

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	<b>PPSSCC-328</b>
<b>DA Number</b>	DA 1040/2022/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Construction of a Transport Depot and Associated Workshop and Office Building
<b>Street Address</b>	3-5 Rosario Place & 4-6 Mile End Road, Rouse Hill
<b>Applicant</b>	Mr I Pillay
<b>Consultant/s</b>	<p>Evolution Planning – Town planning  Noxon Giffen – Architecture  McNally Management – Project management and waste management  Nicholas Bray Landscapes – Landscaping  Birds Tree Consultancy - Arborist  Lindsay Dynan Consulting Engineers Pty Ltd – Stormwater management and design and civil engineering  Acoustic Dynamics – Acoustics  EI Australia - Geotechnical engineering  Seca Solution – Traffic and transport  Intrax Consulting Group – Land survey  Cormac Ryan (Altus Group) – Quantity surveying  Inclusive Places (trading as Cheung Access Pty Ltd) – Access consultant  Romanos Consulting Pty Ltd – Lighstpill assessment</p>
<b>Date of DA lodgement</b>	10 January 2022
<b>Number of Submissions</b>	Twelve
<b>Recommendation</b>	Approval subject to conditions.
<b>Regional Development Criteria (Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021</b>	Private infrastructure and community facilities (road infrastructure facility) with CIV exceeding \$5 million (\$29,349,939.00)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Section 4.15 (EP&amp;A Act) – Satisfactory.</li> <li>• State Environmental Planning Policy (Infrastructure) 2007 – Satisfactory.</li> <li>• State Environmental Planning Policy No. 55—Remediation – Satisfactory</li> <li>• State Environmental Planning Policy No. 64 – Advertising and Signage – Satisfactory</li> <li>• The Hills LEP 2019 – Satisfactory.</li> <li>• The Hills Development Control Plan 2012 <ul style="list-style-type: none"> <li>• Part B Section 7 - Industrial – Variation, see Report.</li> <li>• Part C Section 1 – Parking – Satisfactory.</li> <li>• Part C Section 2 – Signage – Satisfactory.</li> <li>• Part C Section 3 – Landscaping – Satisfactory.</li> </ul> </li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Plans</li> <li>• Residents' submissions</li> </ul>

<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• Permissibility of the proposed use in IN2 Light Industrial zone</li> <li>• Noise impact</li> <li>• Lightspill from bus headlights</li> <li>• Traffic and road safety</li> <li>• Road improvement</li> <li>• Timeframe for the conversion of diesel to electric vehicles</li> <li>• Environmental concerns</li> <li>• Operating hours</li> </ul>
<b>Report prepared by</b>	Claro Patag – Specialist Planner
<b>Report date</b>	2 June 2022

#### **Summary of s4.15 matters**

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

#### **Legislative clauses requiring consent authority satisfaction**

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

*e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*

#### **Clause 4.6 Exceptions to development standards**

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

#### **Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**

*Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*

#### **Conditions**

Have draft conditions been provided to the applicant for comment? **Yes**

*Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*

## EXECUTIVE SUMMARY

The key issues that need to be considered by the Panel in respect of this application are:

- The proposal is a rearrangement of a previously approved transport depot on the subject site (DA 992/2019/HC) to facilitate the decommissioning of the diesel-powered bus fleet to electric buses.
- DA 992/2019/HC was determined by The Hills Local Planning Panel on 20 May 2020 by way of a deferred commencement consent which requires the following:
  1. *The registration of the subdivision DA 267/2018/ZA, providing public road to the development site and creation of Lots 204 and 205, subject development site.*
  2. *The registration of a temporary right of way over the proposed Lot 205 to be created under the DA 267/2018/ZB that provides access to the proposed Lot 302 (part of the subject development site) under the DA 48/2020/ZB.*
  3. *The registration of the subdivision DA 48/2020/ZB to create the Lot 302 that forms part of the subject development, provision of stormwater drainage works to ensure maintaining the post-development runoff at the water course equivalent to the pre-development runoff at all storm events.*
  4. *Submission of amended stormwater documents to ensure compliance with Council's design requirements ensuring no increase of flood risks downstream within Russell Reserve.*

Item 1 of the deferred commencement consent has already been satisfied (i.e., public road - Rosario Place has already been constructed and Lots 204 and 205 have been registered). Items 2, 3 and 4 remain outstanding to date.

- The proposal complies with the relevant provisions of The Hills LEP 2019. Development standards relating to height of building (16m maximum) and floor ratio (1:1 maximum) apply to the land. The proposed height of buildings range between 5.2m to 10.45m which complies with the maximum 16m building height permitted on the site under Clause 4.3 of the LEP. The development comprises a Floor Space Ratio (FSR) of 0.09:1 as calculated by the LEP definition with a gross floor area of 3,758m<sup>2</sup> over the site area of 4.142 hectares. This complies with the maximum FSR standard of 1:1 under Clause 4.4 of the LEP.
- The proposed development has been assessed against the relevant requirements in DCP 2012 Part B Section 7 – Industrial, Part C Section 1 – Parking, Part C Section 2 – Signage and Part C Section 3 – Landscaping. The proposal complies with the relevant development standards prescribed in DCP 2012 with the exception of the landscaped setback requirement shown on Map Sheet 6 of 6 in Appendix A – Precinct Based Development Control Plans in Part B Section 7 – Industrial (refer Attachment 9). The proposed parking provision is supported by a parking demand study based on the typical operation of similar developments. The proposed hours of operation are supported by an acoustic report demonstrating the proposed development is a Low Noise Generating Use.
- The Development Application was notified to adjoining and surrounding properties including objectors to the previous Development Application (DA 992/2019/HC). Under Clause 56(2)(a) of the EP&A Regulation 2021, a notice of the application was also published on The Hills Shire Council's website. DA notice signs were also displayed and exhibited on the subject land. Twelve submissions were received during the notification period and issues raised primarily relate to traffic, pedestrian safety, noise

impact, air quality, light spill, hours of operation, site suitability and property values. These issues have been addressed in the report and do not warrant refusal of the application.

- The submitted traffic report has been reviewed by Council's Traffic Team. Council has identified the upgrade of Withers Road and Annangrove Road which will result in this intersection being suitable for use by buses. The proposed traffic signals at the Annangrove Road and Withers Road intersection will cater for safe and appropriate bus movements. The traffic report concludes that the additional traffic movements generated by the development will have an acceptable impact upon the local road network, with the development flows catered for by the proposed road upgrades.
- Previous discussions between Council staff and the proponent involved the proponent making provisions for a dual lane circulating roundabout at the intersection of Withers Road and Rosario Place prior to occupation of the site. A similar condition as previously imposed in DA 992/2019/HC is recommended in this report.
- The acoustic report submitted with the application has been reviewed by Council's Environmental Health Team and noted that the overall proposal should see a reduction in noise impacts due to the transition to an electric powered fleet. The acoustic report has been assessed and appropriate conditions relating to the recommendations in the report have been incorporated in draft conditions.
- It is considered that the removal of the multi-level car parking structure also constitutes a reduction to the perceived massing and visual impact of the development as compared to the previously approved development.
- The proposed bus depot is considered to be suitably located within the IN2 Light Industrial Zone and will provide a service to the broader community. The proposed development is shielded from nearby residential properties by existing and future industrial development along Withers Road. The southwestern side of Withers Road which backs onto the residential properties is zoned and identified as SP2 Public Transport Corridor in THLEP 2019 (refer Attachment 3), the intention of which is to be used for bus services.

The Development Application is recommended for approval subject to conditions including deferred commencement conditions related to the registration of preceding subdivisions and the submission of amended stormwater documents.

## **BACKGROUND**

The subject site is zoned IN2 Light Industrial under the provisions of The Hills Local Environmental Plan 2019. The proposed transport depot is a permissible use with consent in the IN2 zone.

The land comprises Lots 204 and 205 in DP 1235785 and part of Lot 3 in DP32107. Lots 204 & 205 (also now known as 3-5 Rosario Place, Rouse Hill) were part of a 5-lot subdivision approved under DA 267/2018/ZB and the remainder of the site forms part of a 2-lot subdivision of Lot 3 DP 32107 approved under DA 48/2020/ZA.

The site has a combined area of 4.142 hectares and vehicular access is through the north-eastern end of a newly created public road (Rosario Place). The land falls from the east to the west and to the south.

The site is currently vacant and unimproved except for an overhead transmission line generally following the internal boundary between Lots 204 and 205 in DP 1235785 and other subdivision works associated with subdivision approval (DA 48/2020/ZA).

The site is the subject of several easements including a 60m wide easement for an electricity transmission line, which includes an exclusion zone of 20m from an existing pylon. No buildings are proposed within the easement, only hardstand parking as previously proposed in DA 992/2019/HC.

Adjoining the site to the northwest is Russell Reserve and to the northeast by 2 vacant lots (Lots 21 & 22 in DP 830552). Lot 21 has a 9-industrial lot subdivision approval under DA 345/2022/ZD. The land immediately to the south and southeast of the site contains light industrial units, a commercial storage facility and a building supplies outlet. The area on the opposite side of Withers Road (south-west) is a built-up residential area zoned R2 Low Density Residential.

DA 992/2019/HC for construction of a transport depot and associated works was determined by The Hills Local Planning Panel on 20 May 2020 by way of a deferred commencement consent. The approved development comprises:

- Use of the site as a transport depot to operate Monday – Friday, 5:00am to 11:00pm, Saturday, 6:00am to 11:00pm, and closed on Sundays;
- Earthworks and the removal of 18 trees;
- Parking for 198 buses, 252 cars and 12 patient transport vehicles;
- Driveway crossing to Rosario Place;
- Construction of ancillary offices; fuelling bay, workshop and wash bay;
- Pylon sign;
- Subdivision of Lot 3 into two new lots

The deferred commencement consent has not been activated as it is subject to the registration of the subdivision of Lot 3 DP32107 approved by DA No. 48/2020/ZB. A subdivision Works Certificate has been issued and work has commenced on this subdivision.

A prelodgement meeting was held with Council staff on 22 October 2021 to discuss the proposed changes to the development approved in DA 992/2019/HC. The applicant was advised that the changes cannot be facilitated by a Section 4.55 modification application as the proposed development is not substantially the same development as originally approved, and it can only be facilitated and administered by lodging a new Development Application.

The subject Development Application was lodged on 10 January 2022.

On 10 February 2022, a letter was sent to the applicant requesting additional information relating to tree management and landscaping matters. Additional information was received on 21 March 2022.

A kick-off briefing by the applicant was held with the Sydney Central City Planning Panel on 10 February 2022.

On 24 March 2022, Council staff conducted a Panel briefing on this matter and the following key issues were discussed:

- Twelve submissions were received during the notification period and issues raised included:
  - Concerns that there could be another depot entrance off Mile End Road.
  - Noise and light spill from bus movements.

- Proposed bus depot is not a light industrial use and should not be allowed in Light Industrial Zone.
- Road, traffic and pedestrian issues.
- Need for applicant to ensure that information to address these issues has been submitted with this application and not just to rely on information submitted with previous application.
- Confirmation was given that there is no access proposed to Mile End Road.
- Roundabout at Withers Road that was a previous requirement is still understood to be required.
- The depot will progressively ramp up the percentage of electric buses from commencement and in line with government initiatives over the next 8 – 10 years

## DETAILS AND SUBMISSIONS

Owners:	- ComfortDelGro Corporation Australia Pty Ltd - Factory Central Pty Ltd
Zoning:	IN2 Light Industrial
Area:	4.142 has.
Existing Development:	Vacant
Section 7.11 Contribution	\$353,461.05
Exhibition:	Yes, published on Council's website
Notice Adj Owners:	Yes, 31 days
Number Advised:	378 including previous objectors
Submissions Received:	12

## PROPOSAL

The Development Application is for the construction of a transport depot and associated workshop and office building.

This application follows a previous approval for a bus depot on the same land, (DA 992/2019/HC), approved by the Hills Local Planning Panel on 20 May 2020. Since the granting of the deferred commencement consent, further design development has occurred to facilitate the decommissioning of the diesel-powered bus fleet with electric buses.

The main changes introduced by the current proposal to that already approved are as follows:

- Two canopies over the bus parking areas at the eastern side of the site;
- Deletion of the separate multi-level car parking/office and workshop buildings and their replacement with a single workshop/office building and managed at-grade parking;
- Relocation of wash bay and fuel bay, the relocation of approved structures and rearrangements to parking and internal circulation arrangements.

No changes are proposed to the site entry arrangements; signage, hours of operation (Monday - Friday, 5am to 11pm, Saturday, 6am to 11pm, and closed on Sundays) as well as the bus and car parking capacity of the development compared to that previously approved. The proposed development includes the same number of buses as that previously approved, i.e. 198 buses.

The proposal includes 253 car parking spaces (with 4 accessible spaces and 1 visitor space) and 9 motorbike spaces.

The proposed development includes "managed" car parking spaces which is possible given the shift nature of workers and differentials in the length of bus trips after leaving the depot. The car parking provision will comprise of 173 car spaces (which include 4 accessible spaces

and 1 visitor space) and 9 motorbike spaces within the car parking area and 80 car spaces shared with bus parking. The first buses leaving the depot on longer routes open up spaces for parking for drivers on shorter routes who will leave the parking space before the bus returns.

The proposed staffing arrangement consists of 270 bus drivers/yard staff rotated across operational hours, 10 office staff and 17 mechanics.

The Development Application is classified as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposed development requires approval from the Natural Resources Access Regulator (NRAR) under the provisions of the Water Management Act 2000.

The proposal is a regionally significant development as it meets the criteria in Schedule 7 of the SEPP (State and Regional Development) 2011 being for the purpose of a 'road infrastructure facility' which is one of the purposes identified in Item 5 (a) of Schedule 7 with a capital investment value of over \$5 million. The Development Application is accompanied by a Quantity Surveyor's Report which indicates that the estimated cost of development is \$26,681,762.00 (excl GST).

## **ISSUES FOR CONSIDERATION**

### **1. STRATEGIC PLANNING FRAMEWORK**

#### **a). Sydney Region Plan – A Metropolis of Three Cities**

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities, i.e. the Western Parkland City, the Central River City and the Eastern Harbour City.

The Plan sets a new strategy and actions to land use and transport patterns. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public transport (Objective 14). To achieve this, the Plan seeks to develop a network of 34 strategic centres, one of which is Rouse Hill which is within the Central River City) where the subject site is situated. Strategic centres are expected to accommodate high levels of private sector investment, enabling them to grow and evolve. They will become increasingly important parts of the region's structure.

The Plan also advocates investment and business activity in centres, particularly strategic centres identified for delivering the 30-minute city. Strategic centres should facilitate high levels of private sector investment, co-location of a wide mix of land uses, include areas identified for commercial use, and where appropriate, commercial cores (Objective 22). To deliver a 30-minute city, connections to existing infrastructure in all the three cities need to be improved. Importantly, transport corridors and locations for new centres need to be safeguarded for future infrastructure investment.

The proposal is consistent with the aims of the Sydney Region Plan.

#### **b). Central City District Plan**

The Central City District Plan contains directions for 'Infrastructure and Collaboration' and 'Sustainability' which include:

- A City Supported by Infrastructure – Planning Priority C1 – Planning for a city supported by infrastructure; and
- A City of Great Places – Planning Priority C19 – Adapting to the impacts of urban and natural hazards and climate change

The proposed development meets the intent of the Plan as it will contribute in the enhancement of the public transport infrastructure by facilitating the decommissioning of the diesel-powered bus fleet to electric buses. It is considered to be in the public interest which will contribute to significant reductions to greenhouse gas emissions and will connect residents to their nearest strategic centre or metropolitan centre within 30 minutes.

## **2. STATE ENVIRONMENTAL PLANNING POLICY (PLANNING SYSTEMS) 2021**

Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021 provides the following referral requirements to a Joint Regional Planning Panel:-

### ***“Part 2.4 Regionally significant development***

#### ***2.19 Declaration of regionally significant development: section 4.5(b)***

- (1) Development specified in Schedule 6 is declared to be regionally significant development for the purposes of the Act.”*

### ***“Schedule 6 Regionally significant development***

#### ***5 Private infrastructure and community facilities over \$5 million***

*Development that has a capital investment value of more than \$5 million for any of the following purposes—*

*(a) air transport facilities, electricity generating works, port facilities, rail infrastructure facilities, **road infrastructure facilities**, sewerage systems, telecommunications facilities, waste or resource management facilities, water supply systems, or wharf or boating facilities,*

*(b) affordable housing, child care centres, community facilities, correctional centres, educational establishments, group homes, health services facilities or places of public worship.”*

#### ***“road infrastructure facilities includes—***

- (a) tunnels, ventilation shafts, emergency accessways, vehicle or pedestrian bridges, causeways, road-ferries, retaining walls, toll plazas, toll booths, security systems, bus lanes, transit lanes, transitways, transitway stations, rest areas and road related areas (within the meaning of the Road Transport Act 2013), and*
- (a1) associated public transport facilities for roads used to convey passengers by means of regular bus services, and*
- (a2) bus layovers that are integrated or associated with roads (whether or not the roads are used to convey passengers by means of regular bus services), and*
- (b) **bus depots**, and*
- (c) bus stops and bus shelters, and*
- (d) traffic control facilities (within the meaning of Part 6 of the Transport Administration Act 1988), TfNSW road safety training facilities and safety works, and*
- (e) premises used for the purposes of testing and inspecting heavy vehicles (within the meaning of the Road Transport Act 2013) under the TfNSW Heavy Vehicle Authorised Inspection Scheme.”*



***“bus depot means premises used for the servicing, repair, garaging or parking of buses.”***

In view of the above provisions, the proposed transport / bus depot is a regionally significant development as it meets the criteria in Schedule 6 of the SEPP (Planning Systems) 2021 being for the purpose of a ‘road infrastructure facility’ which is one of the purposes identified in Item 5 (a) of Schedule 6 with a capital investment value of over \$5 million. The Development Application is accompanied by a Quantity Surveyor’s Report which indicates that the estimated cost of development is \$29,349,939.00, thereby requiring referral to, and determination by, a Regional Planning Panel.

In accordance with this requirement the application was referred to, and listed with, the Sydney Central City Planning Panel for determination.

### **3. STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 of the SEPP states:-

- 1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

#### **Comment:**

A Geotechnical Assessment Report prepared by EI Australia for Lot 3 dated 16 March 2018 accompanied the Development Application which concluded that there is potential for contamination to be present on site. Given the nature of the proposed land use and potential contamination risk to the end users, EI Australia recommended the completion of a Hazardous Materials Survey of the existing structures as well as intrusive site investigation to verify the quality of the site soils and groundwater. EI Australia concluded that the site can be made suitable for the proposed use subject to the implementation of their recommendations.

It is noted that a Detailed Site Assessment and Report was prepared by EI Australia Pty Ltd, referenced as Report E23669.E02\_Rev0, dated 13 August 2018 and submitted as part of subdivision proposal submitted with DA 48/2020/ZB. It was conditioned that the recommendation are to be implemented as part of the subdivision approval.

In light of the above and findings of the relevant site investigations, it is considered reasonable to conclude that subject to adhering to the recommendations of this report the requirements and objectives of SEPP 55 have been satisfied.

### **4. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to traffic generating development.

Clause 104 applies to development specified in Column 1 of the Table to Schedule 3 of the SEPP, which lists the types of development that are defined as 'Traffic Generating Development'. Referral to Transport for NSW (TfNSW) is required for transport depots with a site area of 8,000m<sup>2</sup> as specified in Column 2 in Schedule 3. In this regard, the Development Application was referred to the TfNSW for comment on 12 January 2022. In response, TfNSW raised no objection to the proposed development subject to conditions recommended in their letter dated 31 January 2022 (see Condition No. 22).

(N.B.: This Policy has been consolidated with other SEPPs now titled State Environmental Planning Policy (Transport and Infrastructure) 2021 which commenced on 1 March 2022. The consolidated SEPPs transferred the provisions of the relevant SEPPs into chapters, however the consolidation did not introduce any amendment to the existing SEPPs other than renumbering and changes consequent on the consolidation.)

## **5. STATE ENVIRONMENTAL PLANNING POLICY NO. 64 – ADVERTISING AND SIGNAGE**

The proposal includes an illuminated business identification sign in the form of a pylon sign located in proximity to the site entry (which is identical to that previously approved in DA 992/2019/HC) measuring 5m high x 1.5m wide and a wall sign above the entry to the main building. The display area measures 3m high x 1.5m wide. The pylon sign will identify the proposed bus depot facility. Business signs are incidental and ancillary to the proposed use which is permissible with consent under LEP 2019.

The signs do not include any general advertising of products, goods or services and therefore, are not defined as "advertisements".

SEPP 64 applies to the signs as they will be visible from a public place (i.e. the road frontages). Pursuant to clause 8 of SEPP 64, the consent authority is to be satisfied that the signs are consistent with the aims of clause 3(1) of SEPP 64 and that the signage satisfies the assessment criteria in Schedule 1 to the SEPP. An assessment of the proposal against these criteria is provided in the following table.

<b>Assessment Criteria</b>	<b>Proposal</b>	<b>Compliance</b>
<b>Character of the Area</b>  Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?  Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposal is located within an industrial zoned land and includes signage consistent with those erected on surrounding properties for industrial purposes. The signage is not directly visible from residential zoned areas (located approximately 140m from Withers Road frontage) and has been designed in a sympathetic manner so as to not cause visual clutter from surrounding views.  The proposal is consistent with signage previously approved and erected within the industrial zoned sites in the locality.	Yes
<b>Special areas</b>  Does the proposal detract from the amenity or visual quality of	The proposal is not surrounded by any areas deemed to be sensitive and is considered not to detract from the amenity or visual quality	Yes

any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	of the existing streetscape and landscape. The proposed signage is approximately 140m from the Withers Road frontage and is not directly visible from the residential properties across the road.	
<b>Views and vistas</b>  Does the proposal obscure or compromise important views?  Does the proposal dominate the skyline and reduce the quality of vistas?  Does the proposal respect the viewing rights of other advertisers?	The proposed signage will not obscure or compromise any important views or vistas from or to the site given their location.  The location and scale of the proposed signage will not be visually dominant.  The proposed signage shall not impede the viewing of any other signage in the locality.	Yes
<b>Streetscape, setting or landscape</b>  Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?  Does the proposal contribute to the visual interest of the streetscape, setting or landscape?  Does the proposal reduce clutter by rationalising and simplifying existing advertising?  Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage dimensions are consistent with those previously approved and erected in the areas and commensurate the streetscape and landscape.  The proposed signage will create visual interest and identification of the operation of the site.  The proposal signage has been designed so as to not create visual clutter along the street. The use of one sign at each entrance will ensure this is achieved.  The proposed signage will not protrude above buildings, structures or tree canopies in the area and will not require ongoing vegetation management.	Yes
<b>Site and building</b>  Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?  Does the proposal respect important features of the site or	The signage is of suitable scale and design for its intended purpose as business identification signage. The signage is of a scale consistent with existing signage on the subject and surrounding sites.  The signage will not be the predominant visual feature of the building and will remain below the	Yes

<p>building, or both?</p> <p>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</p>	<p>roof line. It would be sympathetic to the aesthetic values represented along the street.</p> <p>The signage presents a low impact sign which does not result in adverse impact on the streetscape amenity.</p>	
<b>Associated devices and logos with advertisements and advertising structures</b>	No associated devices are proposed.	Yes
<p><b>Illumination</b></p> <p>Would illumination result in unacceptable glare?</p> <p>Would illumination affect safety for pedestrians, vehicles or aircraft?</p> <p>Would illumination detract from the amenity of any residence or other form of accommodation?</p> <p>Is the illumination subject to a curfew?</p> <p>Can the intensity of the illumination be adjusted, if necessary?</p>	<p>The signage will be illuminated however will not result in unacceptable glare to surrounding properties or traffic.</p> <p>The illumination will be appropriately positioned so as to not affect the safety for pedestrians, vehicles or aircraft.</p> <p>The illumination will be focused solely on the signage and shall not result in any unreasonable spill towards surrounding land uses, thus maintaining an acceptable level of amenity.</p> <p>The signage will be illuminated in accordance with the proposed operating hours.</p> <p>The illumination will include capability to adjust the intensity of the lighting if required.</p>	<p>Yes. Given the location of the proposed pylon sign and the distance to the nearest residential properties, it is considered that the proposed illumination is acceptable.</p>
<p><b>Safety</b></p> <p>Would the proposal reduce the safety for any public road?</p> <p>Would the proposal reduce the safety for pedestrians or bicyclists?</p> <p>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</p>	<p>The signage will not be positioned to cause any hazard for any road.</p> <p>The signage has been located so as to not reduce safety for pedestrians or cyclists.</p> <p>The signage will not cause disruption of any sightlines from public areas.</p>	Yes

The business identification signage proposed will be located in proximity to the site entry facing the street, which is characterised by industrial land interfacing with residential properties adjacent. The signage proposed demonstrates consistency with other signage within the locality of a similar scale and design. As such the proposed signage is deemed to

be compatible with the character of the area and will positively contribute to the streetscape through high quality design and construction. Accordingly, the proposed signage is considered to satisfy the aims of SEPP 64.

## **6. COMPLIANCE WITH THE HILLS LOCAL ENVIRONMENTAL PLAN 2019**

### **(i) Permissibility**

The land is zoned IN2 Light Industrial under the provisions of The Hills Local Environmental Plan 2019. The proposed development as a bus depot is permissible with consent. The proposal is referred to as either a depot or a transport depot under the Standard Instrument land use definitions. Both depot and transport depot are permitted with consent in IN2 zone pursuant to LEP 2019. The proposal is considered to be more consistent with the land use definition of a transport depot which means *“a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.”*

The proposed development satisfies LEP 2019 in this regard.

### **(ii) Compliance with The Hills LEP 2019 – Zone Objectives**

The site is zoned IN2 Light Industrial under LEP 2019. The objectives of the zone are:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To provide temporary overnight accommodation for the working population and businesses in the area.*

The proposed development satisfies the relevant objectives of the IN2 zone as it would provide a permissible and compatible land use within the light industrial zone which will provide employment opportunities for residents in The Hills Shire Local Government Area.

### **(iii) The Hills LEP 2019 - Development Standards**

The site is subject to a maximum building height of 16m and maximum floor space ratio of 1:1 prescribed under Clauses 4.3 and 4.4 of LEP 2019 respectively. The proposal seeks a maximum building height of 10.45m from the existing ground level, which complies with Clause 4.3 and proposes a gross floor area of 3,758m<sup>2</sup> or FSR of 0.09:1, which achieves compliance with Clause 4.4.

The site has a total area of approximately 4.14 hectares which exceeds the prescribed minimum lot size of 8,000m<sup>2</sup> in LEP 2019 as shown on the Lot Size Map.

### **(iv) Future Transport Corridor**

The south-western side of Withers Road which is in close proximity to the site is zoned SP2 Public Transport Corridor (see zoning map below). Council's Traffic Team has provided the following information in regard to the proposed intended works within this future transport corridor:

*“A concept design for the proposed dual lane roundabout at the Withers Road intersection has been prepared, and Council intends to further develop that concept design to full engineering*

design in due course. This section of Withers Road parallels a variable width transport corridor under the ownership of the State Government. The corridor is between 12 and 13 metres wide at the intersection shown below, and the strategic concept design intends to provide access for buses to the transport corridor, as well as providing safe access for motorists and buses using the new cul-de-sac off Withers Road.

Transport for NSW (TfNSW) is the responsible State Government Authority for the ultimate approval of all works involving the transport corridor, and discussions are continuing with TfNSW in this regard to ensure that the intersection meets the future requirements of public transport needs in this location. At this stage the State Government has not committed how the transport corridor will operate, or when funding would be available for construction. However, it has been acknowledged that the corridor will only serve bus traffic, and that services are likely to be limited to 30 minute intervals in the early stages of stages of implementation. This frequency may increase depending on demand, together with the rate of residential / commercial / retail zones in the Rouse Hill and Box Hill areas.

The actual interface between the transport corridor and the adjacent residential development along the western side of Withers Road has also not been determined, but noise walls would not be needed for a limited bus service frequency, nor would safety or traffic barriers be necessary along a relatively straight section of Withers Road. It is also envisaged that local residents should be able to access bus services operating along the transport corridor at designated stops, therefore pedestrian entry and exit points from Rivergum Way and Mailey Circuit will be part of the ongoing discussions with TfNSW and the service provider.”



**Zoning Map showing the designated SP2 Public Transport Corridor**

It is considered that the subject site is a suitable location for a bus/transport depot given its proximity to the future transport corridor as envisaged in THLEP 2019.

## 7. COMPLIANCE WITH THE HILLS DEVELOPMENT CONTROL PLAN 2012

### Part B Section 7 – Industrial

The proposal has been assessed against the requirements of Part B Section 7 – Industrial which also makes reference to parking and landscaping requirements outlined in Part B Section 1 - Parking and Part C Section 3 – Landscaping, as follows:

Clause/Control	Required	Provided	Complies
2.1 Precinct Plans	Map Sheet 6 of 6 of the Precinct Based Development Control Plan requires the provision of a 20m landscaped setback on the north western boundary and a 10m landscaped setback along a small section of the north eastern boundary of the site (refer Attachment 9).	10m landscaped setback - north western boundary.  10m landscaped setback – north eastern boundary	No. Variation addressed below.  Yes
2.2 Site Analysis	Undertake an appropriate site analysis as part of the proposal having regard to site opportunities and constraints.	Adequate site analysis has been undertaken.	Yes
2.3 Development Sites	Ensure that development sites have sufficient areas for access, parking, landscaping and building separation. The minimum site frontage is required to be 60m.	Satisfactory	Yes
2.4 Safety by Design	Consideration is to be given to safer by design principles.	The proposal has been referred to the NSW Police for comment and no objection is raised to the proposal subject to their requirements under the Safety by Design Guidelines.	Yes
2.5 Floor Space	FSR is to be in accordance with LEP 2019. The maximum floor space permitted to be constructed/utilised for ancillary office areas is 50% of the unit floor area.	0.9:1  The proposed office space comprises 20% of the total floor area and is ancillary to the proposed development.	Yes
2.6 Setbacks	The required setback based on the Precinct Plan is 20m to the front boundary. A minimum building setback of 5 metres for buildings and 2 metres for ground level car parking is required to all other site boundaries.	A building setback of 102m from the cul-de-sac is provided.  Buildings (office/Car Park/Workshop) - = or greater than 5m to side boundaries  Bus parking - 2m	Yes  Yes  Yes

	Other than within the Castle Hill Industrial Area where a building setback is 20 metres or more, car parking may be sited 10 metres closer than the building to that boundary.	The office and car parking exceed the minimum front setback requirements.	Yes
	Car parking may be permitted within the front building setback provided it is setback 10 metres from a local road frontage and 20 metres from an arterial road frontage. The car park area is to be screened from view and the setback adequately landscaped in accordance with the provisions of this Section of the DCP.	Bus parking spaces are located around the development site and are located a minimum 10m from the front boundary. The bus parking is adequately setback with a minimum 2m landscaped setback proposed.	Yes
	Where a proposed acquisition for road widening affects a development site, the minimum setback will be measured from the proposed new alignment of the road.	N/A	N/A
2.7 Building Heights	<p>The height of buildings are to be in accordance with LEP 2019.</p> <p>In all industrial zones other than the Castle Hill Industrial area the maximum building height of any structure or building shall be no more than 15 metres above ground level except where the building is within 30 metres of a residential property boundary where the height will be a maximum of 10 metres.</p>	LEP 2019 has a 16 metre height limit. The maximum building height is 10.45m.	Yes
2.8 Building Materials	<p>Select materials which minimise environmental impact.</p> <p>External walls of buildings for office / showrooms should be brick, pre cast panel or glass unless lower environmental cost can be demonstrated.</p> <p>All visible walls from the street or adjoining land must be treated (minimum painting).</p> <p>Roofs are to be pre-colour coated masonry, tile or metal. Galvanised iron, zincalume, fibrous sheeting or uncoloured metal deck surface is not</p>	Colorbond / Metal deck cladding.	Yes



	permitted,		
2.9 Signage	<p>Signage is to be in accordance with the Signage DCP, i.e.:</p> <p>Only one free-standing pylon sign shall be permitted on any parcel of land zoned Industrial or B7 Business Park, and shall meet the following requirements:-</p> <ul style="list-style-type: none"> <li>• Max. height: 10m</li> <li>• Max. width: 2m</li> <li>• Max. advertising display area: 12m<sup>2</sup> with maximum advertising dimensions 1.5m in width and 8m in height.</li> <li>• No advertising within the bottom 2m of the structure</li> </ul> <p>The free-standing pylon sign may identify the names of the occupant(s) of individual unit/suite in the premises and may include a logo or symbol that identifies the business, but does not include general advertising of products, goods or services; and</p> <p>The free-standing pylon sign may be erected in the landscaped setback area.</p>	<p>One illuminated pylon sign located in proximity to the site entry measuring 5m high and 1.5m wide and a wall sign above the entry to the main building measuring 1.1m wide and 3.79m high (which is identical to that previously approved in DA 992/2019/HC). The display area measures 3m high x 1.5m wide. Also refer to assessment under SEPP 64 above.</p>	Yes
2.10 Fencing	<p>Only low ornamental type fencing may be erected in building setback.</p> <p>Fencing next to trunk drainage shall be integrated with the landscaping.</p> <p>Chain wire fencing is to be black or dark green.</p> <p>Pre painted metal fencing (i.e colorbond) is not acceptable.</p>	<p>2.1m fencing provided on all boundaries. Palisade fencing and gate is to be provided to street entrance.</p>	Yes
2.11 Hours of Operation	<p>Hours of operation are limited to 7am – 6pm Monday to Saturday with no work or activity on Sunday. Notwithstanding this,</p>	<p>5:00am to 11:00pm, Monday to Friday</p> <p>6:00am to 11:00pm,</p>	Yes. The site does not adjoin a residential

	where sites do not adjoin a residential property, an occupant of a site may request that a site be considered as a 'Low Noise Generating Use' and operate 24/7.	Saturday. Closed - Sunday	property and the development is considered as a "Low Noise Generating Use" as per the findings in the acoustic report.
2.12 Energy Efficiency	The buildings must include passive solar design elements and consideration is to be given to the use of solar panels. Any office building over 100m <sup>2</sup> must achieve a 4 star Greenhouse Building Rating.	Provided.	Yes
2.13 Biodiversity	Significant bushland should be retained where possible and ensure appropriate Flora and Fauna Assessment is undertaken. This could include a Species Impact Statement (SIS) addressing the EP&A Act 1979 and Threatened Species Biodiversity Conservation Act 1995.	Not relevant	N/A
2.14 Erosion and Sedimentation	Erosion and Sedimentation Control Plans / measures to be considered.	Appropriate conditions of consent will be imposed regarding erosion and sedimentation control devices.	Yes
2.15 Landscaping and Tree Preservation	<p>Preserve all vegetation where possible.</p> <p>Landscaping to be in accordance with BHDGP Part D, Section 3 – Landscaping.</p> <p>Grassed embankments not to exceed 1:6 slope</p> <p>Earth mounding is desirable within setback areas to reduce noise impacts.</p> <p>All landscape areas to have a minimum width of 2.0 metres</p>	2m landscape bays per 10 spaces provided to uncovered parking spaces.	Yes
2.16 Car Parking - refer Part C	<b>Ancillary Office:</b> 1 space per 25m <sup>2</sup>	Proposed office area is 460m <sup>2</sup> which	

Section 1 – Parking.		<p>requires 19 spaces.</p> <p>The DCP rates are not specific to the proposed use. The applicant states that:</p> <p><i>“Given the unique nature of the development, the parking demand has been determined from first principles, in conjunction with advice from the study team on the typical operation of such developments.</i></p> <p><i>A total supply of 253 spaces are to be provided. This parking supply shall ensure that all parking demands for the development can be catered for on site with no impact upon on street parking and amenity. This provision will also accommodate any cross over of demands for bus drivers at shift change.</i></p> <p>Based on the above, 253 staff parking spaces including 4 accessible spaces and 1 visitor space and 9 motorbike spaces have been provided.</p>	
2.17 Vehicular Access	<p>Entry and exit in a forward direction</p> <p>Design to comply with Council's Work Specifications, BHDCP Part D, Section 1 - Parking and the Australian Standards.</p> <p>Suitable sight distance is to be provided.</p>	<p>All exit and entry will be in a forward direction.</p>	Yes

2.18 Bicycle Parking	<p>2 plus 5% of total parking required (not clustered in more than 16) for developments which exceed 4,000m<sup>2</sup> of floor area or increase an existing development by 4,000m<sup>2</sup> or greater.</p> <p>Facilities are to be highly visible and illuminated.</p>	There is no requirement to provide bicycle parking as the development does not exceed a floor area of 4000m <sup>2</sup> .	Yes
2.19 Loading Facilities	<p>Loading docks are not to be visible from the public domain and should not be provided on any street frontage. If this is required they are to be appropriately screened.</p> <p>The number of loading docks and design is to comply with the requirements of BHDGP Part D, Section 1 – Parking.</p> <p>The design is to comply with AUSTRROADS Design Vehicular Turning Templates.</p>	Loading will be undertaken directly to the workshop area. Given the distance from the front boundary to the workshop, this area is not considered to be highly visible.	Yes
2.20 Pedestrian Access	<p>Pathways and ramps to conform to AS 1428.1 – 2001 Design for Access and Mobility</p> <p>All surfaces should be stable, even and non-slip.</p> <p>Clear pedestrian pathways are to be indicated along arterials road, between developments and links to Public transport stations and rail link lines.</p>	All access will be in accordance with AS 1428.1.	Yes
2.21 Services	<p>All developments within the Rouse Hill STP buffer zone must have regard to the former DUAP Circular No. E3 (Refer to Clause 2.21)</p> <p>Consider service provision for Sydney Water, Telecommunications, Electricity, Gas and NSW Fire Brigades.</p>	The site is not located within the STP buffer area. All services are available to the site.	Yes
2.22 Stormwater Management	<p>Consider Water Sensitive Urban Design Measures.</p> <p>Consider satisfactory</p>	WSUD has been incorporated in the design.	Yes

	<p>stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not include filling of flood liable land or the erection of buildings on flood liable land.</p>		
2.23 Water Efficiency	<p>Consider water flow devices on showerheads and taps.</p> <p>Consider AAA rated fittings.</p> <p>Water cooled air conditioning systems are discouraged.</p>	Satisfactory	Yes
2.24 Pollution Control	<p>Air, water and other pollutants to be considered.</p> <p>Noise generating works should consider the Protection of the Environmental Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	The proposal is considered to be satisfactory and is unlikely to cause unreasonable noise impacts.	Yes
2.25 Waste Management – Storage and Facilities	<p>All waste areas to be screened from the street and adjoining properties.</p> <p>Waste storage areas to be kept clean and tidy.</p>	Waste Management Plan submitted. The proposal has been assessed by Council's Resource Recovery Project Officer and considered satisfactory.	Yes
2.26 Waste Management Planning	WMP required to be submitted and address demolition, construction and on-going use requirements.	Provided.	Yes
2.27 Heritage	<p>Consider LEP Schedules, BHDCP Part D, Section 5 – Heritage and SREP 19 – Second Ponds Creek.</p> <p>Any development south of Annangrove Road as shown on Sheet 7 is to mitigate impacts on Rouse Hill Estate. Native Trees and shrubs are to be planted if in close proximity.</p> <p>Refer to Clause 2.27 for other considerations.</p>	N/A	N/A

2.28 Developer Contributions	Refer to Council's Development Contributions Officer for Section 94 Contributions Calculation if relevant.	Section 7.11 contributions apply and a condition has been imposed.	Yes
------------------------------	--	--	-----

### **Non-Compliance with Landscaped Setback to the Southern Side of the Cul-de-sac / Northern Boundary**

The overall development scheme for the Annangrove Road Industrial Area which is detailed in Appendix A – Precinct Based Development Control Plans (Sheet 6) prescribes a 20 metre landscaped setback along the south-eastern side of the cul-de-sac and north-western boundary of the site and a 10 metre landscaped setback a small section of the north eastern boundary of the site (refer Attachment 9). To the cul-de-sac itself, a landscape setback of between 26-32m is provided (excluding the driveway crossover) and a 10m-11m landscape setback is provided on the north-western and north-eastern side boundaries.

The following written statement has been provided by the applicant seeking a variation to the above requirement:

*“The proposed development has the same setbacks as that previously approved. Like the approval, the only incursion into the setback areas identified above is the siting of hardstand parking in the 20m setback area, although the current proposal now has less parking in that zone.*

*The location of carparking up to 10m from the boundary is permitted under Clause B.7(2.6)(f) “Other than within the Castle Hill Industrial Area where a building setback is 20 metres or more, car parking may be sited 10 metres closer than the building to that boundary.”*

*The parking area at this location is setback at least 10m. Furthermore, Clause B.7(2.6)(a) states:*

*The “building setbacks” to roads, open space, trunk drainage and other lands, are shown in Appendix A – Precinct Based Development Control Plans of this Section of the DCP, Sheets 1-6.*

*[emphasis added]*

*The DCP defines “Building setback” as:*

*“the minimum distance that a wall, window or outer-most part of the building is required to be from a property boundary. It is measured as the horizontal distance between the proposed wall, window or outer most part of the building and the boundary”*

*The parking area located within the 20m setback zone is not considered to be a “building”, particularly since the following DCP provision (Clause B.7(2.6)(b) ) makes the distinction between ‘buildings’ and ‘parking areas’.*

*The required setbacks, not shown above, for buildings and car parking areas are 5m and 2m respectively. All driveways are set back 2m (on the setbacks which are not privy to the Precinct setbacks) and the canopies are setback 14m from the northern boundary; 14m from the eastern boundary, and 18.5m from the southern boundary.*

*The Pre-DA minutes infer that the approved development contained a non-compliance with respect to the setback of parking areas. In light of the DCP provisions outlined above this is not considered to be the case in the past consent or current proposal.*

**Comment:**

The relevant objective of this control in the DCP is:

*(i) To ensure the development of specific industrial areas is consistent with the precinct Development Control Plans adopted by Council as part of this Section of the DCP.*

The proposed landscaped setback along the north-western boundary of the site is considered satisfactory as it does not result in any unreasonable visual amenity impacts on the adjacent reserve. The proposed development will provide adequate landscape works around the perimeter of the site which will suitably screen the development and bus parking area. The 10m landscaped setback along this boundary of the site will be planted with various tree and shrub species to provide an effective screen. Council's Landscape Assessment Officer has reviewed the landscape plans and details submitted with the application and no objection is raised to the proposal subject to conditions.

The proposed variation is considered satisfactory and supported in this regard.

## **8. CONCILIATION CONFERENCE**

Twelve submissions have been received during the notification and exhibition period and in accordance with Council's standard practice, a Conciliation Conference should have been held between Council staff, the applicant and objectors, however due to Covid restrictions such conferences are currently suspended.

## **9. ISSUES RAISED IN SUBMISSIONS**

The Development Application was exhibited and notified for 31 days. Twelve submissions were received during the exhibition and notification period. The issues raised in the submissions are summarised below.

<b>ISSUE/OBJECTION</b>	<b>COMMENT</b>	<b>OUTCOME</b>
Concerns that Lot 301 does not become another entrance/exit point for the depot.  Withers Road (Mile End Road to Annangrove Road) will not be able to handle the extra traffic load in its current state with the new factories and a single lane each way which are in a very bad condition.	Lot 301 is presently vacant and no applications have been made to Council for the development of this land. Lot 301 is the subject of a consent for subdivision, but a subdivision certificate has yet to be issued. There is no intention by the proponent, nor would it be possible, to create a further access to the site from Mile End Road.	Issue addressed.
Part of the development will include new planting (approx. 20m long) on the southern road verge of Withers Road opposite the entry point. What is the guarantee that this planting will provide suitable screening from bus head lights in relation to principles	The application is supported by a statement from a lighting consultant and the landscaping plan has been reviewed in relation to obtrusive light considerations associated with bus head lights for buses leaving the depot, and confirmed that head lamps will not create	Issue addressed. Refer Condition 23.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>of obtrusive lighting requirements outlined in AS 4282.</p>	<p>significant obtrusive light for residences opposite the proposed depot entry point on Withers Road.</p> <p>A solid acoustic fence of 2.1m high which is proposed along the most part of the southern site boundary and the proposed landscaping on the southern road verge of Withers Road opposite the entry point will provide suitable screening from bus head lights in relation to principles of obtrusive lighting requirements outlined in AS 4282.</p> <p>As in the previous approval, it is recommended that a condition be imposed in any approval to provide landscape screening to the southwestern side of Withers Road opposite the access road to protect impacted residents of Mailey Circuit from the impact of the bus headlights.</p>	
<p>A bus depot operating from 5am to 11pm should not be allowed in a light industrial area. This development should be located in Marsden Park where heavy industry operates. Houses in the vicinity have been in existence for more than 20 years and residents should be allowed to live in peace and quiet. Buses at the moment are mostly diesel, smelly and noisy, and changing them to electric will still need maintenance, and rattle guns at 10.30 pm at night will be keeping everyone awake.</p> <p>Current bus depots are situated not in built up areas near houses but in heavy industrial areas, where the noise from the maintenance workshop will not affect residential areas especially after hours. The maintenance</p>	<p>The proposed use is a form of permitted development in the IN2 zoned land. It is acknowledged that the site is at the interface of a residential zone and therefore particular attention and consideration has been given to the compatibility between the uses which are discussed in the submitted Statement of Environmental Effects, Acoustic Assessment, Light Glare Assessment and Traffic Report.</p> <p>Section 2.11 in DCP 2012 Part B, Section 7 – Industrial, hours of operation on industrial areas are restricted to 7:00am to 6:00pm Monday to Saturday. However, where the site does not adjoin or is not adjacent to a residential property and is considered a “Low Noise Generating use” (will not generate noise &gt;5dB(A) above the background noise levels), an extension of these hours may be permitted (up to 24 hours).</p>	<p>Issue addressed. Conditions applied - refer Conditions 9, 20, 66, 67 and 83.</p>



ISSUE/OBJECTION	COMMENT	OUTCOME
<p>building has no acoustic sound barriers to dampen the noise, and sound travels especially at night.</p> <p>Will the refueling station have sufficient safety barriers to prevent a local disaster in the local creek and environment.</p>	<p>The site is not located adjacent or adjoining residential property and does not propose a 24-hour use but seeks to operate two hours before 7:00am and four hours after 6:00pm.</p> <p>The subject application is accompanied by a new acoustic assessment which has been prepared on the basis of the siting of acoustic monitoring equipment at Mailey Circuit (dwellings to the south of the site) and finds that the activities associated with the workshop will meet the adopted noise criteria subject to the recommendations of the Report.</p> <p>The proposed hours of operation are considered acceptable in this regard.</p> <p>The proposed development has been referred to Department of Primary Industries - Natural Resources Access Regulator (NRAR) as an integrated development, the subject site being located in the vicinity of an existing creek. NRAR raised no objection to the proposal subject to their general terms of approval requiring a Controlled Activity approval under the Water Management Act 2000 prior to commencement of any work or activity.</p> <p>Conditions are recommended in any approval requiring all liquids on site are to be stored within bunded areas so as to prevent spillage and water pollution. Storage methods are to comply with the relevant State legislation.</p>	
<p>Concerns around this development proposal have always been about the need to mitigate against danger to school children walking to</p>	<p>A supplementary traffic report has been submitted by the applicant addressing the impact on road safety. The traffic report stated that the vast majority of</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>and from schools in the locality of the bus route to and from the depot, particularly at the intersection of Withers Road and Mile End Road, and the intersection of Withers Road and Commercial Road/Wellgate Avenue.</p> <p>At least some acknowledgement that the development is in the vicinity of a number of schools and that the driver induction programs will include the importance of awareness of schools being in the area, and hopefully a keen awareness of the danger posed to children by the buses with children crossing roads, and walking along the sides of roads where the buses will be travelling. Acknowledgement has been made that at some points along Withers Road there is no pedestrian pathway, and that Council intend to upgrade pedestrian paths that lead from the limited pathways on Withers Road into residential areas. However, concern remains that children often walk along the verge of Withers Road and sometimes on the actual road (when tree branches fall and block the road verge), where there is no formed pedestrian pathway.</p> <p>There is no traffic impact assessment of the intersection of Withers Road and Commercial Road/Wellgate Avenue.</p> <p>There is no impact on road safety assessment of the intersection of Withers Road and Commercial Road/Wellgate Avenue.</p>	<p>bus movements for the development will occur outside of the absolute peak periods on the external road network, with the majority of buses already off site providing services at these times.</p> <p>The additional future upgrades in the area will see significant changes to the existing road network including the signalisation of the Annangrove Road/Withers Road intersection which shall improve road safety in this location.</p> <p>The remaining intersections along the identified bus routes are controlled by traffic signals which offer the highest level of control for turning movements and also maintains safety for pedestrians.</p> <p>Along the majority of Withers Road between Mile End Road and Commercial Road, pedestrian demands are directed through the surrounding residential streets, taking pedestrian movements away from Withers Road. A pedestrian crossing is provided at the signal controlled intersection of Mile End Road and Commercial Road, which is located in close proximity to schools, allowing for crossing in a safe and controlled manner for pedestrians (including school children) in these location.</p> <p>The report also addressed the current road network operation and observations on site show that the intersection of Mile End Road and Withers Road operates well with minimal delays and queuing. Delays associated with the traffic signals see queues typically clear in each green phase.</p> <p>The supplementary report also</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>There is no crash data on the intersection of Withers Road and Commercial Road/Wellgate Avenue.</p> <p>The focus of assessment of the development proposal needs to be more away from the actual depot (notwithstanding the need to ameliorate issues of noise and light pollution for local residences, as well as environmental considerations for wildlife), and rather, more on the possible negative impacts buses will have on the safety of children walking to and from schools in the locality.</p>	<p>includes crash data provided by the RMS which indicates that 3 accidents were recorded at the intersection of Mile End Road and Withers Road in the period between January 2016 to December 2021.</p> <p>All three accidents were opposing vehicles turning crashes recorded at the intersection being typical of traffic signal controlled intersections. There were no casualties due to these accidents.</p> <p>There are no recorded accidents at the signal controlled intersection of Commercial Road and Withers Road.</p> <p>Council's Traffic Engineer has reviewed the submitted supplementary traffic report and found it satisfactory.</p>	
<p>Council's approval of massive developments in Box Hill and surrounds without a proper link road to Rouse Hill, Kellyville, Castle Hill, etc. has resulted in huge amounts of traffic on Withers Road which is one lane. The Council had the opportunity to create a bypass from Box Hill/Nelson to connect the suburbs, but have clearly shown no interest in pursuing this option therefore placing heavy traffic on Withers Road, which was not designed for this amount of traffic. Withers Road through Rouse Hill cannot be widened due to the roads close proximity to residences. The majority of these buses will be using this route, essentially placing a large number of big vehicles on an road that was not fit for this purpose.</p>	<p>Council's contributions plans include a number of road upgrades including upgrade of Withers Road between Mile End Road and Annangrove Road to provide a dual carriageway to sub-arterial Class 2, which accommodates industrial related traffic, upgrade of the Annangrove Road and Withers Road intersection (currently a stop sign controlled T-intersection). This is identified as a signalised four-way intersection, with The Water Lane (opposite Withers Road) to provide access to significant development to the north (Box Hill). Traffic modelling for the future intersection (including projected flows) was completed as part of the Edwards Road Industrial Precinct Traffic and Accessibility Study.</p> <p>Annangrove Road is proposed to be upgraded to a dual carriageway from Windsor Road</p>	<p>Issued addressed. Condition applied - refer Condition 33.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>to Cattai Creek to the north.</p> <p>Council's Traffic Engineer has assessed this application and no objection is raised on traffic grounds.</p>	
<p>Concerns over the capacity of the road to withstand the weight of the buses which will put a large amount of wear and tear on the already damaged road (Withers).</p>	<p>It is noted in the supplementary traffic report that Withers Road currently operates under an 8-tonne load limit. These load limits are typically applied to prevent rat runs and short cuts for heavy vehicles. In the case where these roads are the only roads providing access to particular sites then exemptions apply, with this being the case for the proposed development. It is further noted that there are existing public bus routes operating along this section of Withers Road as the weight limit does not apply to a Public Passenger Vehicle in service or transiting.</p> <p>Council's Traffic Engineer has reviewed the submitted supplementary traffic report and found it satisfactory.</p>	<p>Issue addressed.</p>
<p>There are concerns that there is no commitment to timeframes for the conversion of diesel to electric vehicles. It is believed there is no intention of doing so until there is a guarantee from the government to convert all buses. There is insufficient grounds to believe that buses will ever be converted to electric, should this not happen and the DA gets approved residents will forever have incredible amounts of diesel pollution and noise pollution. The diesel buses driving outside homes which are at the intersection of the roundabout will not only be unsafe but will also create unnecessary noise pollution to the area.</p>	<p>The applicant has advised that their project aligns with NSW State Government Policy of reaching net zero greenhouse gas emissions by 2050 where part of the strategy is the transition of the NSW bus fleet to net zero emissions by 2030. The applicant is at the forefront of practically implementing this strategy.</p> <p>The applicant has indicated that the replacement of diesel vehicles with electric powered vehicles will be gradual and will initially commence with the replacement of redundant vehicles with new electric buses and Transport NSW will require all replacement buses to be electric or zero emission. The further roll out relates directly to</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>Support to an electric only charging and servicing workshop and not a diesel way station or even a conversion centre.</p> <p>Additionally the light study only looked at the buses exiting the street, but did not consider that the upper Rosario Place is higher than their windows so buses driving down Rosario Place (with no blockers) will be shining light into living room at all hours.</p> <p>If this proposal goes ahead it will devalue their property as they are the closest house to the Rosario Place and Withers Road pending roundabout.</p>	<p>supply and the target of 100% zero emission vehicles by 2030.</p> <p>The applicant has further indicated that on the basis of consent being granted to this application and the completion of the project by mid-2023 (estimated), this would leave 6 years to achieve the 2030 target. However, as the NSW Zero Emission Bus Transition Strategy document acknowledges, the attainment of the Strategy will largely depend on the supply of electric powered buses moving closer to the target date when demand will sharply increase. The applicant is proactively attempting to achieve the objectives of the Strategy, as demonstrated by this proposal, to make the infrastructure compatible to operate the new zero emissions vehicles.</p> <p>The applicant is investing over \$29m in this project with the intention of ultimately operating a depot for an electric bus fleet which is the reason for a new Development Application being lodged.</p> <p>In terms of lightspill concerns from the bus headlights, the fence approximately 2.1m high opposite the entry/exit point which extends to the west at entry point and the proposed landscaping on the southern road verge of Withers Road opposite the entry point will provide suitable screening from bus head lights in relation to the principles of obtrusive lighting requirements outlined in AS 4282.</p> <p>As in the previous approval, it is recommended that a condition be imposed in any approval to provide landscape screening to the southwestern side of Withers Road opposite the access road</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>to protect impacted residents of Mailey Circuit from the impact of the bus headlights.</p> <p>Property devaluation is not a planning consideration under Section 4.15 of the Act, and no evidence is provided to substantiate this claim.</p>	
<p>The plans clearly state that an exemption for dangerous chemicals, right across from established homes of more than 20 years is proposed. The health and wellbeing of all the surrounding homes need to be taken into account and seriously.</p>	<p>The installation of petroleum storage systems will be required as a condition in any consent to comply with the requirements of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019.</p>	<p>Issue addressed. Condition applied - refer Condition 24.</p>
<p>The noise from rattle guns in the workshop, buses turning and travelling through right near homes. Bus turning movements and the hours exceeding all other light industrial uses in the area make this proposal unlivable for residents.</p> <p>Building such a huge development that is not Light Industrial as zoned will destroy the area, destroy sleep and mental and emotional wellness of nearby residents.</p>	<p>As noted above, the subject application is accompanied by a new acoustic assessment which has been prepared on the basis of the siting of acoustic monitoring equipment at Mailey Circuit (dwellings to the south of the site) and finds that the activities associated with the workshop will meet the adopted noise criteria subject to the recommendations of the Report.</p> <p>The proposal is a permissible use in the IN2 zoned land. It is acknowledged that the site is at the interface of a residential zone and particular attention and consideration has been given to the compatibility of uses.</p>	<p>Issue addressed. Condition applied - refer Condition 9.</p>
<p>- Withers Road from Mile End Road to Annangrove Road often has many pot holes, often large at times. The quality of the current road surface is not adequate for additional large vehicle use.</p> <p>- The intersection of Withers Road and Annangrove Road requires traffic signals as it is hard to turn right safely onto Annangrove Road especially when cars are on the left hand side and will be much worse with buses. This</p>	<p>Council's contributions plans include a number of road upgrades including upgrade of Withers Road between Mile End Road and Annangrove Road to provide a dual carriageway to sub-arterial Class 2, which accommodates industrial related traffic, upgrade of the Annangrove Road and Withers Road intersection (currently a stop sign controlled T-intersection). This is identified as a signalised four-way intersection, with The Water Lane (opposite Withers Road) to</p>	<p>Issue addressed. Noise-related conditions applied – refer Conditions 9, 88, 89 and 92.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>intersection has also become unsafe due to the increased traffic with the development of Box Hill, and Annangrove Road from Edwards Road to Windsor Road has become busier than previous years.</p> <ul style="list-style-type: none"> <li>- Having frequent buses along Commercial Road will exacerbate the difficulties turning right from Caddies Boulevarde onto Commercial Road. This intersection is already a high risk intersection. As the shopping centre is a prominent destination for many why cannot this intersection be afforded lights or a roundabout to make it safe.</li> <li>- Local residents walk and cycle along the road as there is no footpath along Mile End or Withers Roads, with Mile End Road being the most direct route to local shops and services. Buses winding along Mile End Road around the bends put walking and cycling traffic at risk. The buses also often go through both lanes when entering the roundabouts which again gives them priority on our local roads – which is fine for the odd bus but not with the number of buses that will be coming and going from a bus depot.</li> <li>- The routes of Mile End Road to Adelphi Street and Withers Road all the way to Commercial Road are too close to homes to have hundreds of large vehicles passing daily.</li> <li>- The acoustic report recommends not using vehicle reversing alarms before 7am. No doubt this sound would annoy nearby</li> </ul>	<p>provide access to significant development to the north (Box Hill).</p> <p>Council's Traffic Engineer has assessed the proposal and accompanying traffic impact assessment report including a supplementary report addressing impact on road safety and no objection is raised on traffic and road safety grounds.</p> <p>Council's Environmental Health Coordinator has assessed the proposal and accompanying acoustic impact assessment report and advised that the overall proposal should see a reduction in noise impacts compared with the previously approved development. The acoustic report was considered thorough and appropriate conditions relating to the recommendations have been imposed.</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>residents.</p> <ul style="list-style-type: none"> <li>- The acoustic report recommends all buses entering and leaving the site should do so in the quietest manner possible, minimise idling time, excessive acceleration and the use of horns. With the number of bus movements for such a large depot 'minimising idling time' is unavoidable, the homes nearest the intersection of Withers and Mile End Roads are going to have to put up with idling from the buses.</li> <li>- Also noted in the acoustic report that the equipment for the substations and emergency generators is not yet determined. The report offers very specific guidance on noise reduction in this regard. Such advice being emphasised by bold and underlined text. This acoustic report is therefore not conclusive and does not provide nearby residents with the surety needed. How can informed decisions be made when the machines that will create the noise impact are undetermined.</li> <li>- Much has been said in recent years about the impact of mental health. This is an area of young families and predominantly working couples. How can Council dismiss the fact that daily lives will be impacted with interrupted sleeping patterns. Waking up with the sun or the birds is natural, however, waking up to additional road noise and workers at 5am is not. Consider young local families who may be up during the night with small children only to try and catch</li> </ul>		



ISSUE/OBJECTION	COMMENT	OUTCOME
<p>those early hours of sleep. Even city commuters do not rise at 5am. 5am is too early for additional traffic and noise. Similarly it is important to wind down in the evening. How is it peaceful to have buses going 5-10 metres past your back door late at night when you should naturally be settling and resting?</p> <p>- The acoustic report notes that there is no definitive guideline to indicate a noise level that causes sleep disturbances and more research is needed to better define this relationship. Allowing these extended hours of operation is dismissing the potential impact this may have on nearby residents.</p>		
<p>The previous acoustic report states 2011 Volvo Buses were used (is there anything a little younger to refer to using latest noise?). The calculated maximum noise levels appear very optimistic (low) especially along Mailey Circuit opposite the depot. Calculated highest noise levels state 40dB. The Table in the report states it "Meets Objective".</p> <p>In terms of sleep disturbance the report shows critical level 52dB all day and night ok but shows 37dB &gt; 46dB over 24 hours along Mailey Circuit. It complies but seems very low predicted noise output from diesel buses.</p>	<p>The subject application is accompanied by a new acoustic assessment which has been prepared on the basis of the siting of acoustic monitoring equipment at Mailey Circuit (dwellings to the south of the site) and finds that the activities associated with the workshop will meet the adopted noise criteria subject to the recommendations of the Report.</p> <p>Council's Environmental Health Coordinator has assessed the proposal and advised that the overall proposal should see a reduction in noise impacts compared with the previously approved development. The acoustic report was considered thorough and appropriate conditions relating to the recommendations have been imposed.</p>	<p>Issue addressed. Noise-related conditions applied – refer Conditions 9, 88, 89 and 92.</p>
<p>In the previous approval under DA 992/2019/HC the peer review of acoustic report made by Koikas Acoustics</p>	<p>The current application is accompanied by a new acoustic assessment. The past assessment was peer reviewed</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>clearly stated that the previous application did not comply with the relevant criteria. Acoustic Dynamics's conclusion was that the proposed development will likely comply. It implies there is a fair chance that we will have a bus depot that does not comply with the standard. This application was approved without further investigation of this matter. In the previous DA assessment, it was stated that <i>"The count at Mile End Road/Withers Road showed 20 pedestrians crossing over 1 and a half hours in the AM peak and 46 pedestrians crossing over 1 and a half hours in the PM peak."</i> It continued to state that <i>"it is acknowledged that pedestrian movements were not discussed at the intersection of Commercial and Withers Road"</i>. It is common knowledge that this was based on a wrong location, and there is no data, research or study to show that this development will be safe for pedestrians who use the intersection of Commercial and Withers Road. These are two simple examples of how DA992/2019/HC was approved when obvious problems were not investigated.</p>	<p>by Koikas Acoustics who concurred with the findings of the project consultant's report (Acoustic Dynamics), except in terms of the adopted 'power' rating of the buses, which was based on a 2011 model diesel bus. The applicant's project consultant measured the power output of buses on Withers Road whilst Koikas measured the noise from the same bus at an existing depot at Randwick. Ultimately Council staff found that the report and the further information provided by applicant to be satisfactory.</p> <p>The assessment methodology of using 2011 diesel buses is a worst-case scenario since some diesel-powered buses are newer and as a result of the transition to a 100% electric powered fleet, such potential noise impacts will be entirely different in a positive sense.</p> <p>A supplementary traffic report has been submitted by the applicant addressing the impact on road safety.</p> <p>The additional future upgrades in the area will see significant changes to the existing road network including the signalisation of the Annangrove Road/Withers Road intersection which shall improve road safety in this location.</p> <p>The remaining intersections along the identified bus routes are controlled by traffic signals which offer the highest level of control for turning movements and also maintains safety for pedestrians.</p> <p>Along the majority of Withers Road between Mile End Road and Commercial Road, pedestrian demands are directed through the surrounding</p>	

ISSUE/OBJECTION	COMMENT	OUTCOME
	residential streets, taking pedestrian movements away from Withers Road. A pedestrian crossing is provided at the signal controlled intersection of Mile End Road and Commercial Road, which is located in close proximity to schools, allowing for crossing in a safe and controlled manner for pedestrians (including school children) in these location.	

## 10. EXTERNAL REFERRAL COMMENTS

### a) NSW Department of Planning & Environment – Natural Resources Access Regulator

The application is classified as 'integrated development' pursuant to Section 4.46 of the Environmental Planning and Assessment Act, 1979 as the development requires approval from the NSW Department of Planning & Environment – Natural Resources Access Regulator (NRAR). A water activity approval is required for part of the development pursuant to the provisions of the Water Management Act 2000 as a tributary of Second Ponds Creek traverses the western portion of the site.

NRAR has assessed the application and issued their General Terms of Approval (GTA) on 16 February 2022 (refer Condition 20).

### b) Transgrid

The site contains overhead transmissions lines within the northern corner of the site, as shown in blue and red broken lines on Attachments 5 and 6. The proposal includes the construction of hardstand parking areas under this transmission line easement. Pursuant to the SEPP (Transport and Infrastructure) 2021, the application has been referred to Transgrid for comment. No objection is raised by Transgrid as outlined in their letter dated 5 May 2022 subject to conditions (refer Condition 21).

### c) Transport for NSW

The Development Application was referred to Transport for NSW (TfNSW) pursuant to Clause 104 of the SEPP (Infrastructure) 2007 as the development is considered as a 'Traffic Generating Development'. The use as a bus depot is not specifically listed within Schedule 3 within the SEPP, however the proposed ancillary car parking facility comprises more than 200 car parking spaces hence referral to the RMS is required for comment. TfNSW raised no objection to the proposed development subject to conditions as outlined in their letter dated 31 January 2022 (refer Condition 22).

### d) NSW Police

The Development Application was referred to the NSW Police (The Hills Police Area Command) as a protocol between Council and NSW Police to facilitate the incorporation of Crime Prevention through Environmental Design (CPTED) principles in the assessment of Development Applications. The Police have reviewed the application and supporting documents and no objection is raised subject to the standard principles under Crime

Prevention Through Environmental Design being considered by the applicant relating to surveillance, territorial reinforcement and access control as outlined in their letter dated 5 May 2022. Refer Condition 19.

## **11. INTERNAL REFERRAL COMMENTS**

The application was referred to following sections of Council:

- Subdivision Engineering
- Traffic Engineering
- Environment & Health
- Landscaping/Tree Management
- Ecology
- Resource Recovery
- Land Information
- Section 7.11 Contributions

No objection was raised to the proposal subject to conditions. Relevant comments have also been provided below:

### **SUBDIVISION ENGINEERING COMMENTS**

The development application and accompanying engineering drawings and reports have been assessed by Council's Senior Subdivision Engineer and no objection is raised subject to conditions including deferred commencement requirements related to the registration of subdivisions and the submission of amended stormwater documents.

### **TRAFFIC ENGINEERING COMMENTS**

The accompanying traffic impact assessment report has been reviewed by Council's Traffic Engineer and it is considered that the additional traffic to be generated by the development will have an acceptable impact upon the local road network, with the development flows catered for by the proposed upgrades to surrounding road network.

Previous discussions between Council staff and the proponent involved the proponent making provisions for a dual lane circulating roundabout at the intersection of Withers Road and Rosario Place prior to occupation of the site. A similar condition as previously imposed in DA 992/2019/HC is recommended in this report. Refer Condition No. 33.

### **LANDSCAPING / TREE MANAGEMENT / ECOLOGY COMMENTS**

The proposal has been assessed by Council's Landscape Assessment Officer and no objection is raised subject to conditions.

### **ENVIRONMENT & HEALTH COMMENTS**

Council's Environmental Health Coordinator has assessed the Development Application and accompanying acoustic impact assessment report. It is considered that the overall proposal should see a reduction in noise impacts. The acoustic report was considered thorough and appropriate conditions relating to the recommendations in the report have been imposed.

### **RESOURCE RECOVERY COMMENTS**

No objection is raised to the proposal subject to conditions.

## **CONCLUSION**

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

The issues raised in the submissions have been addressed in the report and do not warrant refusal of the application.

Approval is recommended subject to conditions.

## **IMPACTS:**

### **Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

### **The Hills Future - Community Strategic Plan**

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

## **RECOMMENDATION**

The Development Application be approved subject to the following conditions of consent.

## **DEFERRED COMMENCEMENT**

### **Completion of Preceding Subdivision/ Stormwater Design Amendments**

A. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

1. The registration of the preceding subdivision DA 48/2020/ZB to create lot 302 that forms part of the subject development.
2. Submission of a complete set of Stormwater Management documents, plans and modelling/ calculations ensuring compliance with Council's design requirements, no increase of flood risks downstream within Russell Reserve (public land) as determined pursuant to the subdivision DA 267/2018/ZA. The documentation shall include but not limited to the following:

- (a) The OSD 1 proposed along the northern boundary within the current lot 204 for the northern sub-catchment of the subject development that is not captured by the OSD 2 within lot 302 (pursuant to the DA 48/2020/ZB) must be redesigned to ensure that the total discharge rate including bypass area (pervious/ impervious area landscape) of the site should not trigger any upgrade of existing 375mm diameter drainage pipe or additional overland flow on Rosario Place.

Note 1: The upgrade to 525mm diameter pipe shown on Civil Works Plan Sheet 4 Document No. 14475-LD-02-DR-C-2003 Revision P05 prepared by Lindsay Dynan Engineers is to be amended to retain the existing 375mm pipe.

Permissible outflow rates must be consistent for pre-development runoff rates for all respective storm events.

- (b) The OSD 2 proposed for the southern catchment including external catchments from Mile End Road, Lot 10 DP 1173301 and developed condition of Lot 301 (pursuant to the DA 48/2020/ZB) must ensure that the maximum discharge rate of 2.5m<sup>3</sup>/s is maintained at the north-western boundary of Lot 302 (immediately upstream of the watercourse traversing the north-eastern boundary of 591 Withers Road (SP 100775).

- (c) Submission of amended DRAINS and MUSIC models addressing items (a) and (b) above.
3. Submission of an Overland Flood Analysis establishing the 1 in 100 year ARI flood behaviour (flood levels, extent of flow path and flood velocity) over the 5m wide drainage easement to be created pursuant to the DA 48/2020/ZB. This must consider the requirements of Item 2 above and reflect the approved plans referred to in Condition 1 below.
- Note: Structures relating to the 'Charges' must be kept clear of the 5m wide easement, and any conduits relating to it must be adequately protected according to THSC Part C Section 6 DCP – Flood Controlled Land.
- B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- C. Upon compliance with the requirements of Part A, a full consent will be issued subject to the following conditions:

## GENERAL MATTERS

### **1. Development in Accordance with Submitted Plans (as amended)**

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

- As per Deferred Commencement Condition A.3, structures relating to the 'Charges' must be kept clear of the 5m wide easement, and any conduits relating to it must be adequately protected according to THSC Part C Section 6 DCP – Flood Controlled Land.

## REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	REVISION	DATE
DA3.01	Notes & Legends	D2.0	27/05/2022
DA3.02	External Materials & Specifications	D1.0	01/12/2021
DA3.03	Planning Controls	D1.0	01/12/2021
DA3.05	Staging	D1.0	01/12/2021
DA3.11	Site Masterplan	D1.0	01/12/2021
DA3.12	Site - Roof	D1.0	01/12/2021
DA3.20	Workshop Plan	D1.0	01/12/202
DA3.21	Workshop Plan	D1.0	01/12/2021
DA3.23	Office Plan	D1.0	01/12/2021
DA3.26	Washbay Plan & Elevations	D1.0	01/12/2021
DA3.27	Fuel Bay Plan & Elevations	D1.0	01/12/2021
DA3.28	Bus Canopy Plan & Elevations	D1.0	01/12/2021
DA3.30	Workshop & Office Elevations & Sections	D2.0	23/05/2022
DA3.31	Workshop & Office Elevations &	D2.0	23/05/2022

	Sections		
DA3.40	Signage Details	D1.0	01/12/2021
L01	Landscape Layout	E	18/3/2022
L02	Landscape Planting Plan	E	18/3/2022
L03	Construction Details	E	18/3/2022
L04	Trees to retain/remove	E	18/3/2022

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. 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.

## **3. 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.

## **4. External Finishes**

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

## **5. Tree Removal**

Approval is granted for the removal of Trees 7-33, 143, 150, 166, 167 and 172 in the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 15/03/2022

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.

## **6. Planting Requirements**

All trees planted as part of the approved landscape plan are to be planted in pot size as indicated landscape plans by Nicholas Bray Landscapes Revision E dated 18/03/22. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes.

## **7. Provision of Parking Spaces**

The development is required to be provided with 173 off-street car parking spaces (which include 4 accessible spaces and 1 visitor space) and 9 motorbike spaces within the car parking area and 80 car spaces shared with bus parking. These parking spaces shall be available for off street parking at all times.

## **8. Separate application for other signs**

A separate application is required to be submitted to, and approved by Council or Principal Certifying Authority prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent.

## **9. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Dynamics Pty Ltd, referenced as 4546R005.JC.211202 Revision 1, dated 2 December 2021 and submitted as part of the Development Application are to be implemented as part of this approval.

The operation of the development must comply with the stated Project Specific Noise Levels as state in Table 4.1

The bus shelter canopy shall have a downturn of 1.5 metres at the end nearest Withers Road.

In addition to the recommendation of the subject the report the following also applies:

The activities must not cause offensive noise and during the evening and night not cause sudden noise which is greater than 15dB above the background noise at any residential receiver

The Sleep Disturbance Criterion is 52dB(A)

All buses entering and leaving the site must do so in the quietest manner possible minimise idling time, excessive acceleration and the use of horns.

Buses shall be well maintained to prevent increase in noise emission while operating.

Prevent the use of reversing alarms (if fitted to any vehicles) before 7am and after 6pm.

Use of the maintenance workshop, bus wash bay and air-conditioner should only be during daytime hours 7am to 6pm.

Plant and equipment which was not selected at the time of the acoustic assessment and therefore not assessed shall be assessed and provided with acoustic treatment to meet the project noise criteria and be provided in accordance with the recommendations of the acoustic report.

#### **10. Retention of Trees**

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 15/03/2022.

#### **11. Control of Noise from Trucks**

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

#### **12. Installation of Stage 1 vapour recovery (VR1)**

- The proponent must install VR1 control equipment in accordance with Part 6 of the Protection of the Environment Operations (Clean Air) Regulation 2010 and the Standards and Best Practice Guidelines for VR at Petrol Service Stations, as published from time to time.
- The proponent must comply with cl.69 of the POEO (Clean Air) Regulation 2010 prior to the petrol service station being operational.
- The proponent must ensure that all design, installation and testing of new or modified petrol service stations is performed by a ***duly qualified person***, which is defined in the Regulation as, in relation to any activity, a person who has such competence and experience in relation to that activity as is recognised in the relevant industry as appropriate to carry out that activity.

#### **13. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- 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.
- 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.



- 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.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- 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).
- 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”.

#### **14. Waste and Recycling Collection Contract**

There must be a contract in place with a licenced contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

#### **15. Management of Construction 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](http://www.wastelocate.epa.nsw.gov.au).

#### **16. 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.

#### **17. Construction of Waste Storage Area**

The bin storage area must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 3 x 1100 litre garbage bins and 3 x 1100 litre recycling bins.

- a) The bin storage area must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.

- b) The layout of the bin storage area must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- c) The walls of the bin storage area must be constructed of brickwork.
- d) The floor of the bin storage area must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- e) The bin storage area 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).
- f) The bin storage area must have a pedestrian access door, which allows wheelchair access for adaptable sites. Suitable pedestrian access doors are single or double swinging doors. The pedestrian access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- g) All doors of the bin storage area, when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- h) The bin storage area must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- i) The bin storage area must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the bin storage area, it is not to conflict with the space designated for the placement of bins.
- j) The bin storage area must be provided with internal lighting such as automatic sensor lights.
- k) 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.
- l) The bin storage area must have appropriate signage clearly describing the types of materials that can be deposited into recycling bins and general garbage bins.
- m) Finishes and colours of the bin storage area are to complement the design of the development.

#### **Example Bin Measurements (mm)**

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

#### **18. Property Numbering for Commercial Developments and Industrial Developments**

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

**The overall property address for this development is: - 3-5 Rosario Place, Rouse Hill NSW 2155.**

This address 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.

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

### Mail Boxes

Australia Post requires mail boxes to be located within the site on the public footpath boundary within easy reach for the postal delivery officer.

### 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](mailto: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.

### **19. Police Requirements**

The following is required by the Police, unless otherwise agreed by the Police and Council in writing:

#### **Surveillance**

- The vegetation, especially the shrubs and shade trees, shall be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.
- Vegetation closest to pedestrian pathways requires close attention. It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

#### **Lighting and Technical Supervision**

- Lighting should meet minimum Australian Standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended.
- Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.
- The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i. e. reducing a person walking from dark to light places.

#### **Closed Circuit Television (CCTV)**

- Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided.
- Police also suggest the use of CCTV to monitor entry/exit to the complex.

#### **Territorial Reinforcement**

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

## **Environmental Maintenance**

- All areas are to be maintained at all times, including the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness.

## **Access Control**

- Physical and symbolic barriers are to be used to make it clear where people are permitted to go or not go.
- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. *"Warning, trespasser will be prosecuted."* Or *"Warning, these premises are under electronic surveillance."*

## **20. Compliance with the NSW Department of Primary Industries - Natural Resources Access Regulator (NRAR)**

Compliance with the General Terms of Approval issued by the NSW Department of Primary Industries - Natural Resources Access Regulator (NRAR) on 16 February 2022 attached to this consent as Appendix "A".

## **21. Compliance with Transgrid Requirements**

Compliance with TransGrid's requirements outlined in their letter dated 5 May 2022, attached to this consent as Appendix "B".

## **22. Compliance with the Transport for NSW Requirements**

Compliance with the NSW roads and Maritime Services' requirements outlined in their letter dated 31 January 2022, attached to this consent as Appendix "C".

## **23. Provision of Landscape Screening to a Section of Withers Road**

In consultation and with the permission of the land owner, landscape screening shall be provided to the southwestern side of Withers Road opposite the access road which will lead from the bus depot to Withers Road to protect impacted residents of Mailey Circuit Rouse Hill from the impact of the headlights of buses.

The recommendations of the report provided by Romanos Consulting, dated 25 June 2019 and referenced as Project no. A446B shall be implemented prior to the issue of a Occupation Certificate.

## **24. Installation of Petroleum Storage Systems**

The installation of petroleum storage systems shall comply with the requirements of the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2019*.

A leak detection system is to be installed in accordance with Part 3 of the Regulation.

Certification of compliance with the provisions of the Regulation is to be provided to the certifying authority including the results of the Equipment Integrity Test.

## **25. Maintain Vegetation**

The development site is to be maintained in a healthy and safe condition until the completion of the building process and the release of the occupation certificate. The vegetation (excluding native vegetation, live trees, live shrubs and plants under cultivation) on the property is to be maintained and controlled so that the properties do not become overgrown and thus creating an unsafe and / or unhealthy environment.

## **26. 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.

### **27. 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.

### **28. Requirements for Council Drainage Easements**

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

### **29. 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.

### **30. 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.

### **31. Recycled Water – Rouse Hill/ Sydney Water**

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

### **32. Process for Council Endorsement of Legal Documentation**

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

### **33. Traffic Improvement Works**

- a) The proponent is required to provide a dual lane circulating roundabout at the intersection of Withers Road and the New Public Road prior to occupation of the site. The concept design will be determined by The Hills Shire Council in line with Council's standards and relevant requirements of Austroads. The roundabout will allow for efficient approach and departure to the site. Without the roundabout, there will be significant delays for buses, particularly when performing a right turn onto Withers Road from the New Public Road and when turning right from Withers Road onto the New Public Road.
- b) All future access will need to occur off Withers Road via the New Public Road. No access will be allowed from Mile End Road.
- c) All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone is not permitted on Withers Road.
- d) Dimensions of the proposed parking spaces, driveways and aisle width in the carpark shall be shown on the drawings.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **34. 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).

### **35. Section 7.11 Contribution**

The following monetary contributions must be paid to Council 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:-

<b><i>Development Category</i></b>	<b><i>Rate per add. m<sup>2</sup> of Floor Space: 3758 m</i></b>	<b><i>TOTAL \$7.11</i></b>
Capital	\$ 80.29	\$ <b>301,740.96</b>
Land	\$ 13.76	\$ <b>51,720.08</b>
<b>Total</b>	<b>\$ 94.06</b>	<b>\$ 353,461.05</b>

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. Payment must be made by cheque or credit/debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan No 11.

Council's Contributions Plans can be viewed at [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

### **36. Integrated Stormwater Management**

The Stormwater network and facilities must be designed substantially in accordance with the documents approved under the Deferred Commencement Condition No. A.2.

#### **(a) Onsite Stormwater Detention (OSD)**

Onsite Stormwater Detention is to be provided within the development designed in accordance with the final Stormwater Drainage Documentation accepted under the deferred commencement condition above. This shall include amended stormwater report, drawings and associated DRAINS and MUSIC models.

The OSD systems must ensure the existing flood behaviour and the flood risks identified within the Russell Reserve is not increased.

#### **(b) Water Sensitive Urban Design Elements**

Water sensitive urban design elements, consisting of Bio Retention system and/or proprietary products, are to be provided in accordance with the final set of stormwater documentation including a report, drawings and respective MUSIC model approved under the deferred commencement condition above.

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

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

All model parameters and data outputs are to be provided.

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

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

### **37. 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.

### **38. Works on Adjoining Land**

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate or Subdivision Works Certificate is issued.

### **39. 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 \$187,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (235m) multiplied by the width of the road (8.5m).

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.

### **40. Security Bond – External Works**

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

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

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

### **41. 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.

**a) Traffic Improvement Works**

Detailed design and construction drawings of the Traffic Improvement works required under this consent. They must be prepared in accordance with the concept approved under Condition No. 33.

**b) Signage and Line Marking Requirements/ Plan**

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

With respect to "local street" and "park street" roads in North Kellyville specifically, the parking lane on either side must be line marked to ensure the full width of the single trafficable lane is kept clear at all times.

**42. Security Bond Requirements**

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

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

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

**PRIOR TO WORK COMMENCING ON THE SITE**

**43. Protection of Existing Trees**

The trees that are to be retained are to be protected during all works strictly in accordance with the Arboricultural Development Impact Assessment Report prepared by Birds Tree Consultancy dated 15/03/2022 and AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

#### **44. Sydney Water Building Plan Approval**

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

#### **45. 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.

#### **46. 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.

#### **47. Mulching within Tree Protection Zone**

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

#### **48. Trenching within Tree Protection Zone**

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

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

#### **49. 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.

#### **50. 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.

#### **51. 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).

#### **52. 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.

#### **53. 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.

#### **54. 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.

#### **55. Soil and Water Management Plan**

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

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

#### **56. 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.

#### **57. 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.

#### **58. 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.

#### **59. 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.

### **DURING CONSTRUCTION**

#### **60. 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.

#### **61. 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.

#### **62. 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.

#### **63. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

#### **64. Tree Removal & Fauna Protection**

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine.

Trees with hollows shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine.

Any injured fauna is to be placed into the hands of a wildlife carer (please note only appropriately vaccinated personnel are to handle bats).

#### **65. 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.

#### **66. Liquid Storage**

All liquids on site are to be stored within bunded areas so as to prevent water pollution. Storage methods are to comply with Environmental Compliance Report – Liquid Chemical Storage, Handling and Spill Management Part B. Review of best Practice and Regulation dated 2005 by the Department of Environment and Conservation.

#### **67. Bunding - Work Areas**

All work areas where spillage is likely to occur shall be bunded. This is to be done by way of speed humps, grading the floor area or by any other appropriate means, to prevent

contaminated water entering the stormwater system. The bunded area is then to be drained to a sump for collection and appropriate disposal of the liquid.

#### **68. 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)*.

#### **69. Washing of Vehicles**

The car wash bay is to be roofed and bunded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a suitable Trade Waste Agreement from Sydney Water.

#### **70. 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**

#### **71. Provision of Telecommunication Services**

Prior to the issue of an Occupation Certificate the developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

#### **72. 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 Landscape Plans prepared by Nicholas Bray Landscapes Revision E dated 18/03/22 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.

#### **73. 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](http://www.sydneywater.com.au)

and then refer to Water Servicing Co-ordinator under “Developing Your Land” or telephone 13 20 92 for assistance.

#### **74. 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.

#### **75. 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.

#### **76. Property Condition Report – Public Assets**

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

#### **77. Consolidation of Allotments**

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

#### **78. Stormwater Management Certification**

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

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

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

#### **79. Creation of Restrictions/ Positive Covenants**

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council’s standard recitals must be used for the terms:

##### **a) Restriction – Restricted Access**

The subject site must be burdened with a restriction precluding access to Mile End Road using the “restricted access” terms included in the standard recitals.

##### **b) Restriction/ Positive Covenant – Onsite Stormwater Detention**

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

**c) Restriction/ Positive Covenant – Water Sensitive Urban Design**

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

**d) Positive Covenant – Stormwater Pump**

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

**e) Restriction/ Positive Covenant – Overland Flow Path**

The subject development must be burdened with a restriction and a positive covenant to ensure that the public drainage easement and the overland flow path are to be kept clear from any obstruction during heavy storm events to avoid impedance to the overland flow.

**80. Water Sensitive Urban Design Certification**

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

**81. 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.

**82. 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.

**THE USE OF THE SITE**

**83. Hours of Operation**

The transport depot is permitted to operate between Monday – Friday, 5:00am to 11:00pm, Saturday, 6:00am to 11:00 pm, and closed on Sundays.

**84. Spray Painting Booths**

All spray painting is to be carried out in an appropriate spray painting booth. An appropriate filter is to be fitted to the booth at all times and the booth is to be maintained in good working order.

**85. Liquid Spill Clean-up Equipment**

A sufficient supply of appropriate absorbent materials and/or other spill cleanup equipment shall be kept on site to cover any liquid spillage. Liquid spills shall be cleaned up using dry methods only. Any contaminated materials are to be disposed of appropriately.



#### **86. Noise to Surrounding Area**

There shall be no amplified music or speakers external to the building without the prior approval from a Council officer.

#### **87. 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*.

#### **88. Final Acoustic Report & Annual Compliance Acoustic Assessments**

Within three months from the commencement of operations, an acoustical compliance assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's – Noise Policy for Industry and submitted to Council's Manager - Environment and Health for consideration.

This report shall include but not be limited to, details verifying that the depot operations comply with all of the requirements and recommendations of the acoustic assessment submitted with the Development Application.

An acoustical compliance assessment shall be undertaken annually after the initial acoustical compliance assessment until up to 5 years past full capacity. The report is required to assess the complete operations of the bus depot under day-day operations and using the buses in the fleet at the time and the compliance of the operations shall be in accordance with the requirements of conditions of this consent. You are to advise Council's Manager Environment and Health of when operations reach full capacity.

The assessment is to be carried out by an appropriately qualified person, in accordance with the NSW EPA's – Noise Policy for Industry and submitted to Council's Manager - Environment and Health for consideration.

#### **89. Offensive Noise - Acoustic Report**

The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

#### **90. Waste and Recycling Management**

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated bin storage area, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. The bin storage area must be screened from view from any adjoining residential property or public place. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite. The bin storage area must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

#### **91. Waste and Recycling Collection**

All waste generated on the site must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the previous written approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

## **92. Acoustic – Maintenance**

All approved acoustic attenuation measures installed as part of the development are to be maintained at all times in a manner that is consistent with the approved acoustic reports and the consent so that the noise attenuation effectiveness is maintained. This includes but is not limited to:

- Sound barriers;
- Vibration isolated car park ramp stormwater grates;
- Vibration isolated car park roller doors;
- Mechanical plant acoustic barriers.

An independent assessment is to be undertaken on sound barriers other than masonry barriers as timber and other materials may warp or be damaged.

The independent assessment is to be undertaken every five years with a report kept on site for review by Council officers in the event of complaints relating to noise.

## **ATTACHMENTS**

1. Locality Plan
2. Site Plan
3. Zoning Map
4. Building Height Map
5. Approved and Proposed Site Plans
6. Proposed Roof Plan
7. Workshop & Office Elevations and Sections
8. Approved and Proposed Landscape Plans
9. Map Sheet 6 of 6 – Precinct Based Development Control Plan
10. NRAR General Terms of Approval dated 16 February 2022 – Appendix “A” (4 pages)
11. Transgrid Letter dated 5 May 2022 – Appendix “B” (5 pages)
12. Transport for NSW Letter dated 31 January 2022 – Appendix “C” (2 pages)

<< Insert ALL attachments below the section break >>