



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

3 Columbia Court, Norwest NSW 2153

PO Box 7064, Norwest 2153

ABN 25 034 494 656 | DX 9966 Norwest

15 August 2023

G Dowling
52 Marian St
ENMORE NSW 2042

Ref No.:2059/2022/JP
SCCPP: 07 August 2023

Dear Sir

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

Pursuant to Section 4.18(1) of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by the Sydney Central City Planning Panel of the Development Application referred to herein.

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

The conditions of the Consent referred to herein are deemed necessary by the Sydney Central City Planning Panel, pursuant to Part 4, Division 4.3, Section 4.17 of the Environmental Planning and Assessment Act, 1979.

Lapsing of Consent

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

Right of Review

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

Right of Appeal

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

APPLICANT

G Dowling

OWNER:

SH Orchards Pty Limited

PROPERTY:

Lot 4 DP 271187

104 Fairway Drive, NORWEST

DEVELOPMENT:

Residential Flat Building Development comprising 583 units and associated Community Title Subdivision. The development is to be constructed in stages known as Stage 1 - Buildings A and B (210 Apartments) Stage 2 - Buildings E and F (156 Apartments) and Stage 3 - Buildings C and D (217 Apartments)

ENDORSED DATE OF CONSENT:

09 August 2023

CONDITIONS OF CONSENT**GENERAL MATTERS****1. Development in Accordance with Submitted Plans**

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

PROJECT NO.	DESCRIPTION	SHEET	REVISION	DATE
CA3993	Cover Sheet	00001	D	29/06/2023
CA3993	Site Plan	10001	B	31/01/2023
CA3993	Basement 02	11508	B	31/01/2023
CA3993	Basement 01	11509	B	31/01/2023
CA3993	Level 00	11510	B	31/01/2023
CA3993	Level 01	11511	B	31/01/2023
CA3993	Level 02	11512	D	18/05/2023
CA3993	Level 03	11513	B	31/01/2023
CA3993	Level 04	11514	B	31/01/2023
CA3993	Level 05	11515	B	31/01/2023
CA3993	Level 06	11516	B	31/01/2023
CA3993	Level 07	11517	B	31/01/2023
CA3993	Level 08	11518	B	31/01/2023
CA3993	Level 09	11519	B	31/01/2023
CA3993	Level 10	11520	B	31/01/2023
CA3993	Level 11	11521	B	31/01/2023
CA3993	Level 12	11522	B	31/01/2023
CA3993	Level 13	11523	B	31/01/2023

CA3993	Level 14	11524	B	31/01/2023
CA3993	Level 15	11525	B	31/01/2023
CA3993	Level 16	11526	B	31/01/2023
CA3993	Level 17	11527	B	31/01/2023
CA3993	Level 18	11528	B	31/01/2023
CA3993	Level 19	11529	B	31/01/2023
CA3993	Level 20	11530	B	31/01/2023
CA3993	Level 21	11531	B	31/01/2023
CA3993	Roof	11532	B	31/01/2023
CA3993	GA Elevations Sheet 1	21501	B	31/01/2023
CA3993	GA Elevations Sheet 2	21502	B	31/01/2023
CA3993	Sections A and B	31501	C	18/05/2023
CA3993	Sections C and D	31502	C	18/05/2023
SS21-4840	Landscape Package	0000 - 9006	-	25/05/2023
DA-A-10001, DA-A-11510 - DA-A-11531	Numbering Plans (23 Pages - for numbering purposes only)	-	B	31/01/2023

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

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of one hundred and twenty-five (125) trees numbered 100, 109, 110, 111, 112, 112a, 112b, 113, 114, 115, 117, 119, 120, 122, 123, 124, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 136a, 137, 138, 139, 140, 141, 141a, 169, 170, 171, 172, 173, 174, 174a, 175, 176, 176a, 176b, 177, 178, 179, 179a, 200, 204, 239, 240, 241, 242, 243, 244a, 246a, 246b, 247, 248, 248a, 248b, 248c, 249, 250, 251, 252, 252a, 252b, 253, 254, 255, 255a, 256, 257, 258, 259, 262, 264, 265, 265a, 265b, 265c, 266, 267, 276, 276a, 278a, 278b, 278c, 279, 280, 283, 285a, 289, 289a, 290, 291a, 291b, 293, 293a, 294, 294a, 295, 297, 299a, 301a, 301b, 301c, 301d, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 311a, 314, 315 and 316 as identified on the Existing Tree Plan prepared by Site Image dated Revision E 25/05/23 and the Tree Removal and Retention Plan in the Arboricultural Impact Assessment prepared by McArdle dated 03/07/23.

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.

4. Planting Requirements

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

The following minimum depth of soil is to be achieved for all planter boxes and planting over slabs:

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

- 200mm for turf.

Areas indicated on approved landscape plans as being "Existing Softscape to be Retained" are to be maintained as a regeneration area for Cumberland Plain Woodland vegetation community species in perpetuity. Weeds are to be removed and managed in accordance with the Weed Management Plan pursuant to this consent. These areas are not to be mowed or slashed and are to be maintained as a bushland-style area. Educational signage regarding the intent of the bushland areas to be retained, the vegetation community, or individual species may be added to support the retention of these areas.

5. Construction Certificate

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

6. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

7. Contamination

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

8. Retention of Trees and Vegetation

All trees not specifically identified on the Existing Tree Plan prepared by Site Image dated Revision E 25/05/23 for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment prepared by McArdele dated 03/07/23 unless superseded by the following requirements:

- Pier holes for the elevated walkway within the Tree Protection Zones of any trees for retention are to be excavated by hand under AQF Level 5 arborist supervision using NDD methods.
- The excavation for stormwater pits and pipes within the Tree Protection Zones of any trees for retention are to be excavated by hand under AQF Level 5 arborist supervision using NDD methods.
- Tree and Vegetation protection fencing is to be located to protect the Tree Protection Zones and the existing trees to be retained, and areas hatched (dashed) on the Softworks Plans (Pages 3014, 3015, 3016, 3017, 3018, 3019, and 3022) as being areas of existing understory to be retained.
- No mulch is to be placed within the tree protection zones of trees on the site, due to the retention of native understorey.
- Native vegetation within the northwestern and northeastern setbacks is to be retained and maintained in perpetuity as a regeneration area for Cumberland Plain Woodland vegetation community species.
- No crane pads, site offices, site entry points, vehicle parking, lunch areas or equivalent are permitted within the Tree protection Zones of Trees, or areas of understorey to be retained and protected within the northwestern and northeastern setbacks.

9. Control of early morning noise from trucks

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

10. Control of Noise from Trucks

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

11. Subdivision Works Approval

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

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

12. Road Opening Permit

Should the 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.

13. Approved Amended Plan

The subdivision must be carried out in accordance with the approved plan of subdivision prepared by LTS/MATTHEW GRAHAM SMITH, Surveyor's Reference: 41917 026DP, Sheets 1 to 7 inclusive, dated 14/07/2023 with the following amendments:

- a) Stormwater easement shall be created over proposed PT lot 10. A stormwater easement shall be created over the stormwater pipe that drain/benefit existing lot 1 within DP271187 over proposed PT lot 10. This is in addition to the proposed (D3) EASEMENT FOR DRAINAGE 20 WIDE AND VARIABLE WIDTH
- b) Stormwater easement shall be created over proposed PT lot 10. A stormwater easement shall be created over any stormwater pipes that drain/benefit proposed lot PT9 over proposed PT lot 10. This is in addition to the proposed (D3) EASEMENT FOR DRAINAGE 20 WIDE AND VARIABLE WIDTH

14. 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.

15. Protection of Public Infrastructure

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

16. Structures Adjacent to Piped Drainage Easements

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

17. Vehicular Access and Parking

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2

- DCP Part C Section 1 – Parking
- Council’s Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

18. Vehicular Crossing Request

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

19. Excavation/ Anchoring Near Boundaries

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

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

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

20. Subdivision Certificate Preliminary Review

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

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

21. Stacked/ Tandem Parking Spaces

The development includes number of stacked parking spaces. These spaces are to be allocated/ used for resident parking only (not visitor parking) and each set of two stacked/ tandem parking spaces must be allocated to the same unit without exception.

22. Minor Engineering Works

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

Works 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. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

b) Driveway/ Kerb Inlet Pit Conversion

The new driveway conflicts with the existing on-grade kerb inlet pit. This kerb inlet pit must be replaced with a grated/ butterfly lid pit integrated into the new driveway.

Refer to Council's Standard Drawing SD.5A available from Council's website for more detail showing this arrangement.

All these works must be carried out by a civil contractor with the appropriate civil liability insurances for works in the footpath/ public area.

Detailed design and construction approval for these works must be obtained from Council before a Construction Certificate can be issued for the building works.

c) Site Stormwater Drainage

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

Only RCP or RFC stormwater pipe are permitted within re rod verge.

23. Property Numbering and Cluster Mail Boxes

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

The overall property address for this development is: **15 Spurway Drive, Norwest**

The individual property addresses for each building within this development are:

Building A: **15 Spurway Drive**

Building B: **17 Spurway Drive**

Building C: **6 Lucinda Avenue**

Building D: **4 Lucinda Avenue**

Building E: **2 Horatio Avenue**

Building F: **2 Horatio Avenue**

Approved unit numbering is as per plans submitted marked as DWG No: DA-A-10001, DA-A-11510 - DA-A-11531 , Rev: B, Dated 31.01.2023 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

Level	Building A	Building B	Building C	Building D	Building E	Building F
Level 1		101-104	105-114	115-120	121-122	123-132
Level 2		201-204	205-214	215-221	222-225	

Level 3		301-310	311-320	321-327	328-333	334-343
Level 4		401-410	411-420	421-427	428-434	435-445
Level 5	501-508	509-518	519-526	527-533	534-540	541-551
Level 6	601-608	609-618	619-626	627-633	634-640	641-651
Level 7	701-708	709-718	719-726	727-733	734-740	741-749
Level 8	801-808	809-817	818-825	826-832	833-839	840-848
Level 9	901-908	909-917	918-925	926-932	933-939	940-945
Level 10	1001-1008	1009-1010	1011-1018	1019-1025	1026-1032	
Level 11	1101-1108		1109-1116	1117-1118	1119-1125	
Level 12	1201-1208		1209-1216		1217-1220	
Level 13	1301-1308		1309-1316		1317-1320	
Level 14	1401-1408		1409-1416		1417-1419	
Level 15	1501-1508		1509-1516			
Level 16	1601-1608		1609-1616			
Level 17	1701-1708		1709-1713			
Level 18	1801-1808		1809-1813			
Level 19	1901-1905					
Level 20	2001-2005					
Level 21	2101-2105					
Level 22	2201-2205					

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 as required.

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 lobby entry doors.

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

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 DWG No: DA-A-10001, DA-A-11510 - DA-A-11531 , Rev: B, Dated 31.01.2023 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

Cluster mail boxes are to be located as shown on plans submitted marked as DWG No: DA-A-11510 & DA-A-11512 , Rev: B, Dated 31.01.2023 and marked up as 'Numbering Plan' by Council's Land Information Team within consent documentation. Cluster mailboxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer.

The number of mail boxes to be provided is to be equal to the number of units 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 the main entrance to Buildings A & B.**

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.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

24. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

25. Disposal of Surplus Excavated Material

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

26. Commencement of Domestic Waste Service

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

27. Provision of Kitchen Waste Storage Cupboard

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

28. Construction of Central Bin Collection Room

The central bin collection room must be designed and constructed in accordance with the following requirements. The room must provide minimum storage facility for 40 x 1100 litre sized bins and 12 x 240 litre sized bins.

- The central bin collection room must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the central bin collection room must ensure that each bin is easily accessible and manoeuvrable in and out of the room with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the central bin collection room must be constructed of brickwork.
- The floor of the central bin collection room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The 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. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred). The waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- The central bin collection room must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. 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.
- 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.
- The central bin collection room must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The 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 central bin collection room, it is not to conflict with the space designated for the placement of bins.
- The central bin collection room must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The central bin collection room must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.

- Finishes and colours of the central bin collection room are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

29. Construction of Waste Chute Termination Rooms

The waste chute termination rooms must be designed and constructed in accordance with the following requirements. Each room must provide minimum storage facility for 1 x 2-bin 1100L linear track system for garbage with compaction unit and 1 x 2-bin 1100L linear track system for recycling (no compaction unit) with the exception of Building F (Chute Discharge Rooms F1 and F2) which are to provide 1 X 1100L bin (General Waste), 1 x 1100L MGB (Recycling) and 2 x 1100L MGBs (Service Bins) in each both Chute Discharge Room F1 and F2.

- The waste chute termination rooms must be of adequate size to comfortably store and manoeuvre the required waste infrastructure as specified above.
- The layout of the waste chute termination rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the rooms with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste chute termination rooms must be constructed of brickwork.
- The floor of the waste 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.
- The waste chute termination rooms must have a waste servicing door, with a minimum clear floor width of 1.5m.
- All doors of the waste 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.
- The waste chute termination rooms must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste 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 waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste chute termination rooms must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste chute termination rooms must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.
- Finishes and colours of the waste chute termination rooms are to complement the design of the development.

Example Bin Measurements (mm)

1100L: 1245 (d) 1370 (w) 1470 (h)

30. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2 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 Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- b) All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- c) Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- 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 (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- 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) Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab.

31. Communal Composting Areas

An area shall be incorporated in the landscape design of the development for communal composting. Whilst the operation of such a facility will depend upon the attitudes of occupants and their Owners Corporation, the potential to compost should exist.

32. Provision of Waste Chute System

The development must incorporate dual waste chutes (garbage and recycling) in each building core. Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the waste storage rooms. Garbage must discharge into 1100 litre sized bins housed on 2-bin linear conveyor with compactor (2:1 compaction ratio) and recyclables must discharge into 1100 litre sized bins housed on 2-bin linear conveyor (no compaction) with the exception of Building F (Chute Discharge Rooms F1 and F2) which are to discharge into a 1100 litre sized bin in each waste room. The waste chute system must be maintained in accordance with manufactory standards.

33. Provision of Bin Cupboards

A separate bin cupboard must be provided next to chute openings on every residential floor to allow for the disposal of items unsuitable for chute disposal or a third waste stream. The cupboards must be sized to store at least a single 240 litre bin. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

34. Provision of an In-shaft Goods Personnel Hoist

The development must incorporate an In-shaft goods personnel hoist to facilitate the transportation of bins across basement levels. It is required that the in-shaft goods hoist has a minimum platform of 3m x 2.4m (approx. 3m x 3m shaft).

35. Provision of Insect and Odour Control

An insect control system provided in the central bin collection room and waste chute termination rooms. The equipment installed must be an ultra violet fly trap with a UV lamp of at least 20W or higher or similar. The fly trap should be an electric-grid style and

mounted to an internal wall or attached to the ceiling. In addition, an adequate air deodoriser must be installed to help prevent offensive odours.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

36. Design Verification

Prior to the release of the 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.

37. Notice of Requirements

The submission of 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.

38. Protection of Internal Noise Levels

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

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

In particular, the acoustic statement shall detail that all recommendations contained within the DA Acoustic Assessment prepared by Pulse White Noise Acoustics, with reference number 220057, and dated 18 May 2022, have been included in the construction plans of the development.

39. Erosion & Sediment Control Plan

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

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

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

40. Section 7.11 Contribution

The following monetary contributions must be paid to Council when residential building works for that given Stage are commenced which excludes any excavation and piling works in accordance with Section 7.11 of the Environmental Planning and Assessment

Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 4A (Buildings A and B)

Stage 4A	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4+ bedroom unit	Purpose: Credit
Open Space - Land	\$ 13,322.37	\$ 18,979.82	\$ 23,633.52	\$ 31,480.95	\$ 30,568.46
Open Space - Capital	\$ 4,222.23	\$ 6,015.25	\$ 7,490.14	\$ 9,977.21	\$ 9,688.01
Transport Facilities - Capital	\$ 4,624.73	\$ 6,588.65	\$ 8,204.15	\$ 10,928.30	\$ 10,611.54
Community Facilities - Land	\$ 132.63	\$ 188.96	\$ 235.29	\$ 313.41	\$ 304.33
Administration	\$ 12.15	\$ 17.31	\$ 21.55	\$ 28.72	\$ 27.88
Total	\$ 22,314.12	\$ 31,789.98	\$ 39,584.65	\$ 52,728.58	\$ 51,200.22

No. of 1 Bedroom units: 51	No. of 2 Bedroom units: 140	No. of 3 Bedroom units: 15	No. of 4+ Bedroom units: 4	Sum of Units	No. of Credits: 1	Total S7.11
\$ 679,440.95	\$ 2,657,174.27	\$ 354,502.84	\$ 125,923.80	\$ 3,817,041.85	\$ 30,568.46	\$ 3,786,473.39
\$ 215,333.87	\$ 842,134.38	\$ 112,352.06	\$ 39,908.84	\$ 1,209,729.16	\$ 9,688.01	\$ 1,200,041.14
\$ 235,861.28	\$ 922,411.65	\$ 123,062.20	\$ 43,713.18	\$ 1,325,048.31	\$ 10,611.54	\$ 1,314,436.78
\$ 6,764.38	\$ 26,453.91	\$ 3,529.31	\$ 1,253.65	\$ 38,001.25	\$ 304.33	\$ 37,696.93
\$ 619.72	\$ 2,423.48	\$ 323.30	\$ 114.86	\$ 3,481.35	\$ 27.88	\$ 3,453.48
\$ 1,138,020.19	\$ 4,450,597.70	\$ 593,769.71	\$ 210,914.33	\$ 6,393,301.92	\$ 51,200.22	\$ 6,342,101.72

Stage 4B (Buildings E and F)

Stage 4B	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4+ bedroom unit
Open Space - Land	\$ 13,322.37	\$ 18,979.82	\$ 23,633.52	\$ 31,480.95
Open Space - Capital	\$ 4,222.23	\$ 6,015.25	\$ 7,490.14	\$ 9,977.21
Transport Facilities - Capital	\$ 4,624.73	\$ 6,588.65	\$ 8,204.15	\$ 10,928.30
Community Facilities - Land	\$ 132.63	\$ 188.96	\$ 235.29	\$ 313.41
Administration	\$ 12.15	\$ 17.31	\$ 21.55	\$ 28.72
Total	\$ 22,314.12	\$ 31,789.98	\$ 39,584.65	\$ 52,728.58

No. of 1 Bedroom units: 37	No. of 2 Bedroom units: 97	No. of 3 Bedroom units: 16	No. of 4+ Bedroom units: 6	Total S7.11
\$ 492,927.74	\$ 1,841,042.17	\$ 378,136.36	\$ 188,885.69	\$ 2,900,991.97
\$ 156,222.61	\$ 583,478.82	\$ 119,842.20	\$ 59,863.27	\$ 919,406.90
\$ 171,115.05	\$ 639,099.50	\$ 131,266.34	\$ 65,569.77	\$ 1,007,050.66
\$ 4,907.49	\$ 18,328.78	\$ 3,764.60	\$ 1,880.47	\$ 28,881.34
\$ 449.60	\$ 1,679.12	\$ 344.85	\$ 172.29	\$ 2,645.87
\$ 825,622.49	\$ 3,083,628.40	\$ 633,354.35	\$ 316,371.49	\$ 4,858,976.74

Stage 4C (Buildings C and D)

Stage 4C	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4+ bedroom unit
Open Space - Land	\$ 13,322.37	\$ 18,979.82	\$ 23,633.52	\$ 31,480.95
Open Space - Capital	\$ 4,222.23	\$ 6,015.25	\$ 7,490.14	\$ 9,977.21
Transport Facilities - Capital	\$ 4,624.73	\$ 6,588.65	\$ 8,204.15	\$ 10,928.30
Community Facilities - Land	\$ 132.63	\$ 188.96	\$ 235.29	\$ 313.41
Administration	\$ 12.15	\$ 17.31	\$ 21.55	\$ 28.72
Total	\$ 22,314.12	\$ 31,789.98	\$ 39,584.65	\$ 52,728.58

No. of 1 Bedroom units: 59	No. of 2 Bedroom units: 140	No. of 3 Bedroom units: 16	No. of 4+ Bedroom units: 2	Total S7.11
\$ 786,019.92	\$ 2,657,174.27	\$ 378,136.36	\$ 62,961.90	\$ 3,884,292.44
\$ 249,111.73	\$ 842,134.38	\$ 119,842.20	\$ 19,954.42	\$ 1,231,042.73
\$ 272,859.13	\$ 922,411.65	\$ 131,266.34	\$ 21,856.59	\$ 1,348,393.72
\$ 7,825.46	\$ 26,453.91	\$ 3,764.60	\$ 626.82	\$ 38,670.80
\$ 716.93	\$ 2,423.48	\$ 344.85	\$ 57.43	\$ 3,542.69
\$ 1,316,533.16	\$ 4,450,597.70	\$ 633,354.35	\$ 105,457.16	\$ 6,505,942.38

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555.

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

This condition has been imposed in accordance with Contributions Plan No 12.

Council's Contributions Plans can be viewed at www.thehills.nsw.gov.au or a copy may be inspected or purchased at Council's Administration Centre.

41. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

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 Department of Planning and Environment website:

<http://www.planning.nsw.gov.au/>

Please contact the Department of Planning and Environment regarding arrangements for the making of a payment.

42. Irrigation

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

43. Security Bond Requirements

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

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

44. Erosion and Sediment Control/ Soil and Water Management Plan

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

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

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

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

A SWMP is required for this development.

45. Construction Management Plan (Staged Applications)

A construction management plan must be submitted demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed throughout all stages of the development. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.

46. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 – Plumbing and Drainage – Stormwater drainage. The system must be connected to a junction pit before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. Where Onsite Stormwater Detention is required, the system must be connected to that Onsite Stormwater Detention system. 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.

47. Works in Existing Easement

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

48. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$319,000 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (280m) multiplied by the width of the road (9.5m).

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

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

49. Engineering Works

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

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

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

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

The concept engineering plan prepared by Northrop, Job No. 161031, Drawing No. vary, All Revision 5, all dated 25/05/2023 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.

a) Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

c) 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.

d) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Northrop, Job No. 161031, Drawing DAC73.03. vary, All Revision 5, all dated 25/05/2023. 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

e) 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.

f) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of Ocean Guard, Bioretention and vegetated swales, 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.

g) Swales

Swales shall be designed to cater for the 1% AEP from the contributing catchments. The 1% AEP including the water depth within the swale shall be shown on the plans. The boardwalk shall be located 300mm above the water level within the swale. Pedestrian fence shall be provided for the proposed boardwalk.

h) Stormwater Easements

Stormwater easement shall be created over any stormwater pipe that cross a separate existing/proposed lots. The width of the private easement shall comply with Council's Design Guidelines Subdivisions/ Developments. The easements with shall be shown on the stormwater/civil plans.

i) Driveway/ Kerb Inlet Pit Conversion

The new driveway conflicts with the existing on-grade kerb inlet pit. This kerb inlet pit must be replaced with a grated/ butterfly lid pit integrated into the new driveway.

Refer to Council's Standard Drawing SD.5A available from Council's website for more detail showing this arrangement.

All these works must be carried out by a civil contractor with the appropriate civil liability insurances for works in the footpath/ public area.

Detailed design and construction approval for these works must be obtained from Council before a Construction Certificate can be issued for the building works.

j) Site Stormwater Drainage

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

Only RCP or RFC stormwater pipe are permitted within re rod verge.

50. Construction Management Plan

Prior to the issuing of a Construction Certificate a Construction Management Plan must be submitted to Council's Manager – Subdivision and Development Certification for approval. The Construction Management Plan must specifically address each of the following matters:

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.
- Sediment and erosion control as separately conditioned.
- Stockpiles.
- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

51. Groundwater Requirements and Management

Prior to the issue of the construction certificate by the registered Certifier, the Applicant is to undertake the following to the satisfaction of DPE Water and the Natural Resources Access Regulator:

1. demonstrate adequate groundwater entitlements can be obtained for the project's operational water take
2. ensure sufficient water entitlement is held in a water access licence/s (WAL) to account for the maximum predicted take for each water source prior to take occurring
3. develop a Ground Water Management Plan for the construction phase
4. develop a dewatering reporting schedule covering duration of construction
5. develop a proposed operational phase (after building completion) monitoring and reporting schedule

design compliance certificate shall be prepared by suitably accredited qualified Geotechnical Engineer certifying that the requirements above have been satisfied. These requirements shall be reflected on the Construction Certificate and supporting documentation prior to the issue of the Construction certificate by the Registered Certifier.

52. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to 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.

PRIOR TO WORK COMMENCING ON THE SITE

53. Management of Building Sites

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

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

54. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

55. Stabilised Access Point

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

56. Details and Signage - Principal Contractor and Principal Certifier

Details

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

Before work commences, details of the Principal Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

- a) the name, address and telephone number of the Principal Certifier,
- b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

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

57. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

58. Erosion & Sediment Control Plan Kept on Site

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

59. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report for project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

60. Tree Protection Signage

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

61. Trenching and Excavation within Tree Protection Zone

Any trenching and excavation for installation of drainage, sewerage, irrigation or any other services, and/or for construction of any ancillary structures shall not occur within the Tree Protection Zone (TPZ) of any tree(s) identified for retention unless under supervision and certification of a suitably qualified AQF Level 5 Project Arborist.

Certification of supervision by a Project Arborist must be provided to the Certifying Authority (Council) within 14 days of completion of trenching works.

The installation of the stormwater drainage system and/or the construction of any ancillary structures within the TPZ of tree(s) to be retained shall be carried out by adopting sensitive construction methods under the supervision of a Project Arborist.

Demolition or earth works within the Tree Protection Zone of tree(s) identified for retention shall be carried out so as to avoid damage to the tree roots. Manual excavation shall be carried out under the supervision of the Project Arborist.

Where roots within the Tree Protection Zone are exposed by excavation, temporary root protection should be installed to prevent them drying out. This may include jute mesh or hessian sheeting as multiple layers over exposed roots and excavated soil profile, extending to the full depth of the root zone. Root protection sheeting should be pegged in place and kept moist during the period that the root zone is exposed.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques.

62. Engagement of a Project Arborist

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

- a) Name:
- 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.

63. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

64. Contractors Details

The contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

65. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

66. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining lots/sites and within the likely zone of influence from any excavation, dewatering or construction induced vibration.

67. Erection of Signage – Supervision of Subdivision Work

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifier (Council);

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

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

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

68. Property Condition Report – Public Assets

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

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

69. Dust Management Plan

A site specific dust management plan must be 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.

70. Discontinuation of Domestic Waste Services

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

71. Construction and/or Demolition Waste Management Plan Required

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

DURING CONSTRUCTION

72. Aboriginal Archaeological Sites or Relics

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

73. European Sites or Relics

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

74. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Saturday - 7.00am to 5.00pm;

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work.

75. Survey Report and Site Sketch

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

76. Compliance with BASIX Certificate

Under Section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1279997M is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety)

Regulation 2021. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

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

78. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

79. Dust Control

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

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

80. Construction Noise

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

81. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

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

82. 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

83. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under "Developing Your Land" or telephone 13 20 92 for assistance.

84. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider 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.

85. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act 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.

86. Design Verification Certificate

Prior to the release of the 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.

87. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled DA Acoustic Assessment prepared by Pulse White Noise Acoustics, with reference number 220057, and dated 18 May 2022. Certification is to be provided.

88. Landscaping Prior to Issue of any Occupation Certificate

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

89. Weed Management Plan

A site-specific weed management plan is to be prepared by a suitable qualified Bush Regenerator to inform the ongoing maintenance of the areas of site identified on the approved landscape plan as "Existing Softscape to be Retained". The plan is to include strategies for weed identification and control, as well as strategies to facilitate natural regeneration.

Native vegetation within this area is to be retained and maintained in perpetuity as a regeneration area for Cumberland Plain Woodland vegetation community species in accordance with this plan.

The plan is to be submitted to the satisfaction of Council's Manager - Environment and Health Prior to the Issue of Occupation Certificate.

90. Completion of Subdivision Works/ Satisfactory Final Inspection

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

91. Performance/ Maintenance Security Bond

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

92. Confirmation of Pipe Locations

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

93. Property Condition Report – Private Assets

Before a Subdivision Certificate is issued, 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.

94. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used (where applicable to each stage).

a) Dedication – Road Widening

The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to dedication HORATIO AVE.

b) 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.

c) Easement – Overhanging/ Encroaching Structure

Where an encroaching or overhanging structure has been approved across a proposed boundary, an easement must be created over the affected part of the burdened lot.

d) Restriction – Bedroom Numbers

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

e) Restriction/ Positive Covenant – Water Sensitive Urban Design

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

f) Positive Covenant – Stormwater Pump

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

g) 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.

h) Easement – Public Access

A public access easement must be created within proposed lot PT10 over the proposed ((H3) Easement For Public Access 20 Wide And Variable Width Limited In Stratum) using the "public access easement" terms included in the standard recitals.

95. Completion of Engineering Works

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

96. Pump System Certification

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

97. Stormwater Management Certification (Water Sensitive Urban Design Elements)

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

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance from a hydraulic engineer verifying that the constructed stormwater management system including the Water Sensitive Urban Design Elements will function hydraulically;

- A certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed stormwater management system including the Water Sensitive Urban Design Elements are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.
- Where Council is not the Principal Certifier a copy of the above documentation must be submitted to Council.

98. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA2020/ MGA Zone 56).

99. Certification stormwater drainage

Prior to the issue of any Occupation Certificate, a submission of written certification from a suitably qualified civil engineer stating that all stormwater drainage and related works within the subject site have been constructed in accordance with the approved Construction Certificate plans, the conditions included within this consent, the requirements of AS/NZS 3500.3:2018, and Council's Design Guidelines Subdivision/Developments dated September 2011.

100. Completion of Lucinda Ave

Lucinda Ave shall be constructed and dedicated as a public road prior to the issue of the Occupation Certificate of stage 1.

101. Completion of the widening of Horatio Ave

The widening of Horatio Ave shall be constructed and dedicated as a public road prior to the issue of occupation certificate of stage 2.

102. Groundwater Requirements and Management

Prior to the issue of the Occupation Certificate, the consent holder must submit a compliance certificate prepared by suitably accredited qualified Geotechnical Engineer certifying that the Groundwater and Management condition within this consent has been satisfied. The compliance certificate shall also certify that the DPE Water and the Natural Resources Access Regulator requirements have been satisfied.

These requirements shall be reflected on the Occupation Certificate and supporting documentation prior to the issue of the Occupation certificate by the Registered Certifier.

103. Internal Pavement Construction

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

104. Final Inspection of Waste Storage Area(s)

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

105. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) 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 below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; www.thehills.nsw.gov.au.

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

106. Domestic Waste Collection Risk Assessment

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for 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.

107. Waste Chute System Installation Compliance Certificate

Prior to any Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. 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.

108. In-shaft Goods Personnel Hoist Compliance Certificate

Before the issue of an Occupation Certificate, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the in-shaft goods personnel hoist installed complies with AS1418.8. It is required that the in-shaft goods hoist has:

- a minimum platform of 3m x 2.4m (approx. 3m x 3m shaft),
- a capacity of at least 2000kg,
- electrically operated roller doors with full width door opening interlocked to the safe operation of the hoist,
- programmed automatically to lift or lower on a single button control,
- design registered to carry personnel with SafeWork NSW and
- An operation speed of at least 9m per minute.

THE USE OF THE SITE

109. Offensive Noise

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

110. Lighting

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

111. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include provision for the

storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

ATTACHMENT: SCCPP DETERMINATION AND STATEMENT OF REASONS

Pursuant to Section 4.17 of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

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

Should you require any further information please contact Robert Buckham on 9843 0267.

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Yours faithfully



Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

SCCPP DETERMINATION AND STATEMENT OF REASONS



**Planning
Panels**

DETERMINATION AND STATEMENT OF REASONS SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	9 August 2023
DATE OF PANEL DECISION	7 August 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Steve Murray, David Ryan, Jarrod Murphy, Brent Woodhams
APOLOGIES	None
DECLARATIONS OF INTEREST	None

Papers circulated electronically on 1 August 2023.

MATTER DETERMINED

PPSSCC-366 – The Hills Shire – 2059/2022/JP – 104 Fairway Drive, Norwest - Residential Flat Building Development containing 583 apartments and Community Title Subdivision (Stage 4 of The Orchards Development).

PANEL CONSIDERATION AND DECISION

The panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and briefings listed at item 8 in Schedule 1.

Application to vary a development standard

Following consideration of a written request from the applicant, made under cl 4.6 (3) of the The Hills Local Environmental Plan 2019 (LEP), that has demonstrated that:

the Panel is satisfied that:

- the applicant's written request adequately addresses the matters required to be addressed under cl 4.6 (3) of the LEP; and
- the development is in the public interest because it is consistent with the objectives of Clause 4.3, 4.4 and 7.10 of the LEP and the objectives for development in the R4 High Density Residential zone; and
- the concurrence of the Secretary has been assumed.

Development application

The panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.

The decision was unanimous.

REASONS FOR THE DECISION

The panel determined to uphold the Clause 4.6 variation and approve the application for the reasons outlined in the council assessment report, replicated as follows:

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State

Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standards at Clause 4.3, 4.4 and 7.10 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variations can be supported as compliance with the standards are unreasonable or unnecessary in these instances and the proposal results in better environmental planning outcomes as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

CONDITIONS




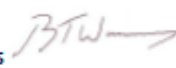

The development application was approved subject to the conditions in the council assessment report.

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during public exhibition. The Panel notes that issues of concern included:

- Traffic
- Overshadowing
- Construction management
- Parking
- Compliance with planning controls

The Panel considers that concerns raised by the community have been adequately addressed in the Assessment Report and that no new issues requiring assessment have been raised.

PANEL MEMBERS	
Abigail Goldberg (Chair) 	Steve Murray 
David Ryan 	Brent Woodhams 
Jarrold Murphy 	

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	PPSSCC-366 – The Hills Shire – 2059/2022/IP
2	PROPOSED DEVELOPMENT	Residential Flat Building Development containing 583 apartments and Community Title Subdivision (Stage 4 of The Orchards Development)
3	STREET ADDRESS	104 Fairway Drive, Norwest
4	APPLICANT/OWNER	Applicant/Owner: SH Orchards Pty Limited
5	TYPE OF REGIONAL DEVELOPMENT	General development over \$30 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ◦ State Environmental Planning Policy (Planning Systems) 2021 ◦ State Environmental Planning Policy (Resilience and Hazards) 2021 ◦ State Environmental Planning Policy (Biodiversity and Conservation) 2021 ◦ State Environmental Planning Policy (Transport and Infrastructure) 2021 ◦ State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 ◦ State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development ◦ The Hills Local Environmental Plan 2019 • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ◦ The Hills Development Control Plan 2012 • Planning agreements: Nil • Provisions of the <i>Environmental Planning and Assessment Regulation 2021</i>: Nil • Coastal zone management plan: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations • The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Council assessment report: 31 July 2023 • Clause 4.6 variation: 4.3 Building Height, 4.4 Floor Space Ratio, 7.10 Residential development yield on certain land. • Written submissions during public exhibition: 9 • Total number of unique submissions received by way of objection: 9
8	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Kick Off Briefing: 4 August 2022 <ul style="list-style-type: none"> ◦ <u>Panel members</u>: Abigail Goldberg (Chair), Roberta Ryan, Jarrod Murphy, Brent Woodhams ◦ <u>Council assessment staff</u>: Robert Buckham, Paul Osborne ◦ <u>Applicant representatives</u>: Greg Dowling, Julian Venning - Crone, Xena Ma, George Kesouras, Daniel Rainone
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report