and is not to be used for construction.

Drawing No.	Description	Revision	Date
DA-C5.01	Ground Sheet 1	12	07/08/2020
DA-C5.02	Ground Sheet 2	11	07/08/2020
DA-C5.03	Basement Sheet 1	9	10/07/2020
DA-C5.04	Basement Sheet 2	9	10/07/2020
DA C17.01	Longitudinal Section	7	10/07/2020

	Post Development Sheet 1		
DA C17.02	Longitudinal Section Post Development Sheet 2	7	10/07/2020
DA C17.03	Longitudinal Section Pre Development	7	10/07/2020

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

a) TfNSW Approval

The design and construction of the relevant works must be approved by Transport for NSW. A copy of the Transport for NSW stamped approved construction plans must be submitted to Council.

b) Public Stormwater Drainage

The 3m wide local drainage easement proposed along the southern boundary must be designed to be consistent with the above drawings.

Trees protection measures associated with the construction of pipe within the proposed easement must be considered in accordance with the related conditions imposed in this consent.

The footpath verge between the proposed new pits 1/4 and 1/3 is to be regraded with a reverse fall 1% along the pipe to convey any surcharge flow along the easement whilst protecting the basement.

c) 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.

d) Concrete Footpath

Damaged sections of the concrete footpath are to be replaced with new concrete footpath to match with the existing on the adjoining properties.

e) 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.

45. 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.

46. Protection of Internal Noise Levels (Residential Unit/Townhouse/Villa Development)

An acoustic statement is required to be submitted to Council's Manager - Environment and Health prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the DA Acoustic Report for Tanmay Developments 70-72 Old Northern Rd, Baulkham Hills prepared by West and Associates Pty Ltd, with reference number 18367, and dated 27th November 2018, have been included in the construction plans of the development.

47. Erosion & Sediment Control Plan

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

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

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

48. Section 7.12 Contribution

Pursuant to section 4.17 (1) of the Environmental Planning and Assessment Act 1979, and The Hills Section 7.12 Contributions Plan, a contribution of **\$46,261.80** shall be paid to Council. This amount is to be adjusted at the time of the actual payment in accordance with the provisions of the Hills Section 7.12 Contributions Plan.

The contribution is to be paid prior to the issue of the Construction Certificate.

You are advised that the maximum percentage of the levy for development under section 7.12 of the Act having a proposed construction cost is within the range specified in the table below;

Proposed cost of the development	Maximum percentage of the levy
Up to \$100,000	Nil
\$100,001 - \$200,000	0.5 %
More than \$200,000	1%

PRIOR TO WORK COMMENCING ON THE SITE**49. Tree Protection Fencing**

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be in accordance with Tree Management Plan (Attachment B) prepared by Tree Wise Men dated 24/08/20. Fencing is to be certified by the Project Arborist.

50. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

51. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

52. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours' notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

Horizontal boring is to be undertaken to protect trees to be retained 7, 8, 9, 10, 11, 13A and 13B for installation of stormwater pipes in accordance with the Tree Management Plan (TMP) prepared by Tree Wise Men dated 24/08/20 and the Concept Stormwater Management Plan prepared by Enspire Solutions Drawings C5.01/12, C5.02/11 C5.01/9 and C17.01/7.

Tree sensitive measures for stormwater installation within the Tree Protection Zones (TPZs) of 1A, 1B, 3, 3A, 7, 8, 9, 10, 11, 13B and 13B are to be in accordance with 3.4 Tree Retention Recommendations in the Tree Management Plan.

No roots larger than 40mm diameter to be cut without Arborist advice and supervision.

All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

53. Property Condition Report – Public Assets

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

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

54. 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.

55. Management of Building Sites

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an afterhours contact name and telephone number.

56. 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.

57. 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.

58. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

59. Details and Signage - Principal Contractor and Principal Certifier

Details

Prior to work commencing, submit to the Principal Certifier notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the Principal Certifier in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

Signage

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the Principal Certifier for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

60. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

61. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- a) Qualification/s:
- b) Telephone number/s:
- c) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

62. 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.

63. Site Water Management Plan

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

64. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

65. Demolition Works and Asbestos Management

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

66. 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.

67. Waste Management Details Required

Prior to the commencement of works, the location of waste disposal and recycling for all construction and/ or demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by the Principal Certifying Authority. Alternatively, details of an appropriately licensed skip bin hire company or site clean company can be provided where the company is engaged to undertake all works during construction of the development (collection, transportation and disposal).

DURING CONSTRUCTION

68. 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.

69. Critical Stage Inspections – Engineering Works

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

70. Aboriginal Archaeological Sites or Relics

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

71. European Sites or Relics

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

72. 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.

73. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

74. 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 the BASIX Certificate No. 983431M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

75. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

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

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

76. 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.

77. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

78. 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.

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

79. Further contamination assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

80. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

81. 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.

82. Dust Management Requirements

The recommendations of the Dust Management Plan prepared by Australia Geotechnical and Environmental Services, referenced as Detailed Site Investigation and Dust Management Plan 70-72 Old Northern Road, Baulkham Hills for Tanmay Development Pty Ltd, dated 1st March 2019 and submitted as part of the Development Application are to be implemented as part of this approval.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

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

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

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

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

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

84. Landscaping Prior to Issue of any Occupation Certificate

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

85. 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.

86. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

87. Pump System Certification

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

88. Legal Agreement – Drainage Easement Encroachment

The completion and registration of a deed of agreement acceptable to, and in favour of, TfNSW preserving TfNSW's right of access to pipelines and overland flow along the existing drainage easement. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request.

The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.

89. Stormwater Management Certification

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

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

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

90. Compliance with Transport for NSW Requirements

A letter from Transport for NSW must be submitted confirming that all relevant works have been completed in accordance with their requirements.

91. Engineering Works – Submission Requirements

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

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Public Asset Creation Summary

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

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

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

92. Performance/ Maintenance Security Bond

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

93. Confirmation of Pipe Locations

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

94. Final Plan and Section 88B Instrument

Before an Occupation Certificate is issued the following easement, restrictions and positive covenants must be registered on the title of the subject site via Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms. The final plan and Section 88B Instrument must provide for the following:

a) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

a) Restriction – Bedroom Numbers

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

b) Restriction/ Positive Covenant – Onsite Stormwater Detention

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

c) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

d) Positive Covenant – Stormwater Pump

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

e) Restriction – Affordable Rental Housing

Dwelling Nos. 12, 13, 14 & 15 on the subject site must be burdened with a restriction requiring that the dwelling be used for affordable housing for 10 years from the date of the issue of an occupation certificate. The covenant must be in the term required by the “SEPP Affordable Rental Housing 2009”.

95. Removal/ Amendment of Existing Easements

The existing easement must be removed/ amended as per the approved plans. Where Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges.

96. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled 70-72 Old Northern Road, Baulkham Hills, DA Acoustic Report for Tanmay Development Pty Ltd, prepared by West and Associates Pty Ltd dated 27/11/2018. Certification is to be provided.

97. Clearance Certificate

On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

98. Final Inspection of Waste Storage Area

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

99. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, 2 x full sets of waste educational signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of the waste storage area. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

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

THE USE OF THE SITE

100. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

101. Waste and Recycling Management

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

1 September 2020

TfNSW Reference: SYD19/00049/10 (A33863114)
Council Reference: DA1032/2019/JP

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

Attention: Eamon Murphy

Dear Sir/Madam,

**AMENDED PLANS FOR PROPOSED MULTI DWELLING HOUSING DEVELOPMENT
AND RELOCATION OF DRAINAGE EASEMENT - 70-72 OLD NORTHERN ROAD,
BAULKHAM HILLS**

Reference is made to Council's correspondence and revised plans submitted by the proponent on 13 August 2020, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for concurrence in accordance with Section 138 of the *Roads Act, 1993*.

TfNSW has reviewed the submitted documents and grants concurrence under Section 138 of the *Roads Act 1993* subject to the following conditions being included in any consent issued by Council:

1. TfNSW has previously acquired an easement for drainage over the subject property as shown by the brown colour on the attached Aerial –“X” and DP 207079 and noted on title (Dealing L100152). Therefore, the current easement (Dealing L100152) should be extinguished and recreated as a new easement as defined by the provided plans at no cost to TfNSW.
2. The access on Old Northern Road should be restricted to left in/left out vehicle movement only by constructing a triangular raised concrete island within the driveway. The proposed driveway shall be a minimum of 5.5 metres in width for a minimum distance of 6 metres from the property boundary to allow for two-way simultaneous entry and exit of vehicles.
3. The redundant driveways on Old Northern Road shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter

crossing on Old Northern Road shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to DeveloperWorks.Sydney@rms.nsw.gov.au

Detailed design plans of the proposed kerb and gutter crossing are to be submitted to TfNSW for approval prior to the issue of a Construction Certificate and commencement of any road works.

A plan checking fee and lodgement of a performance bond is required from the applicant prior to the release of the approved road design plans by TfNSW.

4. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to TfNSW for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by TfNSW. Please send all documentation to development.sydney@rms.nsw.gov.au

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) day notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

5. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to TfNSW for approval, prior to the commencement of any works. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

6. All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.
7. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.
8. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Old Northern Road.
9. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Old Northern Road during construction activities.
10. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclist travelling along the footpath.

11. All works/regulatory signposting associated with the proposed development are to be at no cost to TfNSW.

If you have any further questions, Ms Zhaleh Alamouti would be pleased to take your call on 8849 2331 or please email development.sydney@rms.nsw.gov.au. I hope this has been of assistance.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Pahee', with a stylized flourish at the end.

Pahee Rathan
Senior Land Use Assessment Coordinator

“X”





Title Search

InfoTrack

NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 19/207079

SEARCH DATE	TIME	EDITION NO	DATE
12/1/2018	2:58 PM	3	16/9/1998

LAND

LOT 19 IN DEPOSITED PLAN 207079
LOCAL GOVERNMENT AREA THE HILLS SHIRE
PARISH OF FIELD OF MARS COUNTY OF CUMBERLAND
TITLE DIAGRAM DP207079

FIRST SCHEDULE

GREGORY VALENTINE SUE (T X648436)

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 L100152 EASEMENT FOR DRAINAGE AFFECTING THAT PART OF THE
LAND WITHIN DESCRIBED SHOWN AS 6 FEET WIDE IN THE PLAN
WITH L100152
- 3 5270247 MORTGAGE TO ST. GEORGE BANK LIMITED

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES
NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED
CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS
RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE
IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND
COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

DA-AK

PRINTED ON 12/1/2018

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally
recorded in the Register. InfoTrack an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the
Registrar General in accordance with Section 96B(2) of the Real Property Act 1926.

Copyright © Office of the Registrar-General 2018

Received: 12/01/2018 14:58:19

