



File No: MOD-24-00371
SPP-17-00003

24 March 2025

Mecone Group Pty Ltd
15 Hassall St
PARRAMATTA NSW 2151

Dear Sir/Madam,

Consent Modification

Modification Description: Proposed modification to Notice of Determination No. SPP-17-00003 to facilitate various internal and external alterations to respond to civil engineering design requirements and to ensure design consistency with previous approvals.

Site: 49 Terry Road, Rouse Hill

Reference is made to application MOD-24-00371 lodged under Section 4.56 of the Environmental Planning and Assessment Act 1979 to modify the NSW Land and Environmental Court determination to SPP-17-00003 on 11 May 2018 (Appeal No. 2017/00153731).

Please be advised that the Section 4.56 application is approved in the following manner:

Condition 2.1.1 is deleted and replaced with the following condition:

- 2.1.1 This consent relates to the following drawings/details submitted to Council with the development application (as modified), subject to compliance with any other conditions of this consent:

Drawing Reference:	Dated:
Plans prepared by DKO Architecture (NSW) Pty Ltd:	
DA000 Cover Page, Revision G	13/12/2021
DA100 Site Plan, Revision G	22/11/2022
DA102 Demolition & Excavation Plan, Revision A	21/12/2016
DA103 Site Works Plan, Revision A	02/02/2017
DA210 Master Plan Ground Plan, Revision G	13/12/2021
DA211 Master Plan Level 1 & 2 Plan, Revision G	13/12/2021
DA212 Master Plan Level 3 & Roof Plan, Revision H	22/11/2022
DA213 Master Plan Basement Plan, Revision H	13/12/2021
DA221 Building A Ground Level Plan, Revision G	13/12/2021
DA222 Building A Level 1 Plan, Revision G	13/12/2021
DA223 Building A Level 2 Plan, Revision G	13/12/2021

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DA224 Building A Level 3 Plan, Revision G	13/12/2021
DA225 Building A Basement Plan, Revision F	18/10/2017
DA231 Building B Ground Level Plan, Revision G	13/12/2021
DA232 Building B Level 1 Plan, Revision G	13/12/2021
DA233 Building B Level 2 Plan, Revision G	13/12/2021
DA234 Building B Level 3 Plan, Revision G	13/12/2021
DA235 Building B Basement Level Plan, Revision G	13/12/2021
DA241 Building C Ground Level Plan, Revision G	13/12/2021
DA242 Building C Level 1 Plan, Revision G	13/12/2021
DA243 Building C Level 2 Plan, Revision G	13/12/2021
DA244 Building C Level 3 Plan, Revision G	13/12/2021
DA245 Building C Basement Level Plan, Revision G	30/10/2017
DA251 Typical Unit Plans, Revision F	18/10/2017
DA301 Street Elevations, North & South Elevations, Revision G	13/12/2021
DA311 Building A North & East Elevations, Revision F	18/10/2017
DA312 Building A South & West Elevations, Revision F	18/10/2017
DA321 Building B North & East Elevations, Revision F	18/10/2017
DA322 Building B South & West Elevations, Revision G	22/11/2022
DA331 Building C North & East Elevations, Revision G	30/10/2017
DA332 Building C South & West Elevations, Revision G	30/10/2017
DA341 External Finishes Schedule 1, Revision F	18/10/2017
DA342 External Finishes Schedule 2, Revision F	18/10/2017
DA343 External Finishes Schedule 3, Revision F	18/10/2017
DA344 External Finishes Schedule 4, Revision F	18/10/2017
DA401 Sections – Buildings A & C, Revision G	30/10/2017
DA402 Sections – Building B, Revision G	13/12/2021
DA601 Adaptable Apartments, Revision F	18/10/2017
DA602 GFA Calculations, Revision G	13/12/2021
DA603 Apartment Mix, Revision G	13/12/2021
DA604 Compliance Diagram, Revision G	13/12/2021
DA605 Cross Ventilation, Revision F	18/10/2017
DA606 No Solar Access, Revision F	18/10/2017
Plans prepared by Urbis:	
Landscape Design Report except as modified by the Building A Communal Gardens Plan prepared by Site Image and dated 12/07/2024	17/12/2021
Plans prepared by Egis Pty Ltd:	
R05 Staging Plan – Stage 1 (Revision E)	30/05/2024
R06 Staging Plan – Stage 2 (Revision E)	30/05/2024
Plans prepared by Fuse Architects:	
DA101 Basement 01 Plan Rev P04	4/02/2025
DA102 Ground Level Plan Rev P02	30/05/2024
DA103 Level 01 Plan P02	30/05/2024
DA104 Level 02 Plan P02	30/05/2024
DA105 Level 03 Plan P02	30/05/2024
DA106 Roof Plan Rev P02	30/05/2024

DA201 North and South Elevation Rev P02	30/05/2024
DA202 East and West Elevation Rev P02	30/05/2024
DA203 Internal Elevation Rev P01	10/03/2025

*Unless modified by any condition(s) of this consent.

Conditions 2.4.1 and 7.6 is deleted and replaced with the following condition:

- 2.4.1 All commitments listed in BASIX Certificate Number: **781924M_10** shall be complied with.
- 7.6 The plans and specifications must indicate compliance with the commitments listed in BASIX Certificate Number: **781924M_10**.

All waste related conditions (Conditions 5.10, 10.6, 14.8 and 15.5 under SPP-17-00003) are deleted and replaced with the following conditions:

During Demolition Works (or other relevant asbestos section) (waste)

- 4.3 The removal of hazardous waste including Asbestos from the site and its transportation to its final destination is to be undertaken in accordance with the NSW Environment Protection Authority's tracking and reporting system, the *Integrated Waste Tracking Solution*. For more information, please refer to the following link: <https://www.epa.nsw.gov.au/your-environment/waste/integrated-waste-tracking-solution> Evidence of tracking must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

Prior to Construction Certificate (waste)

- 5.10.1 Access for collection vehicles must be designed in accordance with the dimensions indicated on the approved architectural plans, CAD files and vertical clearances (as per Australian Standards), showing adequate truck entry and exit and in all manoeuvring areas to Council's satisfaction. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 5.10.2 The applicant must ensure that the communal bin pads (if on private property), are line marked and sign posted to Council's satisfaction for their use as a bin collection point. No stopping signage along the entire private road is also required to aid collection of waste and recycling bins, and discarded bulky waste items. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 5.10.3 The applicant must provide to Council satisfaction, proof of Traffic Management Committee approval of 'no stopping' signage to the width equivalent of one car space either side of the driveway ramp/splay to enable safe movement of trucks into and out of the site. This must be in place before collections can occur onsite. Confirmation of approval must

be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

During construction (waste)

- 11.5.1 The waste material sorting, storage and re-use requirements of the approved Waste Management Plan and Council's Site Waste Management and Minimisation Development Control Plan shall be implemented during development works.
- 11.5.2 The applicant must provide evidence of tipping dockets for all demolition and construction waste generated onsite.
- 11.5.3 The applicant must ensure all litter is managed onsite by ensuring waste receptacles are covered when not in use.

Prior to Subdivision Works Certificate (waste)

- 13.9.7.1 The applicant must ensure that private roads and driveways etc are rated suitable for 24 tonne trucks. Confirmation must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 13.9.7.2 The applicant must ensure the approved bin collection points for all bins for the whole site are shown on the stamp approved plans to Council's satisfaction with each bin indicated. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.

Prior to Occupation Certificate (waste)

- 14.8.1 Amend waste management plan to include:
 - The building manager must prepare bulky waste for collection in the loading bay, as the distance exceed the safe carry range for Council contractors to move heavy objects from the bulky waste room.
 - Building management/ strata or owners corporation must provide sufficient education material about correct waste management practice to residents.
- 14.8.2 Should Council provide a waste service to this site, the elected strata manager must sign our 'Onsite Waste Collection Agreement Form' on behalf of all lot owners (and stamped using the common seal), before collections can occur onsite. The information must be submitted to Council's waste section and approved prior to the release of the Construction Certificate.
- 14.8.3 The applicant must demonstrate that the onsite communal bulky waste storage and collection point is properly:
 - sign posted stating its specific use as a bulky items collection point
 - sign posted 'no parking' at any time
 - line marked and painted as a special collection bay for bulky items.

The information must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.

- 14.8.4 Clean ups will only occur from the communal bulky waste collection point if they comply with Council requirements for household clean ups. If discarded items fail to comply, or the communal collection point is poorly managed, it is the responsibility of the strata/body corporation (and at their cost), to have these items removed from the site and disposed of appropriately. The information must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.
- 14.8.5 A Community Management Agreement/Strata Management Agreement be submitted to Council's waste section and approved prior to the release of the Occupation Certificate. It must:
- indicate a requirement for the appointment of a building manager/caretaker to manage bins and bulky waste onsite in accordance with the approved waste management plan. This includes placement of bins out for collection and their return to the storage areas following servicing.
 - clearly state that cars must not park in the carriageways of private property where trucks are travelling to service bins. Failure to adhere to this, could result in missed collections.
 - indicate the responsibility for maintenance of the garbage collection system and bin cleaning, and ensure waste collection points are clear and unobstructed prior to collection times including providing access to the loading bay prior to bin servicing.
 - indicate the method of communication to new tenants and residents regarding the waste management service and collection system for the complex.
 - clearly outline the requirement for the building manager to maintain and display consistent signs on all bins and in all communal bin storage areas.
 - clearly outline the requirement for the building manager to arrange for the prompt removal of dumped rubbish from the site
 - include the updated (and approved) waste management plan.
- 14.8.6 The applicant must demonstrate to Council's satisfaction, that completed construction of the basement area achieves the required 4m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.

- 14.8.7 The applicant must demonstrate to Council's satisfaction, that completed construction of the covered/undercroft waste collection area achieves the required 4m headroom allowance (as per Australian Standards 2890.2) for the trucks entire travel path. This 4m headroom allowance must be achievable clear of all eaves, overhangs, balconies, services (including sprinklers, pipes etc), and at the roller door entry point. Failure to comply may impact the ability for waste collection vehicles to safely access the development to service its waste and recycling bins. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.
- 14.8.8 The applicant must provide to Council satisfaction, proof of installation of 'no stopping signage to the width equivalent of one car space either side of the driveway ramp/splay to enable safe movement of trucks into and out of the site. This must be in place before collections can occur onsite. This must be submitted to Council's waste section and approved prior to the release of the Occupation Certificate.

Operational (waste)

- 15.5.1 The Owners Corporation/Community Management Association will be responsible for ensuring that clear access is provided to waste collection trucks entering the property. Cars must not be parked in the carriageway on private property where trucks are travelling to service bins. Failure to adhere to this, may result in missed collections.
- 15.5.2 Waste and recycling collection vehicles entering and exiting the property must do so in a forward direction.
- 15.5.3 Ongoing management of waste for the site must be in accordance with the waste requirements outlined in the approved waste management plan. This includes but is not limited to:
- separation or caging of waste equipment onsite from residents (such as chute discharge points or storage areas for bin movement aides etc), to prevent injury or damage.
 - provision and maintenance of suitable signage in all areas with waste facilities such as bin storage areas, waste chute rooms on each floor, chute discharge points, bin collection points, loading bays or any other relevant area accessible to residents, cleaners and/or building management staff.
 - separated bin storage areas and associated waste management equipment for commercial and residential components of a development if applicable.
 - provision of bin movement aids such as bin tugs and trolleys if suggested for the site. Adequate storage for both the bin tug and trolley attachment must be shown on the architectural drawings.

- engagement of a building manager and/or caretaker onsite to manage the waste system if suggested for the site. This includes prompt removal of illegal dumping onsite.

15.5.4 The Community Management Statement, Strata Management Statement, Total Maintenance Plan and/or Plan of Management (whichever is relevant to this site), must be provided to each tenant and/or owner occupier upon commencement of the site, and for every subsequent lease renewal and/or change in ownership of every lot in perpetuity.

15.5.5 A building manager must be engaged in perpetuity and for the life of the development to:

- manage bins and bulky waste onsite
- clean bins and the waste room(s)
- arrange clear access to the waste loading bay on collection day (ie, remove lockable bollards or open roller doors and boom gates etc), which are in place to protect the truck turning areas on private property from being parked out.
- install and maintain relevant waste management signage onsite

Additional acoustic conditions are imposed as follows:

15.12 Acoustic Matters

15.12.1 The recommendations made in Waste Management modification Noise Impact, prepared by PWNA, dated 4 November 2024 are implemented.

15.12.2 Upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environment Protection Authority's Noise Policy for Industry (2017) and provide recommendations to mitigate the emission of offensive noise from the premises. The report shall be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and shall be submitted to Council for consideration.

15.12.3 A post commissioning report must be produced by an acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) within 3 – 6 months of the proposed development operating to validate the Environmental Noise Impact Assessment's findings. The report is to be submitted to Council to review.

Please note that all other conditions and documents attached to the SPP-17-00003 consent and the subsequently approved MOD-19-00439, REV-23-0012 and MOD-24-00235 remain unaltered and any other modification sought but not mentioned in the preceding paragraphs is not to be included in this approval.

Rights of Appeal:

If you are dissatisfied with this decision, Section 8.9 of the Environmental Planning and Assessment Act 1979 gives you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Rights of Review:

Section 8.2 of the Environmental Planning and Assessment Act 1979 provides that the applicant may request the Council to review the determination. The request must be made in writing (or on the review application form) together with payment of the appropriate fee. The review must be lodged within 28 days and determined within 6 months of the date of this notice.

Should you require any further information regarding this matter, please contact Bertha Gunawan, Senior Town Planner on 9839 6000.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Alan Middlemiss', with a stylized, cursive script.

Alan Middlemiss
Coordinator Planning Assessment