This consent is not to operate and may not be acted on until Council is satisfied of the following matter(s):

DEFERRED COMMENCEMENT

	Deferred Commencement – Approval of Development Application No. 563/2024/ZB
	1. Documentary evidence of Development Consent being granted to Development Application No. 563/2024/ZB for a subdivision creating three residue lots including a new road, a bridge/ creek crossing and construction of a roundabout at Lot 403 DP 1125136, Lot 5 DP 1203920, Lot 1 DP 1180837, Lot 1 DP 1237055, Lot 6 DP 1203920 1Z Free Settlers Drive, 40 Memorial Avenue and Lot 6 DP 1203920 Balmoral Road, BELLA VISTA.
	Condition reason: To ensure the development is provided with a legal point of access.

Evidence of the above relevant matter(s) must be produced to the consent authority, within 24 months of the date of the determination, otherwise the consent will lapse.

The conditions of development consent below apply from the date that this consent operates.

ALL STAGES

ALL DEVELOPMENT TYPES (ALL STAGES)

GENERAL CONDITIONS (ALL STAGES)

1.	**Approved Plans and Supporting Documentation**
	Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans

Plan number	Revision number	Plan title	Drawn by	Date of plan
DA-100-030	R	Staging Diagram	BP	17/07/2024
DA-100-040	R	Site Plan	BP	17/07/2024
DA-111-008	R	Bldg A & B Lower Ground Level	BP	17/07/2024
DA-111-009	R	Bldg A & B Upper Ground Level	BP	17/07/2024
DA-111-010	R	Bldg A & B level 01	BP	17/07/2024
DA-111-020	R	Bldg A & B Level 02	BP	17/07/2024
DA-111-030	R	Bldg A & B Level 03	BP	17/07/2024
DA-111-040	R	Bldg A & B Level 04	BP	17/07/2024
DA-111-050	R	Bldg A & B Level 05-07	BP	17/07/2024
DA-112-008	R	Bldg C & D Basement 01	BP	17/07/2024

DA-112-009	R	Bldg C & D Upper Ground Level	BP	17/07/2024
DA-112-010	R	Bldg C & D	BP	17/07/2024
DA-112-020	R	Bldg C & D Level 02	BP	17/07/2024
DA-112-030	R	Bldg C & D Level 03	BP	17/07/2024
DA-112-040	R	Bldg C & D Level 04-05	BP	17/07/2024
DA-210-101	R	Building A Elevations	BP	17/07/2024
DA-210-102	R	Building B Elevations	BP	17/07/2024
DA-210-103	R	Building C Elevation	BP	17/07/2024
DA-210-104	R	Building D Elevations	BP	17/07/2024
DA-210-106	R	East and West Elevations	BP	17/07/2024
DA-310-101	R	Section AA&BB	BP	17/07/2024
DA-310-201	R	Section CC&DD	BP	17/07/2024
DA-890-001	R	Materials & Finishes Board External	BP	17/07/2024
SV-04	05	CONCEPT PLAN OF SUBDIVISION	AM	10/09/2024
	R	Approved Property Numbering		

Approved documents			
Document title	Version number	Prepared by	Date of document
Arborist report	F	Hugh the Arborist	05/10/2024
BASIX CERTIFICATE	8	JENSEN HUGHES PTY. LIMITED	19/09/2024
BASIX Report	8	JENSEN HUGHES PTY. LIMITED	19/09/2024
Biodiversity Development Assessment Report	10	Eco Logical Australia	9 October 2024

In the event of any inconsistency with the approved plans / documents and a condition of this consent, the condition prevails.

Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2. **Provision of Parking Spaces**

Before the issue of an occupation certificate, the development is required to be provided with 108 residential and 27 visitor off-streetcar parking spaces (for Stage 1), and a total of 224 residential and 45 visitor spaces (Stages 1 and 2) and shall be labelled which spaces are for visitors and occupants/residents prior to occupation of the premises. These car parking spaces shall be available for off street parking at all times.

Condition reason: To ensure compliance with parking requirements.

3. **Construction Certificate**

Before building works commence for the approved development, it is necessary to obtain a construction certificate. A construction certificate may be issued by Council or a

	Registered Certifier. Plans submitted with the construction certificate are to be amended to incorporate the conditions of the development consent.
	Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.

4.	**Building Work to be in Accordance with BCA**
	During building work, all building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.
	Condition reason: To ensure compliance with the legislative requirements.

5.	**Compliance with Endeavour Energy Requirements**
	Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy re their Agency Concurrence and Referral reference CNR-60300 dated 21/10/2023 referenced as Attachment C in the relevant documents.
	Condition reason: To ensure compliance with relevant service provider's requirements.

6.	**Compliance with Transport for NSW requirements**
	Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Transport for NSW re their Agency Concurrence and Referral reference SYD24/00279/01 dated 28 February 2024: 1. The redundant driveway on the Memorial Avenue boundary shall be removed and replaced with kerb and gutter to match existing. The design and construction of the kerb and gutter on Memorial Avenue shall be in accordance with TfNSW requirements. Details of these requirements should be obtained by email to developerworks.sydney@transport.nsw.gov.au. Detailed design plans of the proposed kerb and gutter are to be submitted to TfNSW for approval prior to the issue of a construction certificate and commencement of any road works. Please send all documentation to development.sydney@transport.nsw.gov.au. 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. 2. 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@transport.nsw.gov.au. A plan checking fee will be payable, and a performance bond may be required before TfNSW approval is issued.

	3. 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 GTD2020/001. 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@transport.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. 4. The proposed development should be designed such that road traffic noise from Memorial Avenue is mitigated by durable materials to satisfy the requirements for habitable rooms under clause 2.120 of State Environmental Planning Policy (Transport and Infrastructure) 2021. 5. The Applicant 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. 6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on traffic flows on Memorial Avenue during construction activities. A ROL can be obtained through https://myrta.com/oplinc2/pages/security/oplincLogin.jsf
	Condition reason: To ensure compliance with relevant service provider's requirements.

7.	**Bicycle Storage**
	The development is to provide parking for 74 bicycles for residents, and 19 for visitors in a convenient and secure location.
	Condition reason: To ensure that bicycle parking is considered and provided appropriately in all development

8.	**Recommendations of NSW Police**
	The development shall have regard to the recommendations of the NSW Police as provided in Attachment D.
	Condition reason: To ensure the safety of residents and visitors to the development.

9.	**Contamination Assessment**
	The recommendations of the Combined Stage 1 Preliminary & Stage 2 Detailed Site Investigation, prepared by Sydney Environmental Group Pty Limited, referenced as 1399-PSIDSI-01-011221.v2f, dated 17 October 2022 are to be implemented.
	Condition reason: To protect health safety and environment.

10.	**Protection of Existing Trees and Native Vegetation**
	Native vegetation (trees and understorey) not identified on the approved plan for removal is to be kept unless prior consent of Council is obtained.
	Condition reason: To ensure retained trees and native vegetation are adequately protected.

11.	**Approved Subdivision Plan**
	Before the issue of any subdivision work certificate, the consent holder must deliver/complete the subdivision component of the development in accordance with the approved plan of subdivision prepared by Orion Drawing SV-04 Revision 5 dated 10/09/2024 except were amended by other conditions of consent. The requirements of these conditions of this consent including any proposed restrictions and easements shall be reflected on the revised subdivision plan. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the issue of the any construction certificate by the registered certifier .
	Condition reason: To ensure the construction plans are consistent with the approved DA plans.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE (ALL STAGES)

12. **Acoustic – Mechanical plant**

Before the issue of a construction certificate, a suitably qualified acoustic consultant is to provide advice on the final mechanical plant selection/s to ensure that it meets the following noise criteria, as listed in the acoustic report provided by ADP Consulting Pty Ltd, referenced as SYD2247 Revision 3 and dated 17 June 2024:

Receiver	Time of Operation	Noise Criteria (L_{Aeq}, dB(A))
Residential	Day (7am – 6pm)	52
	Evening (6pm – 10pm)	47
	Night (10pm – 7am)	41
Place of Worship	When in use	40 (internal)
Commercial		65 (at boundary)
Industrial		70 (at boundary)

Condition reason: To protect the amenity of the local area

13. **Property Numbering and Cluster Mailboxes for Residential Flat Building**

The overall property address for this development is: - To be provided by Council prior to issue of construction certificate.

Approved unit numbering is as per approved Numbering Plans and as follows:

Level	Building A	Building B	Building C	Building D
Ground	G01 – G02	G03 – G10	G15 - G16	G11 – G14
One	101 – 109	110 – 122	123 – 130	131 – 139

Two	201 - 208	209 - 217	218 - 226	227 – 235
Three	301 - 308	309 - 316	317 - 325	326 – 334
Four	401 - 408	409 - 416	417 - 425	426 – 434
Five	501 - 508	509 - 516	517 - 525	526 – 534
Six	601 - 608	609 - 616		
Seven	701 - 708	709 - 716		

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW. Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

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

External directional signage is to be erected on site to ensure all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

The approved townhouses will require numbering to be displayed at both entrances to the dwellings.

Clear signage to the location of the Gym must be provided for emergency services purposes.

Mailboxes

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

Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations as provided on plans marked: DA 110-008 to DA 110-010 and DA110-030 and DA110-050 Rev: R dated 17/7/2024 and stamped 'Approved Property Numbering' to be approved by Australia Post for mail delivery. Plans are to be provided to Sobhana Gangadharan at the Seven Hills Delivery Centre via email Sobhana.Gangadharan@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The number of mailboxes to be provided is to be equal to the number of units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section *before it is registered* for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan are not duplicated, and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan *before it is registered* at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final

	Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet. <u>Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.</u>
	Condition reason: To ensure consistent addressing as per Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council and Geographical Names Board guidelines. Final development can be located in the event of an emergency and for mail delivery.

14.	**Notice of Requirements**
	Before the issue of a construction certificate, submit documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities. Following an application, a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway, and landscape design.
	Condition reason: To ensure compliance with Sydney Water requirements.

15.	**Pedestrian Link – Proposed 16 metre wide Easement for Public Access**
	The Landscape Plan and specifications required to be submitted and approved by Council's Manager – Environment and Health prior to the issue of a construction certificate shall detail the landscaping of the 16 metre wide easement for public access through the site between proposed Road 1 and Sydney Water land adjoining the site. The applicant is responsible for the design and construction of the civil and landscape works within the site as per the details included in the Landscape Plan. An Occupation Certificate for Stage 2 of the development cannot be issued until the link is constructed and landscaped in accordance with the requirements of this consent.
	Condition reason: The design, construction and landscaping of the pedestrian link is the responsibility of the applicant.

16.	**Biodiversity Management Plan**
	Prior to issue of construction certificate, a Biodiversity Management Plan must be prepared to the satisfaction of The Hills Shire Council Manager of Environment & Health. The Biodiversity Management Plan may form part of a Construction Environmental Management Plan. The Biodiversity Management Plan must identify the development site as per the Biodiversity Development Assessment Report (BDAR) and approved plans. The Biodiversity Management Plan must identify areas of land that are to be retained as outlined in the BDAR. Construction impacts must be restricted to the development site and must not encroach into areas of retained native vegetation and habitat. All materials stockpiles, vehicle

parking, machinery storage and other temporary facilities must be located within the areas for which biodiversity impacts were assessed in the BDAR.

The Biodiversity Management Plan must identify all measures proposed in the BDAR to mitigate and manage impacts on biodiversity outlined in **Table [BMP.1],** including performance measures for each commitment.

Table [BMP.1] Statement of commitments to mitigate and manage biodiversity impacts

Biodiversity issue	Measure	Timing	Responsibility
Timing works to avoid critical life cycle events such as breeding or nursing	Preclearance surveys are to be undertaken prior to works (vegetation removal) to identify any fauna or habitat. The details of methodology for pre-clearance surveys are to be detailed in a Fauna Action Plan required by the Conditions of Consent noting that one stick nest was observed in vegetation within development footprint. However, and preclearance surveys are required to confirm fauna presence The Fauna Action Plan is to be implemented prior to and during works. Preclearance surveys should be undertaken prior to removal vegetation to identify any trees containing nest or possum dreys. A preclearance survey of the shed at the development site is required to ensure no microbat species	Prior to construction and during construction. Prior to Vegetation removal and during Vegetation removal.	Main responsibility the Project Ecologist. Others responsible: Project Manager an Proponent, and contractor.

		are present prior to demolition.		
	Instigating clearing protocols including pre-clearing surveys, daily surveys and staged clearing, the presence of a trained ecological or licensed wildlife handler during clearing, construction and maintenance activities, including for human made structures and non-native vegetation.	A Fauna Action Plan is to be prepared, submitted to the consent authority for approval and implemented. Clearing Protocols to be identified to manage wildlife. The Fauna Action Plan must detail that an Ecologist is to be present to supervise the removal of non-native vegetation and care and relocation of fauna (if present). Stop work measures if fauna species are observed within buildings. A Vegetation Management Plan is to be implemented for the riparian zone on the Western Side of the Creek.	Prior to construction and during construction. Prior to Vegetation removal and during Vegetation removal.	Main responsibility the Project Ecologist. Others responsible: Project Manager an Proponent, and contractor.
	Clearing protocols that identify vegetation to be retained, prevent inadvertent damage and reduce soil disturbance; for example, removal of native vegetation by chain-saw, rather than heavy machinery, is preferable in situations where partial clearing is proposed. Clearing limited to only the areas approved for clearing. Foraging	Instigate clearing protocols to avoid inadvertent clearing.	Prior to construction and during operation	Main responsibility the Project Ecologist. Others responsible: Project Manager an Proponent, and contractor.

	habitat is to be retained in situ.			
	Sediment barriers or sedimentation ponds to control the quality of water released from the site into the receiving environment.	Erect and maintain erosion and sediment fence. Standard sediment and erosion control (SEC) measures and dust control measures are to be implemented.	Prior to construction and during operation.	Project Ecologist, Project Manager, Proponent, and Contractors.
	noise barriers or daily/seasonal timing of construction and operational activities to reduce impacts of noise	No noise barriers proposed as noise will be limited to the current operational areas of the site and would be temporary (during construction). Only conduct clearing and operation of machinery inside of typical work hours. Minimise noise disturbance to fauna and neighbouring communities.	During Construction	Project Manager, Contractors and proponent.
	light shields or daily/seasonal timing of construction and operational activities to reduce impacts of light spill	Consideration of directional and fauna sensitive lighting in the design of the building for use during operation. Conduct works during daylight hours. Avoid disturbance to nocturnal fauna.	At design and during construction and operation.	Architect, Contractor, project manager and proponent.
	adaptive dust monitoring programs to control air quality	Implement industry practice controls of dust at bulk earth works sites. Dust impacts on adjacent habitats is minimised.	Construction	Contractors, Projec Manager and Proponent.
	programming construction activities to avoid	Avoid vegetation removal during Southern Myotis	During Construction	Contractors, Projec Manager, Proponen

	impacts; for example, timing construction activities for when migratory species are absent from the site, or when particular species known to or likely to use the habitat on the site are not breeding or nesting	breeding season this is to be detailed in a Fauna Action Plan. Risk to Southern Myotis and other Microchiropteran Bats is to be reduced.		and Project Ecologist.
	temporary fencing to protect significant environmental features such as riparian zones	Erect and maintain construction fence. Accidental incursions avoided.	Before and during construction.	Contractors, Projec Manager, Proponen and Project Ecologist.
	hygiene protocols to prevent the spread of weeds or pathogens between infected areas and uninfected areas	Carry out site inductions to explain environmental significant of the study area. Accidental incursions are avoided.	Before and during construction.	Contractors, Projec Manager, Proponen and Project Ecologist.
	staff training and site briefing to communicate environmental features to be protected and measures to be implemented and measures that are implemented to protect them.	Train staff regarding the protection of retained vegetation within the development site and within the indirect impact areas	Prior to works commencing. Before and during construction	Project Ecologist to train all staff. Others responsible: Project Manager an Proponent, and contractors.
	Development control measures to regulate activity in vegetation and habitat adjacent to residential development including controls on pet ownership, rubbish disposal, wood collection, fire management and disturbance to nests	Avoid an unapproved clearing of vegetation post construction.	Operation	Proponents, Contractors.

	and other niche habitats			
	Making provision for the ecological restoration, rehabilitation and/or ongoing maintenance of retained native vegetation habitat on or adjacent to the development site	Moderate. A small amount of native vegetation is proposed for retention within the development site. Some of the works are on waterfront land and require a Controlled Activity Approval under the WM Act. Restoration of the adjacent riparian corridor is to be addressed in the Controlled Activity Approval under the WM Act. A VMP to rehabilitate the riparian corridor on the site is required. Enhancement of vegetation integrity within adjacent riparian corridor.	Prior to and during construction and operation.	Contractor, Proponent and Project Ecologist ar Project Bushland Regenerator.
	Retaining habitat features within the subject land or relocating them to adjacent retained remnant vegetation	The stick nest observed on-site during inspection should be carefully relocated to adjacent retained vegetation. Follow clearance protocols if any fauna is found in the nest. An Ecologist is to be present to supervise removal of non-native vegetation and care and relocation of fauna and habitat (if Present). Stop Work measures are to be implemented if fauna species are	Prior to Construction Certificate, Prior to works commencing, during works. Evidence of Compliance to provided Prior to CC, During Works and Prior to SC.	Main responsibility the Project Ecologist. Others responsible: Project Manager an Proponent, and contractor.

		observed within buildings. A Fauna Action Plan is to detail the retention of habitat features within the subject land and details where habitat features are to be relocated adjacent to retained vegetation.		
	Replacing habitat provided by human made structures and non-native vegetation with alternative habitat	If microbats are present in buildings, a compensatory habitat plan and provision of nest boxes will be required to be included in as an Appendix to a Fauna Action Plan. Follow clearance protocols for any nests or dreys encountered in the planted vegetation to be removed.	Prior to works and during Construction	Main responsibility the Project Ecologist. Others responsible: Project Manager an Proponent, and contractor.
	Condition reason: Requirement to apply mitigation measures in accordance with the Biodiversity Conservation Act 2016 [NSW] hierarchy requiring Avoid, Mitigate and only then Offsetting of residual impacts.			

17.	**Project Ecologist**
	Before the issue of a Construction Certificate, a Project Ecologist is to be appointed, and the following details provided to The Hills Shire Council's Manager – Environment & Health: a) Name: b) Qualification/s: c) Telephone number/s: d) Email: If the Project Ecologist is replaced, The Hills Shire Council's Manager – Environment & Health is to be notified in writing of the reason for the change and the details of the new Project Ecologist within 7 days.

	Condition reason: To protect biodiversity values, vegetation and to oversee implementation and preparation of the Biodiversity Management Plan and Fauna Action Plan.

18.	**Vegetation Management Plan**
	Before the issue of a construction certificate, a Vegetation Management Plan must be prepared in accordance The Hills Shire Council's Vegetation *Management Plan Guideline* (available on Council's website www.thehills.nsw.gov.au). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum Certificate IV in Conservation Land Management. The Plan is to be provided to The Hills Shire Council Manager of Environment & Health for approval. The Vegetation Management Plan must include details relating to: • The rehabilitation and management of native vegetation within the Community Association Lot/ Restricted Development Area. • The production of an information fact sheet (maximum 1 page double sided) prepared in accordance with Council's Guidelines for preparing Information Fact Sheet (available on Council'; s website). • The wording and erection of signage at key locations • The location and type of fencing required.
	Condition reason: Provide a reason for the condition.

19.	**Biodiversity Offsetting Requirements**
	<u>Ecosystem Credits Retirement – Like for Like</u> Prior to the Issue of a subdivision works certificate under this consent and Development Application (DA) 563/2024/ZB, the class and number of ecosystem credits in **Table [ECR.1]** must be retired to offset the residual biodiversity impacts of the development. a) The class and number of ecosystem credits in the table of ecosystem credits required be retired – like for like – non-threatened ecological community must be retired to offset the residual biodiversity impacts of the development; and/or b) the class and number of ecosystem credits in the table of ecosystem credits required to be retired – like for like – threatened ecological community must be retired to offset the residual biodiversity impacts of the development. c) Evidence of the retirement of credits or payment to the Biodiversity Conservation Fund must be provided to the consent authority. **Table ECR.1 - Ecosystem credits required to be retired – like for like**

Impacted plant community type	Number of ecosystem credits	Hollow bearing trees (HBTs)	IBRA subregions from which credits can be used to offset the impacts from development	Trading group that can be used to offset the impacts from development

PCT 849 – Cumberland Shale Plains Woodland	7	Yes	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	Cumberland Plain Woodland in the Sydney Basin Bioregion. This includes PCTs 849, 850, 3319, 3320.
PCT 835 – Cumberland Riverflat Forest.	1	Yes	Cumberland, Burragorang, Pittwater, Sydney Cataract, Wollemi and Yengo. Or Any IBRA subregion that is within 100 kilometres of the outer edge of the impacted site.	River-Flat Eucalyptus Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. This includes PCT's: 686, 828, 835, 942, 1108, 1109, 1212, 1228, 1293, 1318, 1326, 1386, 1504, 1556, 1594, 1618, 1720, 1794, 3145, 3181, 3185, 3188, 3192, 3258, 3328, 4024, 4025, 4039, 4041, 4058, 4138.

1. The applicant must provide, to the consent authority, evidence sufficient to enable it to be satisfied of the above matters within two years, or such further period as the consent authority may determine is appropriate upon application in writing being made.

2. Upon compliance with the above requirements, the operative consent will be issued subject to the following conditions of consent.

Condition reason: To require the retiring of ecosystem credits to offset the residual biodiversity impacts of the development.

20. **Section 7.11 Contribution**

Before the issuing of a Construction Certificate, the following contributions must be paid to Council:

Stage 1

	Purpose: 1 bedroom unit	*Purpose: 2 bedroom unit*	*Purpose: 3 bedroom unit*	*Purpose: Credit*	*No. of 1 Bedroom Units: 24*	*No. of 2 Bedroom Units: 57*	*No. of 3 Bedroom Units: 14*	*Sum of Units*	*No. of Credits: 1*	*Total S7.11*
Open Space - Land	$ 10,744.47	$ 15,042.26	$ 18,623.75	$ 24,354.14	$ 257,867.35	$ 857,408.93	$ 260,732.54	$ 1,376,008.82	$ 24,354.14	**$ 1,351,654.68**
Open Space - Capital	$ 6,084.84	$ 8,518.78	$ 10,547.06	$ 13,792.30	$ 146,036.15	$ 485,570.19	$ 147,658.77	$ 779,265.11	$ 13,792.30	**$ 765,472.81**
Transport Facilities - Capital	$ 1,132.78	$ 1,585.89	$ 1,963.48	$ 2,567.63	$ 27,186.71	$ 90,395.82	$ 27,488.79	$ 145,071.32	$ 2,567.63	**$ 142,503.68**
Administration	$ 107.19	$ 150.06	$ 185.79	$ 242.95	$ 2,572.45	$ 8,553.40	$ 2,601.03	$ 13,726.89	$ 242.95	**$ 13,483.93**
Community Facilities - Land	$ 849.83	$ 1,189.77	$ 1,473.04	$ 1,926.29	$ 20,395.98	$ 67,816.62	$ 20,622.60	$ 108,835.19	$ 1,926.29	**$ 106,908.90**
Water Management - Capital	$ 84.47	$ 118.26	$ 146.42	$ 191.47	$ 2,027.29	$ 6,740.75	$ 2,049.82	$ 10,817.86	$ 191.47	**$ 10,626.40**
Total	**$ 19,003.58**	**$ 26,605.01**	**$ 32,939.54**	**$ 43,074.78**	**$ 456,085.93**	**$ 1,516,485.71**	**$ 461,153.55**	**$ 2,433,725.19**	**$ 43,074.78**	**$ 2,390,650.40**

Stage 2

	Purpose: 1 bedroom unit	*Purpose: 2 bedroom unit*	*Purpose: 3 bedroom unit*	*No. of 1 Bedroom Units: 25*	*No. of 2 Bedroom Units: 59*	*No. of 3 Bedroom Units: 45*	*Sum of Units*	*Total S7.11*
Open Space - Land	$ 10,744.47	$ 15,042.26	$ 18,623.75	$ 268,611.82	$ 887,493.46	$ 838,068.88	$ 1,994,174.16	**$ 1,994,174.16**
Open Space - Capital	$ 6,084.84	$ 8,518.78	$ 10,547.06	$ 152,120.99	$ 502,607.74	$ 474,617.48	$ 1,129,346.21	**$ 1,129,346.21**
Transport Facilities - Capital	$ 1,132.78	$ 1,585.89	$ 1,963.48	$ 28,319.49	$ 93,567.60	$ 88,356.82	$ 210,243.91	**$ 210,243.91**
Administration	$ 107.19	$ 150.06	$ 185.79	$ 2,679.64	$ 8,853.52	$ 8,360.47	$ 19,893.62	**$ 19,893.62**
Community Facilities - Land	$ 849.83	$ 1,189.77	$ 1,473.04	$ 21,245.81	$ 70,196.15	$ 66,286.92	$ 157,728.87	**$ 157,728.87**
Water Management - Capital	$ 84.47	$ 118.26	$ 146.42	$ 2,111.76	$ 6,977.27	$ 6,588.70	$ 15,677.73	**$ 15,677.73**
Total	**$ 19,003.58**	**$ 26,605.01**	**$ 32,939.54**	**$ 475,089.51**	**$ 1,569,695.73**	**$ 1,482,279.27**	**$ 3,527,064.51**	**$ 3,527,064.51**

The contributions above are applicable at the time this consent was issued. The amount may be adjusted at the time of payment in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.

Prior to payment, it is advised to phone or email Council to confirm the amount. Payments will be accepted via Debit or Credit Card. Cash payments will not be accepted. This condition has been imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Contributions Plan No 18.

Condition reason: To contribute towards public infrastructure for the area.

21. **Construction Site Management Plan**

Before the issue of a construction certificate or/and before the issue of a subdivision works certificate, whichever is first, a construction site management plan must be prepared, and provided to the registered CERTIFIER. The plan must include the following matters (where applicable):

a) The location and materials for protective fencing and hoardings on the perimeter of the site;

b) Provisions for public safety;

c) Pedestrian and vehicular site access points and construction activity zones;

d) Details of construction traffic management including:

   i. Proposed truck movements to and from the site;

   ii. Estimated frequency of truck movements; and

   iii. Measures to ensure pedestrian safety near the site;

e) Details of bulk earthworks to be carried out;

f) The location of site storage areas and sheds;

	g) The equipment used to carry out works; h) The location of a garbage container with a tight-fitting lid; i) Dust, noise and vibration control measures; j) The location of temporary toilets; k) The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent. A copy of the construction site management plan must be kept on-site at all times while work is being carried out.
	Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.

22.	**Design Amendments**
	Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: • *SITE PLAN – No works permitted in avoided areas as specified in the approved Biodiversity Development Assessment Report.* • *STAGING PLAN – Stages 1 and 2*
	Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

BEFORE WORK COMMENCES (ALL STAGES)

23.	**Consultation with Service Authorities**
	Before building work commences, applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required. Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

	In the interest of health and safety, applicants are to contact before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individuals 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.
	Condition reason: To ensure compliance with relevant service provider's requirements.

24.	**Builder and Principal Certifier Details**
	Before building work commences, the builders name, address, telephone and email information must be submitted to the Principal Certifier. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations.
	Condition reason: To ensure compliance with the legislative requirements.

25.	**Management of Building Sites**
	Before building work commences, 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 is to be provided. 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.
	Condition reason: To protect workers, the public and the environment.

26.	**Engagement of a Project Arborist**
	Before site works commence, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health: a) Name: b) Qualification/s: c) Telephone number/s: d) Email: If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.
	Condition reason: To protect vegetation.

27.	**Project Bush Regenerator**
	Before works commence, a suitably qualified (minimum Certificate III Natural Area Restoration) Bush Regenerator is to be appointed and the following details provided to Council: a) Name: b) Qualification/s:

	c) Telephone number/s: d) Email: If the Bush Regenerator is replaced, Council is to be notified in writing of the reason for the change and the details of the new Bush Regenerator within 7 days.
	Condition reason: To protect vegetation

28.	**Bushland Protection Fencing**
	Before works commence on site, temporary Bushland Protection Fencing must be in place at the following locations: a) All areas detailed in the Biodiversity Development Assessment Report and the Biodiversity Management Plan as avoided land. The temporary fence is to be either minimum chain-wire fence or similar and be suitable to restricted unauthorised entry. The temporary fence is to stop the following occurring: a) Stockpiling of materials within significant bushland. b) Placement of fill within significant bushland. c) Parking of vehicles within significant bushland. d) Compaction of soil within significant bushland. e) Cement washout and other chemical or fuel contaminants within significant bushland. f) Damage to threatened plants and their habitat.
	Condition reason: To protect vegetation.

29.	**Ground Protection within Tree Protection Zone**
	Before site works commence, ground protection measures are required where any construction access or works are within the TPZ of any tree (s) identified for retention which include the following: a) Temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site (s). A permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites
	Condition reason: To protect trees.

30.	**Biodiversity Management Plan Implementation**
	Before works commence, the commitments and measures set out in the approved Biodiversity Management Plan must be implemented at all times. A copy of the approved plan is kept on site at all times and made available to council officers upon request.

	Condition reason: To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented.

31.	**Erosion and Sediment Controls in Place**
	Before site work commences, the certifying authority must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

32.	**Waste Management Plan – an approved document of this consent**
	Before site work commences, a waste management plan for the development must be provided to the principal certifying authority.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction

DURING WORKS (ALL STAGES)

33.	**Dust Control**
	During site works, dust suppression techniques must be used to minimise nuisance to surrounding properties. In the absence of any alternative measures, the following measures must be taken to control the emission of dust: a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the demolition and construction work; b) 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 c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.
	Condition reason: To prevent the movement of dust outside the boundaries of the development.

34.	**Stockpiles**
	During site work, stockpiles of topsoil, sand, aggregate or other material capable of being moved by water must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.
	Condition reason: To protect waterways

35.	**Site Management – Protection of Vegetation**
	During all site work, no stockpiling and no activities are to be undertaken within three (3) metres of lands identified as avoided in the Biodiversity Development Assessment Report and the Biodiversity Management Plan, approved by THSC.
	Condition reason: To protect vegetation

36.	**Hours of Work**
	Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.
	Condition reason: To protect the amenity of the surrounding area.

37.	**Surveys by a Registered Surveyor**
	While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier: a) All footings / foundations in relation to the site boundaries and any registered and proposed easements; and b) At other stages of construction – any marks that are required by the principal certifier.
	Condition reason: To ensure buildings are sited and positioned in the approved location.

38.	**Implementation of the site management plans**
	While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work

39.	**Noise and Vibration Requirements**
	While site work is being carried out, noise generated from the site must not exceed an L_{Aeq} (15 min) of 5dB(A) above background noise, when measured at the boundary of the site.
	Condition reason: To protect the amenity of the neighbourhood during construction.

40.	**Soil Management**
	While site work is being carried out, the certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the certifying authority b) All fill material imported to the site must be: i. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or ii. a material identified as being subject to a resource recovery exemption by the NSW EPA, or

	iii. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

41.	**Waste Management**
	While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to the principal certifying authority, detailing the following: i. The contact details of the person(s) who removed the waste; ii. The waste carrier vehicle registration; iii. The date and time of waste collection; iv. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; v. The address of the disposal location(s) where the waste was taken; vi. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. c) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.
	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

42.	**Discovery of relics and Aboriginal objects**
	While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered: a) the work in the area of the discovery must cease immediately; b) the following must be notified i. for a relic – the Heritage Council; or ii. for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85. Site work may recommence at a time confirmed in writing by: c) for a relic – the Heritage Council; or

	d) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the *National Parks and Wildlife Act 1974*, section 85.
	Condition reason: To ensure the protection of objects of potential significance during works.

ON COMPLETION OF WORKS (ALL STAGES)

43.	**Removal of waste upon completion**
	After completion of all site work: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the principal certifying authority.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE (ALL STAGES)

44.	**Provision of Telecommunications Services**
	Before the issue of an occupation certificate, a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act must be submitted confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.

45.	**Provision of Electricity Services**
	Before the issue of an occupation certificate, a compliance certificate from the relevant service provider must be submitted confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.

46.	**Section 73 Certificate must be Submitted to the Principal Certifier Prior to Issue of Occupation Certificate**

	Before the issue 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.**
	Condition reason: To ensure the development will be satisfactorily serviced by Sydney Water and that the requirements of Sydney Water have been complied with.

47.	**Irrigation**
	Before the issue of a construction certificate, an automatic watering system is to be installed as a minimum to all common areas and rooftop planters. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier.
	Condition reason: To ensure irrigation is provided.

48.	**Retaining Walls**
	Before a "whole" occupation certificate is issued, all retaining walls shown on the approved plans shall be completed.
	Condition reason: To ensure the amenity of adjacent properties are protected.

OCCUPATION AND ONGOING USE (ALL STAGES)

49.	**Vegetation Management Plan (VMP) – Ongoing Use**
	During occupation and ongoing use, all commitments in the approved Vegetation Management Plan must be met.
	Condition reason: To protect native vegetation.

50.	**Maintenance of Landscaping Works**
	During occupation and ongoing use of the site, the landscaping works, associated plantings and the completed retaining walls are to be maintained in a satisfactory condition throughout the life of the development.
	Condition reason: To ensure landscaping of the site is maintained on a regular basis.

51.	**Management of area Subject to Vegetation Management Plan**

	Any area that is subject to a Vegetation Management Plan (VMP) shall be managed in accordance with the approved VMP in perpetuity by the property owner/s.
	Condition reason: Ongoing protection of native vegetation and biodiversity values.

DEMOLITION WORK (ALL STAGES)

GENERAL CONDITIONS (ALL STAGES)

52.	**Notice of Commencement for Demolition**
	At least one week before demolition work commences, written notice must be provided to Council and the occupiers of neighbouring premises of the work commencing. The notice must include: a) Name; b) Address; c) Contact telephone number; d) Licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor; e) The contact telephone number of Council; and The contact telephone number of SafeWork NSW (4921 2900).
	Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.

BEFORE WORK COMMENCES (ALL STAGES)

53.	**Protection of Existing Trees**
	Before any work begins on the site, the identified tree/s that are to be retained are to be protected throughout the entire duration of the project. The protection measures should strictly adhere to AS4970-2009: Protection of Trees on Development Sites and the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024. The measures must include: a) A chain-wire fence, standing at least 1.8 metres high, erected as indicated on Appendix 1C – Proposed Bulk Earthworks and tree Protection Plan within in the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024. The fence must be in place before any activities occur on the site. b) Stockpiling of materials, placement of fill, parking of vehicles and compaction of soil shall not occur within the designated tree protection zone.

	c) Within the tree protection zone, all areas should be evenly covered with composted leaf mulch with a minimum depth of 100mm. d) A sign indicating the protection of the trees much be prominently displayed. e) No installation of services within the tree protection zone should be undertaken without obtaining prior consent from Council. f) The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.
	Condition reason: To protect trees during the carrying out of site work.

54.	**Demolition Works and Asbestos Management**
	During works, the demolition of any structure is to be done in accordance with the Work Health and Safety Act 2011. Vehicles transporting demolition materials must have covered loads. The demolition and removal of any asbestos materials must: a) Be undertaken by a licensed asbestos removalist b) Be transported to licensed waste facilities c) Be done in accordance with SafeWork NSW, Environmental Protection Authority and Office of Environment and Heritage requirements d) Not be reused onsite
	Condition reason: To ensure all demolition works and removal and management of asbestos is completed in accordance with the Work Health and Safety Act 2011.

55.	**Disconnection of Services Before Demolition Work**
	Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.
	Condition reason: To protect life, infrastructure and services.

56.	**Site Preparation**
	Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures; d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid.
	Condition reason: To protect workers, the public and the environment.

DURING DEMOLITION WORKS (ALL STAGES)

57.	**Trenching within Tree Protection Zone**
	Whilst site works are being carried out, any trenching for installation of retaining walls, drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to the Certifier or Council (where a certifier is not required) or under supervision of a project arborist. If supervision by a project arborist is selected, certification of supervision must be provided to (the Certifier or Council (where a certifier is not required) within 14 days of completion of trenching works.
	Condition reason: To protect trees during the carrying out of site work.

58.	**Site Maintenance**
	While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete: a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures; d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid.
	Condition reason: To protect workers, the public and the environment.

59.	**Handling of Asbestos During Demolition**
	While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.
	Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.

REMEDIATION WORK (ALL STAGES)

ON COMPLETION OF WORKS (ALL STAGES)

60.	**Validation report**
	On completion of works, a validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following: a) The degree of contamination originally present; b) The type of remediation that has been completed; and c) A statement which clearly confirms that the land is suitable for the proposed use
	Condition reason: To ensure controls are in place for contamination management

BUILDING WORK (ALL STAGES)

GENERAL CONDITIONS (ALL STAGES)

61.	**Protection of Public Infrastructure**
	During works, 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.
	Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.

62.	**External Finishes**
	During occupation and ongoing use of the development, the external finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.
	Condition reason: To ensure quality built form of development.

63.	**Compliance with Department of Planning and Environment - Water Requirements**
	During the development of the site, occupation and ongoing use of the development, compliance with the General Terms of Approval of the Department of Planning and Environment - Water attached as Attachment A to this consent and dated 19 June 2024.
	Condition reason: To ensure compliance with the relevant authority's General Terms of Approval.

64.	**Compliance with Heritage NSW Requirements**

	During the development of the site, occupation and ongoing use of the development, compliance with the General Terms of Approval of Heritage NSW attached as Attachment B to this consent and dated 21 December 2023.
	Condition reason: To ensure compliance with the relevant authority's General Terms of Approval.

65.	**Management of Surface Drainage**
	Stormwater, surface water or seepage from the development shall be collected by a subsurface/surface drainage system which is to be connected to a suitable system of disposal. The development, either during construction or upon completion, must not impede or divert natural surface water and the system of drainage must not cause a nuisance to adjoining properties.
	Condition reason: To ensure the development adequately manages stormwater runoff.

66.	**Erosion and Sediment Control Plan**
	Before the issue of a construction certificate and/or before the issue of a subdivision works certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to THE CERTIFIER OR COUNCIL: a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

67.	**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 certificate must be provided by a structural engineer and provided to the to the certifier's satisfaction certifying that the structure will not impart a load on the pipe in the easement. Before the issue of any construction certificate, these requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To protect the stormwater pipe within the stormwater easement.

68.	**Requirements for Council Drainage Easements**

	No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to: a) Provision for overland flow and access for earthmoving equipment must be maintained. b) The existing ground levels must not be altered. No overland flow is to be diverted out of the easement. c) No fill, stockpiles, building materials or sheds can be placed within the easement. d) Open style fencing must be used. New or replacement fencing must be approved by Council. These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.
	Condition reason: To protect public drainage easements.

69.	**Vehicular Access and Parking**
	Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction that the formation, surfacing and drainage of all driveways, parking modules, circulation roadways, sight distance and ramps/circular ramps have been design and construction complying are in accordance with: a) AS/ NZS 2890.1 b) AS/ NZS 2890.6 c) AS 2890.2 d) DCP Part C Section 1 – Parking e) Council's Driveway Specifications Where conflict exists, the Australian Standard must be used. The following must be provided: f) 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. g) All driveways and car parking areas must be separated from landscaped areas by a low-level concrete kerb or wall. h) 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. i) All driveways and car parking areas must be graded, collected, and drained by pits and pipes to a suitable point of legal discharge. These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.

	Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

70.	**Excavation/ Anchoring Near Boundaries**
	Before the issue of a construction certificate, a suitably qualified Structural engineer must review Excavation/Anchoring Near Boundaries design and provide written certification on the approved plans to satisfy the certifier that: a) 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 sustain excavation near the property boundary, the following requirements apply: i. Written owner's consent for works on adjoining land must be obtained. ii. For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road. iii. 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. iv. All anchors must be temporary. Once works are complete, all loads must be removed from the anchors. v. A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed. vi. The anchors must be located clear of existing and proposed services. Details demonstrating compliance with the requirements above must be submitted to the Certifier and included as part of any Construction Certificate been issued.
	Condition reason: To protect the road/private properties from the excavation and anchoring works.

71.	**Recycled Water**
	Before the issue of a construction certificate or a subdivision works certificate, whichever precedes first/earlier, the consent holder must submit the written evidence from Sydney Water to the Registered Principal Certifier. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: This condition mitigates the impact on the watercourse and the environment.

72.	**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.
	Condition reason: To protect the roads.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE (ALL STAGES)

73.	**Construction certificate for the building - Staging of Development**
	The completion of all subdivision works, the issue of the Subdivision Certificate and the registration of the subdivision plans with NSW Land Registry Services for this development consent and development consent 563/2024/ZB shall be completed prior to the issue of any construction certificate. Partial construction certificate shall not be issued by the registered certifier.
	Condition reason: to protect the buildings and provide access to the site

74.	**Finished Floor Level – Flooding**
	The finished floor level (or levels) of the structure must reflect the approved plans and are to be no lower than RL respective/adjacent 1% AEP plus 500mm freeboard for the adjacent 1%AEP as estimated by Orion Group Rev. 04, dated July 2024 and revised as per all flooding conditions within this consent AHD/the finished floor level of the adjacent existing structure. Any proposed retaining wall which is proposed to provide the freeboard protection for any habitable floors or building entrances shall be set 0.5m above the respective/adjacent 1% AEP. The certifier shall ensure these requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.
	Condition reason: To ensure that the building is protected against flooding.

75.	**Design Verification**
	Before the issue of a construction certificate, design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.
	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.

76.	**Site Flood Emergency Response Plan**
	Before the issue of the relevant construction certificate, a suitably qualified civil engineer must review the Construction plans and supporting documentation which relate to Site Flood Emergency Response Plan and provide written evidence, to the certifier's satisfaction, that it complies with Part C Section 6 – Flood Controlled Land of Council's DCP.
	Condition reason: To protect the occupants and provide a safe evacuation plan.

77.	**Flood Protection Requirements**
	Before the issue of the relevant construction certificate, a suitably qualified Structural engineer must review and prepare a Flood Protection report and provide written certification on the approved plans to satisfy the certifier that: 1. Structural elements of the structure below the flood planning level (FPL) RL respective/adjacent 1% AEP plus 500mm freeboard for the adjacent 1%AEP as estimated by Orion Group and revised as per all flooding conditions within this consent AHD must be designed and the as-built works certified by a structural engineer to ensure structural soundness during potential floods. The following criteria must be addressed having regard to the depth and velocity of flood water: a) Hydrostatic pressure; b) Hydrodynamic pressure; c) Impact of debris; d) Buoyancy forces; e) Saturated ground conditions; f) Shear stress and scour forces around and downstream of the structure. 2. For the purposes of this design the flood levels and associated flood velocities expected to be experienced at the site are: a) RL As estimated by Orion Group Rev. 04, dated July 2024 and revised as per all flooding conditions within this consent AHD 100 year ARI flood level (FPL2). 3. The following additional requirements apply: a) The design materials and construction of the structure must comply with the principles set out in the publication "Reducing Vulnerability of Buildings to Flood Damage – Guidance on Building in Flood Prone Areas" published by the NSW Government. b) See Schedule B of Part C Section 6 – Flood Controlled Land of Council's DCP for more detail. c) The structure must be used for the approved use only. Specifically, this relates to any non-habitable structures below the FPL. d) The structure has been orientated parallel to the direction of flows so that impediment to these flows is minimised.

	e) The openings in the structure have been located in line with the direction of flows. These are to be opened prior to the onset of a flood to allow for the through-flow of floodwater. f) All structures to have flood compatible building components below FPL3. g) Note that foundations need to be included in the structural analysis. h) All service conduits located below FPL3 are to be made fully flood compatible and suitable for continuous underwater immersion. Conduits are to be self-draining if subject to flooding. i) No external storage of materials below FPL3 which may cause pollution or be potentially hazardous during any flood. j) Demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3. k) For development within the Hawkesbury River floodplain, all walls, up to FPL3, are to be constructed of flood resistant building materials, suitable for retaining structural integrity during and following long periods of continuous underwater immersion. l) For development within the Hawkesbury River floodplain, all walls are to have additional strength to resist collapse. The number of engaged piers are to be increased from that typically required under m) the Building Code of Australia. n) A restriction is to be placed on the title of the land where the lowest habitable floor area is elevated above finished ground level, confirming that the under croft area is not to be enclosed.
	Condition reason: To ensure that the building is protected against flooding and that the building is structurally sound.

78.	**Onsite Stormwater Detention – Hawkesbury River Catchment Area**
	Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must prepare Onsite Stormwater Detention/Stormwater plan and provide written certification on the approved plans to satisfy the certifier that: Onsite Stormwater Detention (OSD) has been designed in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge. 1. The stormwater concept plan prepared by Orion Group Project No. 24-0291, Drawing 10 Revision C dated 08/10/2024 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes: a) The design will need to be revised to comply with the requirements within this consent b) Satisfy the requirements of condition titled "Revised The Drains/Music Models, Osd, civil and Stormwater Design"

	2. The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate: a) Design/ construction plans prepared by an accredited OSD designer. b) A completed OSD Drainage Design Summary Sheet. c) Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes. d) A completed OSD Detailed Design Checklist. e) A maintenance schedule.
	Condition reason: To ensure runoff from the development do not impact local stormwater systems and waterways.

79.	**Stormwater Pump/ Basement Car Park Requirements**
	Before the issue of a construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that: 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.
	Condition reason: To protect the Basement Car Park from surface runoff.

80.	**Works in Existing Easement**
	Before the issue of a Subdivision works certificate or/and construction certificate, the consent holder must submit the written evidence to the Registered Principle Certifier that 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. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure that the adjoining properties are aware of the work and to obtain any access/consent.

81.	**Works on Adjoining Land**

	Before the issue of a construction certificate, the consent holder must obtain and submit a written owner consent from all affected adjoining property owners, where the engineering works included in the scope of this approval extend into the adjoining lands. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the adjoining owners are aware of the works on their land and to protect the existing stormwater easement that the adjoining properties are aware of the work and to obtain any access/consent.

82.	**Stormwater Discharge Acceptance**
	Before the issue of a construction certificate, the consent holder must obtain and submit a written owner consent from all affected adjoining property owners, Where the engineering works included in the scope of this approval necessitate the discharge of stormwater onto adjoining lands. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the adjoining owners are aware of the works on their land.

83.	**Registration of Drainage Easement (Subdivision works certificate)**
	Before the issue of a Subdivision works certificate, the consent holder must obtain an 5m and variable width wide drainage easement must be created over the downstream property, LOT 2 within DP 1298513, before a Subdivision works certificate being issued in accordance with the letter of authority from the downstream property owner. The width of the drainage easement must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated documents must be submitted to Council. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the lawful point of discharge is available for the subject site.

84.	**Security Bond – Road Pavement and Public Asset Protection**
	The applicant must provide a security bond of $264,000 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 $132.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side 200m multiplied by the width of the road 10m. The square metre rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the

	amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website. 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. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.
	Condition reason: To ensure any damage to public infrastructure is rectified

85.	**Security Bond – External Works**
	The consent holder must provide 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 minimum bond amount is $10,000.00. The bond amount must be confirmed with Council prior to payment. The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.
	Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction

86.	**Engineering Works and Design**
	The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments. Engineering works can be classified as either "subdivision works" or "building works". 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 concept engineering plan prepared by Orion Group, Rev. 04, dated July 2024 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent. Before the issue of a construction

	certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that: *Note: refer to the requirements under the Revised The Drains/Music Models, Osd, civil and Stormwater Design condition within this consent.* **a) Pathway/ Local Drainage Link** A 5m wide pathway/ local drainage link must be constructed in the locations shown on the approved plan. The design of this pathway/ local drainage link must comply with the above documents and the relevant section of the DCP. **b) Footpath Verge Formation** The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level. **c) Concrete Footpath** A 2m wide concrete footpath, including access ramps at all intersections, must be provided on one side of proposed road 1 in accordance with the DCP and the above documents. A 2m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of proposed road 2 in accordance with the DCP and the above documents. **d) Service Conduits** Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings. **e) Earthworks/ Site Regrading** Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Orion Group, project No. 24-0291, plan no. 030 Revision B, dated 08/10/2024 and engineering plan prepared by Orion Group, project No. 24-21-0313, plan no. 003 Revision J, dated 03/10/2024. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent. The proposed retaining wall shall be designed to such that it accepts and caters for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. The proposed retaining wall including footing and subsoil drain shall be design and constructed fully inside the property boundary **f) Inter-allotment Stormwater Drainage** Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface

	inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system. Where Onsite Stormwater Detention is required, a minimum level difference of 800mm measured between the surface level and the invert of the outlet pipe must be provided. **g) Water Sensitive Urban Design Elements** Water sensitive urban design elements, consisting of GPT, Rainwater tank, StormFilter cartridges, OceanGuard gully pits are to be located generally in accordance with the plans and information submitted with the application. 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. Not: refer to the requirements under the Revised The Drains/Music Models, Osd, civil and Stormwater Design condition within this consent. **h) Compliance with Flood Study** A compliance certificate from a qualified civil engineer specialise in flood modelling shall be provided to the Principal Certifier confirming that estimated by Orion Group Rev. 04, dated July 2024 and revised as per all flooding conditions within this consent over the proposed overland flow path shall be revised/updated to comply with the requirements of this consent. **i) Consistency with the TUFLOW model** The architectural, landscaping, civil and stormwater plans shall be consistent with the design requirements of future/revised Tuflow model referenced within this consent and to the satisfaction of Council's Manager - Subdivision & Development Certification. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the issue of any Construction Certificate. A compliance certificate from a qualified civil engineer specialise in flood modelling and a separate A compliance certificate from a qualified registered architect shall be provided to Council's Manager - Subdivision & Development Certification confirming The architectural, landscaping, civil and stormwater plans shall be consistent with the design requirements of future/revised Tuflow model referenced within this consent **j) Basement protection** All access points, Crest of the Driveway, the Pedestrian Access way to the underground basement, ventilation points and lift lobby for underground basement carpark that subject to potential floodwaters ingress must be flood proofed up to the respective/adjacent 1% AEP plus 500mm freeboard for the adjacent 1%AEP as estimated by the revised estimated

	by Orion Group and revised as per all flooding conditions within this consent and the requirements of this consent.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

87.	**Groundwater Requirements**
	The subsurface structure/basement shall be designed with a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the watertable plus 300mm. The subsurface structure/basement is required to be designed with consideration of uplift due to water pressure and "flotation" (buoyancy) effects. Subsoil drainage around the subsurface structure/basement must allow free movement of groundwater around the structure. The Subsoil drainage around the subsurface structure/basement must not be connected to the internal drainage system. The design of subsurface structure/basement, tanking and waterproofing, and subsoil drainage shall be undertaken by a suitably experienced Chartered structural Engineer. Design details and construction specifications shall be included in the documentation accompanying the Construction Certificate. Prior to the issue of the Construction Certificate, the consent holder must submit a design compliance certificate prepared by suitably experienced Chartered structural Engineer satisfying the requirements above to the Registered Certifier. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To protect the basement form underground water

88.	**Construction certificate for the building – All stages**
	Prior to the issue of any construction certificate by the registered certifier, the Subdivision certificate covered within this consent shall be registered with NSW Land Registry Services. Partial construction certificate shall not be issued by the registered certifier.
	Condition reason: to protect the buildings and provide access to the site

89.	**Acoustic Requirements**
	Before the issue of a construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of the Environmental Noise Impact Statement prepared by ADP Consulting Pty Ltd, referenced as SYD2247 Revision 3, dated 17 June 2024 have been implemented. In particular: a) Glazing is to meet the following minimum requirements:

Building	Room	Façade	Element	Glazing Thickness	Minimum R_w

D	Living room and bedrooms	Northern façade	Glazing	10.38mm laminated	35
		Remaining façades	Full height glazing	6.38mm laminated	33
			Remaining glazing	6mm	31
	Lobby	All	Glazing	6.38mm	33
Remaining buildings	Living rooms and bedrooms	All	Full height glazing	6.38 laminated	33
			Remaining glazing	6mm	31
	Lobbies	All	Remaining glazing	6mm	31

b) Windows are to be fitted with acoustic seals. Mohair seals must not be used;

c) If light-weight walls, roofs or ceilings are proposed, they are to be acoustically treated to ensure they meet the following internal noise criteria:

Area	Traffic Noise Intrusion Criteria (dB(A)$_{Leq}$)	Period
Sleeping areas (night-time)	35	10pm – 7am
Living areas	40	At any time
Toilets	55	When in use
Apartment common areas (e.g. foyer, lobby)	50	When in use
Enclosed car parks	<65	When in use

Condition reason: To protect the acoustic amenity of the local area and of the development.

90.	**Salinity Requirements**
	Before the issue of a construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of the Salinity Assessment and Report prepared by Sydney Environmental Group Pty Ltd Pty Ltd, referenced as 1399-SSA-01-121222.v2f, dated 9 November 2023 been implemented. In particular: a) Section 8 of the report.
	Condition reason: To ensure appropriate construction in saline environments.

91.	**Protection of Internal Noise Levels**
	Before the issue of a Construction Certificate, an acoustic statement is to be provided to the certifying authority providing methods of noise attenuation (if any) ensuring the following noise levels are achieved: a) 35 dB (A) in any bedroom between 10pm and 7am. b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime. In particular the acoustic statement shall detail that all recommendations contained within the Environmental Noise Impact Statement prepared by ADP Consulting Pty Ltd, with reference number SYD2247 Revision 3, and dated 17 June 2024, have been included in the construction plans of the development.
	Condition reason: To ensure the acoustic amenity of the building.

92.	**Ecological Dam Dewatering Plan**
	Before the issue of a subdivision works certificate, an Ecological Dam Dewatering Plan is to be prepared and be provided to The Hills Shire Council Manager of Environment and Health. The plan is to provide details on the following: a) Fauna/aquatic survey prior to dam dewatering and a description of fauna residing within the dam. b) Proposed relocation sites for native species, including the licence details required under the *Fisheries Management Act*, 1994 or the National Parks and Wildlife Act, 1974. c) If large numbers of predatory fish (e.g. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on exiting fauna at release sites is reduced. d) Methods to prevent injury to fauna during pumping of water from the dam. e) Details of how exotic pest species will be humanely euthanised in a manner consistent with the *Prevention of Cruelty to Animals Act*, 1979. f) Methods for disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways. g) Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam. h) Details of the appropriate timing (season) for dewatering. i) Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).
	Condition reason: To ensure the rescue and relocation of fauna from the dam.

93.	**Communal Composting Areas**
	Before the issue of a construction certificate, a communal composting area must be included within the building footprint or landscaping plans.
	Condition reason: To ensure the future possibility of communal composting can be achieved within the building footprint or externally in common landscaped areas.

94.	**Provision of Bin Cupboards**
	Before the issue of a construction certificate, construction plans must be submitted to the certifier that demonstrate a separate bin cupboard next to the chute openings on every residential floor that allows for the disposal of items unsuitable for chute disposal.
	Condition reason: To promote resource recovery and the storage of a potential third waste stream. It also allows for disposal of unsuitable items down the waste chute.

95.	**Construction of Central Bin Collection Room**
	fore the issue of a construction certificate, construction plans are to be submitted to the certifier that demonstrate the central bin collection room is designed and constructed in accordance with the following requirements: a) The room must provide minimum storage facility for 24 x 1100L sized garbage bins and 24 x 1100L sized recycling bins. b) The layout of the central bin collection room must ensure that each bin is easily

	accessible and manoeuvrable in and out of the areas. All internal walkways must be at least 1.5m wide. c) The walls of the central bin collection room must be constructed of brickwork. d) The floor of the central bin collection must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The room must not contain ramps and must be roofed (if located external to the building). e) The central bin collection room must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. f) The central bin collection room must have a resident access door, which allows wheelchair access. The resident access door must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the central bin collection room. g) All doors of the central bin collection room, 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. h) The central bin collection room must be ventilated. Mechanically ventilated waste storage areas must not be connected to the same ventilation system supplying air to the units. i) The central bin collection room must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the room, it must not conflict with the space designated for the placement of bins. j) The central bin collection room must be provided with internal lighting. k) The maximum grade acceptable for moving bins for collection purposes is 5%. l) The central bin collection room must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.
	Condition reason: To ensure all residential developments with a shared bin system provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.

96.	**Construction of Waste Chute Termination Rooms**
	fore the issue of a construction certificate, construction plans are to be submitted to the certifier that demonstrate the waste chute termination rooms are designed and constructed in accordance with the following requirements: a) The rooms must provide minimum storage facility for 2 x 1100L sized garbage bins and 2 x 1100L sized recycling bins. b) The layout of the chute termination rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the areas. All internal walkways must be at least 1.5m wide. c) The walls of the chute termination rooms must be constructed of brickwork. d) The floor of the chute termination rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building). e) The chute termination rooms must have a waste servicing door, with a minimum clear floor width of 1.5m. f) All doors of the chute termination rooms, 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. g) The chute termination rooms must be ventilated. Mechanically ventilated waste

	storage areas must not be connected to the same ventilation system supplying air to the units. h) The chute termination rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the chute termination rooms, it must not conflict with the space designated for the placement of bins. i) The chute termination rooms must be provided with internal lighting. j) The maximum grade acceptable for moving bins for collection purposes is 5%. k) The chute termination rooms must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.
	Condition reason: To ensure all residential developments with a shared bin system provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.

97.	**Preparation of Mechanical Ventilation Plans**
	Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier: a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not: i) cause a nuisance to persons within or nearby to the premises, or ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997
	Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.

BEFORE WORK COMMENCES (ALL STAGES)

98.	**Sydney Water Building Plan Approval**
	Before building work commences, a building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifier upon request prior to works commencing. Please refer to the website http://www.sydneywater.com.au/tapin/index.htm, Sydney Water Tap in™, or telephone 13 20 92.
	Condition reason: To ensure compliance with Sydney Water requirements.

99.	**Stabilised Access Point**
	Before building work commences, a stabilised all weather access point is to be provided 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).
	Condition reason: To ensure construction sites are managed properly.

100.	**Toilet Facilities**
	Before building work commences, 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. 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.
	Condition reason: To ensure there are amenities provided to workers on site.

101.	**Public Infrastructure Inventory Report**
	Before works commencing on site the Principal Contractor must get a public infrastructure inventory report 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.
	Condition reason: To document the condition of public infrastructure prior to works commencing.

102.	**Dust Management Plan – Major Subdivision Works**

	Before works commencing on site the Principal Contractor must get a site specific dust management plan developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant: • Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified. • Additives that can be mixed with the water to aid dust suppression. • A dust cloth must be installed along the perimeter of the site. • Where required, a sprinkler/ misting system along the perimeter of the site. • Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered. • Speed control on haul routes. • Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary. • Interim seeding and/ or hydro-mulching of exposed areas as work progresses. • Final topsoil placement and planting or seeding exposed areas as soon as possible. • Jute matting of the core riparian zone within any creeks/ riparian corridors. • Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable. • Education of all site personnel on reducing dust. • Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to. How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness
	Condition reason: To ensure appropriate dust control in is in place for large subdivision works.

103.	**Traffic Control Plan (All stages)**
	Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the <(approved)> plan must be submitted to (and approved by) Council's Manager-Subdivision and Development Certification 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.

	Condition reason: To Ensure safe movement of vehicles around/past the site

104.	**Erection of Signage – Supervision of Work**
	Before works commencing on site the Certifier is to ensure a sign is erected in a prominent position displaying the following information: • The name, address and telephone number of the Principal Certifying Authority; • The name and telephone number (including after hours) of the person responsible for carrying out the works; • That unauthorised entry to the work site is prohibited. This signage must be maintained while the work is being carried out and must be removed upon completion.
	Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021.

105.	**Protection of Existing Trees**
	Before any work begins on the site, the identified tree/s that are to be retained are to be protected throughout the entire duration of the project. The protection measures should strictly adhere to AS4970-2009: Protection of Trees on Development Sites and the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024. The measures must include: a) A chain-wire fence, standing at least 1.8 metres high, erected as indicated on Appendix 1C – Proposed Bulk Earthworks and tree Protection Plan within in the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024. The fence must be in place before any activities occur on the site. b) Stockpiling of materials, placement of fill, parking of vehicles and compaction of soil shall not occur within the designated tree protection zone. c) Within the tree protection zone, all areas should be evenly covered with composted leaf mulch with a minimum depth of 100mm. d) A sign indicating the protection of the trees much be prominently displayed. e) No installation of services within the tree protection zone should be undertaken without obtaining prior consent from Council. f) The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.
	Condition reason: To protect trees during the carrying out of site work.

106.	**Tree Protection Fencing**

	Before any work begins on the site, tree protection fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be as per the Appendix 1C – Proposed Bulk Earthworks and tree Protection Plan within in the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024. Stockpiling of materials, placement of fill, parking of vehicles, compaction of soil, or washing of cement, other chemicals or fuel contaminants shall not occur within the designated root protection zone. The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.
	Condition reason: To protect trees during the carrying out of site work.

107.	**Tree Protection Signage**
	Before any work begins on the 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.
	Condition reason: To protect trees during the carrying out of site work.

108.	**Mulching within Tree Protection Zone**
	Before any work begins on the site, all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.
	Condition reason: To protect trees during the carrying out of site work.

109.	**Dilapidation report**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the THE PRINCIPAL CERTIFIER OR COUNCIL (where a principal certifier is not required). Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the THE PRINCIPAL CERTIFIER OR COUNCIL (where a principal certifier is not required), that all reasonable steps were taken to obtain access to the adjoining properties. No less than <10> days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

DURING BUILDING WORKS (ALL STAGES)

110.	**Subsoil Drainage**
	During building works, the retaining walls are to be provided with an appropriate system of subsoil drainage which is to drain via gravity to a suitable system of disposal. The system of subsoil drainage is not to cause nuisance or impact on the amenity of the adjoining allotments.
	Condition reason: To minimise stormwater impacts on adjoining properties.

111.	**Landscaping Works**
	During building works, any required landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans (as provided and approved by Council's Manager – Health and Environment at CC stage).
	Condition reason: To ensure compliance with the approved landscaping plans.

112.	**Location of Works**
	During building works, any of the approved works / dwelling house (inclusive of any services, equipment and/or utilities), footings, walls, roof barges and guttering are to be constructed and contained wholly within the property boundaries. A survey report from a registered land surveyor may be required for confirmation of its location.
	Condition reason: To ensure no encroachment occurs onto the adjoining property.

113.	**Roof Water Drainage**
	During building works, gutters and downpipes and/or rainwater tank overflows are to be provided and connected to an approved discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.
	Condition reason: To minimise stormwater impacts on adjoining properties.

114.	**Compliance with BASIX Certificate**
	During works, all commitments listed in BASIX Certificate No. 1360505M_08 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.
	Condition reason: To ensure compliance with the BASIX Certificate requirements.

115.	**Control of early morning noise from trucks**
	During works, trucks associated with the construction at the site that will be waiting to be loaded must not arrive at the site before 7am.
	Condition reason: To protect the acoustic amenity of the local area and of the development.

116.	**Notification of New Contamination**
	During building work, ground conditions must be monitored and when new evidence including, but not limited to, imported fill, buried building materials, asbestos, odour and/or staining, works are to immediately cease and Council's Manager- Environment and Health is to be notified. A site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021* and submitted to Council's Manager – Environment and Health for review. Approval from Council's Manager – Environment and Health must be obtained in writing prior to works recommencing on site.
	Condition reason: To ensure controls are in place for contamination management

117.	**Construction Noise**
	During building work, 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).*
	Condition reason: To protect residential amenity

118.	**Rock Breaking Noise**
	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays. Details of noise mitigation measures and likely duration of the activity must be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.
	Condition reason: To minimise noise impacts on neighbouring properties

119.	**Soil and Water Management Plan**
	During construction, a Soil and Water Management Plan is to be prepared and implemented. 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. The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.
	Condition reason: To protect the environment

120.	**Protection of Existing Vegetation**
	During building work/subdivision work, any excavated material not used in the construction of the subject works is to be removed from the site and under no circumstances is to be deposited in bushland areas.

	Condition reason: To protect vegetation

121.	**Retention of Trees**
	While works are being carried out, only trees specifically identified for removal on the approved plans may be removed. All other trees (including neighbouring trees and street trees) are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024.
	Condition reason: To ensure retained trees are adequately protected during works.

122.	**Project Arborist**
	During site works, the Project Arborist must be on site to supervise any works within the Tree Protection Zone (TPZ) of trees to be retained. Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Principle Certifying Authority within 14 days of completion of the works.
	Condition reason: To protect trees during carrying out of site work.

123.	**Contaminated Waste**
	During works, in accordance with the waste management plan, the generation, storage, transport, treatment or disposal of hazardous, industrial or Group A liquid waste must be in accordance with the requirements of the Protection of the Environment Operations Act 1997 and the NSW Department of Environment and Climate Change and Water (DECCW) waste tracking requirements.
	Condition reason: To ensure contaminated waste is safely stored, transported, and lawfully disposed of while protecting the surrounding environment and local amenity.

124.	**Provision of Waste Chute System**
	Before the issue of a construction certificate, there must be a waste chute system included on the construction plans and approved by the Certifier. The waste chute system must include: a) Chute openings on every residential floor within the building corridors. b) Waste chutes that must terminate into basement chute termination rooms. c) Garbage must discharge into 1100L sized bins housed on a 2-bin linear track system. d) Recycling must discharge into 1100L sized bins housed on a 2-bin linear track system.
	Condition reason: To ensure sufficient waste management on site.

125.	**Disposal of Surplus Excavated Material**
	During works, in accordance with the waste management plan, the disposal of surplus excavated material is to be transported to a licensed facility. Receipts of all waste/ recycling tipping must be always kept onsite and produced in a legible form to any authorised officer of the Council who asks to see them.
	Condition reason: To ensure disposal of surplus excavated material is completed safely and in accordance with the Protection of the Environment Operations Act 1997.

126.	**Implementation of the Site Management Plans**
	While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.

127.	**Procedure for Critical Stage Inspections**
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.

128.	**Implementation of Biodiversity Management Plan**
	While work is being carried out, the commitments and measures set out in the approved Biodiversity Management Plan must be implemented at all times. Works must not encroach into areas of retained native vegetation and habitat. A copy of the approved plan is kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during site works, demolition and construction

129.	**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.
	Condition reason: To ensure all works are carried out in accordance with Council's Works Specification Subdivisions/ Developments.

ON COMPLETION OF WORKS (ALL STAGES)

130.	**Post-Construction Dilapidation Report**

	After completion of all site work a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the PRINCIPAL CERTIFIER OR COUNCIL (where a principal certifier is not required), detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to council (where council is not the principal certifier or a principal certifier is not required) and to the relevant adjoining property owner(s).
	Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.

131.	**Repair of Infrastructure**
	After completion of all site work: a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE (ALL STAGES)

132.	**Retaining Walls**
	Before a "whole" occupation certificate is issued, all retaining walls shown on the approved plans shall be completed.
	Condition reason: To ensure the amenity of adjacent properties are protected.

133.	**Design Verification Certificate**
	Before the issue of an occupation certificate, design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.

134.	**Creation of Restrictions / Positive Covenants**
	Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used. 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 WSUD 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) Positive Covenant – Onsite Waste Collection The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.
	Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.

135.	**Public Infrastructure Inventory Report - Post Construction**
	Before the release of an Occupation Certificate 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.
	Condition reason: To ensure protection and where required suitable remediation of public assets

136.	**Pump System Certification**

	Before the release of an Occupation Certificate, 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 suitably qualified hydraulic engineer
	Condition reason: To ensure pump system for stormwater discharge is suitable and installed/operation.

137.	**OSD System Certification**
	Before the release of an Occupation Certificate the Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA). The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection: a) Works as executed plans prepared on a copy of the approved plans; b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically; c) A certificate of structural adequacy from a suitably qualified 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. Where Council is not the PCA a copy of the above documentation must be submitted to Council.
	Condition reason: To ensure completion of the OSD system in accordance with the approved plans and that the system has been constructed and is operations.

138.	**Water Sensitive Urban Design Certification**
	Before the issue of an Occupation Certificate the WSUD elements conditioned earlier in this consent must be constructed and operational. The following documentation must be submitted in order to obtain an Occupation Certificate: a) WAE drawings and any required engineering certifications; b) Records of inspections; c) An approved operations and maintenance plan; and d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime. Where Council is not the PCA a copy of the above documentation must be submitted to Council..
	Condition reason: To ensure structure(s) associated with the treatment of stormwater to ensure the quality of water discharge from site is suitable to enter the downstream watercourse

139.	**Completion of Engineering Works**
	An Occupation Certificate must not be issued before the completion of all engineering works covered by this consent, in accordance with this consent.
	Condition reason: To ensure all engineering works are completed before an occupation certificate is issued.

140.	**Planting Requirements**
	Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by the private certifier. 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. Any species that need substituting requires confirmation from Council.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

141.	**Insect and Odour Control**
	Before the issue of an occupation certificate, Council's resource recovery Assessment Officer must be satisfied with the installation of an insect control system provided in the waste holding or collection room(s). The equipment installed must have: a) An ultraviolet fly trap with a UV lamp of at least 20W or higher or similar; b) An electric-grid style and mounted to an internal wall or attached to the ceiling; c) An air deodoriser must be installed.
	Condition reason: To ensure that waste holding rooms are maintained and insect and odour issues are prevented. This will assist in the ongoing onsite management

142.	**Commencement of Domestic Waste Service**
	Before the occupation of the site, Council's domestic waste service must commence. The service must be arranged no earlier than two (2) days prior to occupancy and no later than seven (7) days after occupancy of the development. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.
	Condition reason: To ensure residential dwellings have an active waste service for the lawful disposal of garbage, recyclables and garden organics through Council's Contractor.

143.	**Final Inspection of Waste Storage Area(s)**
	Before the issue of an Occupation Certificate, a final inspection of the waste storage area(s) and associated management facilities must be undertaken by Council's Resource Recovery Project Officer to assess compliance with the design specifications and ensure that the necessary arrangements are in place for domestic waste collection. The time for the inspection must be arranged with Council for a mutually convenient time.
	Condition reason: To ensure the waste storage area is compliant with the approved design specifications.

144.	**Provision of Signage for Waste Storage Areas**
	Before the issue of an Occupation Certificate, a complete full set of English and traditional Chinese waste education signage must be installed in a visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications: a) Flat size: 330mm wide x 440mm high; b) Finished size: 330mm wide x 440mm high. Round Corners, portrait; c) Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel); d) Colours: Printed 4 colour process one side, UV ink; e) Finishing: Over laminated gloss clear. Profile cut with radius corners and holes.
	Condition reason: To ensure that waste education is provided to residents to promote resource recovery and ensure waste is being managed correctly by reducing contamination and illegal dumping.

145.	**Waste Chute System Installation Compliance Certificate**
	Before the issue of an occupation certificate, a letter of compliance must be submitted to and approved by the certifier. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.
	Condition reason: To ensure that all waste infrastructure have been constructed/installed to manufacture standards and will be fully operational once residents occupy the building and dispose waste down the waste chutes.

146.	**Provision of Kitchen Waste Storage Cupboard**
	Before the issue of an Occupation Certificate, the certifier must be satisfied with a kitchen waste storage area storage facility provided in each unit/dwelling for the to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have: a) a waste storage cupboard provided in the kitchen with a minimum of 2 removable 15L bins. b) convenient transportation of waste from the kitchen to the main household bins or waste disposal point. c) at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided must allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point.
	Condition reason: To ensure that the kitchen waste storage area is suitable for the unit or dwelling.

147.	**Preservation of Survey Marks**
	Before the issue of an occupation certificate, documentation must be submitted by a registered surveyor to the PRINCIPAL CERTIFIER OR COUNCIL (where a principal certifier is not required), which demonstrates that:

	a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
	Condition reason: To protect the state's survey infrastructure.

148.	**Certification of acoustic measures**
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent
	Condition reason: To protect the amenity of the local area

149.	**Completion of Landscape and Tree Works**
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

150.	**Verification of biodiversity management commitments**
	Before the issue of an occupation or subdivision certificate, provide a report prepared by a suitably qualified person verifying that all commitments and harm minimisation measures required by the approved Biodiversity Management Plan (or biodiversity management measures in the Construction Site Management Plan) have been satisfied.
	Condition reason: To ensure that the required biodiversity management measures to avoid and minimise biodiversity impacts were implemented prior to the issue of an occupation or subdivision certificate

OCCUPATION AND ONGOING USE (ALL STAGES)

151.	**Noise to Surrounding Area**
	During occupation and ongoing use, there shall be no amplified music or speakers external to the building.
	Condition reason: To protect residential amenity

152.	**Biodiversity compliance**
	Before the issue of an occupation certificate, a report from the project ecologist must be provided to the Manager of Environment and Health and the Principal Certifier, providing the following information:

	a) **Tree Removal & Fauna Protection** – Details demonstrating compliance with the Tree Removal and Fauna Protection condition/s of this consent. b) **Local Provenance Planting Stock** – Details demonstrating compliance with the Local Provenance Planting Stock condition/s of this consent. c) **Evidence of Local Provenance** – Invoices detailing the procurement of local provenance species used in any landscaping/bush regeneration works. d) **Evidence and verification of all Fauna Management Plan commitments** – a report prepared by the project Ecologist verifying and providing evidence that all commitments and harm minimisation measures required by the approved Fauna Action Plan have been satisfied. e) **Evidence of Ecological Dam Decommissioning Plan compliance –** A report prepared by the Project Ecologist or Aquatic Ecologist verifying and providing evidence that all commitments and harm minimisation measures required by the approved Ecological Dam Decommissioning Plan have been satisfied.
	Condition reason: Protection of local biodiversity

153.	**Waste and Recycling Management**
	During the occupation and use, all garbage and recyclable materials must be separated into dedicated waste collection containers and stored in a designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangements must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public places. A caretaker must be appointed to manage waste operations onsite including undertaking all instructions issued by Council to enable waste collection. Waste storage areas(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.
	Condition reason: To ensure responsibility is placed upon the site's occupier or resident to management all waste generated on the site without it affected local amenity of neighbouring properties.

154.	**Maintenance of Wastewater and Stormwater Treatment Device**
	During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).
	Condition reason: To protect sewerage and stormwater systems.

155.	**Ongoing Biodiversity Management Plan**
	During ongoing use, all commitments in the approved Biodiversity Management Plan must be met.
	Condition reason: To ensure the required biodiversity management measures to avoid and minimise biodiversity impacts are implemented during and following the occupation of the site.

SUBDIVISION WORK (ALL STAGES)

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE (ALL STAGES)

156.	**Approval for Drains/MUSIC models and stormwater plan**
	Prior to the issue of any Subdivision Works certificate, the registered Certifier shall ensure that the revised Drains/MUSIC models and revised civil and stormwater design referenced within the conditions of this consent has been accepted and signed off by Council's Manager - Subdivision & Development Certification.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

157.	**Revised The Drains/Music Models, Osd, civil and Stormwater Design**
	Prior to the issue of the Subdivision works certificate by the registered certifier, the Drains/Music Models, Osd, civil and Stormwater Design prepared by Orion Group, Project No. 24-0291, Plan no. 010, Revision C must be revised/updated to comply with the following requirements: 1. The proposed 225mm dia stormwater pipe between proposed stormwater pit 6/8 up to and including pit 6/4 shall be located immediately next to the basement's wall. These pits and pipe shall not exceed a 750mm distance of the outer basement's wall. These details and dimensions shall be reflected on the engineering, stormwater and architectural plans. 2. No additional works or fill is permitted within the Restricted Development Area (RDA) referenced within this consent shall be reflected on the engineering, stormwater and architectural plans. 3. A revised catchment plan shall be prepared for each OSD Tank 4. The bypass area for each osd shall be included with the calculation of the OSD including the drains model. 5. Proposed catchment CAT 2 of App 0.279ha for proposed road 1 and 2 shall be modelled within drains as bypassing catchments and shall be connected to the same outlet node 6. All the catchments including the catchment draining to the osd and bypass the osd shall be connected to the outlet/final node within drains model. 7. The Permissible Site Discharge (L/s/ha) for this subject site shall be less than 235L/s 8. The Site Storage Volume (SSV) requirements (m3/ha) for this subject site is minimum of 1,012m3 9. The osd tank shall be located within the basement but not under the habitable area of any unit. 10. Catchment shall be consistent with the stormwater management plan including sub catchment and upstream catchment passing the OSD. The number of catchments (including the size of catchment) within drains model shall be consistent with the catchment plan. The catchment plan shall be consistent with drains model including the set-up of the model, pipe and overflow locations/alignment and bypass areas. Bypass area shall be connected to the headwall node too. 11. Council support the separate drainage system (i.e separate drainage system from the bypassing road catchment and overland flow path easement shall be a different system form the osd outlet system) but this shall be modelled within drains correctly and shown on the plans. 12. For stormwater pipe design, refer to section 4.3 general requirements of Council's Design Guidelines Subdivision/Developments for minor and major system Criteria 13. Additional pit shall be provided at the bend/sag of proposed road No. 1. The stormwater pit shall not surcharge for minor events including the 20 ARI storm

	event and shall be fronting the proposed stormwater easement (c) fronting the subject site 14. The proposed two outlets/headwalls from the site shall be redirected/orientated to be aligned with the direction of the flow and above the 1% AEP. The civil plan shall be consistent with the stormwater plans. 15. The provided MSUIC model including a revised separate catchment plan for the music model shall be provided. The MUSIC model and the environmental targets shall comply with the requirements of this consent. The design between the stormwater plan and MUSIC setup shall be consistent including any bypass area/catchments. Proposed catchment (CAT 2) for proposed roads 1 and 2 shall be modelled as bypass catchment within MUSIC model and shall be connected to the final/outlet node. Only Proposed catchment (CAT3) for proposed road 2 shall be modelled as bypass catchment within MUSIC model or it can be deleted from the total site area 16. The civil and stormwater plans including the internal stormwater plans shall be revised to be consistent with requirements of this consent. 17. A climate change factor of 1.2 must be applied within Drains model or the Rainfall Intensity for the Hawkesbury Catchment shall be used as per Council's Design Guidelines Subdivision/Developments. 18. Blockage factor for any sag pit shall be use as 50%. 19. The flood level for a 1 in 20-year storm event must be analysed in the DRAINS module. The invert level of the headwall should be clearly noted and must be positioned above the calculated 1 in 20-year flood level. Note: The invert of the head wall is almost 2 meter below the 1% AEP..etc 20. The width of the Overland flow path must be shown on the plans and shall be consistent with drains model, this is critical for the public overland flow path draining through the site. The depth velocity factor on open channel shall not be more then 0.4m/s and maximum depth for major event shall be not more than 0.2m 21. The bypass area from the site shall be connected to the final node/headwall too so the total site discharge can be assessed correctly. 22. Provide details and cross section for the proposed two OSD with design surface levels and invert levels. The architectural plan shall be updated to show the OSD tanks too. OSD under the habitable area will not be supported. A stormwater pit from the osd shall be designed and located outside the building envelope to allow for surcharge. The osd shall overflow outside the building and directed away from the building. Also, the current design of the osd doesn't comply with the confined space requirements. All these requirements shall be shown on the Stormwater and architectural plans Prior to the issue of any Subdivision works certificate, the registered Certifier shall ensure that the revised the Drains/Music Models, Osd, civil and Stormwater Design referenced within this condition has been accepted and approved in writing by Council's Manager - Subdivision & Development Certification.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

158.	**Erosion and Sediment Control Plan**
	Before the issue of a construction certificate or before the issue of a subdivision works certificate, an erosion and sediment control plan must be prepared by a

	suitably qualified person in accordance with the following documents and provided to the Registered CERTIFIER : a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

159.	**Engineering Works and Design**
	The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments. Engineering works can be classified as either "subdivision works" or "building works". 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 concept engineering plan prepared by Orion Group, Rev. 04, dated July 2024 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that: *Note: refer to the requirements under the Revised The Drains/Music Models, Osd, civil and Stormwater Design condition within this consent.* **a) Full Width Road Construction** The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Proposed road 2	Road Type: Local Road DCP Part D Section 26 - Bella Vista and Kellyville Station Precincts 3.5m / 11m/ 3.5m (18m)

	Pavement Design: as per Design Guidelines Section 3.12
Proposed road 2 (CH. 80 to CH. 95 only)	Road Type: Local Road DCP Part D Section 26 - Bella Vista and Kellyville Station Precincts 3.5m / 10m/ 3.5m (17m) Pavement Design: as per Design Guidelines Section 3.12

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The wider 4.5m verge must be located on the northern side of proposed road 2 correlating with the cycleway required at this location.

With respect to private roads, the intersection needs to delineate the public road from the private road using a gutter crossing rather than kerb returns, pavement threshold treatment or similar.

All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

b) Partial Width Road Construction

The partial width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Proposed road 1	Road Type: Local Road DCP Part D Section 26 - Bella Vista and Kellyville Station Precincts 3.5m / 11m/ 3.5m (18m) Pavement Design: as per Design Guidelines Section 3.12

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The wider 4.5m verge must be located on the northern side of proposed road 2 correlating with the cycleway required at this location.

Where partial width construction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width construction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the construction of 6m of road pavement.

Any requirements relating to partial width road construction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

With respect to private roads, the intersection needs to delineate the public road from the private road using a gutter crossing rather than kerb returns, pavement threshold treatment or similar.

All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

	c) Temporary Turning Heads A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement. A temporary turning head is required at the North western end of proposed road 1 extending into proposed Lot 30 within DP 1071715 adjacent. **d) Signage and Line Marking Requirements/ Plan** A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required. Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over. Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee. Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road". **e) Pathway/ Local Drainage Link** A 5m wide pathway/ local drainage link must be constructed in the locations shown on the approved plan. The design of this pathway/ local drainage link must comply with the above documents and the relevant section of the DCP. **f) 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. **g) Concrete Footpath** A 2m wide concrete footpath, including access ramps at all intersections, must be provided on one side of proposed road 1 in accordance with the DCP and the above documents. A 2m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of proposed road 2 in accordance with the DCP and the above documents. **h) Service Conduits** Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

	i) Earthworks/ Site Regrading Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Orion Group, project No. 24-0291, plan no. 030 Revision B, dated 08/10/2024 and engineering plan prepared by Orion Group, project No. 24-21-0313, plan no. 003 Revision J, dated 03/10/2024. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent. The proposed retaining wall shall be designed to such that it accepts and caters for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. The proposed retaining wall including footing and subsoil drain shall be design and constructed fully inside the property boundary **j) Batter for proposed road 1** Minimum batter shall be 1:4 over LOT 30 within DP 1071715, but a temporary 1:2 batter may be considered but details of the batter stabilisation shall be supported by geotechnical and structural engineers design and certificate. Details of the batter stabilisation and compliance certificates from geotechnical and structural engineers shall be shown on the Subdivision Works Certificate plans and documentations. Details of the batter stabilisation and compliance certificates from geotechnical and structural engineers shall be provided to the registered Certifier Prior to the issue of any Subdivision Works Certificate. **k) Stormwater Drainage – Creek Outlets** Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Natural Resources Access Regulator (even where the receiving waterbody is not a natural watercourse) and Sydney Water, in the case of stormwater management land. **l) Inter-allotment Stormwater Drainage** Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system. Where Onsite Stormwater Detention is required, a minimum level difference of 800mm measured between the surface level and the invert of the outlet pipe must be provided. **m) Water Sensitive Urban Design Elements** Water sensitive urban design elements, consisting of GPT, Rainwater tank, StormFilter cartridges, OceanGuard gully pits are to be located generally in accordance with the plans and information submitted with the application. 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. Not: refer to the requirements under the Revised The Drains/Music Models, Osd, civil and Stormwater Design condition within this consent. **n) Compliance with Flood Study** A compliance certificate from a qualified civil engineer specialise in flood modelling shall be provided to the Principal Certifier confirming that estimated by Orion Group Rev. 04, dated July 2024 and revised as per all flooding conditions within this consent over the proposed overland flow path shall be revised/updated to comply with the requirements of this consent. **o) Consistency with the TUFLOW model** The architectural, landscaping, civil and stormwater plans shall be consistent with the design requirements of future/revised Tuflow model referenced within this consent and to the satisfaction of Council's Manager - Subdivision & Development Certification. These requirements shall be reflected on the Construction Certificate plans and supporting documentation prior to the issue of any Construction Certificate. A compliance certificate from a qualified civil engineer specialise in flood modelling and a separate A compliance certificate from a qualified registered architect shall be provided to Council's Manager - Subdivision & Development Certification confirming The architectural, landscaping, civil and stormwater plans shall be consistent with the design requirements of future/revised Tuflow model referenced within this consent **p) Basement protection** All access points, Crest of the Driveway, the Pedestrian Access way to the underground basement, ventilation points and lift lobby for underground basement carpark that subject to potential floodwaters ingress must be flood proofed up to the respective/adjacent 1% AEP plus 500mm freeboard for the adjacent 1%AEP as estimated by the revised estimated by Orion Group and revised as per all flooding conditions within this consent and the requirements of this consent.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

DURING WORKS (ALL STAGES)

160.	**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.
	Condition reason: To ensure a suitable medium is available to support vegetation growth.

161.	**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.
	Condition reason: To ensure all works are carried out in accordance with Council's Works Specification Subdivisions/ Developments.

BEFORE ISSUE OF SUBDIVISION CERTIFICATE/OCCUPATION CERTIFICATE (ALL STAGES)

162.	**Confirmation of Pipe Locations**
	Before the release of a Subdivision Certificate a letter from a registered surveyor certifying that all pipes and drainage structures are located within the proposed drainage easements must be submitted to the Principal Certifier
	Condition reason: To ensure all relevant drainage infrastructure built under the consent is within easements where required.

163.	**Adjoining Property Dilapidation Report Post Construction**
	Before the release of a Subdivision Certification an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.
	Condition reason: To ensure protection and where required, suitable remediation of adjoining properties

164.	**Restricted Development Area Plan**
	Before the issue of a subdivision certificate, a scaled plan delineating the Restricted Development Area (RDA), detailing the boundary of all land identified as avoided in the

	Biodiversity Development Assessment Report is to be prepared and provided to The Hills Shire Council Manager of Environment & Health. The area within the RDA cannot be built upon in the future and must be managed in accordance with the approved Vegetation Management Plan.
	Condition reason: To ensure the location of the restricted development area is accurately identified.

LAND SUBDIVISION (ALL STAGES)

GENERAL CONDITIONS (ALL STAGES)

165.	**Subdivision Certificate Preliminary Review**
	Before 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 to Council in order to establish that all conditions have been complied with.
	Condition reason: To ensure that all conditions have been complied with.

166.	**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 to Council 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.
	Condition reason: To ensure all parties are aware of the process and documentation required to remove an encumbrance on the title of a property where Council is the benefiting authority.

167.	**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. Any future strata application shall include the "vegetation management plan/ restricted development area" as a common area.
	Condition reason: To ensure that the restricted development area is protected

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE (ALL STAGES)

168.	**Western Sydney Growth Areas – Payment of Special Infrastructure Contribution**
	Before the issue of a Construction Certificate/ Subdivision Works Certificate, a special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative. Information about the special infrastructure contribution can be found on the NSW Department of Planning and Infrastructure website: Special infrastructure contributions | Planning (nsw.gov.au) Please contact the NSW Department of Planning and Infrastructure regarding arrangements for the making of a payment.
	Condition reason: To ensure the Special Infrastructure Contribution has been paid by the developer/ applicant before the issue of a Construction Certificate.

169.	**Subdivision Works Certificate - General**
	The subdivision works certificate under this consent shall be issued concurrently with subdivision works certificate under development application No. 563/2024/ZB. Partial subdivision works certificate will not be issued/permitted.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

DURING WORKS (ALL STAGES)

170.	**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.
	Condition reason: To ensure that the developer is aware of the need to stop works and notify the NSW Office of Environment and Heritage should any unidentified sites or relics be found during works.

BEFORE ISSUE OF SUBDIVISION CERTIFICATE (ALL STAGES)

171.	**Subdivision Certificate - General**
	The Subdivision certificate under this consent shall be issued concurrently with subdivision certificate under development application No. 563/2024/ZB. Partial subdivision certificate will not be issued/permitted.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

172.	**Subdivision Certificate Application**
	When submitted, the Subdivision Certificate application must include: a) One copy of the final plan. b) The original administration sheet and Section 88B instrument. c) All certificates and supplementary information required by this consent. d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).
	Condition reason: To ensure the applicant is aware of the documentation required for the subdivision certificate application.

173.	**Vegetation Management Plan (VMP) Implementation**
	All performance criteria for the establishment phase of the VMP (5 years) must be complied with prior to the issue of a Subdivision Certificate. A statement certifying such compliance must be provided by the author of the VMP or an equally qualified and experienced person. Consideration may be given to early release of a Subdivision Certificate in lieu of this by agreement with Council's Manager – Subdivision and Development Certification, based on alternative arrangements to secure completion of works. Szuch agreement must comply with s6.15(2) of the *EP&A Act* and will be conditional upon there being no circumstances prohibiting the issuing of a Subdivision Certificate contained within s6.15(1) of the *EP&A Act* at the time of any such agreement.
	Condition reason: Implementation of the approved Vegetation Management Plan to meet with the avoid and mitigate measures under the *Biodiversity Conservation Act 2016* [NSW]

OCCUPATION AND ONGOING USE (ALL STAGES)

174.	**Waterproof Basement (tanked Basement)**
	Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified Chartered structural Engineer stating that subsurface structure/basement has been designed and constructed as a waterproof retention system (ie tanking and waterproofing) with adequate provision for future fluctuation of the watertable plus 300mm, and that the subsoil drainage around the subsurface structure/basement was not connected to the internal drainage system, in accordance with the approved Construction Certificate plans and the conditions included within this consent. Prior to the issue of the Occupation Certificate, the consent holder must submit a design compliance certificate prepared by suitably qualified Chartered structural Engineer satisfying the requirements above to the Registered Certifier. These requirements shall be reflected on the Occupation Certificate and supporting documentation.
	Condition reason: to protect the basement form groundwater

STAGE 1

BUILDING WORK (STAGE 1)

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE (STAGE 1)

175.	**Section 138 Works (Subdivision Works Certificate and Stage 1 only)**
	A S138 Roads Act application, including the payment of application and inspection fees, is required to be lodged with, and approved by The Hills Shire Council (being the Roads Authority under the Roads Act), for provision of the following: connection of proposed road No. 2 to the bridge and the roundabout at Settlers Drive, including drainage and associate infrastructure and landscape. The S138 Roads Act application under this consent shall be issued concurrently with the S138 Roads Act application under this development application No. 563/2024/ZB. Partial S138 Roads Act application will not be issued/permitted. Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments, Austroad Guidelines and best engineering practice. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, the consent holder must provide a copy of the approved S138 Roads Act to the certifier. Note: Where The Hills Shire Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.

	Condition reason: To ensure that council will assess and approve public roads or any other land under the care and control of Council.

176.	**Approval of the Flood Model**
	Prior to the issue of any construction certificate, the Registered Certifier shall ensure that the revised TUFLOW model referenced within the conditions of this consent has been accepted and signed off by Council's Manager - Subdivision & Development Certification.
	Condition reason: To protect the buildings and To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

177.	**Revised TUFLOW model**
	Prior to the issue of the construction certificate by the registered certifier, or the Subdivision works certificate by the registered certifier, whichever the earliest, the TUFLOW model prepared estimated by Orion Group Rev. 04, dated July 2024 and revised as per all flooding conditions within this consent over the must be revised/updated to comply with the following requirements: (a) The base model within the Tuflow for the predevelopment shall not be altered. (b) The base model for the pre-development, post-development interim, post-development ultimate, sensitivity analysis shall be revised based on the latest/final civil, landscape and architectural plans *Note: the excel file dated 6 September 2024 and has been sent to the applicant on 9 September 2024 shall be used as a based model but the Digital Elevation Model (DEM), Roughness, Modelling Fences/Walls and Model Verification against Sydney Water RHFS model, 2024 shall be revised to comply with the requirements of this whole/entire condition* (c) PMF needs to be run using the approved Pre-developed flood models. Include the input and output files of these runs. This comments is applicable to the pre-development, post-development interim, post-development ultimate, sensitivity/blockage analysis (d) Increasing the velocity outside the development site is not permitted. The TUFLOW model shall be revised to ensure that the velocity outside the development site is equal or less than the post development case. (e) Increasing the flood levels outside the development site is not permitted. The TUFLOW model shall be revised to ensure that the flood levels outside the development site is equal or less than the post development case. (f) Increase the flood depth outside the development site is not permitted. The TUFLOW model shall be revised to ensure that the flood levels outside the development site is equal or less than the post development case. (g) The overland flow path including the flood conveyance shall be designed to reflect/replicate the existing overland flow path along Partridge Avenue. All the

	dry existing area including public road or private land shall remain as a dry areas. (h) No impact outside the development site will be permitted. (i) The TUFLOW model must be revised to include the Probable Maximum Flood (PMF). Once the PMF is modelled and the PMF extent is provided on the architectural plans, and the civil/stormwater plans, (j) Satisfy all flooding conditions within this consent (k) Satisfy all flooding council's comments relating to the flood model and excel file dated 6 September 2024 and has been sent to the applicant on 9 September 2024. Format within the excel file shall not be amended. (l) The extent of the revised 1% AEP shall be shown on the landscape, architectural, landscaping, civil and stormwater plans. (m) The landscape, architectural, civil and stormwater plans shall be revised to comply with the revised TUFLOW model. (n) The Site Flood Emergency Response Plan (SFERP) shall be revised to adopt the recommendation from the revised TUFLOW model. The Site Flood Emergency Response Plan (SFERP) shall direct the resident to ground above the PMF level. A copy of the approved Site Flood Emergency Response Plan (SFERP) shall be provided to Council for record keeping purposes. (o) Flood impact assessment shall be provided with the submission demonstrating compliance with the requirements of this consent. (p) For the Post-development Interim scenario, remove the Remove existing buildings or structures in the future versions of the Post-developed flood model. Refer to council's comments relating to the flood model and excel file dated 6 September 2024 and has been sent to the applicant on 9 September 2024. (q) For the Post-development Interim scenario, Run the Post-developed Ultimate Scenario flood model for both the 1% AEP flood and PMF design events applying 10%, 25% and 50% blockage of the bridge opening for sensitivity assessment. Refer to council's comments relating to the flood model and excel file dated 6 September 2024 and has been sent to the applicant on 9 September 2024. (r) For the sensitivity analysis, Refer to council's comments relating to the flood model and excel file dated 6 September 2024 and has been sent to the applicant on 9 September 2024. (s) The flood model above (a) to (s) inclusive shall comply with councils Part C Section 6 – Flood Controlled Land of Council's DCP, Council's Flood Modelling and Stormwater Design Guideline dated Feb 2024 and council's Design Guidelines Subdivision/Developments dated Dec 2023 and in accordance with Council's Works Specification Subdivisions/ Developments Prior to the issue of any construction certificate, the Principal Certifier shall ensure that the revised TUFLOW model referenced within this condition has been accepted and approved in writing by Council's Manager - Subdivision & Development Certification
	Condition reason: To protect the buildings and to ensure that the engineering design associated with this development have been designed and completed in accordance with

	Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

178.	**Fauna Action Plan**
	Before the issue of a construction certificate, a Fauna Action Plan shall be developed in accordance with Council's *Fauna Action Plan Guideline* (available on Council's website www.thehills.nsw.gov) and details provided in an approved Biodiversity Management Plan. The Fauna Action Plan is to be submitted to THSC Manager of Environment & Health for review and approval.
	Condition reason: To ensure protection of fauna.

179.	**Provision of Bulky Goods Storage Area**
	Before the issue of a construction certificate, construction plans that demonstrate a bulky goods storage area must be approved by the certifier. The area must: a) Be a separate room or caged area; b) Open directly onto the designated waste service bay; c) Have a minimum floor area of $4m^2$ per 50 apartments. Floor space must be rounded up to the nearest 50 apartments; d) Have floors that are to be constructed of concrete with a smooth non-slip finish; e) Have a resident access door, with a minimum clear floor width of 2m; f) Have a resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened; and g) Be provided with lighting.
	Condition reason: To ensure that adequate space is provided within Residential Flat Buildings for the storage of any unwanted bulky items to help in preventing illegal dumping and promote resource recovery.

180.	**Access and Loading for Waste Collection**
	fore the issue of a construction certificate, construction plans satisfied by the Certifier must demonstrate waste vehicle access and loading facilities designed and provided on site in accordance with AS2890.2 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance. The following requirements must also be satisfied: a) All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per AS 2890.1. b) All manoeuvring and loading areas for waste collection vehicles must be clearly and permanently line marked, signposted, and maintained. c) Pedestrian paths around the designated waste collection areas must be clearly and permanently line marked, signposted, and maintained. d) The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three-point turn). e) The designated waste service bay must allow additional space servicing of bins.

	f) The loading area must have a sufficient level of lighting and have appropriate signage. such as "waste collection loading zone", "keep clear at all times" and "no parking at any time". g) Entry to sites with restricted access (i.e., via roller shutter doors, boom gates or similar) must be provided via the installation of a lockbox (supplied through Council's locksmith) containing Council's Waste Management Master Key System 'P3520' on an accessible external wall. The lockbox must store the site-specific keys or remote so that Council's Waste Collection Contractor can access the site for ongoing waste collection.
	Condition reason: To ensure safe and adequate loading facilities are provided for the waste vehicle to enter the site and service all waste collections.

181.	**Internal Pavement Design Certification**
	Before the issue of a Construction Certificate, a Certified Practicing Engineer (CPEng) must certify that the internal pavement design will withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (i.e., 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.
	Condition reason: To ensure internal pavement design is adequate.

182. **Further Acoustic Assessment - Gym**

Before the issue of a construction certificate, detailed plans and acoustic attenuation methods for the communal gym are to be provided to the certifying authority, ensuring that the following noise levels are achieved:

Location	Day and Evening Periods (7am-10pm) (dB(A)$_{LMax}$)	Night-time Period (10pm-7am) (dB(A)$_{LMax}$)
Residential apartment	Airborne: 40	Airborne: 35
	Structure borne: 35	Structure borne: 30
Other occupied areas	Airborne: 55	Airborne: 50
	Structure borne: 50	Structure borne: 45

Condition reason: To protect residential amenity.

183.	**Tree Removal**
	Approval is granted for the removal of trees as indicated on Appendix 1D – Tree Retention and Removal Plan within in the Arboricultural Impact Assessment Report prepared by Hugh the Arborist Rev F dated 5/10/2024. All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.
	Condition reason: To provide details of trees approved for removal.

184.	**Landscape Plan**

	Before the issue of a construction certificate, staged Landscape Plans for the site are to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to the satisfaction of Council's Manager - Environment and Health. The plan must contain: a) Landscaping for each stage b) site boundaries and dimensions surveyed; c) north point, and scale (1:200 desirable); d) existing and proposed levels; e) all trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc); f) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; g) paths and stormwater drainage are to be outside of areas of vegetation retention; h) further opportunities for the natural regeneration of Cumberland Plain Woodland vegetation are to be provided through the retention of existing vegetation and additional planting of similar species adjacent Road No.02; and i) detailed planting plans with individual plant symbols and labels with species and quantities clearly indicated.
	Condition reason: To ensure amenity.

BEFORE WORK COMMENCES (STAGE 1)

185.	**Asbestos Removal Signage**
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition reason: To alert the public to any danger arising from the removal of asbestos.

186.	**Notification of Asbestos Removal**
	Before commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and WorkCover NSW must be given a minimum five days written notification of the works.
	Condition reason: To ensure compliance with legislation and ensure public and work safety.
187.	**Discontinuation of Domestic Waste Services**
	Before the commencement of works, an arrangement for the discontinuation of all current domestic waste services on the site must be organised with Council's Customer Service Centre. This service must be cancelled before demolition works commence or where the site ceases to be occupied during works, whichever comes first. 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.
	Condition reason: To ensure that any domestic waste service that is active onsite is cancelled and returned to Council prior to works commencing. Bins must be returned to prevent the misuse and presence of contamination.

188.	**Local Provenance Planting Stock**
	Before site work commence, all collectable floristic material shall be harvested for use in rehabilitation works on site. The bush regeneration contractor shall collect all available seed from native species present on site prior to clearing of the site. In the event that insufficient material is collected, the bush regenerator shall order all local provenance plants that are required to be planted as part of the Council approved Vegetation Management Plan. Invoices detailing the procurement shall be submitted to The Hills Shire Council Manager of Environment & Health.
	Condition reason: To ensure there is sufficient local genetic plant material available for vegetation restoration works.

189.	**Hazardous material survey before demolition**
	Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences. Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information: a) the location of all hazardous material throughout the site b) a description of the hazardous material c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials f) identification of the disposal sites to which the hazardous materials will be taken
	Condition reason: To require a plan for safely managing hazardous materials

DURING DEMOLITION WORKS (STAGE 1)

190.	**Removal of Septic Tank and Effluent Disposal Area**

	During demolition work, the existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material. Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health "Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)" available from the NSW Health website (http://www.health.nsw.gov.au/). Note: Methods 1.1 & 2.1 (Demolition) are not permissible. Waste disposal receipts or other evidence of appropriate disposal must be provided to the Principal Certifier confirming lawful disposal of materials has occurred.
	Condition reason: To protect the environment and ensure waste is lawfully managed

DURING BUILDING WORKS (STAGE 1)

191.	**Warning Notice Whilst Pool Under Construction**
	During building works, in accordance with the Part 3 Clause 10 (3) of the Swimming Pools Regulation 2018, the occupier of any premises in or on which a swimming pool (not including a spa pool) is being constructed must ensure that a sign is erected and maintained that: a. bears a notice containing the words "This swimming pool is not to be occupied or used", and b. is located in a prominent position in the immediate vicinity of that swimming pool, and c. continues to be erected and maintained until a relevant occupation certificate or a certificate of compliance has been issued for that swimming pool.
	Condition reason: To protect the safety of people on site during construction.

192.	**Resuscitation Warning Notice**
	Before the issue of an occupation certificate, in accordance with the Swimming Pools Regulation 2018, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words: (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL", and (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES", and all other details required by the Regulation.
	Condition reason: To protect the safety of people on site during construction.

193.	**Pool Discharge Water**
	During building works, the discharge and/or overflow pipe from the swimming pool and filtration unit is to be connected to the sewer where available. All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench. The pool excavation is not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.
	Condition reason: To ensure swimming pool water is discharged in a healthy manner and will not impact natural watercourses or stormwater drains.

194.	**Swimming Pool Safety Fencing**
	During building works, all pools and safety barriers are to comply with the Swimming Pools Act 1992 and the Swimming Pools Regulation 2018. A fact sheet titled Swimming Pool Fencing Requirements is available from www.thehills.nsw.gov.au. It should be noted that any steps, retaining walls, objects (for example – planter boxes, pump enclosures and the like) or level changes that would otherwise reduce the height of the barrier within a property shall not be located within 500mm of the barrier.
	Condition reason: To ensure compliance with legislative requirements.

195.	**Temporary Fencing of Pools**
	During building works, on excavation and before installation of the pool shell or placement of the steel re-enforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it. The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation or an appropriate restriction of access which meets the requirements of the Swimming Pools Act 1992 and the Swimming Pools Regulation 2018 has been provided to the pool.
	Condition reason: To manage safety of the site.

196.	**Pool not to be Filled Until Occupation**
	During building works, the pool is not to be filled with water until the dwelling is occupied and an appropriate restriction of access which meets the requirements of the Swimming Pools Act 1992 and the Swimming Pools Regulation 2018 has been provided to the pool.
	Condition reason: To manage safety of the site.

197.	**Pool Concourse - Grades**

	During building works, the pool concourse is to be graded and drained so as to prevent pool water splash flowing onto, or causing a nuisance to the neighbouring property.
	Condition reason: To minimise the impact to adjoining properties.

198.	**Dam Decommissioning – Fauna Requirements**
	a) The decommissioning of the dam is to be undertaken in accordance with a Council approved Ecological Dam Dewatering Plan, required by this consent. b) An Ecological Dam Dewatering Report, detailing the survey and monitoring before, during and after dam decommissioning, is required to be prepared by an Aquatic Ecologist.
	Condition reason: To protect aquatic fauna

199.	**Fauna Action Plan implementation**
	During site works, the Council approved Fauna Action Plan must be implemented.
	Condition reason: To protect fauna

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE (STAGE 1)

200.	**Security Bond – Temporary Turning Head**
	Before the release of a Subdivision Certification security bond for the maintenance and removal of the temporary turning head(s) must be provided. The bonded amount must be based on 150% of the tender240ed value of providing all such works. The minimum bond amount is $30,000.00. The bond amount must be confirmed with Council prior to payment. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount. This bond is not required if the temporary cul-de-sac turning head is not required to be constructed. The rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website.
	Condition reason: To ensure maintenance and where required removal of temporary turning head(s). This is an outstanding works bond in accordance with Section 4.17(6) of Environmental Planning and Assessment Act 1979

201.	**Subdivision Public Asset Creation Summary**

	A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.
	Condition reason: To assist in computing the total quantities of public asset/ inventory being handed over to Council.

202.	**Construction of Swimming Pool Barrier**
	Where an existing swimming pool barrier is affected by the proposed works (inclusive of associated No Climb Zones or its Effective Height), or a new barrier is required as a result of the proposed works, the required swimming pool barrier shall be constructed/installed to isolate the swimming pool from all residential buildings on the site before the issue of any occupation certificate for the completion of such works.
	Condition reason: To ensure the safety of occupants on site.

203.	**Registration of Swimming Pool/Spa**
	Before the issue of an occupation certificate for the swimming pool/spa, it is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the Principal Certifier to confirm the registration.
	Condition reason: To ensure a record is kept of Swimming Pools and Spas within the area.

204.	**Internal Pavement Construction**
	Before the issue of an Occupation Certificate, a Certified Practicing Engineer (CPEng) must submit a letter to the certifier confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long Heavy Rigid Vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).
	Condition reason: To ensure that the internal pavement has been constructed to allow Council's waste vehicle to enter the site safely.

205.	**Domestic Waste Collection Risk Assessment**
	Before the issue of an Occupation Certificate, a risk assessment must be undertaken on site by Council's Resource Recovery Assessment Officer. The assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.
	Condition reason: To ensure that any development serviced by Council and its Contractor can safely be accessed by the waste vehicle to complete onsite waste collections.

206.	**Installation of Master Key System to Waste Collection Room**
	Before the issue of an Occupation Certificate, the site project manager must organise with Council's locksmith to install a lockbox fitted with Council's Waste Management Master Key System 'P3520' on an accessible external wall of the waste holding room. The lockbox must store the site-specific keys that open the waste holding room so that Council's Waste Collection Contractor can access the room for ongoing waste collection.

	The lockbox is to be installed through Council's locksmith at the cost of the developer. Please contact Council's Resource Recovery Project Officer to organise the installation.
	Condition reason: To ensure access is granted to Council's waste collection Contractor into the site's waste room to collect bins.

OCCUPATION AND ONGOING USE (STAGE 1)

207.	**Filtration Motor Noise**
	When using or operating the swimming pool filtration system, the sound pressure level of the swimming pool filter and pump shall not exceed the background noise level ($L_{A90, 15\ min}$) by more than 5 dB. The filter and pump shall be acoustically enclosed so that the noise emissions do not exceed the background noise level ($L_{A90, 15\ min}$) by more than 5 dB.
	Condition reason: To protect the amenity of neighbouring properties.

SUBDIVISION WORK (STAGE 1)

GENERAL CONDITIONS (STAGE 1)

208.	**Approved Street Naming**
	Street naming must comply with Council's approved map which can be found on Council's website. Street naming shall be shown on the Construction Certificate plans and supporting documentation before the issue of a construction certificate or a subdivision works certificate, whichever comes first.
	Condition reason: To ensure new street naming is complying with council's guidelines/policy.

209.	**Approval of the Flood Model**
	Prior to the issue of any Subdivision Works certificate, the Registered Certifier shall ensure that the revised TUFLOW model referenced within the conditions of this consent has been accepted and signed off by Council's Manager - Subdivision & Development Certification.
	Condition reason: To protect the buildings and To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

BEFORE WORK COMMENCES (STAGE 1)

210.	**Contractors Details**
	Before works commencing on site the Principal contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than $20,000,000.00. 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.
	Condition reason: To address requirements under Section 109E(3) of the Environmental Planning and Assessment Act 1979

211.	**Service Authority Consultation – Subdivision Works**
	Before the subdivision works commence documentary evidence must be submitted to the PC confirming that satisfactory arrangements have been made for: • The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. • The provision of water and sewerage facilities. • The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.
	Condition reason: To ensure appropriate provisions are made for supply of utility services within the subdivision.

212.	**Pavement Design**
	Before the commencement of works, the applicant must have a pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) prepared by a geotechnical engineer submitted to Council for approval.
	Condition reason: To ensure a pavement specific pavement design is approved for construction and documented before works commence.

213.	**Erection of Signage – Supervision of Work**
	Before works commencing on site the Principal Contractors is to ensure a sign is erected in a prominent position displaying the following information: • The name, address and telephone number of the Principal Certifying Authority; • The name and telephone number (including after hours) of the person responsible for carrying out the works;

	• That unauthorised entry to the work site is prohibited. This signage must be maintained while the subdivision work is being carried out and must be removed upon completion..
	Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021

214.	**Dilapidation report**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the registered CERTIFIER. Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the registered CERTIFIER, that all reasonable steps were taken to obtain access to the adjoining properties. No less than 14 days days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

DURING WORKS (STAGE 1)

215.	**Critical Stage Inspections – Subdivision Works**
	During Construction the Principal Contractor is to ensure a minimum of 24 hours' notice is provide to Council for inspections. No works are to commence until the first inspection has been carried out.
	Condition reason: To provide adequate notice to Council as the Principal Certifier to arrange inspections to be completed.

216.	**Dam Dewatering Requirements**
	While subdivision work is being carried out, the recommendations of the Dam Dewatering Report prepared by Sydney Environmental Group Pty Ltd Pty Ltd, referenced as 1399-DDA-01-050522.v2f, dated 3 November 2023 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: a) The dam water discharge method is to be via land application; and b) The dam is to be decommissioned in accordance with section 8 of the report.
	Condition reason: To protect health, safety and environment.

BEFORE ISSUE OF SUBDIVISION CERTIFICATE/OCCUPATION CERTIFICATE (STAGE 1)

217.	**Completion of Subdivision Works**
	Before the release of a Subdivision Certificate the Principal Certifier must ensure completion of all subdivision works covered by this consent
	Condition reason: To ensure all works required by this consent are completed prior to release of subdivision certificate

218.	**Subdivision Works Certificate - General**
	The subdivision works certificate under this consent shall be issued concurrently with subdivision works certificate under development application No. 563/2024/ZB. Partial subdivision works certificate will not be issued/permitted.
	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

219.	**Works as Executed Plans**
	Before the release of a Subdivision Certificate the applicant must have completed a Works as executed (WAE) plan prepared by a suitably qualified engineer or registered surveyor for all subdivision/Engineering works. This Plan is to be submitted to the Principal Certifier The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.
	Condition reason: To ensure works have been completed in accordance with the plans approved by the relevant certifier and in accordance with Council Standards. Required plans also provide a reference to Council for all works constructed, some of which may be dedicated to Council.

220.	**Section 73 Compliance Certificate**
	Before the release of a Subdivision Certificate being issued 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. This Certificate must be submitted to the Principal Certifier 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.

	Condition reason: To ensure appropriate water and/ or sewer facilities are provided when covered by land under the Sydney Water Act 1994

221.	**Provision of Electrical Services**
	Before the release of a Subdivision Certificate a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services must be submitted to the Principal Certifier. 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.
	Condition reason: To ensure lots created are appropriately serviced by a relevant electrical services provider

222.	**Provision of Telecommunication Services**
	Before the release of a Subdivision Certificate for a fibre-ready facility, written certification from a qualified installer must be submitted to the Principal Certifier confirming that the telecommunications infrastructure has been installed in accordance with the following requirements: • The Telecommunications Act 19978 (Cth). • The standard specifications of NBN Co current at the time of installation. • All telecommunications infrastructure must be undergrounded. The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. In all other cases (non-fibre ready facilities), either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.
	Condition reason: To ensure lots created are appropriately serviced by a relevant telecommunication services provider

223.	**Final Plan and Section 88B Instrument**
	Before the release of the subdivision Certificate the final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used. a) Dedication – New Road The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication proposed roads 1 and 2. b) Dedication – Temporary Public Road

	The dedication of the proposed temporary public road must be included on the final plan in accordance with the undertaking submitted relating to dedication PROPOSED RIGHT OF ACCESS 0.5 WIDE & VARIABLE (known (D)). c) Easement – Temporary Public Access A temporary public access easement must be created within LOT 30 within DP1071715 over the temporary cul-de-sac turning head using the "temporary public access easement" terms included in the standard recitals. d) Easement – Batter/ Support An easement for batter/ support must be provided within lot 30 adjacent to < DP1071715> using the "easement for batter/ support of public road" terms included in the standard recitals. e) Easement – Private 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. f) 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. g) Easement – A Public Stormwater Drainage/ Outlet A drainage easements, minimum 5m wide and 30m long, must be created over all outlets within the property or on adjoining land using the "public stormwater outlet" terms included in the standard recitals. h) Positive Covenant – Maintenance PUBLIC ACCESS 16 WIDE shared link through the site A positive covenant must be placed on the title of proposed lot 10 to ensure the maintenance/ repair of the PUBLIC ACCESS 16 WIDE using the "maintenance/ repair of shared access" terms included in the standard recitals. i) Restriction – Rainwater Tanks All residential lots must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals. j) Restriction/ Covenant – Onsite Stormwater Detention Lot 10 must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals. k) Restriction/ Covenant – Water Sensitive Urban Design Lot 10 must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals. l) Restriction/ Covenant – Vegetation Management Plan

	Lot 10 must be burdened with a restriction and a positive covenant using the "vegetation management plan/ restricted development area" terms included in the standard recitals. Any future strata application shall include the "vegetation management plan/ restricted development area" as a common area.
	Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address where relevant, conditions of consent.

224.	**Site/ Lot Classification Report**
	Before the release of a Subdivision Certification a site/ lot classification report prepared by a suitably qualified geotechnical engineer must be prepared and submitted following the completion of all subdivision works confirming that all residential lots are compliant with AS 2870 and are suitable for development. The report must be accompanied by a table which summarises the classification of all lots created as part of the subdivision.
	Condition reason: To ensure lots are of a standard that are suitable for future development.

225.	**Subdivision Public Asset Creation Summary**
	A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.
	Condition reason: To assist in computing the total quantities of public asset/ inventory being handed over to Council.

226.	**Dedication of Proposed lot 11**
	Proposed lot 11 shall be dedicate to council as a public land at no cost to council. Prior to the release of the Subdivision certificate, the deposited plan shall reflect this requirement.
	Condition reason: to comply with the overall ILP.

227.	**Performance/ Maintenance Security Bond**
	Before the release of a Subdivision certification the applicant must submit 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 $10,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.
	Condition reason: To ensure performance pf Public assets in accordance with Section 4.17(6) of Environmental Planning and Assessment Act 1979

228.	**Security Bond – Temporary Public Road**

	Before the release of a Subdivision Certification security bond for the maintenance and removal of the temporary roads (including the tree pits, stormwater pipe and pits, temporary driveway and indented parking bays) must be provided. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is $30,000.00. The bond amount must be confirmed with Council prior to payment. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary road these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount. This bond is not required if the temporary road is not required to be constructed. The rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website.
	Condition reason: To ensure maintenance and where required removal of temporary road(s). This is an outstanding works bond in accordance with Section 4.17(6) of Environmental Planning and Assessment Act 1979

229.	**Stormwater CCTV Recording**
	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.
	Condition reason: To ensure all newly built and existing stormwater infrastructure traversing the site have been constructed to Council satisfaction without any defects and all products used are in accordance with the approved plans.

ATTACHMENT A

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS-2024-10352
Issue date of GTA:	19 June 2024
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 1, DP1237055, 40 MEMORIAL AVENUE BELLA VISTA 2153 Lot 1, DP1180837, 1Z FREE SETTLERS DRIVE BELLA VISTA 2153
Waterfront Land:	Elizabeth MaCarthur Creek
DA Number:	308/2024/JP
LGA:	THE HILLS SHIRE

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 308/2024/JP provided by Council to Department of Planning and Environment-Water. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required.
TC-G005	A. The application for a controlled activity approval must include the following plan(s): • Erosion and sediment control plans - shall include certification from an appropriately qualified person • Construction detailed drainage plans - shall include the stormwater management design report with certification from an appropriately qualified person • Landscape plan - shall incorporate species from the Forest Red Gum Grassy Woodland on the Flats of the Cumberland Plain B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water 's guidelines located on the website https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2024-10352 as provided by Council:

Amended Statement of Environmental Effects, prepared by Orion dated June 2024

Civil Plans, Drawing No. DA000 - DA704 revision G prepared by Orion dated 8 April 2024

Landscape Plan, prepared by Turner Land and Form dated 3 June 2024

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

ATTACHMENT B

Our ref: DOC23/927100-17

Ms Kate Clinton
The Hills Shire Council
PO Box 7064,
Norwest NSW 2153

Email: kclinton@thehills.nsw.gov.au

Letter uploaded to the Concurrence and Referral (CNR) portal

Dear Ms Clinton

GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION
NATIONAL PARKS AND WILDLIFE ACT 1974

Address: Lots 1 and 2 DP 1237055 and Lot 2 DP 1180837, collectively known as 40 Memorial Avenue, Bella Vista.

Proposal: Construction of residential flat buildings comprising of six buildings containing 224 dwellings and associated works including demolition of existing structures, civil infrastructure, landscape works, and utilities servicing.

IDA application no: DA308/2024/JP, CNR-60300, A-73658, received 23 September 2023.

This letter contains our general terms of approval for the above integrated development application for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

We have reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR) for 40 Memorial Ave Bella Vista, dated March 2023, prepared Apex Archaeology, that has been provided in support of this application. The report has identified that Aboriginal objects known as stone artefact sites 45-5-4262 and duplicate recording 45-5-4841 will be impacted by the proposed development. Mitigation has been proposed in the form of archaeological salvage excavation of these sites.

We note a separate but related development application (DA563/2024/ZB, CNR-62279) has been lodged and referred to Heritage NSW over land known as 1Z Free Settlers Drive Bella Vista for the subdivision of 4 lots into 3 lots, construction of bridge and roundabout and associated clearing works.

Aboriginal Heritage Impact Permit (AHIP) 4928 has been issued over the part of the current application area of DA563/2024/ZB. AHIP 4928 was issued to Sydney Water Corporation for Elizabeth Macarthur Trunk Drainage Lands on 2 June 2022 for a period of 10 years. The AHIP is active.

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

APPROVED DEVELOPMENT

1. Development must be in accordance with:
   a. Aboriginal Cultural Heritage Assessment Report for 40 Memorial Ave Bella Vista, dated March 2023, prepared by Apex Archaeology.
   b. Statement of Environmental Effects, Development Application for the construction of Residential Flat at 40 Memorial Ave Bella Vista, dated September 2023.

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to us to determine whether changes to these general terms of approval are required.

EXCEPT AS AMENDED by the following general terms of approval:

2. Works within the mapped extent of Aboriginal Heritage Impact Permit (AHIP) 4928 must be undertaken in accordance with the conditions of AHIP 4928.
3. A s.90 Aboriginal Heritage Impact Permit (AHIP) for the balance of the proposed works must be sought and granted prior to the commencement of works.
4. The AHIP application must be accompanied by appropriate documentation and mapping as outlined in Applying for an Aboriginal Heritage Impact Permit: Guide for applicants (2011).
5. Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the Aboriginal cultural heritage consultation requirements for proponents 2010 (2010).
6. The AHIP application must be completed with reference to the requirements of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011).
7. The AHIP application must include complete records satisfying the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (2010).
8. Long term management of Aboriginal objects must be considered as part of the AHIP application.
9. An archaeological salvage excavation methodology must be presented with the AHIP application.

ADVICE

We provide the following comments on the ACHAR and items that will need to be addressed and updated at the time of submission of the AHIP application.

Update the ACHAR to map the extent of AHIP 4298 and note works in that area will need to be undertaken in accordance with the conditions of AHIP 4298 (if allowable). The proponent will need to contact the RAPs to notify them of these changes.

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

The Burra Charter provides a definition of cultural significance as "aesthetic, historic, scientific, social or spiritual value for past, present or future generations". Aboriginal cultural heritage sites can be assessed through the application of these five principles. The ACHAR documents the values individually. Please provide on overall statement of significance that addresses all identified values.

ABORIGINAL COMMUNITY CONSULTATION MUST BE MAINTAINED

Consultation with the Registered Aboriginal Parties (RAPs) must be maintained. We recommend updates on the project are provided to the RAPs every 6 months to ensure the consultation is continuous.

If you have any questions regarding these general terms of approval, please contact Paul Houston, Senior Aboriginal Assessment Officer, at Heritage NSW, on (02) 6883 5361 or paul.houston@environment.nsw.gov.au.

Yours sincerely

Kym McNamara
Manager Assessments
Heritage NSW Department of Planning and Environment
(As Delegate under *National Parks and Wildlife Act 1974*)
Date: 21 December 2023

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

ATTACHMENT C

Development Application and Planning Proposal Review
NSW Planning Portal Concurrence and Referral

Endeavour Energy

Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
The Hills Shire Council	308/2024/JP	CNR-60300	Kate Clinton	20/10/2023	10/11/2023	21/10/2023

Address	Land Title
40 MEMORIAL AVENUE & 1Z FREE SETTLERS DRIVE BELLA VISTA 2153	Lot 1 DP 1237055, Lot 1 DP 1180837

Scope of Development Application or Planning Proposal

Construction of residential flat buildings comprising of six buildings containing 224 dwellings and associated works including demolition of existing structures, civil infrastructure, landscape works, and utilities servicing.

Endeavour Energy's G/Net master facility model indicates:

Within or adjacent to the site the electrical network used in the distribution / supply of electricity are:

Electricity Infrastructure / Apparatus	Statutory allocation (road verge / roadway*)	Easement (or other form of property tenure**)	Protected works***	Freehold (adjoining or nearby)
Overhead Power Lines				
☐ *Low voltage*	☐	☐	☐	☐
☐ *High voltage*	☐	☐	☐	☐
☐ *Transmission voltage*	☐	☐	☐	☐
☐ *Pole / tower*	☐	☐	☐	☐
Underground Cables				
☒ *Low voltage*	☒	☐	☐	☐
☒ *High voltage*	☒	☐	☐	☐
☒ *Transmission voltage*	☒	☐	☐	☐
☒ *Streetlight / pillar*	☒	☐	☐	☐
Substation				
☐ *Pole mounted*	☐	☐	☐	☐
☐ *Padmount*	☐	☐	☐	☐
☐ *Indoor*	☐	☐	☐	☐
☐ *Zone*	☐	☐	☐	☐
☐ *Transmission*	☐	☐	☐	☐
Other: Underground earth and pilot / communications cables.	☒	☐	☐	☐

Low voltage extra low voltage up to 1,000 volts alternating current (a.c.).
High voltage above 1,000 volts a.c and less than 33,000 volts a.c. [33 kilovolts (kV)].
Transmission voltage 33 kV up to 132,000 volts a.c. (132 kV).
*Rights provided in a public road or reserve. The allocation depends on the classification and date of roadway dedication.
** Other form of property tenure includes but is not limited to restriction, covenant, lease, licence etc.
***Protected works under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
Other: provide detail of electricity infrastructure / apparatus.

POWER together

Endeavour Energy
ABN 11 247 365 823
T 133 718
Level 40-42, 8 Parramatta Square,
10 Darcy Street Parramatta NSW 2150
PO Box 811, Seven Hills NSW 1730
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Cond-ition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☒	☐	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☐	☐	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
☐	☐	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☐	☒	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☐	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into to multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☒	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☐	☐	20	Look up and Live	Before commencing any activity near overhead power lines the applicant must obtain advice from the Look Up and Live service.
☐	☐	21	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☐	22	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☒	☐	23	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design

Cond-ition	Advice	Clause No.	Issue	Detail
☒	☐	24	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.
☐	☐	25	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the *Electricity Supply Act 1995* (NSW).
☐	☒	26	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions form electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	27	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☒	28	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☐	29	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
☐	☐	30	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☐	☐	31	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
☐	☒	32	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
☐	☒	33	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
☐	☒	34	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☒	35	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	36	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☐	☒	37	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Decision				Approve (with conditions)

Environmental Services Team

P 133 718 or (02) 9853 6666
E Property.Development@endeavourenergy.com.au

Level 40-42, 8 Parramatta Square, 10 Darcy Street
Parramatta NSW 2150.

Dharug/Wiradjuri/Dharawal/Gundungurra/Yuin Country

endeavourenergy.com.au |

Endeavour Energy | POWER together

Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions or Objection (If applicable)

- There are low voltage and 22,000 volt / 22 kilovolt (kV) high voltage underground cables in the adjoining land zoned SP2 for the road widening of Memorial Avenue to the north and which in due course will become a public road.

- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.

- An extension or augmentation of the existing electricity distribution network will be required. Whilst there are distribution substations in the area which are likely to have some spare capacity, it is not unlimited and unlikely to be sufficient to provide for any additional load from the proposed development.

  Other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.

- Any required padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) with an appropriate form of property tenure as detailed in the attached copy of Endeavour Energy's 'Land Interest Guidelines For Network Connection'.

  Generally it is the Level 3 Accredited Service Provider's (ASP) responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc. If the substation does not comply with Endeavour Energy's standards, the applicant must request a dispensation.

- The Infrastructure Report includes the following addressing whether the available electricity services are adequate for the proposed development.

  3.2 New Works Associated with Electrical Infrastructure

  The proposed development will have an approximate maximum demand of 1749kVA. To supply the new development, it is recommended to install twin padmount substations (2 x 1000kVA) within the boundary of the new development.

  The below copy of the Level 1 Plan shows provision of two 'Sub Station Kiosks'.

- The planting of large / deep rooted trees near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

  No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

Endeavour Energy's G/Net master facility model.

The advice provided regarding the extent of the electricity infrastructure on or near the site is based on a desk top review of Endeavour Energy's G/Net master facility model. This is a computer based geographic information system which holds the data on and is used to map the electricity network. The location, extent and type of any electricity infrastructure, boundaries etc. shown on the plan is indicative only. In addition it must be recognised that the electricity network is constantly extended, augmented and modified and there is a delay from the completion and commissioning of these works until their capture in the model. It only shows the Endeavour Energy electricity network and does not show electricity infrastructure belonging to other authorities or customers owned electrical equipment beyond the customer connection point / point of supply to the property.

Easement (or other form of property tenure).

Title searches will confirm the current owners of a property and shows any registered interests affecting the property such as an easement. Not all interests eg. short term leases and licences are registered on the title. Not all easements for electricity infrastructure will necessarily benefit Endeavour Energy eg. there may be interallotment / easements appurtenant to the land particularly for low voltage service conductors / customer connections. For further advice please refer to Endeavour Energy's:

- Land Interest Guidelines for Network Connection Works.
- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement and will be generally indicated as 'Condition'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is no underground electricity infrastructure it will be indicated as 'Advice' as a precaution and in regard to any other underground utilities.

Not all of the matters may be directly or immediately relevant or significant to the Development Application or Planning Proposal. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur. Even if a matter is not indicated a 'Condition' or 'Advice', applicants are encouraged to review all of the 'Standard Conditions' as some matters may not have been evident from the information provided with the Development Application and of which the applicant may have additional knowledge.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked are for 'Advice', the outcome of the assessment will also be 'Advice'.

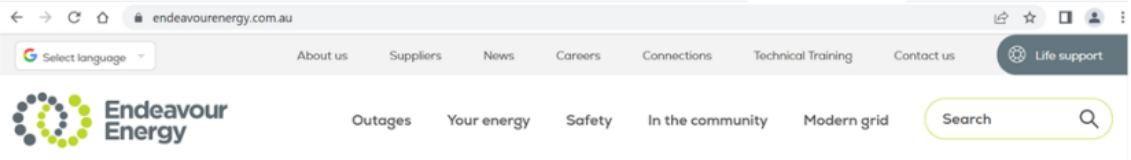
Objection

Endeavour Energy may object to a Development Application if the conditions may substantially impact the proposed development or regarded as a significant risk to the electricity distribution network. Although Council may be able to appropriately condition these matters, Endeavour Energy's recommendation is to address the matters prior to Council granting any consent. This can assist in avoiding the need to later seek modification of an approved Development Application.

Please note Endeavour Energy can only assess the Development Application based on the information provided by the applicant and Council. Due to time and resource constraints it is not possible to refer all development application notifications to the relevant internal stakeholders for review and advice or to request additional information from the applicant or Council. Applicants should be providing proper detailed plans of the electricity infrastructure / easements on or near the site and address the potential impacts of the proposed development thereon in the Statement of Environmental Effects. The provision of inadequate detail may result in Endeavour Energy objecting to the Development Application.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at https://www.endeavourenergy.com.au/ .



To resolve any objection or to seek further advice the following are the main contacts and can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666. For other matters the contact details are included in Endeavour Energy's standard conditions for Development Application and Planning Proposal Review. Whilst the Environmental Team are able to provide general advice, the resolution / approval of any matter/s rests with the relevant contact related to the matter/s.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easements Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Accredited Service Providers

The Accredited Service Provider (ASP) scheme accredits organisations to perform contestable work on the NSW electricity distribution network. Contestable works are works that are required for the electricity distribution network provider to supply the load in the power lines where a new or altered connection is being requested.

Endeavour Energy is urging applicants / customers to engage with an ASP prior to finalising plans to in order to assess and incorporate any required electricity infrastructure as well as addressing safety issues such as safety clearances. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.

Details of the ASP Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service .

Duty of Care

All individuals have a duty of care they must observe when working in the vicinity of electricity infrastructure. Before you do anything:

1) Contact Before You Dig and Look Up and Live to obtain the details of the electricity infrastructure on or near the site noting they are a guide only to what might be in the area and may not be entirely accurate.
2) Comply with the conditions and consider the advice provided above.
3) If needed contact Endeavour Energy on 133 718 or the contacts provided above for assistance.
4) **DO NOT** attempt any work near electricity infrastructure until all required approvals and safety measures are in place.
5) Proceed only if you have satisfied yourself it is safe.
6) Always remember, even the briefest contact with electricity at any voltage can have serious consequences to a person's health and safety and can be fatal.

ATTACHMENT D

We are now on **Facebook**
Like our Page "The Hills PAC" for up
to date information on local crime trends

NSW Police Force
www.police.nsw.gov.au

Wednesday, 1 November 2023

K Clinton
Town Planning Co-ordinator
The Hills Shire Council
P.O. Box 7064
Baulkham Hills BC, NSW, 2153

Email: kclinton@thehills.nsw.gov.au

Dear K Clinton,

Subject: **Construction of a Residential Flat Building at 410 Memorial Avenue and Free Settlers Drive, Bella Vista.**

Application No: **308/2024/JP**
PAN-363100

Police Ref: **D/2023/1160922**

We refer to your development application for Construction of a Residential Flat Building at 410 Memorial Avenue and Free Settlers Drive, Bella Vista.

Police do not have any major concerns in relation to this development application however a few security measures need to be in place.

NSW Police Force
RECRUITING NOW
1800 222 122
www.police.nsw.gov.au/recruitment

The Hills Police Area Command
Corner of Castle & Pennant Street, Castle Hill, NSW, 2154
Mail: Locked Bag 5102, Parramatta, NSW, 2123
T 02 9680 5399 **F** 02 9680 5337 **W** www.police.nsw.gov.au
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

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, specifically in the park and walkway areas, it must be emphasised that the vegetation is always neat and trimmed. 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.

A regular maintenance schedule needs to be implemented to ensure that the vegetation does not become overgrown. Keeping the vegetation neat will ensure that the natural sight lines can be kept, and makes the area look cared for which provides some territorial reinforcement of the area.

The current planting list is beneficial to both the look of the area, and natural surveillance. The height of the trees when they are fully grown allows for visibility underneath and should not obstruct people from seeing and being seen. This can be ensured if they are well maintained with the lower branches removed as the height increases.

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 request the use of a CCTV system with continuous recording capabilities 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 entry/exit to the complex.

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. It is recommended that the residents in townhouses also install 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. However the fact that the space is designed to encourage public use and gathering should hopefully act as a deterrent for offenders.

Territorial reinforcement can be achieved through:

- Design that encourages people to gather in public space and to feel some responsibility for its use 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 any damaged lighting and general site cleanliness

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

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.

A maintenance schedule to remove any graffiti or repair damaged property should be implemented. Having an area that appears well kept and cared for can act as a deterrent.

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 closed to the public need to have clear indications of this.

Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. "Warning, trespassers will be prosecuted.' Or 'Warning, these premises are under electronic surveillance.'

Security / 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 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 have been known to thread a length of wire through the security roller door. The length of wire has a hook on the end and that offenders use to manipulate the manual door release to gain entry. The security roller shutter near the manual door release should be solid and have a high-quality locking mechanism to reduce the incidence of this type of crime.

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

Fire Exits and Stairs

Research has shown that fire exits and fire stairs in buildings and car parks often contravene regulations. In one Sydney study, self-closing and self-locking street level egress doors were commonly found to be chocked open, vandalised and/or unsupervised.

Upon gaining access to fire exits at street level (via egress doorways), some offenders use stairs as conduits and cover to commit theft from vehicles, theft of motor vehicles and armed robbery. Magnetic door locking systems linked to Fire Sprinkler alarms ensure that fire exits are used for emergencies only.

Police recommend that all fire doors are alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies. Any external doors that can be used to enter the car park or into the complex should have a plate installed to the door.

Tenants should be strongly discouraged from placing anything in the fire doors so they can be easily accessed. The stairways should also be checked frequently and items that could be used to hold doors open should be removed. The handles, hinges, latch and striker plate should be checked for foreign objects that may hinder the effectiveness of these mechanisms, allowing the door to remain open or not be locked as it should be.

Natural Ladders

Natural ladders are design features, trees or nearby structures that help criminals to climb on to balconies, rooftops, ledges and windows.

Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Fencing should have palings 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

During construction

Please be aware that thieves may target this site during construction. The presence of machinery and tools, as well as building materials will be tempting so ensure that all tools are locked and secured, with regular checks conducted in relation to the security of the site. Police recommend that any large reels containing electrical cabling or copper material be secured and hidden when not in use. These reels are a target for thieves as the material is difficult to trace back to a source, and it is valuable.

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

It is recommended that CCTV with motion activated alerts are used so that the presence on site of any person can be monitored out of hours. Ensure that large equipment such as excavators and bob cats are tracked, and that any smaller tools have serial numbers or identifying marks recorded. If any tools are taken or lost during construction please call Police ASAP on 131 444 to report the theft and they are also able to obtain the relevant serial numbers or identifying features of the tools.

Ensure that any access points have contact details for a site manager clearly visible so if Police or other services need to attend they can speak to the right person.

Letter boxes

Letter boxes are often targeted by criminals to steal mail and identity documents. High quality letterboxes that meet the Australian standards - ISO9001:2008 should be installed. It is also recommended that the mailboxes should only be able to be accessed via within the unit complex by residents. This will prevent criminals from getting into the premises as a key/fob would need to be used. This allows natural and technical surveillance. The letterboxes should be under CCTV surveillance to help deter letterbox mail theft.

Consideration should also be made in regard to the style of letterboxes used. Police suggest the installation of circular letter box locks. The shape can make them harder to force and manipulate with a tool such as a screwdriver or similar. On review of the units currently built around The Hills, there is notably less damage caused to the letterboxes where circular locks are used, than banks of letter boxes that have the traditional key design.

In regard to the construction of the letterboxes themselves they should be of solid metal to restrict screwdrivers from being able to be pushed under and have a slanted design under an angled extruded weather cover to prevent wire, sticks or hands from being inserted. Another option to consider is the installation of a letterbox flap and anti-theft restrictor.

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

The first image depicts a slanted style letterbox and the second a letterbox with flap and anti-theft restrictor.

Letterboxes with flat designs and weather covers that extend at a right angle make it easier for potential thieves to thread sticks or wire into them to access mail.

This mailbox is constructed with thin metal that has been pried open and has a flat metal frontage and an extruded weather cover that comes out at a right angle allowing sticks and wires to be inserted.

Parcel Delivery Options

Recently criminals have been targeting unit complexes to steal packages which are delivered and left out the front of buildings. This is becoming a common occurrence as parcels are often left outside, unattended for several hours before the owner comes to collect them.

Police suggest that a parcel chute or similar be installed (similar to a post box) at the front of the building where deliveries can be left secured. The parcel chute could drop the items int the secured foyer, and monitored by the building manager and CCTV. This would create an extra level of security for parcels and act as a further deterrent to opportunistic criminals.

Document Set ID: 21642130
Version: 12, Version Date: 21/11/2024

Police also recommend that building management regularly remind residents of the risk of having parcels left outside of the building and ask residents to have items delivered to the post office for collection.

Storage cages

Police attend many units / apartments which contain caged storage units. Police suggest if caged storage units and caged garages are used, that the cage is built up to the ceiling within the car park so offenders cannot climb over the caged areas. A caged storage area should have a door that is reinforced instead of a cage with just a lock. A plate is suggested to stop offenders who may get into the garaged areas of the units from using a jemmy to get in. It is also suggested that an extra lock such as a dead lock or a latch lock be used.

Car Park

The carpark should be well lit and bright. Refrain from the use of sensor lights, especially in areas less travelled. The entry to the carpark should also be well lit. This decreases the chance of a person being able to hide and gain access to the complex by taking advantage of a vehicle or person entering or exiting.

Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

Access to the car park should be by controlled swipe card (or similar) or key pad where a visitor can 'buzz' the tenancy they are visiting to be allowed access.

If there are any questions in relation to this report, please contact me at Castle Hill Police Station on 9680 5399.

Regards,

Senior Constable Stephanie Brown

Crime Prevention Officer

Castle Hill Police

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property
- Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made
- The evaluation is a confidential document and is for use by the council or organisation referred to on page one
- The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.
- The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.