

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-337
DA Number	DA 1103/2022/JP
LGA	The Hills Shire Council
Proposed Development	Concept Development Application and Stage 1 works for site and road layout of a mixed use development comprising of commercial and light industrial uses
Street Address	Lots 3 and 4 DP 1261066, No.s 277 and 279 Annangrove Road, Rouse Hill
Applicant	MDS Commercial Developments Pty Ltd
Consultants	Sutherland and Associates BHI Architects Taylor Brammer BCA Logic Registered LTS QPC & C Quantity Surveyors and Project Managers Advanced Arborist Reporting Benbow Environmental BCA Access The Transport Planning Partnership Edge Consulting Engineers JK Geotechnics Ecological Australia Olsen Infrastructure Simplex Engineering Development Risk Management
Date of DA lodgement	21 January 2022
Number of Submissions	One (to the first notification period)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	Schedule 6, Clause 3, Council related development over \$5 million
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • Section 4.15 (EP&A Act) • SEPP Planning Systems 2021 • SEPP Resilience and Hazards 2021 • SEPP Transport and Infrastructure 2021 • SEPP Sydney Region Growth Centres 2006 • Box Hill Growth Centre Precinct DCP 2018 • DCP Part B Section 6 – Business • DCP Part C Section 1 - Parking
List all documents submitted with this report for the Panel's consideration	Nil
Clause 4.6 requests	NA

Summary of key submissions	<ul style="list-style-type: none"> Traffic and vehicle access
Report prepared by	Kristine McKenzie – Principal Co-ordinator
Report date	1 December 2022 (Electronic Determination)

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)? **Yes**
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 site is located within the Sydney Region Growth Centre Area and will form one of the first developments within the immediate area. The concept application will provide business and light industrial development which will provide opportunities for employment within the local and broader area.
- The proposal is consistent with the relevant planning instruments with the exception of a minor variation to side setback which is considered appropriate given the scale of the development.
- The application was notified for 14 days on two occasions. One submission was received which raised traffic and vehicle access to the site. The concern has been addressed in the report and does not warrant refusal of the application.
- The proposed external design and colour scheme of the development is reflective of the future and desired modern character of the B6 Enterprise Corridor.

The Development Application is recommended for approval subject to conditions of consent.

BACKGROUND

The subject Development Application was lodged on 21 January 2022 for a concept DA and Stage 1 works for a mixed use development. Additional information was requested from the applicant on 24 March 2022 and 5 August 2022. Additional information was submitted by the applicant on 11 July 2022, 14 October 2022 and 24 November 2022.

DETAILS AND SUBMISSIONS

Owner:	MDS Commercial Developments Pty Ltd and The Hills Shire Shire Council
Zoning:	B6 Enterprise Corridor
Area:	46,537m ² (before land dedication) 42,414m ² (after land dedication)
Existing Development:	Vacant
Section 7.11 Contribution	\$1,302,485.10
Exhibition:	Not required
Notice Adj Owners:	Yes, on two occasions
Number Advised:	19, on both occasions
Submissions Received:	One (to the first notification period)

PROPOSAL

The proposal is for a Concept DA and Stage 1 works. The Concept DA includes the following:

- Site and road layout including dedication of land along the north-eastern and north-western boundaries for road widening;
- Building envelopes as follows:
 - Stage 1 – 2 storey envelopes for light industrial units.
 - Stage 2 – 5 storey envelope and basement for office premises.
 - Stage 3 – 5 storey envelope and basement for office premises.

Stage 4 – 5 storey envelope and basement for office premises.

- 46,537m² gross floor area (1:1 FSR);
- 56 light industrial units and 34,013m² office floor space (business premises); and
- Subdivision into 6 lots.

The Stage 1 works are for 56 light industrial units which comprises the following:

- Civil works to widen Outback Street to the north and half road construction of Limestone Road along the north-eastern boundary and construction of a detention basin on the southern side of the development;
- Construction of new internal road network with two vehicle entrances from Limestone Road and one from Outback Street;
- Construction of 56 x two storey light industrial units within six buildings with ancillary mezzanine offices and 280 car parking spaces; and
- Consolidation and subdivision into 6 allotments and dedication of land to Council for road widening.

The proposal includes the following road works:

- Half road construction and dedication for Outback Street; and
- Half road construction and dedication for Limestone Road.

It may be noted that the applicant will be required to undertake full width road construction in some locations to ensure that articulated vehicle access is available to the site.

The works include the draining/remediation/filling of a dam that is located across boundaries. The dam is located across three properties comprising No.s 283, 279Z and 279 Annangrove Road (the subject site). Owner's consent has been provided for the works from the owners of No. 283 Annangrove Road and No. 279Z Annangrove Road (owned by The Hills Shire Council).

The site is located within the Sydney Region Growth Centre Area and will form one of the first developments within the immediate area. As shown on Attachment 4, the corridor fronting Annangrove Road is zoned B6 Enterprise Corridor. To the north-west of the site the land is zoned for residential purposes and is characterised by single dwellings. To the west is The Water Lane Reserve which is owned by Council. The concept application will provide business and light industrial development which will provide opportunities for employment within the local and broader area.

ISSUES FOR CONSIDERATION

1. SEPP Planning Systems 2021

Part 2.4 and Schedule 6 of SEPP provides the following referral requirements to the SCCPP:-

Council related development over \$5 million

The proposed development has a cost of works of \$155,727,836 for the concept DA and a capital investment value of \$22,798,687 for the Stage 1 works thereby requiring referral to, and determination by, a Central Planning Panel.

2. SEPP Resilience and Hazards 2021

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 4.6 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.*

A Stage 1 Preliminary Site Investigation was submitted with the DA. The applicant was requested to provide a Detailed Site Contamination Investigation which concluded that:

- *The potential for significant unacceptable contamination to be present at the site is low;*
- *No unacceptable contamination has been identified within the areas of environmental concern assessed, including on the dam walls, dam sediments and dam water; and*
- *The site is suitable for the proposed commercial/industrial land use, from a contamination perspective.*

Council's Environmental Health Co-ordinator has reviewed the Detailed Site Contamination Investigation and has raised no objection to the report.

The proposal is considered satisfactory in regard to the requirements of SEPP Resilience and Hazards 2021.

3. Compliance with SEPP (Precincts - Central River City) 2021

Clause 3.9 of SEPP (Precincts – Central River City) 2021 reads as;

3.9 Savings provision relating to development applications lodged before commencement of State Environmental Planning Policy Amendment (Precincts) 2021

(1) A development application for development on land to which this Chapter applies must be determined as if State Environmental Planning Policy Amendment (Precincts) 2021, Schedule 2 (Precincts SEPP) had not commenced.

(2) Subsection (1) only applies to a development application that was—

- a) lodged before the commencement of the Precincts SEPP, and*
- b) not finally determined before the commencement of State Environmental Planning Policy (Sydney Region Growth Centres) Amendment (Savings) 2022.*

The subject development application was lodged on 21 January 2022, prior to the commencement of SEPP (Precincts – Central River City) 2021, being 1 March 2022 and is therefore required to be determined as if it had not commenced.

4. Compliance with SEPP Sydney Region Growth Centres (SEPP SRGC) 2006

a. Permissibility

The subject site is zoned B6 Enterprise Corridor. The proposed development is defined in the SEPP as follows:

business premises means a building or place at or on which—

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes funeral homes, goods repair and reuse premises and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note—Business premises are a type of commercial premises—see the definition of that term in this Dictionary.

And

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following—

- (a) high technology industry,
- (b) home industry,
- (c) artisan food and drink industry,
- (d) creative industry.

Note—Light industries are a type of industry—see the definition of that term in this Dictionary.

A business premise and a light industry are both permissible uses in the B6 Enterprise Corridor zone.

b. Development Standards

Under SEPP SRGC, the following development standards apply:

Standard	Required	Proposed	Complies
Floor Space Ratio	1:1	1:1	Yes
Minimum Lot Size	4000m ²	Lot 1 – 5540m ² Lot 2 – 8196m ² Lot 3 – 6205m ² Lot 4 – 6271m ² Lot 5 – 11923m ² Lot 6 - 4280m ²	Yes
Height	18 metres	18 metres – Concept DA 11 metres – Stage 1	Yes

5. Assessment under Box Hill Growth Centre Precinct DCP 2018

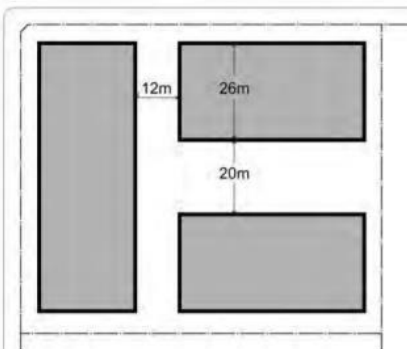
The proposal has been assessed having regard to the provisions of the DCP as follows:

DCP PROVISION	REQUIRED	PROVIDED	COMPLIES
Section 2: Vision and Character			
Vision	Provide an employment area which responds to the natural environment.	The proposal has adequate consideration to natural environment through the minimisation of cut and fill, consideration of materials and landscape works and connectivity.	Yes
Indicative Layout Plan	Development is required to be undertaken having regard to the Indicative Layout Plan (ILP).	The proposal is consistent with the ILP and provides road works as per the layout plan.	Yes
Character Areas – Annangrove Road Employment	<p>The Annangrove Road Employment Corridor is characterised by one to two storey buildings. The design controls promote the location of offices, show rooms and cafes close to the street front while ensuring that parking areas do not dominate the streetscape and can be located at the side boundaries.</p> <p>Light Industrial sites fronting residential areas have a densely vegetated setback that retains remnant vegetation wherever possible. Building setbacks are increased to minimise noise and odour impacts to the residential areas.</p>	The Annangrove Road Employment character area has been adequately addressed and the proposal is considered satisfactory.	Yes
Sub-Precincts	The site is within sub-precinct 18.	The proposal is consistent with the objectives of the sub-precinct and the ILP.	Yes
Section 3: Land Development			
Movement Network	To provide a hierarchy of streets which allow safe and convenient access which meets required carriageway and verge widths.	The proposed roads are consistent with the location shown on the ILP and provide a clear street network, design and hierarchy.	Yes
Partial Width Roads	Partial and full width road designs are required to be submitted in accordance with the DCP requirements and are to include all necessary drainage and service provision.	The proposal includes the half road construction and dedication for Outback Street, half road construction and	Yes

		dedication for Limestone Road and slip-lane construction and dedication on Annangrove Road.									
Section 6: Employment Areas											
Lot Size and Orientation	Lots are to be relatively regular in shape to meet a range of land uses. These may range from those requiring wide street frontages and a minimum depth to those that require less frontage but a greater depth. Irregular shaped allotments with narrow street frontages should be avoided, particularly where several of these are proposed in an adjoining manner. Lots should be orientated and aligned: - so that future buildings can face the local streets to increase visual surveillance and to avoid streetscapes with loading docks and long blank walls; - to facilitate solar efficiency; - to encourage building design that has frontage to landscaped areas and riparian corridors.	The proposed lots from the subdivision of land represent a regular shape and are orientated so that future buildings front streets with service areas located internally.	Yes								
	Access to lots shall be sited to ensure that sight lines are unimpeded when entering and exiting the lot.	Satisfactory vehicle access is provided from Annangrove Road, Outback Street and Limestone Road.	Yes								
	Subdivisional roads should incorporate road hierarchies that will accommodate the anticipated traffic volumes and heavy vehicle types and be practical, safe and legible for all road users.	All roads are consistent with road design implemented in ILP and are satisfactory.	Yes								
	Where a residue lot is created through subdivision, the applicant must demonstrate that future development of that residue lot can meet the controls in this DCP.	NA as no residue lots will be created.	NA								
Site Coverage and Landscape Area	The site coverage for any development must comply with Table 21. <table><tr><th colspan="2">Table 21 Site coverage</th></tr><tr><th>Employment Area</th><th>Maximum site coverage</th></tr><tr><td>B7 Business Park zones</td><td>50%</td></tr><tr><td>IN2 Light Industrial / B6 Enterprise Corridor zones</td><td>65%</td></tr></table> As per the above table the relevant site coverage for the B6 Enterprise Corridor zone is 65%.	Table 21 Site coverage		Employment Area	Maximum site coverage	B7 Business Park zones	50%	IN2 Light Industrial / B6 Enterprise Corridor zones	65%	Site coverage is 19,673m ² which is 46.3% (after road dedication).	Yes
Table 21 Site coverage											
Employment Area	Maximum site coverage										
B7 Business Park zones	50%										
IN2 Light Industrial / B6 Enterprise Corridor zones	65%										
	For buildings in the Windsor Road Business Park, the minimum building footprint shall be 1,500m ² .	NA	NA								

	<p>Deep soil planting must be provided in accordance with Table 22 below.</p> <p>Table 22 Deep soil planting</p> <table><tr><th>Employment Area</th><th>Minimum Deep Soil Planting Area</th></tr><tr><td>B7 Business Park zones</td><td>25% of total site area</td></tr><tr><td>IN2 Light Industrial / B6 Enterprise Corridor zones</td><td>10% of total site area</td></tr></table> <p>As per the above table the relevant deep soil planting for the B6 Enterprise Corridor zone is 10%.</p>	Employment Area	Minimum Deep Soil Planting Area	B7 Business Park zones	25% of total site area	IN2 Light Industrial / B6 Enterprise Corridor zones	10% of total site area	Deep soil planting is 7280m ² which is 17.1% (after road dedication).	Yes
Employment Area	Minimum Deep Soil Planting Area								
B7 Business Park zones	25% of total site area								
IN2 Light Industrial / B6 Enterprise Corridor zones	10% of total site area								
	The minimum width of landscaped areas is 2m, with the exception of landscaping within battle axe handles. The minimum width of landscaped areas within battle axe handles is 0.5m on each side of the handle.	Approropriate landscape setbacks are provided.	Yes						
	For development in the Windsor Road Business Park, one area of at least 20m x 20m must be provided as part of the deep soil planting requirement.	NA	NA						
	Landscaped areas are required between buildings (i.e. within the building separation zone).	Satisfactory	Yes						
Strata and Community Title	Where a Strata or Community Title subdivision is proposed, any space for parking or other purposes forming part of a sole occupancy unit required by Council must be included in the same strata lot as the unit. All landscaping, access areas and directory board signs not forming part of an individual unit will be required by Council to be included in any strata plan of subdivision as common property.	No Strata or Community Title Subdivision proposed.	NA						
Setbacks	In employment areas, no building or hardstand area (concrete or bitumen pavement) other than a public utility undertaking shall be erected within any setback.	No hard stand areas proposed with exception of access driveways and pedestrian access paths	Yes						
	All setback areas should be landscaped and maintained.	Adequate landscape work is proposed in setback areas.	Yes						
	Pedestrian access should be provided to all landscaped setback areas for maintenance and security purposes, but is not to be included in the designated landscape setback area.	Suitable pedestrian access is provided.	Yes						
	No storage of any kind is permitted within the landscaped setback areas.	No storage is proposed in the setback areas.	Yes						
	The landscape setback areas should be designed to create attractive views from the public domain and reduce the bulk and scale of development.	The landscape area provided will create a satisfactory	Yes						

		streetscape appearance.													
	Council may increase the minimum setback where the proposed development is of a bulk and scale out of character with existing development within the zone, or where the proposed landscape techniques are not sufficient to ameliorate the visual impact of the proposed development.	Minimum setbacks considered reasonable for the development type.	Yes												
	<p>All development is to be consistent with the front setback controls and principles Table 23, Figure 43 and Figure 44.</p> <p>Table 23 Front setbacks</p> <table><tr><th>Employment Area</th><th>Building façade line</th><th>Articulation zone</th></tr><tr><td>R1 General Residential</td><td>Zero setback to Terry Road</td><td></td></tr><tr><td>B7 Business Park zones</td><td>20m from Annangrove Road 21m setback for all buildings with direct frontage to Windsor Road (refer Figure 43) 5m setback to all other streets</td><td></td></tr><tr><td>IN2 Light Industrial / B6 Enterprise Corridor zones</td><td>20m from roads fronting residential areas and Annangrove Road (refer Figure 43) 7m to all other boundaries</td><td>Offices and showrooms must set back a minimum of 2m from the boundary as shown in Figure 43</td></tr></table> <p>As per the above table the relevant setbacks for the B6 Enterprise Corridor zone are 20m from roads fronting residential areas, 7m to all other boundaries and 20m to Annangrove Road.</p>	Employment Area	Building façade line	Articulation zone	R1 General Residential	Zero setback to Terry Road		B7 Business Park zones	20m from Annangrove Road 21m setback for all buildings with direct frontage to Windsor Road (refer Figure 43) 5m setback to all other streets		IN2 Light Industrial / B6 Enterprise Corridor zones	20m from roads fronting residential areas and Annangrove Road (refer Figure 43) 7m to all other boundaries	Offices and showrooms must set back a minimum of 2m from the boundary as shown in Figure 43	The proposed development has a 7m front setback to Outback Street for Stages 1 and 4 where they front the future Council reserve and Timbercrest Street and 20m where the site fronts residential development, 7m setback to Limestone Road and 20m to Annangrove Road.	Yes
Employment Area	Building façade line	Articulation zone													
R1 General Residential	Zero setback to Terry Road														
B7 Business Park zones	20m from Annangrove Road 21m setback for all buildings with direct frontage to Windsor Road (refer Figure 43) 5m setback to all other streets														
IN2 Light Industrial / B6 Enterprise Corridor zones	20m from roads fronting residential areas and Annangrove Road (refer Figure 43) 7m to all other boundaries	Offices and showrooms must set back a minimum of 2m from the boundary as shown in Figure 43													
	Front setback areas to public roads are to be landscaped and maintained as open areas only, so as to enhance the streetscape appearance of all employment areas.	The front setbacks are landscaped and maintained as an open area.	Yes												
	<p>All development is to be consistent with the side and rear setback controls in Table 24.</p> <p>Table 24 Side and rear setbacks</p> <table><tr><th>Employment Area</th><th>Side setback</th><th>Rear setback</th></tr><tr><td>R1 General Residential* and B7 Business Park zones</td><td>6m</td><td>6m</td></tr><tr><td>IN2 Light Industrial / B6 Enterprise Corridor</td><td>3m</td><td>3m</td></tr><tr><td>IN2 Light Industrial / B6 Enterprise Corridor adjoining a residential street</td><td>20m</td><td>6m</td></tr></table> <p>As per the above table the relevant setbacks for the B6 Enterprise Corridor zone are a side and rear setback of 3m.</p>	Employment Area	Side setback	Rear setback	R1 General Residential* and B7 Business Park zones	6m	6m	IN2 Light Industrial / B6 Enterprise Corridor	3m	3m	IN2 Light Industrial / B6 Enterprise Corridor adjoining a residential street	20m	6m	The site has three street frontages to Annangrove Road, Outback Street and Limestone Road. As such the applicable side frontage is to the south-western boundary where a minimum side setback of 2.379m is proposed.	No – see comment below.
Employment Area	Side setback	Rear setback													
R1 General Residential* and B7 Business Park zones	6m	6m													
IN2 Light Industrial / B6 Enterprise Corridor	3m	3m													
IN2 Light Industrial / B6 Enterprise Corridor adjoining a residential street	20m	6m													
	A maximum 2m width of paved area will be permitted within side and rear setbacks for the purposes of providing for pedestrian links through properties.	Paved area within the front setbacks are a minimum of 2m.	Yes												
Building Layout and Orientation	R1 GENERAL RESIDENTIAL AND B7 BUSINESS PARK ZONES	NA	NA												
	IN2 LIGHT INDUSTRIAL AND B6 ENTERPRISE CORRIDOR ZONES	The proposal does not include	Yes												

	The layout and orientation of buildings should be in a manner that minimises lengthy or deep areas of car parking along the street front, as well as lengthy loading areas facing residential areas.	parking fronting the public roads.									
Building Separation	<p>1. Building separation must comply with the following Table 25:</p> <table><tr><th colspan="2">Table 25 Building separation</th></tr><tr><th>Employment Area</th><th>Minimum Building Separation</th></tr><tr><td>B6 Enterprise</td><td>20m separation between buildings facing each other within a site.</td></tr><tr><td>Corridor, B7 Business Park zones and IN2 Light Industrial zone</td><td>12m separation between buildings perpendicular to each other within a site where the width of the facades does not exceed 26m. 10m separation between buildings perpendicular to each other within a site where the width of the facades is 20m or less.</td></tr></table> <p>As per the above, a 20m separation between buildings facing each other with a site, 12m separation between buildings perpendicular to each other within a site where the width of the facing facades does not exceed 26m and 10m separation between buildings perpendicular to each other within a site where the width of the facing facades is 20m or less.</p>	Table 25 Building separation		Employment Area	Minimum Building Separation	B6 Enterprise	20m separation between buildings facing each other within a site.	Corridor, B7 Business Park zones and IN2 Light Industrial zone	12m separation between buildings perpendicular to each other within a site where the width of the facades does not exceed 26m. 10m separation between buildings perpendicular to each other within a site where the width of the facades is 20m or less.	<p>The proposal has the following separation for Stage 1: 21m, 20m, 29.4m and 20m for buildings facing each other. 16.3m for buildings perpendicular to each other.</p> <p>Concept DA: Stage 1 and 4 – complies.</p> <p>Stage 1 and 2 – complies. Stage 3 – complies. Note: facing facades exceed 26m and 20m and as such the criteria does not apply in a number of cases.</p>	Yes
Table 25 Building separation											
Employment Area	Minimum Building Separation										
B6 Enterprise	20m separation between buildings facing each other within a site.										
Corridor, B7 Business Park zones and IN2 Light Industrial zone	12m separation between buildings perpendicular to each other within a site where the width of the facades does not exceed 26m. 10m separation between buildings perpendicular to each other within a site where the width of the facades is 20m or less.										
	<p>Separation between buildings must be sufficient so as to enable solar access, as shown in Figure 46.</p>  <p>Figure 46 Building separation</p>	Solar access between buildings is satisfactory.	Yes								
Floor to Ceiling Height	The minimum floor to ceiling height of buildings are to comply with Table 26	Minimum 3.7m	Yes								

	<table><tr><th colspan="2">Table 26 Floor to ceiling height</th></tr><tr><th>Employment Area</th><th>Minimum Ceiling Height</th></tr><tr><td>R1 General Residential and B7 Business Park zones</td><td>Ground level – 3.6m Upper levels – 2.7m</td></tr><tr><td>IN2 Light Industrial zone and B6 Enterprise Corridor zones</td><td>Ground level – 3.6m</td></tr></table> <p>As per the above table the relevant floor to ceiling for the B6 Enterprise Corridor zone is 3.6m for the ground level.</p>	Table 26 Floor to ceiling height		Employment Area	Minimum Ceiling Height	R1 General Residential and B7 Business Park zones	Ground level – 3.6m Upper levels – 2.7m	IN2 Light Industrial zone and B6 Enterprise Corridor zones	Ground level – 3.6m		
Table 26 Floor to ceiling height											
Employment Area	Minimum Ceiling Height										
R1 General Residential and B7 Business Park zones	Ground level – 3.6m Upper levels – 2.7m										
IN2 Light Industrial zone and B6 Enterprise Corridor zones	Ground level – 3.6m										
Sustainable Building Design	New commercial buildings must achieve a minimum 4 star Green Star rating from the Green Building Council of Australia. Refer to both GBCA's 'Green Star – Office As Built Technical Manual' and the 'Green Star Office As Built Technical Manual'.	A condition has been recommended to this effect.	Yes								
	New industrial and light industrial buildings must achieve a minimum 4 star Green Star rating from the Green Building Council of Australia from such time that an Industrial Tool has been adopted.	A condition has been recommended to this effect.	Yes								
	Buildings must install rainwater tanks to meet a portion of supply such as outdoor use, toilets or laundry. Tanks should provide a minimum of 85 litres per square metre of vegetated areas (including grass).	Rainwater tanks have been provided.	Yes								
	The roof area should be directed to a rainwater tank and should be maximised to both increase the effectiveness and reliability of the reuse system.	Roof water is directed to the rainwater tanks.	Yes								
	Development shall incorporate water efficient fixtures such as taps, showerheads, and toilets. The fixtures must be rated to at least AAA under the National Water Conservation Rating and Labelling Scheme. Where the building or development is water intensive (i.e. high water user), specific water conservation objectives must be resolved with Council.	Water efficient fixtures will be used within the development.	Yes								
	Appropriate use of energy efficient materials during construction is to be demonstrated.	Energy efficient materials will be utilised.	Yes								
	Development should incorporate energy efficient hot water systems, air-conditioning, lighting and lighting control systems.	Energy efficient systems will be utilised.	Yes								
	Any commercial building with a depth greater than 20m shall have an atrium to permit solar access and natural ventilation, unless it is demonstrated that at least 60% of the Net Lettable Area (NLA) has a Daylight Illuminance (DI) of 250 lux.	Stage 1 does not include commercial buildings.	NA								
Architectural Design	Building designs within the Windsor Road Business Park and Annangrove Road Employment Area will be assessed based on aesthetic merit and technology, based on the following design principles: - Buildings should provide variety to façades by the use of projecting upper storeys over building entries, upper storey display windows, emphasising street corners and varying roof forms;	The proposed materials include metal cladding, aluminium louvres, concrete panels and metal roof sheeting. The buildings are	Yes								

	<ul style="list-style-type: none"> - Buildings should provide effective sunshading for windows, wall surfaces and building entries (other than loading docks) by the use of design elements such as overhanging eaves and awnings, undercrofts, colonnades and external sunshading devices including screens; - Building design should be integrated with landscape elements; - The bulk and scale of the building should minimise impact on district views; - Building façades should be articulated by elements such as: External structures, finishes, etchings and recessed patterns; Decorative features, textures and colours; Locating offices and highlighting entries within front façades; Emphasised customer entries and service access doors; and Protrusions and penetrations in building elements; - Buildings with dual street frontage should be designed to ensure the building addresses the primary street frontage; and distinctive identifying architectural elements are incorporated to provide sufficiently interesting and varied façades; - The building design should consider the amenity of any adjoining landscaped areas; - The location of roller shutters, loading docks and other building openings should be so that they do not detract from the overall appearance of the building. Where possible, roller shutters and the like should not be located on the primary street frontage; and - Roof design should be visually interesting and provide for natural lighting, and compatibility with the overall building design. Where visible from a public area, all rooftop or exposed structures (lift motor rooms, plant rooms etc.), must be suitably screened and integrated with the building. 	<p>predominantly cream and grey in colour with orange and yellow accent colours.</p> <p>Landscape works are proposed within setbacks which will complement the buildings. Loading docks and parking areas are provided internal to the site and are not located forward of the buildings.</p>	
	Blank building façades facing the primary street frontage are not permitted.	There are no blank facades proposed.	Yes
	<p>EXTERNAL BUILDING MATERIALS AND COLOURS</p> <p>Applicants are required to submit with all Development Applications a materials sample board detailing external colours and finishes.</p> <p>External finishes should be constructed of durable, high-quality and low maintenance materials.</p> <p>All external walls of buildings used for office/showroom purposes should be constructed of brick, glass, steel, concrete, textured block work, pre-cast exposed aggregate panels or other materials approved by Council.</p> <p>External finishes should contain a combination of materials.</p> <p>Any wall visible from the public domain must be finished with a suitable material to enhance the appearance of that façade.</p>	<p>A material sample board has been provided. The proposed materials include metal cladding, aluminium louvres, concrete panels and metal roof sheeting. The buildings are predominantly cream and grey in colour with orange and yellow accent colours. The materials chosen are low reflective and</p>	Yes

	<p>Building materials should be selected such that reflection is minimised and will not adversely affect adjacent development, vehicular traffic and public domain areas.</p> <p>The following should be considered in the choice of building materials in all developments: - energy efficiency; - use of renewable resources; - low maintenance; - recycled or recyclable; - non-polluting; and - minimal PVC content.</p> <p>Materials that are likely to contribute to poor internal air quality and those containing Volatile Organic Compounds (VoCs) should be avoided.</p> <p>Any application for development within the light industrial area must provide details of proposed external colours, materials, finishes and landscaping and any other supporting documentation in order to demonstrate how the development will minimise visual impact upon Rouse Hill House and views between Rouse Hill House and Box Hill House.</p>	will a variety of materials will be utilised.	
	<p>ENTRANCE TREATMENT Entrances should be clearly visible, well sign posted, well-lit and landscaped.</p> <p>Entries to buildings should be clearly visible to pedestrians and motorists and be integrated into the form of the building.</p> <p>Architectural features are to be provided at ground level giving an entrance element to the building and addressing the primary street frontage.</p> <p>All entrance treatments, such as directory boards, must be located on private property, with appropriate positive covenants and restrictions on title to ensure the ongoing management of such treatments.</p> <p>No form of advertising will be permitted on any entrance treatment facility.</p>	The building entry points are clearly visible and able to be identified with pathway entry points. There is no signage proposed as part of the application.	Yes
Ancillary Buildings, Storage and Service Areas	Ancillary buildings and storage sheds are to be located behind the setback lines and be consistent with the design of the main building.	There are no ancillary building or sheds proposed.	NA
	Details of any proposed ancillary buildings, open storage and services areas must be submitted with all Development Applications.	Service area details have been provided and are satisfactory.	Yes
	Where possible, storage areas should be located within the confines of the primary building. Appropriate screening must be provided otherwise.	There are no external storage areas proposed.	NA
	Above ground open storage areas visible from the public domain are not permissible.	There are no external storage areas proposed.	NA

	Above ground open storage areas should not compromise truck or vehicle manoeuvring and car parking areas.	There are no external storage areas proposed.	NA
	Vehicular access to loading facilities is to be provided from secondary and tertiary streets where possible.	Vehicle access to loading areas is provided from Outback Street and Limestone Road.	Yes
	Rubbish and recycling areas must be provided in accordance with Site Waste Management and Minimisation provisions contained in The Hills Development Control Plan. These areas must: - be integrated with the development; - minimise the visibility of these facilities from the street; and - be located away from openable windows to habitable rooms.	Appropriate waste areas have been provided.	Yes
	Barrier free access is to be provided to all shared facilities.	Barrier free access will be provided to all shared facilities.	Yes
	Provide at least one shower and changing facility that is accessible to the building users.	All units are provided with a shower and change facility.	Yes
	The following information must be provided at Development Application stage for outdoor storage areas: - Size of outdoor storage area; - Maximum storage height; - Types of goods, materials and equipment being stored outdoors; and - Details on landscaping and screening structures.	There are no external storage areas proposed.	NA
	Sunken loading docks should be avoided.	There are no sunken loading docks proposed.	NA
	A minimum 225mm clearance is required between finished floor level and finished ground level.	A clearance will be provided in accordance with the BCA.	Yes
	Above ground water tanks must not be located forward of the front façade of the primary buildings. They should not be visible from the public domain and must be suitably screened. Details (including elevations) of all water tanks must be submitted with the Development Application.	There are no above ground water tanks proposed.	Yes
Fencing	Low feature walls are encouraged at entry driveways. These walls should be used for retaining purposes, as garden beds or as landscaped features and should be integrated into the overall design of the development.	Low feature walls are proposed for retaining and garden beds.	Yes
	Front and side boundary fences forward of the building line shall consist of an open wrought iron palisade style fence, finished in either dark green or black.	Fencing is proposed of tubular palisade fencing which is black in colour.	Yes
	Side fencing behind the building line may comprise chain wire mesh or similar open style fence, plastic coated in dark green or black.	Side fencing is provided in accordance with the DCP.	Yes

	Pre-painted solid metal fencing and other solid fencing is not permissible.	Fencing is proposed of tubular palisade fencing which is black in colour.	Yes								
	Fencing must be set back 1m from the property boundary	A condition has been recommended requiring front fencing to be set back 1m from the front boundary.	Yes								
	Fencing should be sited so it does not impede sightlines for drivers.	The proposed fencing is set back one metre from the property boundary and will not impede sight distance.	Yes								
	Fencing along boundaries should not exceed a height greater than 3m, measured from finished ground level.	The proposed fencing will not exceed 3m.	Yes								
	Pedestrian fencing within the road reserve is to be RMS Type 1, without embellishment and black in colour.	There is no fencing proposed within the road reserve.	NA								
	The use of timber fencing or bollards within public reserves or roads is not permitted.	There is no fencing proposed within the road reserve.	NA								
Signage and Lighting	Refer to The Hills Development Control Plan for Signage and Lighting.	There is no signage proposed. A condition has been recommended in regard to lighting.	Yes								
Common Open Space	Each development shall be provided with at least 1 common open space area for the use and enjoyment of employees and visitors to that development. The area shall be suitably landscaped and accessible from the main office component of the development.	Four separate areas of common open space have been provided around the site.	Yes								
	<p>Provision of common open space must comply with Table 27.</p> <table><tr><th colspan="2">Table 27 Open space provision</th></tr><tr><th>Employment Area</th><th>Open spaces area as % of total site area</th></tr><tr><td>R1 General Residential* and B7 Business Park zones</td><td>5%</td></tr><tr><td>IN2 Light Industrial zone and B6 Enterprise Corridor zones</td><td>1%</td></tr></table> <p>As per the above table the relevant open space requirement for the B6 Enterprise Corridor zone is 1%.</p>	Table 27 Open space provision		Employment Area	Open spaces area as % of total site area	R1 General Residential* and B7 Business Park zones	5%	IN2 Light Industrial zone and B6 Enterprise Corridor zones	1%	A total common open space area of 792m ² is provided which is 1.86% (after road dedication).	
Table 27 Open space provision											
Employment Area	Open spaces area as % of total site area										
R1 General Residential* and B7 Business Park zones	5%										
IN2 Light Industrial zone and B6 Enterprise Corridor zones	1%										

	Open spaces must include soft landscaping and a deep soil area of at least 40% of its area.	A deep soil area is 7706m ² or 18.1% of the site is proposed.	Yes
	Small pockets of open space designed to enhance the appearance of the development will not be counted in the common open space allocation, neither will car parking areas, manoeuvring areas, or landscaped setback areas.	Adequate open space is provided.	Yes
	In locating common open space areas, consideration should be given to the outlook, natural features of the site and neighbouring buildings.	The open space areas are appropriately located.	Yes
	Common open space areas shall be embellished with appropriate shade, paving, tables, chairs and the like.	Tables, chairs and pergolas are provided in the common open space area.	Yes
	Common open space areas shall be relatively flat and not contain impediments which divide the area or create physical barriers which may impede use.	The common open space areas are usable.	Yes
	The area should be screened so it is not directly visible from the public domain but is provided with adequate sunlight access.	The common open space area is appropriately located and receives solar access.	Yes
	Appropriate shading is to be provided so that common open spaces are useable during summer.	The common open space area includes pergolas.	Yes
	Common open spaces are to incorporate the primary deep soil area where possible. The planting of courtyard spaces is to provide for the growth of mid- to large size trees.	Deep soil areas are included in the common open space.	Yes
Pedestrian Access	The following controls apply only to the Windsor Road Business Park: - The vertical clearance for pedestrian links is to be a minimum of 3.6 metres. - Pedestrian through site links are to be publicly accessible between the hours of 6am and 7pm. - Pedestrian through-site links are to be continuous, straight and with clear views from street to street.	NA as the site is located within the Annangrove Road Employment area.	NA
	Where pedestrian through-site links are adjacent to a courtyard or public space, the design of the pedestrian link is to be integrated with the design of the open space and access is provided between the two spaces.	There is no pedestrian through-site links proposed.	NA
	Where pedestrian through-site links are provided between and through buildings, a high level of transparency is to be provided between the internal ground floor space of the building and the pedestrian link.	There is no pedestrian through-site links proposed.	NA
	Active ground level uses are encouraged along pedestrian through-site links.	There is no pedestrian through-site links proposed.	NA
	Disabled access must be provided along through-site links.	There is no pedestrian through-site links proposed.	NA

	Through-site links that encourage a diverse built form and create interesting ground floor spaces are encouraged.	There is no pedestrian through-site links proposed.	NA
Vehicular Access	A site specific Traffic and Car Parking Study must be prepared in accordance with Tables 2 and 3 in Section 1.8.2 of this DCP.	a Traffic Management Report has been submitted with the DA.	Yes
	Vehicular driveway access is denied along Mt Carmel Road and Terry Road.	NA to this site.	NA
	<p>BUSINESS PARKS</p> <ul style="list-style-type: none"> - Vehicular access should be designed to avoid conflicts with pedestrians. - Adequate space shall be provided within any development site for the loading and unloading of service vehicles. The standard of loading facilities required will depend upon the nature of the development and the uses to be carried out. - For certain developments Council may require the provision of parking for courier vehicles. Where possible loading facilities should be located at the rear of developments. - Vehicular movements associated with loading facilities and customer parking should be separated wherever possible and all pedestrian movements should be segregated from vehicular movements to avoid possible conflict and congestion. - Ingress to and egress from a site should be located where they will cause least interference with vehicular and pedestrian movement on public roads. Direct access will not be permitted off higher order roads. Road access to parking areas will not be permitted in close proximity to traffic signals, intersections or where sight distance is inadequate. - The potential for on-street queuing should be eliminated by the provision of sufficient standing areas on-site for vehicles entering the car parking and loading areas. Provision is to be made for all vehicles to enter and leave a site in a forward direction 	NA as the site is within an Employment – Enterprise Corridor area.	NA
	<p>INDUSTRIAL AND ENTERPRISE CORRIDOR AREAS</p> <ul style="list-style-type: none"> - Applicants are required to submit plans and details of proposed vehicular access and circulation for Council's approval with the Development Application. Details must specifically relate to vehicular movement, layout and turning circles. - Adequate vehicular entry to and exit from the development is to be provided and designed in order to provide safety for pedestrians and vehicles using the site and adjacent roadways. In some cases combined ingress and egress will be permitted. - Vehicular ingress and egress to the site must be in a forward direction at all times. - Driveway crossover accesses by heavy vehicles should be a minimum of 9m wide, when measured at the kerb alignment. - Turning circles will not be permitted to encroach upon any building. 	The DA includes details of the driveway access points, parking and turning areas. The proposed egress and ingress points are satisfactory and allow safe to/from the site.	Yes

	<ul style="list-style-type: none"> - Adequate space is to be provided within the site for the loading, unloading and fuelling (if applicable) of vehicles. These areas may need to be screened from the road. - All parking areas and access roadways must be provided with a drainage system comprising surface inlet pits. Details of pipe sizes (with calculations) and drainage layouts (including discharge points) must be submitted with the Development Application. 		
	MANOEUVRING, LOADING AND DOCKING <ul style="list-style-type: none"> - Loading and docking facilities should be located and designed to minimise interference with internal traffic circulation. - Loading and docking facilities are to allow the forward entry to and exit from the site for all vehicles. 	The loading area is located in appropriately and forward entry and exit is proposed.	Yes
Car Parking	The provision of car parking must comply with The Hills Development Control Plan 2012 Part C Section 1 – Parking.	See comments in Section 7 below.	Yes
	Two male and two female showers are to be provided for cyclists in buildings above 1000m ² . One male and one female shower is to be provided for cyclists in buildings under 1000m ² .	All units include a shower and change room.	Yes
	Refer to The Hills Development Control Plan 2012 for general guidelines and principles for car parking, including design, materials, signs and monetary contributions.	The proposed parking has been designed in accordance with the relevant Australian Standards.	Yes
	Safe and secure 24 hour access to car parking areas is to be provided for building users.	Safe and secure parking access will be available.	Yes
	AT-GRADE PARKING <ul style="list-style-type: none"> - At-grade parking areas are to be located so as to minimise visual impacts from the street, public domain and communal open space areas, using site planning and appropriate screen planting or structures. - Large parking areas are to be located generally behind front building lines. - In the Windsor Road Business Park and Annangrove Road Employment Area, parking areas must not be located within the front setback area. - In the Windsor Road Business Park and Annangrove Road Employment Area, parking will not be permitted forward of the front façade line of the building unless it can be demonstrated that parking will be appropriately located so as to not dominate the streetscape and will occupy a maximum of 40% of the front setback. - Provide safe and direct access from parking areas to building entry points. - Provide appropriate mature vegetation between parking bays to provide shade and enhance visual impact. 	The at-grade parking is located central to the site and not on street frontage and as such is not highly visible. Pedestrian access is available from parking to building entries.	Yes
	BASEMENT PARKING <ul style="list-style-type: none"> - Basement parking areas are to be located primarily under building footprints to maximise 	The basement levels are located under	Yes

	<p>opportunities for deep soil areas. Refer to Figure 47.</p> <ul style="list-style-type: none"> - Basement parking areas must not extend forward of the building line along a street. Refer to Figure 48. - Along active frontages, basement parking must be located fully below the level of the footpath. Refer to Figure 48. - The minimum level at the apex of the driveway into the basement should be above 17.9m to protect the entry of rain and surface water (1:100 year flood or overland flow). - Semi-basement parking must protrude no more than 1.2m above ground level for no more than 60% of the building frontage along a public street. Refer to Figure 49. - Ventilation grills or screening devices of car park openings are to be integrated into the overall façade and landscape design of the development. - An Emergency Flood Evacuation Warning System must be installed. 	the buildings above and do not protrude.	
Safety and Surveillance	A Crime Risk Assessment Report must be prepared for each development in accordance with Table 2 and Table 3 in Section 1.8.2 of this DCP.	A CPTED assessment has been undertaken and is satisfactory.	Yes
	Buildings should be designed to overlook public domain areas and provide casual surveillance.	The buildings will face public roads.	Yes
	Building entrances should be orientated towards the street to ensure visibility between entrances, foyers, car parking areas and the street.	Entries directly from public roads are provided.	Yes
	Appropriate lighting should be provided to all cycle and pedestrian paths, bus stops, car parks and buildings.	Lighting will be provided on the site in accordance with Australian Standards.	Yes
	Development should provide clear sight lines and well-lit routes between buildings and the street, and along pedestrian and cycle networks within the public domain.	The proposal allows sight lines and opportunities for passive surveillance.	Yes
	Consideration should be given to the use of landscape elements so as to not compromise the perceived level of safety.	A condition has been recommended regarding the maintenance of landscaping works.	Yes
Managing the Environment			
Integrated Stormwater Management	Key controls relate to the management of stormwater on and off the site, use of modelling when required, water quality and potential flood impacts. The site is not identified as requiring a flood evacuation plan or as a flood affected area with the potential for fill. The site is identified as draining to a retention basin.	Council's Subdivision Engineer has reviewed the proposed stormwater management	Yes

		and raises no objection.	
Aboriginal Heritage	Key controls relate to the identification of known and potential Aboriginal heritage locations. The site is identified as having a low to moderate archaeological sensitivity.	An Aboriginal Heritage Due Diligence Assessment' has been prepared by Ecological Australia which has concluded that the area has low archaeological potential given the previous disturbance of the site for the construction of buildings, dams and underground infrastructure and including cultivation.	Yes
European Heritage	Key controls relate to the identification of known European heritage items and controls for sites in proximity to heritage items. The site is not identified as containing or being in proximity to a heritage item.	The proposal is satisfactory in regard to heritage.	Yes
Bush Fire Hazard Management	Key controls relate to the identification of APZs and design and ongoing criteria to manage bush fire prone land.	The site is not bush fire prone.	NA
Tree and Bushland Protection	Key controls relate to retaining trees and bushland where required.	There are no significant trees or bushland on the subject site.	NA
Contamination Management	Key controls relate to identifying when site contamination investigation is required and any required remediation.	A Detailed Site Contamination Investigation has been submitted which concludes that the site is satisfactory for the proposal.	Yes
Geotechnical	Key controls relate to identifying when a geotechnical assessment report is required including works proposed in proximity to creek lies.	A geotechnical report has been submitted which concludes that the site is satisfactory for the proposal.	Yes
Subdivision Earthworks	Key controls relate to the minimisation of earthworks on sites.	Earthworks will be limited to the Stage 1 area.	Yes
Cut and Fill	Key controls relate to minimising cut and fill where possible on sites.	The proposed cut and fill works are satisfactory.	Yes
Salinity Management	Key controls relate to managing sites identified as requiring salinity management.	A 'Detailed Salinity	Yes

		Assessment Report' has been prepared by Geotest Services Pty Ltd.	
Waste Management	Key controls relate to minimising waste during the construction phase and on-going waste management practices.	A waste management plan has been submitted and is satisfactory.	Yes
Riparian Corridors and Environmental Conservation Areas	Key controls relate to the protection, restoration and enhancement of riparian corridors.	The site does not contain a riparian corridor.	NA
Noise and Vibration	Key controls relate to the potential for development to create noise or vibration during construction or operation.	A Noise Impact Assessment has been submitted and is satisfactory.	Yes

a. Side Setback

The DCP requires a 3 metre side setback. The proposed side setback to one of the Stage 1 light industrial buildings is 2.379 metres.

The applicant has submitted the following as justification:

Section 6.2.1 of the Box Hill Growth Centre Precinct DCP requires that all development is to be "consistent" with the side setback control of 3 metres, for the subject site.

The proposed building envelopes provide a variable setback from the western boundary with a minimum of 2.379 metres and increasing to approximately 7 metres at the southern end, as a result of the splayed western boundary of the site which is not parallel to Limestone Street.

Whilst there is a proposed variation to the 3 metre side boundary setback, this is for a very small point encroachment, with the majority of the side setback being well in excess of the 3 metre control. Furthermore, the entire side boundary setback is a landscaped space which softens this elevation when viewed from the western adjacent property.

The area of reduced setback does not result in any BCA fire separation issues, noting that it is the rear wall of an industrial unit of concrete construction and with no window openings.

Accordingly, the proposed approach towards the western boundary setback is considered to meet the objectives of Section 6.2.1 of the DCP, notwithstanding the minor variation as the proposed building envelopes overall achieve a relationship to the side boundary generally as anticipated by the setback control, and without adverse impact to the adjacent site.

Comment:

The objectives of the DCP are:

- a. To define building envelopes within each allotment by specifying minimum setbacks.
- b. To achieve attractive streetscapes.
- c. To ensure buildings present an acceptable scale and bulk when viewed from the public domain.

The proposed variation is a point encroachment and affects a minor part of one building. The proposed setback will not have an unreasonable impact on the adjoining property given the minor nature of the variation. The development is two storey in nature and adjoins a common open space area which contains additional open space to mitigate the setback variation.

The proposed setback is considered satisfactory.

6. Assessment Under DCP Part B Section 6 – Business

In addition to the above DCP assessment which relates specifically to the Growth Centres SEPP area, the Growth Centres DCP states that DCP Part B Section 6 – Business also applies to the development. An assessment is as follows:

DCP PROVISION	REQUIRED	PROPOSED	COMPLIANCE
Precinct Plans	Refer to Appendix A – Precinct Plan Maps Sheets 1 – 15.	The site is not located within a Precinct Plan area.	NA
Site Analysis	<p>Land with a slope greater than 20% is not suitable for development.</p> <p>Development applications for proposals on land with a slope of between 15-20% must be accompanied by a geotechnical report.</p> <p>Disturbance to existing natural features is to be minimised.</p> <p>Development on land adjoining bushland reserves should incorporate measures (such as greater setback buffers) to prevent any impacts.</p>	The site is generally flat and is suitable for the development. A site analysis plan was submitted and is satisfactory.	Yes
Development Sites	<p>The minimum site frontage requirement is 18 metres except Balmoral Road Release Area where the minimum is 60m.</p> <p>Consent may not be granted to an application that isolates an area of land that does not meet the minimum site area requirements.</p> <p>Ensure adequate provision of services has been made (water, sewer, energy, telecommunications and drainage).</p>	<p>The site has a frontage of approximately 201 metres to Annangrove Road, 182 metres to Limestone Road and 249 metres to Outback Street.</p> <p>The proposal does not isolate any other land.</p> <p>Conditions of consent are recommended regarding all services.</p>	Yes
Floor Space Ratio	Refer to Clauses 4.4 and 4.5 of LEP 2012 and Floor Space Ratio Maps.	The site is subject to SEPP SRGC and has an FSR limit of 1:1. The proposed FSR is 1:1.	Yes
Setbacks	Single and two storey retail / commercial development located	Box Hill Growth Centre Precinct DCP 2018 has	NA

	along a public road may utilise a zero setback, other than in those site specific areas specified on the precinct plan maps.	specific setbacks applying to the development area.	
	For buildings greater than two storeys or 8 metres in height, the remaining storeys are to be setback within a building height plane of 45° starting from a height of 8 metres.	Box Hill Growth Centre Precinct DCP 2018 has specific setbacks applying to the development area.	NA
	6m setback if opposite or adjacent to Residential, Special Uses or Open Space zones or as specified on the precinct plan maps in Appendix A. This area can only be used for landscaping and screening purposes or protection of ecological communities.	Box Hill Growth Centre Precinct DCP 2018 has specific setbacks applying to the development area.	NA
	Redevelopment of any commercial / retail development, operating under existing use rights in a residential zone shall comply with the residential setback applying to the locality.	NA	NA
	Written consent is required from Integral Energy for developments proposed within an electricity easement.	NA	NA
	Minimum 40m from the top of the bank of the creek or otherwise to the requirements of the relevant concurrence authority.	NA	NA
	For development affected by a road widening proposal, the minimum setback is measured from the new alignment.	All setbacks have been taken from new/proposed boundaries.	Yes
Building Height	Refer to Clause 4.3 and 5.6 of Local Environmental Plan 2012 and Building Height Mapping Sheets for maximum building height requirements.	The proposal complies with the SEPP SRGC building height of 18 metres.	Yes
	The maximum height of buildings within the B2 Local Centre zone shall be 3 storeys or as specified on the precinct plan maps contained in Appendix A to this Section of the DCP.	NA	NA
	For development not in the B2 Local Centre zone, the maximum height of buildings shall be 2 storeys.	Box Hill Growth Centre Precinct DCP 2018 has specific height requirements applying to the development area.	NA

	For development within the B7 Business Park zone, located in Coonara Avenue, West Pennant Hills, identified on Sheet 4 of the precinct plan maps, no building shall have more than 4 floors.	NA	NA
Building Design & Materials	<p>All external walls of buildings shall be constructed of brick, glass, pre-cast exposed aggregate panels of similar material. However, use of new materials that generate a lower environmental cost will be considered on their merits.</p> <p>Under no circumstances will masonry block work be permitted on external walls.</p> <p>Balconies/terraced areas adjacent to residential zones shall be suitably screened to prevent overlooking and privacy impacts on adjoining properties.</p> <p>All roof ventilators, exhaust towers and plant equipment is not to be visible from the public domain or residential area.</p> <p>Materials:</p> <ul style="list-style-type: none"> • Use low reflectivity materials on facades. • Avoid materials that contribute to poor internal air quality. • Preference should be given to materials derived from renewable sources or those that are sustainable and generate a lower environmental cost, recycled material or materials with low embodied energy, better lifecycle costs and durability. • Designed in accordance with "Designing Safer Communities Guidelines" with visible entrances, no entrapment spaces and utilise anti-graffiti surfaces. Lighting should be unobstructed, appropriate and vandal proof. • Schedule of external finishes, perspective and landscaping details to be submitted with the DA. 	The proposal will be visible from the public domain. The proposal includes a variety of material and colours, pedestrian entry points and a façade treatment which is in keeping with the future character of the B6 Enterprise Corridor zone.	Yes
Signage	Refer to Part C Section 2 – Signage of The Hills DCP 2012.	There is no signage proposed.	NA

Hours of Operation	Assessed on merit but must take into account the operation of loading docks, waste collection services and the use of cleaning/maintenance vehicles, out of hours.	The applicant has advised that hours of operation are not proposed in the subject application and will form part of future tenancy applications.	NA
Energy Efficiency	<p>The design of all buildings shall demonstrate passive solar design principles:-</p> <ul style="list-style-type: none"> • Window placement; • Building orientation; • Shading; • Insulation; • Thermal mass; • Ventilation; and • Incorporation of suitable landscaping. <p>Min 4 star greenhouse rating</p>	The proposal includes a variety of ESD design details including orientation, insulation, ventilation and appropriate landscape planting.	Yes
Biodiversity	Refer to Clause 7.4 – Biodiversity (Terrestrial) of LEP 2012.	The site is not identified as containing any threatened species.	NA
Erosion and Sediment Control	<p>Erosion and Sedimentation Control Plans / measures to be considered.</p> <p>The DA is to be accompanied with an Erosion and Sediment Control Plan (ESCP) prepared in accordance with “Managing Urban Stormwater - Soils and Construction” produced by the NSW Department of Housing.</p>	A condition has been recommended requiring the use of erosion and sedimentation control devices during construction.	Yes
Fencing	<p>No fencing other than low ornamental type may be erected.</p> <p>Fencing along rear boundaries adjacent to drainage or open space shall be integrated with the landscaping.</p> <p>All chain-wire fencing is to be black or dark green.</p> <p>Pre-painted solid metal fencing is not acceptable.</p> <p>Fencing immediately adjacent to Bella Vista Farm Park conservation area shall be simple, low level, rural type timber construction.</p>	Fencing has been provided on the site in accordance with the Box Hill DCP.	Yes
Landscaping and Tree Preservation	Existing trees, shrubs and groundcovers to be preserved where possible.	The proposal has been accompanied by a detailed landscape plan which has	Yes

	<p>Landscaping is to harmonise with building designs and consist of trees, shrubs, ground covers and grass (Kikuyu is prohibited in landscaped or lawn area).</p> <p>Landscaping is to be provided in accordance with Part C, Section 3 – Landscaping.</p> <p>Grassed embankments are not to exceed 1:6.</p> <p>All landscaped areas are to have a minimum width of 2.0m.</p> <p>Endangered ecological communities to be preserved and maintained in accordance with a Vegetation Management Plan.</p>	been assessed by Council's Landscape Assessment Officer and is satisfactory.	
Vehicular Access	<p>Access to a main road is not permitted where alternative access is available or can be acquired.</p> <p>Entry and exit in a forward direction</p> <p>Design to comply with Council's Work Specifications, BHDCP Part C, Section 1 - Parking and the Australian Standards.</p> <p>Driveways from public roads are to be:</p> <ul style="list-style-type: none"> • perpendicular to the road within the building setback; • separated or divided at the property boundary for ingress and egress movements; • sight distances are to be in accordance with Part D, Section 1 – Parking and Council's Design Guidelines for Subdivisions / Developments. 	<p>The site has vehicle access to Annangrove Road, Limestone Road and Outback Street. Separate driveways and parking is provided for the varying uses.</p> <p>The proposed parking layout, sight distance and layout has been assessed and is satisfactory.</p>	Yes
	<p><u>Post Office Road, Glenorie</u> Located on the western side of Post Office Road, Glenorie, vehicular access shall be restricted and future access roads provided, as specified on Map Sheet No.5.</p>	NA	NA

	<p><u>Windsor Road, Kellyville</u> Located on the northern side of Windsor Road, Kellyville provision shall be made for rights of carriageway as specified on the Map Sheet No.6.</p>	NA	NA
	<p><u>Wrights Road, Kellyville</u> Located on the northern side of Wrights Road, Kellyville vehicular access shall be provided as specified on the development control map, Map Sheet No.12 to align with entry/exit from Wrights Road Reserve.</p>	NA	NA
Car Parking	<p>Address THDCP Part C, Section 1 – Parking.</p> <p>All driveway and parking areas to be screened by a minimum 2m wide landscaped strip.</p> <p>Parking areas are to have 2m wide landscaping strips at a rate of 1 for every 10 car parking spaces and between parking aisles.</p> <p>Stacked car parking will not be included in the assessment of the number of car parking spaces.</p> <p>Parking provision for parents with prams is to be provided in accordance with the requirements of THDCP Part C Section 1 – Parking.</p> <p>Disabled parking provision is to be provided in accordance with the requirements of Part D Section 1 – Parking and Council policy entitled “Making Access for All 2002”.</p>	<p>The DCP requires parking to be provided at a rate of 1 space per 25m² for commercial uses and 1 spaces per 50m² for light industrial uses plus 1 space per 2 units for visitors. On this basis 1640 spaces are required and 1641 spaces are provided.</p> <p>There is no stacked parking proposed.</p> <p>Parents with prams parking is required only within shopping centres, transport terminals, hospitals and other large public facilities.</p> <p>Disabled parking is required for retail and commercial premises at a rate of 2% of the total car parking required for retail/commercial uses ie: 28 (27.22) disabled spaces required A condition has been recommended requiring accessible parking spaces to be provided.</p>	Yes – see comments below in Section 6.
Bicycle Parking	<p>Bicycle: 2 spaces plus 5% of total spaces where the development exceeds 5,000m² (either new development or alterations and additions).</p> <p>Bicycle parking should be located in close proximity to the building's entrance and clustered in lots not exceeding 16 spaces.</p> <p>Each bicycle parking space shall be not less than 1.8 metres in length and 600mm in width and shall have a bicycle rack system.</p>	Bicycle parking will be provided for each stage of the development.	Yes

	<p>Bicycle parking facilities within car parking areas shall be separated by a physical barrier to protect bicycles from damage by cars, such as curbs, wheel stops or other similar features.</p> <p>Consideration should be given to providing staff change rooms and washing facilities.</p>		
Loading Docks	<p>Not visible from public domain and must provide buffer landscaping treatments.</p> <p>Not visible from adjoining residential areas.</p> <p>Loading docks are not to transmit excessive noise.</p> <p>The number of required loading docks for certain development types is outlined within THDCP Part C, Section 1 – Parking. For all other development, a minimum of 1 loading dock space is required.</p>	The loading dock areas are located central to the site and will not be highly visible from public roads or residential properties opposite.	Yes
Pedestrian Access and Movement	<p>Pathways and ramps to conform to AS 1428 – 1 – 1998 Design for Access and Mobility.</p> <p>All surfaces should be stable, even and non-slip.</p> <p>Street furniture and obstructions should be kept clear of pathways, while overhanging objects should not be lower than 2100mm above pathways.</p>	All works will be required to comply with BCA requirements.	Yes
Parenting Facilities	Parenting rooms are required for new retail developments or extensions of existing retail developments which exceed 3,000m ² in gross floor area.	The proposal is not a retail development.	NA
Stormwater Management	<p>Two WSUD principles must be implemented into the development. These measures are:-</p> <ul style="list-style-type: none"> • M1 Low Impact Building Design • M2 Low Impact Landscape Design • M3 Porous Paving • M4 Rainwater Utilisation – toilet, hot water • M5 Grey Water Utilisation – toilet • M6 On-site Infiltration System 	The proposal has incorporated a number of WSUD measures. A satisfactory stormwater system will be used on the site.	Yes

	<ul style="list-style-type: none"> • M7 Stormwater Treatment System • M8 Infiltration or Retention Basin • M9 Stormwater Utilisation – irrigation • M10 Grey Water Utilisation – irrigation <p>Details on the actions required to implement these measures are included in Appendix B – Water Sensitive Urban Design of the DCP.</p> <p>Consider satisfactory stormwater collection, discharge and drainage system design against Council's Work Specifications.</p> <p>Development proposals should not result in the filling of flood liable land or the erection of buildings on flood liable land.</p> <p>Reference should be made to the Restriction As to User on the title of the land, or the development consent to which the development is proposed in relation to requirements for on-site detention.</p>		
Waste Management – Storage and Facilities	<p>All waste areas to be screened from the street and adjoining properties.</p> <p>Adequate storage for waste materials must be provided on site and are not to restrict access to parking spaces.</p> <p>Waste storage areas to be kept clean and tidy.</p>	Council's Waste Management Officer has reviewed the proposed waste storage and facilities and has raised no objection to the proposal.	Yes
Waste Management	Waste Management Plan required to be submitted and address demolition, construction and ongoing use requirements.	Council's Waste Management Officer has reviewed the proposed waste arrangements and has raised no objection to the proposal.	Yes
Heritage	All development should be in accordance with Part C Section 4 – Heritage and Clause 5.10 <i>Heritage Conservation of The Hills LEP 2012</i> .	NA to this site.	NA
Development Contributions	Address Council's Section 94 Contributions Plans.	A condition of consent has been recommended.	MA

Site Investigation	<p>A contamination assessment report is to be submitted with any Development Application for the Wrights Road Precinct as referred to on Sheet 12 in Appendix A 1.to this Section of the DCP.</p> <p>A validation report will be required at the completion of works to ensure the remediation is sufficient to enable appropriate use of the site.</p>	A contamination report has been submitted and is satisfactory.	Yes
Pollution Control	<p>The use of mechanical plant and equipment may be restricted where sites are located near existing and proposed residential areas.</p> <p>Any machinery or activity considered to create a noise nuisance must be adequately soundproofed in accordance with the provisions of the Protection of the Environment Operations Act 1997.</p> <p>Incinerators are not permitted for waste disposal.</p>	Council's Environmental Health Officer has reviewed the proposal and raised no objection.	Yes

6. Car Parking Assessment under DCP Part C Section 1 – Parking

The DCP rates are as follows:

Commercial premises (including business premises) – 1 space per 25m² GFA
Industrial – 1 space per 50m² GFA or 1 space per 2 employees, whichever is the greater.
Visitor parking – 1 space for every two light industrial units constructed.

Concept DA:

34,013m² of office floor area
12,524m² of light industrial

The following parking has been proposed:

Stage 1 – 280 spaces
Stage 2 – 440 spaces
Stage 3 – 492 spaces
Stage 4 – 429 spaces
Total = 1641 spaces

The following parking is required:

34,013m² of office floor area @ 1 space per 25m² = 1361 spaces (1360.52)
12,524m² of light industrial @ 1 space per 50m² = 251 spaces (250.48)

Plus visitor parking @ 1 space for every two light industrial units constructed = 28
Total spaces required = 1640
Total spaces provided = 1641

Stage 1 works: light industrial

12,524m² of light industrial
56 units

Requires: 251 (250.48) spaces
Plus 28 visitor spaces
Total spaces required: 279
There are 280 spaces provided in Stage 1

As such the parking complies with the DCP requirements.

7. Issues Raised in Submissions

The proposal was notified on two occasions to adjoining property owners. One submission was received during the first notification period.

ISSUE/OBJECTION	COMMENT	OUTCOME
The main point of opposition is the location of the main entrance to the development being situated on the residential Outback Street, dangerously close to the T intersection of Outback and Timbercrest Streets and the possibility of the development being used as a 'short cut' thoroughfare from Timbercrest Street to Annangrove Road. The location of this access point is both unnecessary and dangerous, and a cause of potential hazardous traffic congestion in the immediate area.	The proposal provides vehicle access to/from Outback Street which is offset to the south from Timbercrest Street. The proposed works include half road construction of both Outback Street and Limestone Road which will provide a public road connection from development to the north-west to Annangrove Road. The proposal does not provide a vehicle access through the site ie: the access driveway from Annangrove Road enters a basement carpark (subject to a later stage of development) and does not connect with the proposed internal driveways from Outback Street and Limestone Road.	Issue addressed.

8. Internal Referrals

The application was referred to the following sections of Council:

No objection was raised to the proposal subject to conditions.

9. A Metropolis of Three Cities – the Greater Sydney Region Plan

The Plan contains 10 directions for Greater Sydney which contain 40 objectives for development of the area. The Hill Shire Council is located in the Central City District and the Central City District Plan is relevant to the site.

Chapter 4 on 'Productivity' includes the following:

Planning Priority C11 – Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land

Planning Priority C12 – Supporting growth of targeted industry sectors

The objectives of the plan relate to planning and managing industrial and urban services land and ensuring that these land uses are appropriately located and support population growth. Good local access to services is also required to reduce the need for travel to other areas.

The proposal satisfies the above priorities.

10. Transport for NSW (RMS) Comments

The proposal was referred to Transport for NSW under Clause 104 of SEPP Infrastructure relating to traffic generating development. RMS originally provided comments on 22 February 2022 and raised a number of matters for Council staff to consider as part of the assessment and advisory comments. As part of the comments TfNSW advised as follows:

TfNSW supports the proposed provisions of a deceleration lane and Left-in, Left-out arrangement fronting Annangrove Road.

Following further review by Council's Principal Co-ordinator Transport Planning and Project Design, the proposed deceleration lane was not supported for the following reasons:

- i. *Deceleration lanes are usually only provided when there are heavy vehicles (trucks and buses) turning into large developments like service stations on high order roads like sub arterial roads (Annangrove Road) so they can quickly turn off and avoid slowing the mainstream of traffic along Annangrove Road.*
- ii. *In this case, where there are only cars turning into the proposed underground carpark driveway at 279 Annangrove Road there is no need for a deceleration lane in Annangrove Road.*
- iii. *If there is to be a large volume of cars using this underground car park during peak times then the developer is to ensure that the queue storage length be long enough to be contained within the access driveway and private property of 279 Annangrove Road. A traffic assessment report would have to be prepared to demonstrate and confirm this to Council.*

Upon the submission of amended plans and information which deleted the deceleration lane from the proposal, the matter was referred to TfNSW for further comments. TfNSW advised on 16 November 2022 that *'the previous advice remains relevant and no further comments are offered'*.

On the basis of the comments provided by Council's Principal Co-ordinator Transport Planning and Project Design, the proposed deceleration lane is not supported.

A condition of consent has been recommended which requires further assessment of the driveway length as part of the Stage 2 development which includes the access driveway off Annangrove Road (See Condition 8).

11. Internal Referrals

The application was referred to the following sections of Council:

- Engineering
- Environmental Health
- Landscaping
- Resource Recovery
- Development Contributions
- Land and Spatial Information
- Traffic

No objections are 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, SEPP Planning Systems 2021, SEPP Resilience and Hazards 2021, SEPP Transport and Infrastructure 2021, SEPP Sydney Region Growth Centres 2006, Box Hill Growth Centre Precinct DCP 2018, DCP Part B Section 6 – Business and DCP Part C Section 1 – Parking and is considered satisfactory. The proposal includes a variation to the side setback which is considered reasonable given the scale of the development. One submission was received to the proposed development. The concern raised in the submissions have been addressed in the report and do not warrant refusal of the application.

Accordingly, 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 built form is provided with respect to the streetscape and general locality which is consistent with the B6 Enterprise zone.

RECOMMENDATION

The Development Application be approved subject to the reasons listed below and subject to the following conditions.

- The site is located within the Sydney Region Growth Centre Area and will form one of the first developments within the area. The concept application will provide business and light industrial development which will provide opportunities for employment within the local and broader area.
- The proposal is consistent with the relevant planning instruments with the exception of a minor variation to side setback which is considered appropriate given the scale of the development.
- The proposed external design and colour scheme of the development is reflective of the future and desired modern character of the B6 Enterprise Corridor.

CONCEPT DEVELOPMENT APPLICATION

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
---	Site Location	---
A101	Site Analysis	9/10/22 Issue 04
A102	Overall Site Master Plan	9/10/22 Issue 04
A103	Masterplan (Staging Plan)	9/10/22 Issue 04
A104	Masterplan (Subdivision Layout)	9/10/22 Issue 04
A105	Masterplan (Extend Basement Footprint)	9/10/22 Issue 04
A106	Masterplan (Open Space, Deep Soil & Landscaped Area)	9/10/22 Issue 04
A600	South & East Elevations	21/11/22 Issue 05
A601	North & West Elevations	21/11/22 Issue 05
A700	Shadow Diagrams	9/10/22 Issue 04
51427 001DT	Survey Plan	03/08/2020
A1103	Stage 1 – Site Plan (Ground Level)	9/10/22 Issue 04
A1104	Stage 1 – Site Plan (Mezzanine Level)	9/10/22 Issue 04
A1105	Stage 1 (Development Envelope for Lot 2, 5 & 6)	9/10/22 Issue 04
A2001	Lower Ground Plan (Lot 1/Carparking -E)	9/10/22 Issue 04
A2002	Upper Ground Plan (Lot 1/Carparking-E)	9/10/22 Issue 04
A2003	Floor Plan (Lot 2)	9/10/22 Issue 04
A2004	Mezzanine Plan (Lot 2)	9/10/22 Issue 04
A2005	Roof Layout (Lot 2)	9/10/22 Issue 04
A2006	Ground Plan (Lot 4/Carparking-F)	9/10/22 Issue 04
A2007	Floor Plan (Lot 5)	9/10/22 Issue 04
A2008	Mezzanine Plan (Lot 5)	9/10/22 Issue 04
A2009	Roof Layout (Lot 5)	9/10/22 Issue 04
A2010	Lower Ground Floor Plan (Lot 6)	9/10/22 Issue 04
A2011	Upper Ground Floor Plan (Lot 6)	9/10/22 Issue 04
A2012	Roof Layout (Lot 6)	9/10/22 Issue 04
A3001	Elevations (Lot 1)	9/10/22 Issue 04
A3002	Elevations (Lot 2)	9/10/22 Issue 04
A3003	Elevations (Lot 2)	9/10/22 Issue 04
A3004	Elevations (Lot 5)	9/10/22 Issue 04

A3005	Elevations (Lot 5)	9/10/22 Issue 04
A3006	Elevations (Lot 6)	9/10/22 Issue 04
A3007	Elevations (Lot 6)	9/10/22 Issue 04
A3101	Sections (Lot 1)	9/10/22 Issue 04
A3102	Sections (Lot 2)	9/10/22 Issue 04
A3103	Sections (Lots 5 and 6)	9/10/22 Issue 04
A3104	Sections (Lot 4, 5 & 6)	9/10/22 Issue 04
A4000	3D Perspective Views	9/10/22 Issue 04
A6301	Materials (Lot 2, 5 & 6 only)	9/10/22 Issue 04
---	Plan of Subdivision	12.10.22
---	Plan of Subdivision	12.10.22
---	Plan of Subdivision	12.10.22
LDA00	Cover Sheet	12.10.2022 Rev. C
LDA01	Concept Masterplan	12.10.2022 Rev. D
LDA02	Section/ Elevations	12.10.2022 Rev. D
LDA03	Planting Strategy	12.10.2022 Rev. D
LDA04	Construction Details	12.10.2022 Rev. C
LDA00	Cover Sheet	12.10.2022 Rev. D
LDA01	Grading and Finishes Plan	12.10.2022 Rev. C
LDA02	Grading and Finishes Plan	12.10.2022 Rev. C
LDA03	Grading and Finishes Plan	12.10.2022 Rev. C
LDA04	Grading and Finishes Plan	12.10.2022 Rev. C
LDA05	Planting Plan	12.10.2022 Rev. D
LDA06	Planting Plan	12.10.2022 Rev. D
LDA07	Planting Plan	12.10.2022 Rev. D
LDA08	Planting Plan	12.10.2022 Rev. D
LDA09	Cross Sections	12.10.2022 Rev. D
LDA10	Construction Details	12.10.2022 Rev. C
LDA11	Construction Details	12.10.2022 Rev. D
LDA12	Specification Notes	12.10.2022 Rev. C
---	Numbering Plan (Numbering Purposes Only)	---

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. Floor Area

The concept DA is limited to the following:

34,013m² of office gross floor area

12,524m² of light industrial gross floor area

3. Provision of Parking and Bicycle Spaces

The overall development is required to be provided with off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

Stage 1 – 280 spaces
Stage 2 – 440 spaces
Stage 3 – 492 spaces
Stage 4 – 429 spaces
Total = 1641 spaces

Stages 2-4 are required to provide a total of 28 disabled spaces. These spaces are required to be distributed through each stage in accordance with the DCP requirements.

Bicycle spaces are required to be provided as follows:

Stage 1 – 14
Stage 2 – 22
Stage 3 – 25
Stage 4 – 22
Total = 83 bicycle spaces

4. Driveway Design - Lots 2 and 3

Driveways for the future developments within lots 3 and 4 at stages 2 and 3 are restricted for 5.4m long B99 vehicles only.

The driveway profiles must be designed to the Council's Annangrove Road Upgrade design levels.

(Note: Drawings of latest Annangrove Road design shall be obtained from the Council.)

5. Section 7.11 Contribution

All future built form Development Applications must be levied in accordance with Contributions Plan No. 15 and 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.

6. Special Infrastructure Contribution – Growth Centres

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment website:

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

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

7. Sustainable Building Design

New commercial buildings must achieve a minimum 4 star Green Star rating from the Green Building Council of Australia. Refer to both GBCA's 'Green Star – Office As Built Technical Manual' and the 'Green Star Office As Built Technical Manual'.

8. Driveway Length – Vehicle Access Adjacent Roads

The developer is to ensure that the queue storage length for the vehicle access to future stages 2 and 3 (within lots 3 and 4) from Annangrove Road be long enough to be contained within the access driveway and private property of 279 Annangrove Road. A traffic assessment report is required to be prepared to demonstrate and confirm this to Council staff as part of the Stage 2 Development Application.

In addition, sufficient vehicle storage area must be maintained onsite at all times to accommodate any potential vehicle queues generated by the proposed development from Limestone Road and Outback Street. Therefore, the proposed gates on Ramps 01, 02 and 03 are to be deleted.

9. Sustainable Building Design

- a. New commercial buildings must achieve a minimum 4 star Green Star rating from the Green Building Council of Australia. Refer to both GBCA's 'Green Star – Office As Built Technical Manual' and the 'Green Star Office As Built Technical Manual'.
- b. New industrial and light industrial buildings must achieve a minimum 4 star Green Star rating from the Green Building Council of Australia from such time that an Industrial Tool has been adopted.

Details are to be provided prior to the issue of a Construction Certificate for each stage of works.

STAGE 1 DEVELOPMENT APPLICATION

GENERAL MATTERS

10. Floor Area

The Stage 1 works are limited to the following:

12,524m² of light industrial gross floor area

11. Provision of Parking Spaces

The development is required to be provided with 280 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

In addition, 14 bicycle parking spaces are required to be provided.

12. External Finishes

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

13. Separate application for signs

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

14 Planting Requirements

All trees planted as part of the approved landscape plan are to be planted in pot sizes as indicated on landscape plans by Taylor Brammer dated 12/10/22. 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. Any species that need substituting requires confirmation from Council.

15. Separate Application for Strata Subdivision

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

16. 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.

17. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- Driveway ramps 01 and 02 must be detailed to ensure compliance of manoeuvring of an Articulated Vehicle (AV) and B99 vehicle simultaneously.
- Driveway ramps 03 must be detailed to ensure compliance of manoeuvring of an Medium Rigid Vehicle (MRV) and B99 vehicle simultaneously.
- All driveways, car parking and loading 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. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

18. Minor Engineering Works

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

Works within an existing or proposed public road or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's heavy-duty standard.

On high level sites a grated drain must be provided on the driveway at the property boundary.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

19. Security Bond Requirements

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

- Be in favour of The Hills Shire Council;

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

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

20. Subdivision Certificate Preliminary Review

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

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

21. Street Trees

Street trees must be provided for the section of Outback Street and Limestone Road within or fronting the development site spaced between 7m and 10m apart. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

22. 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.

23. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

24. Subdivision Works Approval

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

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

25. 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.

26. 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.

27. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Benbow Environmental, referenced as 211117_NIA_Rev4, dated May 2022 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Limit heavy vehicle movement, and forklift movement between the hours of 7am to 10pm, is required.

As well as the following noise mitigation measures:

- Prohibition of extended periods of on-site revving/idling;
- Minimisation of the use of truck exhaust breaks on site;
- Enforcement of low on-site speed limits; and
- Signs to encourage quiet operations during the night period.

28. Dam Dewatering Requirements

The recommendations of the Dam Dewatering Report prepared by Ecological Australia Pty Ltd, dated 7 June 2022 and submitted as part of the Development Application are to be implemented as part of this approval. The water from the dam shall be irrigated on site and prevented from flowing off site.

29. Retention of Trees

The stand of trees numbered 1-9 in the Arboricultural Impact Statement prepared by Advanced Arborist Reporting dated 28/10/2021 which is also located on approved landscape plans prepared by Taylor Brammer dated 12/10/22 are to be retained with remedial work to be carried out in accordance with the in accordance with AS4970- 2009 Protection of Trees on Development Sites.

30. Control of early morning noise from trucks

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

31. 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.

32. Salinity Requirements

The recommendations of the Salinity Assessment and Report prepared by Geotest Services Pty Ltd, referenced as P33785.1_R01, dated 17 June 2022 and submitted as part of the Development Application are to be implemented as part of this approval.

33. Tree Removal on Public Land

Approval is granted for the removal of five (5) street trees on Annangrove Road located as shown on landscape plans prepared by Taylor Brammer dated 12/10/22 located on the Council nature strip that will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;
- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);

- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

34. 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".

35. 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.

36. Management of Construction and/or Demolition Waste

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

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

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

37. 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.

38. Construction of Communal Waste Collection Areas

The waste storage areas must be designed and constructed in accordance with the following requirements. The areas must provide minimum storage facility for all necessary light industrial unit bins presented for collection.

- The waste storage areas must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage areas 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.
- The walls of the waste storage areas must be constructed of brickwork.
- The floor of the waste storage areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage areas 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).
- All doors of the waste storage areas, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage areas must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage areas must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage areas, it is not to conflict with the space designated for the placement of bins.
- The waste storage areas must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage areas must have appropriate signage (EPA approved designs can be found on the NSW EPA website) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage areas are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

39. Property Numbering and Cluster Mail Boxes

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

The overall property address for this development is: 277 – 279 Annangrove Road, Rouse Hill, NSW, 2155

Approved unit numbering is as per plans submitted marked as Stage 1 – Site Plan (Unit Numbering_OP1) DWG No 03.1 Project No. 8872 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

Stage 1

Unit Number	Street Number	Street Name	Street Type	Locality
G01	4	Limestone	Street	Rouse Hill
G02	4	Limestone	Street	Rouse Hill
G03	4	Limestone	Street	Rouse Hill
G04	4	Limestone	Street	Rouse Hill
G05	4	Limestone	Street	Rouse Hill
G06	4	Limestone	Street	Rouse Hill
G07	4	Limestone	Street	Rouse Hill
G08	4	Limestone	Street	Rouse Hill
G09	4	Limestone	Street	Rouse Hill
G10	4	Limestone	Street	Rouse Hill
G11	4	Limestone	Street	Rouse Hill
G12	4	Limestone	Street	Rouse Hill
G13	4	Limestone	Street	Rouse Hill
G14	4	Limestone	Street	Rouse Hill
G15	4	Limestone	Street	Rouse Hill
G16	4	Limestone	Street	Rouse Hill
G17	TBC	Outback	Street	Rouse Hill
G18	TBC	Outback	Street	Rouse Hill
G19	TBC	Outback	Street	Rouse Hill
G20	TBC	Outback	Street	Rouse Hill
G21	TBC	Outback	Street	Rouse Hill
G22	TBC	Outback	Street	Rouse Hill
G23	TBC	Outback	Street	Rouse Hill
G24	TBC	Outback	Street	Rouse Hill
G25	TBC	Outback	Street	Rouse Hill
G26	TBC	Outback	Street	Rouse Hill
G27	TBC	Outback	Street	Rouse Hill
G28	TBC	Outback	Street	Rouse Hill
G29	TBC	Outback	Street	Rouse Hill
G30	TBC	Outback	Street	Rouse Hill
G31	TBC	Outback	Street	Rouse Hill
G32	TBC	Outback	Street	Rouse Hill
G33	TBC	Outback	Street	Rouse Hill
G34	TBC	Outback	Street	Rouse Hill
G35	TBC	Outback	Street	Rouse Hill
G36	TBC	Outback	Street	Rouse Hill
G37	TBC	Outback	Street	Rouse Hill
G38	TBC	Outback	Street	Rouse Hill
G39	TBC	Outback	Street	Rouse Hill
G40	TBC	Outback	Street	Rouse Hill
G41	TBC	Outback	Street	Rouse Hill
G42	TBC	Outback	Street	Rouse Hill

G43	TBC	Outback	Street	Rouse Hill
G44	TBC	Outback	Street	Rouse Hill
G45	TBC	Outback	Street	Rouse Hill
G46	TBC	Outback	Street	Rouse Hill
G47	TBC	Outback	Street	Rouse Hill
G48	TBC	Outback	Street	Rouse Hill
G49	TBC	Outback	Street	Rouse Hill
G50	TBC	Outback	Street	Rouse Hill
G51	TBC	Outback	Street	Rouse Hill
G52	TBC	Outback	Street	Rouse Hill
G53	TBC	Outback	Street	Rouse Hill
G54	TBC	Outback	Street	Rouse Hill
G55	TBC	Outback	Street	Rouse Hill
G56	TBC	Outback	Street	Rouse Hill

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

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

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

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

Mailboxes

Australia Post requires cluster mailboxes to be perpendicular to the footpath or road and within easy reach for the postal delivery officer. For resident's useability and convenience, they are to be located close to relevant entry points.

Cluster mail boxes are to be located as shown on plans submitted marked as Stage 1 – Site Plan (Unit Numbering_OP1) DWG No 03.1 Project No. 8872 and marked up as 'Numbering Plan' by Council's Land Information Team within consent documentation. Cluster mailboxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer.

The number of mailboxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at 4 Limestone Street.

Strata Developments

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

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

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

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

40. Endeavour Energy Requirement

Applicants will need to submit an appropriate application to Endeavour Energy based on the maximum demand for electricity for connection of load and any other requirements from Endeavour Energy.

41. Driveway Length – Vehicle Access Adjacent Roads

The developer is to ensure that the queue storage length for the vehicle access to future stages 2 and 3 (within lots 3 and 4) from Annangrove Road be long enough to be contained within the access driveway and private property of 279 Annangrove Road. A traffic assessment report is required to be prepared to demonstrate and confirm this to Council staff as part of the Stage 2 Development Application.

In addition, sufficient vehicle storage area must be maintained onsite at all times to accommodate any potential vehicle queues generated by the proposed development from Limestone Road and Outback Street. Therefore, the proposed gates on Ramps 01, 02 and 03 are to be deleted.

42. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE/SUBDIVISION WORKS CERTIFICATE

43. Amended Design Information

- (i) An amended set Civil works design is required to the current design prepared by Edge Consulting Engineers Project 211069 Issue 8 dated 07/10/2022 detailing the road works and street drainage consistent with the latest engineering drawings approved and/or currently under consideration pursuant to the preceding subdivision DA 1290/2021/ZA and adjacent subdivision works certificate. The amendment shall include the following:
 - (a) The construction of Outback Street must be extended to a full width in the vicinity of existing Timbercrest Street and the proposed Ramp 03 (between the chainages 70 and 150 of Outback Street) to be reflective to the Civil Design drawings prepared by JMD Consultants for the underlying subdivision DA 1290/2021/ZA.
 - (b) The full width construction of Limestone Road to facilitate a safe two-way traffic movement in coordination with the Subdivision Works Certificate 75/2022/EC issued to the property to the north 275 Annangrove Road.
 - (c) The street drainage network across Outback Street and Limestone Road fronting the subject development to be reflective to the final JMD drawings prepared for the subdivision DA 1290/2021/ZA. The scope of works including temporary structures need to be detailed.
 - (d) Detailed cross-sections professionally drawn to demonstrate the details including existing and design levels aligned with the chainages.
 - (e) Adequate dimensions at various intervals on the proposed driveway ramps 01, 02 and 03. The minimum width of the driveways shall be consistent with the Traffic Report 21263 prepared by ttpd dated 12th October 2022 ensuring compliant to Australian Standards. The design must ensure consideration is also given to any retaining walls adjoining to them.
 - (f) Amended Bulk Earth Works Plan and associated cross-sections to illustrate the proposed extent of earth works (cut and fill) and required height of retaining walls.

- (g) Owner's consent from the properties Lot 2 DP 1227432 (58-76Z The Water Lane Box Hill) and Lot 5 DP 1261066 (283 Annangrove Road Rouse Hill) supporting the earth batter associated with the Outback Street construction.
- (ii) Amended Subdivision Concept Plan is required accompanying a draft 88B instrument detailing the beneficiaries of the proposed Right of Ways and Easements identified in the current DRAFT Subdivision Plan prepared by LTS.

The applicant must provide the above documentation to the satisfaction of Council's Manager Subdivision and Certification prior to the issue of any Construction Certificate.

44. Special Infrastructure Contribution – Growth Centres

A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011, as in force when this consent becomes operative.

Information about the special infrastructure contribution can be found on the Department of Planning and Environment website:

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

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

45. 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.

46. 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 \$174,000.00 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (285m Annangrove Road) multiplied by the width of the road (6.5m).

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.

47. 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.

48. Engineering Works

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

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

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

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

The amended set of concept engineering plans prepared by Edge Consulting Engineers submitted under the deferred commencement condition is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

a) Full Width Road Construction

The full width construction of the roads listed below is required, is required to facilitate manoeuvring of the two-way traffic movements and the largest vehicle like Articulated Vehicle. The works shall include footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Limestone Road	Road Type: DCP Local Street within the employment area 3.5m/ 12m/ 3.5m (19m) Pavement Design: Commercial/ Light Industrial (Design Guidelines Section 3.12)
Part of Outback Street (Chainages between 70 and 150)	Road Type: DCP Local Street within the employment area 3.5m/ 12m/ 3.5m (19m) Pavement Design: Commercial/ Light Industrial (Design Guidelines Section 3.12)

The full width Limestone Road works shall be in coordination with the Subdivision Works Certificate 75/2022/EC for the underlying Subdivision Consent DA 1290/2021/ZA.

The full width construction of Outback Street in the vicinity is to be consistent with the engineering drawings 'Overall Plan of the Subdivision prepared by JMD' pursuant to the underlying DA 1290/2021/ZA.

The design of intersection at Annangrove Road and Limestone Road must be consistent with the Council's detailed Annangrove Road Upgrade design.

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

Barrier kerb must be provided for all roads within the B6 zone including the southern edge of Outback Street.

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

b) Partial and Half Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Outback Street (Partial width between chainages 150 and 249.4)	Road Type: DCP Local Street within the employment area 3.5m/ 12m/ 3.5m (19m) Pavement Design: Commercial/ Light Industrial (Design Guidelines Section 3.12)
Outback Street (Half width between chainages 0 and 70)	Road Type: DCP Local Street within the employment area 3.5m/ 12m/ 3.5m (19m) Pavement Design: Commercial/ Light Industrial (Design Guidelines Section 3.12)

The detailed design of Outback Street must be consistent with the latest engineering drawings pursuant to the underlying Subdivision Consent DA 1290/2021/ZA.

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

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

Any treatment measures such as earth batter and/or retaining walls to support the earth works for the Outback Street Road levels must be detailed and supported by affected owners' consent.

If temporary retaining walls are proposed, they must be bonded for removal upon the completion of remaining western part Outback Street.

Barrier kerb must be provided for all roads within the B6 zone including the southern edge of Outback Street.

c) Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 27m measured from the edge pavement.

The 27m diameter is based on Section 3.18 of the Design Guidelines referred to earlier and required under the underlying DA 1290/2021/ZA.

A temporary turning head is required at the south-western end of Outback Street extending into the Lot 5 DP 1261066 (283 Annangrove Road) adjacent to the south.

d) Signage and Line Marking Requirements/ Plan

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

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

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

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

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.

e) Footpath Verge Formation

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

f) Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided across Outback Street and Limestone Road fronting the development in accordance with the DCP, the above documents and preceding subdivision DA 1290/2021/ZA.

g) Disused Layback/ Driveway Removal

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

h) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's heavy-duty standard.

On high level sites a grated drain must be provided on the driveway at the property boundary.

i) Service Conduits

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

a) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan accepted under the deferred commencement consent condition. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

j) Stormwater Drainage – Temporary Works

Grassed swale drains or temporary piped drainage must be installed to intercept, control and redirect surface stormwater runoff from upstream undeveloped properties.

k) Stormwater Drainage – Pipe Extension

The proposed outlet from the southern catchment extends to connect to the existing drainage system on Annangrove Road as detailed on the Grading and Drainage Layout Plan C.S.1 DA 301 Issue 10 dated 07/10/2022 prepared by Edge Consulting Engineers submitted with the application.

The construction plans must detail the existing drainage structure and levels to confirm the gravitational discharge from the OSD tank.

A new kerb inlet pit or equivalent must be provided in Annangrove Road fronting the site and the street drainage extended from the existing pit downstream. The pipe extension must be located under the future kerb alignment of Annangrove Road Upgrade Works.

l) Inter-allotment Stormwater Drainage

Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system.

Where Onsite Stormwater Detention is required, a minimum level difference of 800mm measured between the surface level and the invert of the outlet pipe must be provided.

m) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of two Rainwater tanks, two Onsite Stormwater Detention (OSD) basins, Water Quality Treatment measure have been proposed with the development. The OSDs have been proposed to protect downstream properties impacted by the subject developments.

They are to be located generally in accordance with the Grading and Drainage Layout Plan C.S.1 DA 301 Issue 10 dated 07/10/2022 prepared by Edge Consulting Engineers submitted with the application.

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

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

All model parameters and data outputs are to be provided.

49. Construction Management Plan – Major Subdivision Works

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

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.

- Sediment and erosion control as separately conditioned.
- Stockpiles.
- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

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

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

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

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

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

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

An SWMP is required for this development.

51. 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:-

<i>Development Category</i>	<i>Rate per m² of Total Floor Space:</i>	<i>13,488.20 m²</i>	<i>Total S7.11</i>
Transport Facilities - Land	\$	13.00	\$ 175,320.57
Transport Facilities - Capital	\$	74.69	\$ 1,007,475.93
Administration	\$	1.11	\$ 14,961.08
Water Management - Land (SPC)	\$	4.88	\$ 65,799.68
Water Management - Capital (SPC)	\$	2.89	\$ 38,927.85
Total	\$	96.56	\$ 1,302,485.10

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

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

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

This condition has been imposed in accordance with Contributions Plan No 15.

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

52. Shower and Changing Facilities

Each unit/tenancy is to be provided with at least one shower and changing facility.

53. Fencing

Fencing is permitted to be erected as shown on Plan LDA00. The fencing along street frontages is required to be set back a minimum of one metre from the front property boundary. The proposed gates on Ramps 01, 02 and 03 are to be deleted.

54. Sustainable Building Design for Industrial/Light Industrial Development

New industrial and light industrial buildings must achieve a minimum 4 star Green Star rating from the Green Building Council of Australia from such time that an Industrial Tool has been adopted.

PRIOR TO WORK COMMENCING ON THE SITE

55. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected to the full extents of the TPZ and is to be in place prior to works commencing to restrict the following occurring:

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

All areas within the tree 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 tree protection zone is not to be undertaken without prior consent from Council.

The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.

56. Tree Protection Fencing

Prior to any works commencing on site (including demolition) Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be to the full extents of the TPZ.

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.

The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.

57. 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.

58. 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.

59. 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.

60. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the Onsite Stormwater Detention system has been approved by either Council or an accredited certifier.

61. 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.

62. Dust Management Plan – Major Subdivision Works

A site specific dust management plan must be developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Speed control on haul routes.

- Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Jute matting of the core riparian zone within any creeks/ riparian corridors.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

63. Traffic Control Plan

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

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

64. Erection of Signage – Supervision of Subdivision Work

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

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

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

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

65. Contractors Details

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

66. Erosion and Sediment Control/ Soil and Water Management

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

67. Service Authority Consultation – Subdivision Works

Before subdivision works commence documentary evidence must be submitted confirming that satisfactory arrangements have been made for:

- The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.
- The provision of water and sewerage facilities.
- The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 1978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

68. Pavement Design

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a geotechnical engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

69. 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.

70. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

71. 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.

72. 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. The controls shall be in accordance 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).

73. 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).

74. 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.

75. 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.

76. 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.

77. Soil and Water Management Plan

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

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

78. 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.

79. Waste Management Details Required

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

DURING CONSTRUCTION

80. 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.

81. Critical Stage Inspections – Subdivision Works

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

82. Subdivision Earthworks – Lot Topsoil

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

83. Working Hours

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

84. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

85. 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.

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

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

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

87. 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.

88. Breaching and Filling of Dam

The earth dam is to be breached in accordance with the requirements of the Office of Environment and Heritage.

All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development.

All fill must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. The source of the VENM material and relevant certificates are to be obtained and provided to Council.

89. Asbestos Removal

Any asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principal Certifying Authority.

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.

90. Dust Control

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

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

91. 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.

92. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

93. 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)*. And the recommendations for construction noise established in the Noise Impact Assessment prepared by Benbow Environmental and dated May 2022.

94. Roof Water Collection

The roof area is required to be directed to a rainwater tank/s and should be maximised to both increase the effectiveness and reliability of the reuse system.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE

95. 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 Taylor Brammer dated 12/10/22 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.

96. 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.

97. 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.

98. Public Road Dedication

An Occupation Certificate must not be issued until the proposed public roads have been dedicated in accordance with the undertaking submitted relating to dedication of Outback Street and Limestone Road.

99. 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.

100. Registration of Subdivision

The registration of the preceding subdivision approved by Development Consent DA 1290/2021/ZA by the applicant must occur, prior to an Occupation Certificate being issued.

101. Completion of Subdivision Works/ Satisfactory Final Inspection

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

102. Subdivision Works – Submission Requirements

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

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

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

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

103. 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.

104. 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.

105. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised

Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

106. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the undergrounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

107. Property Condition Report – Private Assets

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

108. Provision of Telecommunication Services

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.

A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.

109. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

a) Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication of Outback Street and Limestone Road.

b) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council.

Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

c) Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

d) Easement – Right of Reciprocal Access/ Easement for Services

Right of reciprocal accesses / easements for services must be created over the private shared driveways on proposed lots 1 to 6 to be reflective to the amended Subdivision Concept Plan provided under the deferred commencement consent.

e) Positive Covenant – Maintenance/ Repair of Shared Driveway

A positive covenant must be placed on the title of proposed lots 1 to 6 to ensure the maintenance/ repair of the shared driveway using the "maintenance/ repair of shared reciprocal accesses" terms included in the standard recitals.

f) Restriction – Restricted Access

Lots 3 and 4 must be burdened with a restriction precluding access to Annangrove Road for vehicles other than 5.4m long. Also, the entry and exit are to be left in/left out only.

g) Design – Vehicular Access

Lots 3 and 4 must be burdened with a restriction to ensure no impact on Annangrove Road traffic due to queuing effect caused due to the development.

h) Restriction – Rainwater Tanks

Lots 2 and 5 must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

i) Restriction/ Covenant – Onsite Stormwater Detention

Lots 2 and 5 must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

j) Restriction/ Covenant – Water Sensitive Urban Design

Lots 2 and 5 must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

110. Security Bond – Temporary Turning Head

A security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The value of the bond is as per Council's Schedule of Fees and Charges. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

This bond is not required if the temporary cul-de-sac turning head is not required to be constructed.

111. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

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

112. Site/ Lot Classification Report – All Lots

A site/ lot classification report prepared by a geotechnical engineer must be prepared and submitted following the completion of all subdivision works confirming that all lots are compliant with AS 2870 and are suitable for development. The report must be accompanied by a table which summarises the classification of all lots created as part of the subdivision.

113. Validation report

In the event of unexpected finds of soil contamination or buried waste during the development of the site a validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

114. Clearance Certificate

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

THE USE OF THE SITE

115. 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*.

116. 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.

117. 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. The appointed site manager will be responsible for adjusting the waste collection schedule if additional collection days are required.

118. Hours of operation for waste collection, delivery / dispatch of goods

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7:00am to 10:00pm

Sunday and public holidays – 8:00am – 10:00pm

119. 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 waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste

storage areas must be screened from view from any adjoining residential property or public place. Ideally, waste storage containers should be kept inside the units and under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

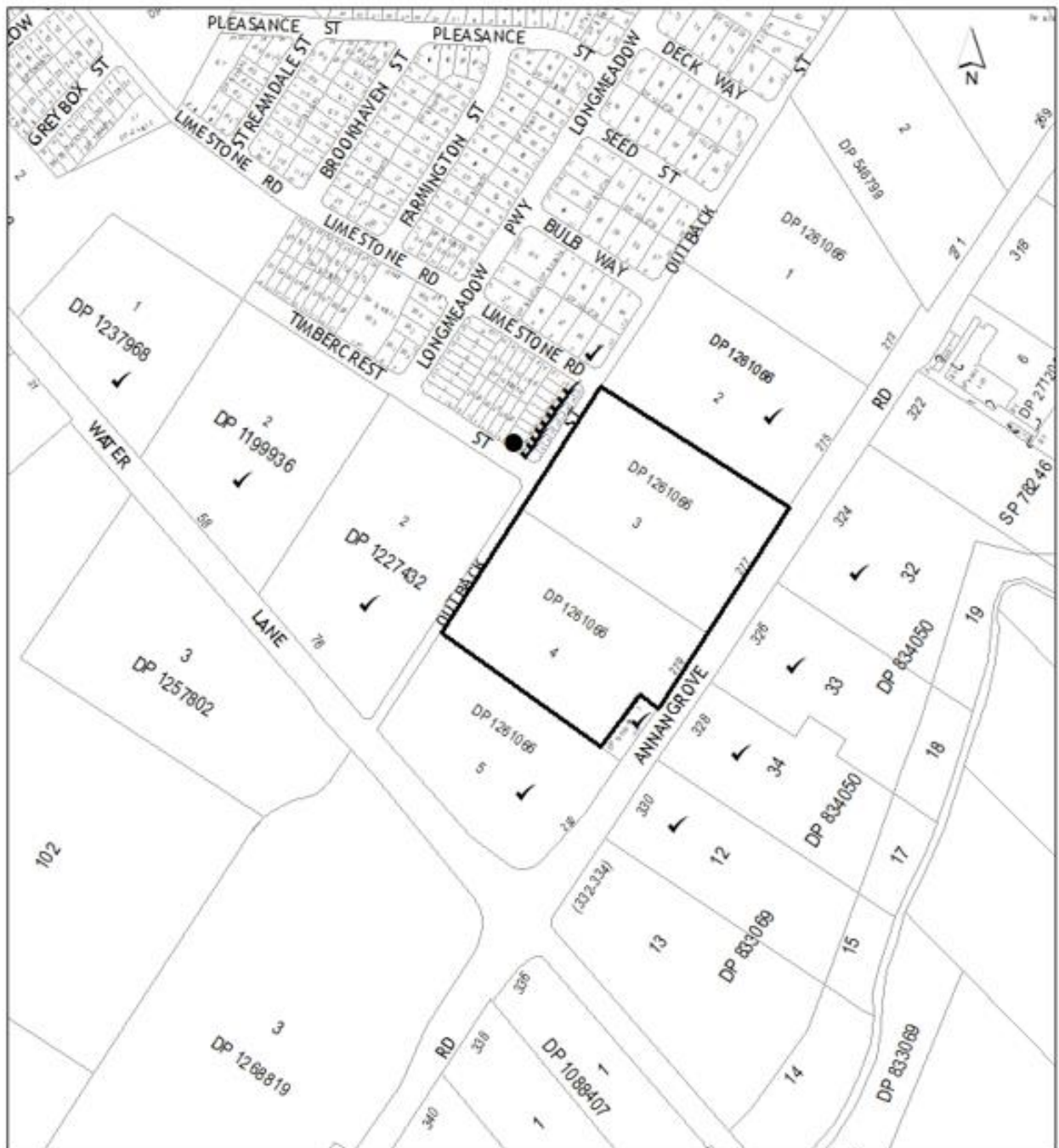
120. Hours of Operation

The hours of operation are limited to 7am – 6pm Monday to Saturday with no work or activity on a Sunday or Public Holidays.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. DCP Road Layout
4. Zoning Map
5. Concept DA Overall Site Plan
6. Concept DA Staging Plan
7. Site Plan - Stage 1 Ground Floor
8. Site Plan - Stage 1 Mezzanine Floor
9. Typical Elevations
10. Perspectives


ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
 - ☒ PROPERTIES NOTIFIED
 - ☒ SUBMISSION RECEIVED

ATTACHMENT 2 – AERIAL PHOTOGRAPH



 SUBJECT SITE

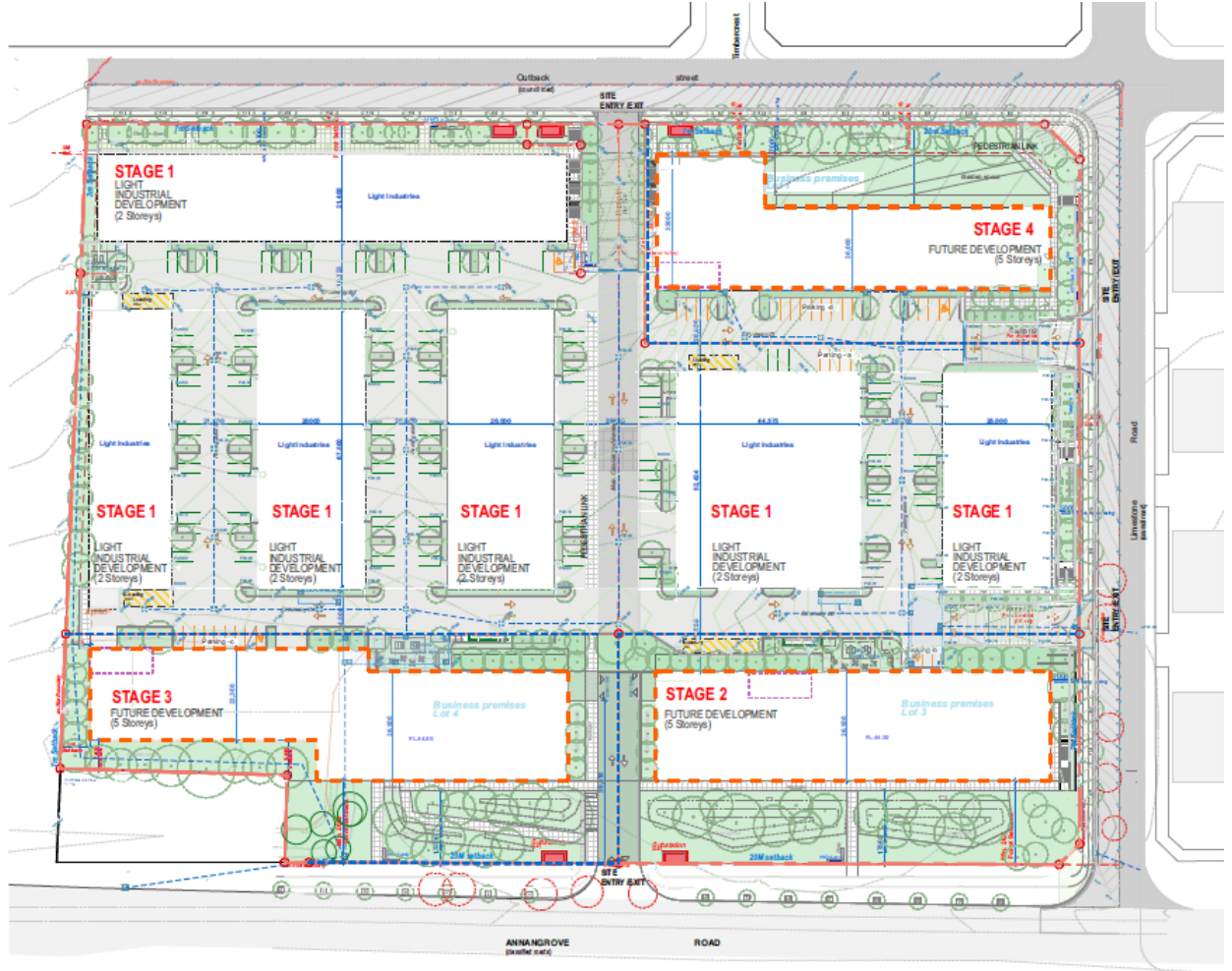
ATTACHMENT 3 - DCP ROAD LAYOUT



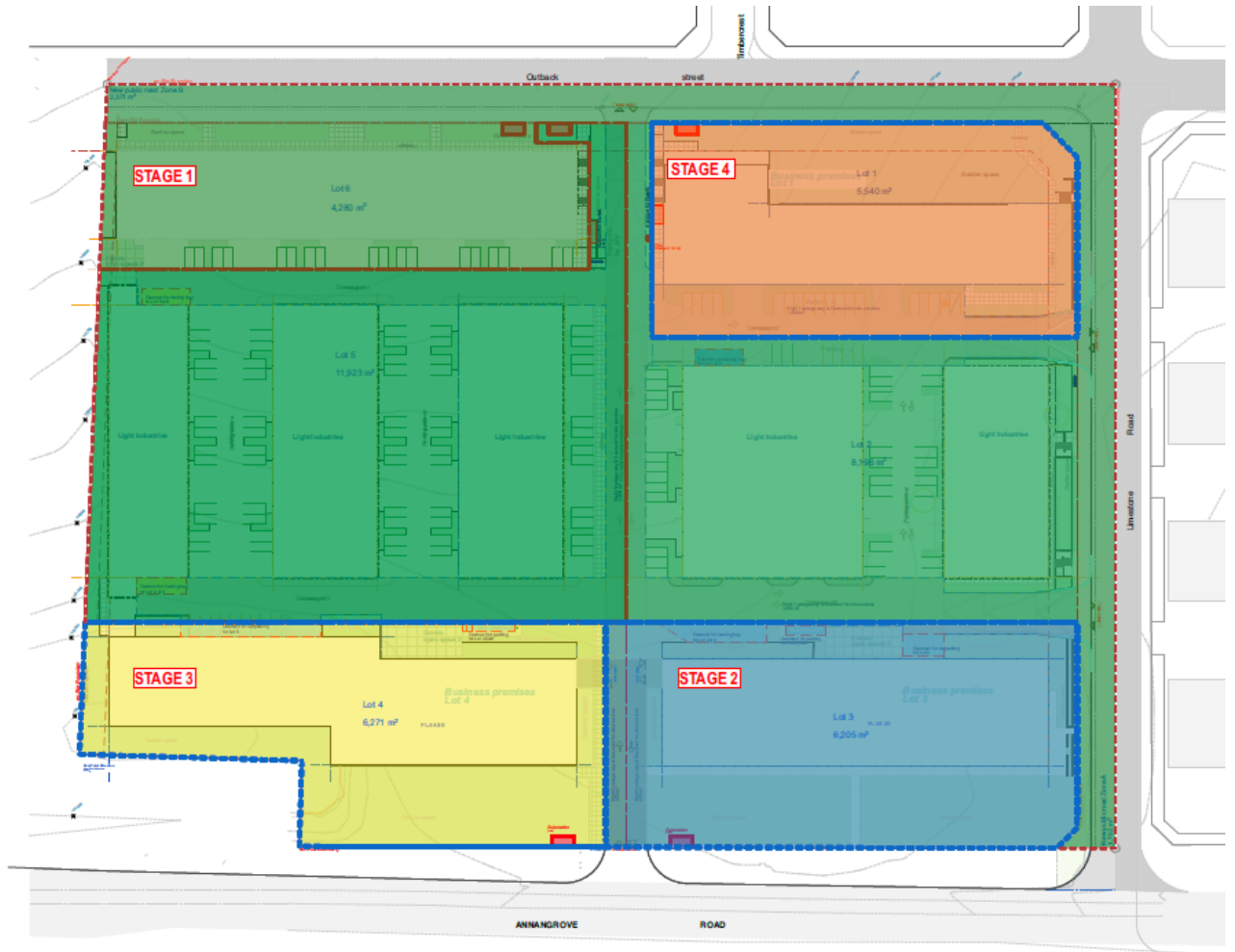
ATTACHMENT 4 – ZONING MAP



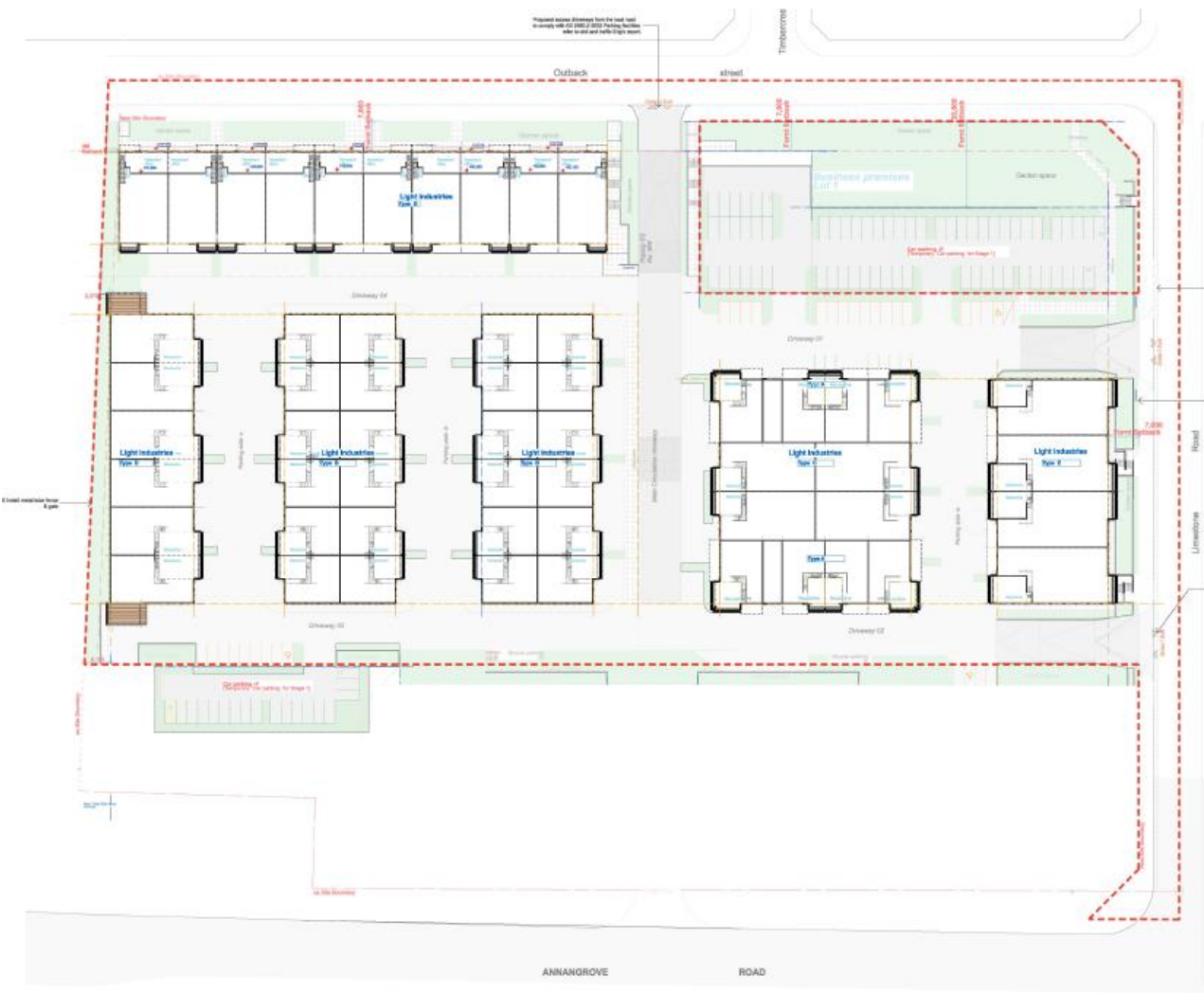
ATTACHMENT 5 – CONCEPT DA OVERALL SITE PLAN



ATTACHMENT 6 – CONCEPT DA STAGING PLAN



ATTACHMENT 8 – SITE PLAN – STAGE 1 MEZZANINE LEVEL



ATTACHMENT 9 – TYPICAL ELEVATIONS



ATTACHMENT 10 – PERSPECTIVES

