

## COUNCIL ASSESSMENT REPORT

### SYDNEY CENTRAL CITY PLANNING PANEL

<b>PANEL REFERENCE &amp; DA NUMBER</b>	PPSSCC-360 - DA 1837/2022/JP
<b>PROPOSAL</b>	Rouse Hill Town Centre Expansion and Apartment Building Development
<b>ADDRESS</b>	Lot 11, 13, 15 and 30 DP 270520 and Lot 17 DP 280013, Civic Way, Windsor Road, Main Street and Rouse Hill Drive, Rouse Hill
<b>APPLICANT</b>	GPT Funds Management 2 Pty Ltd
<b>OWNER</b>	GPT Funds Management 2 Pty Ltd
<b>DA LODGEMENT DATE</b>	17 May 2022
<b>APPLICATION TYPE</b>	Development Application
<b>REGIONALLY SIGNIFICANT CRITERIA</b>	Chapter 2 and Clause 2 of Schedule 6 of the SEPP (Planning Systems) 2021
<b>CIV</b>	\$197,102,570.00
<b>CLAUSE 4.6 REQUESTS</b>	NA
<b>KEY SEPP/LEP</b>	LEP 2019 SEPP 65 – Design Quality of Residential Flat Buildings
<b>TOTAL &amp; UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS</b>	Nil
<b>DOCUMENTS SUBMITTED FOR CONSIDERATION</b>	Statement of Environmental Effects – BBC Consulting Planners Landscape Design Report – PDS Group Arboricultural Impact Assessment – Tree IQ Transport Impact Assessment - AECOM Civil Engineering Report - Arcadis Hydraulic Services Report – JHA Services Geotechnical Investigation – JK Geotechnics Preliminary Site Investigation – JK Geotechnics Noise Impact Assessment – Acoustic Logic Natural Ventilation Assessment – SLR Wind Assessment - Arup

	<p>BASIX Certificate – Integreco Consulting          NatHERS Assessment - Integreco Consulting          SEPP 65 Report and ADG Compliance – Cox Architects          Residential Solar Access report – Cox Architects          Architectural Design Statement – Cox Architects          CPTED Assessment – Urbis          Retail Economic Impact Assessment - Urbis          BCA Compliance Statement – Blackett Maguire + Goldsmith          Fire Safety Strategy – XEL Consulting          Operational Waste Management Plan – Elephants Foot          Operational Waste Management Report (Residential) – Elephants Foot          Construction and Demolition Waste Management Plan – Elephants Foot          Access Review – Morris Goding Access Consulting          ESD Report – Arup          Subdivision Intent - LTS Lockley          Vertical Transportation Design Brief – Stantec Australia          Mechanical Services Design Brief – Stantec Australia          Electrical Services Return Brief – Webb Australia Group          Cost Summary Report – WT Partnership</p>
<b>SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)</b>	NA
<b>RECOMMENDATION</b>	Approval subject to conditions
<b>DRAFT CONDITIONS TO APPLICANT</b>	Yes
<b>SCHEDULED MEETING DATE</b>	Electronic
<b>PLAN VERSION</b>	NA
<b>PREPARED BY</b>	Kristine McKenzie – Principal Coordinator
<b>CONFLICT OF INTEREST DECLARATION</b>	None Declared
<b>DATE OF REPORT</b>	26 October 2023

## EXECUTIVE SUMMARY

The proposal is for the expansion of the Rouse Hill Town Centre and construction of four apartment buildings. The proposed retail expansion includes an additional 10.621m<sup>2</sup> of gross leasable floor area (GLFA) including mini-major tenancies, specialty tenancies and food and

beverage tenancies. The apartment development comprises four apartment buildings with a total of 218 apartments.

The proposed works are located within the Rouse Hill Town Centre which sits within the broader Rouse Hill Regional Centre. The development site has an area of approximately 2.4 hectares.

The site is zoned MU1 Mixed Use (formerly B4 Mixed Use) and adjoins Windsor Road which is a State arterial road. The proposed Town Centre expansion and apartment development are both permitted uses within the zone. The Metro and bus interchange is located between the existing Town Centre and Windsor Road.

The proposal was notified to adjoining property owners and no submissions were received.

The key issues for consideration are:

- The site is subject to the Rouse Hill Masterplan, Precinct Plan and supporting Built Form Guidelines. The proposal is consistent with these approvals with the exception of building length, setbacks and open space.
- Variations are proposed to the Apartment Design Guidelines in regard to deep soil zone, separation and visitor parking. The proposal will continue to provide an appropriate built form outcome with landscaping which is in keeping with the Town Centre location. Privacy and amenity impacts are adequately considered in the design of the apartment buildings with window placement, internal design and privacy considered satisfactory. Adequate residential parking is provided for the proposal and the variation to visitor parking is reasonable in this instance given the location of the site in close proximity to the Metro and bus stops.
- Variations are proposed to a number of controls within the DCP. These relate to height and height plane, setbacks, separation, building length, unit type, common open space and parking. It is considered, notwithstanding these variations, the proposal provides for a reasonable expansion of the existing Town Centre within a B4 Mixed Use zone which meets the intent and desired future character for the site. The proposed variations are considered to be satisfactory having regard to the context of the expansion of the existing Town Centre and will not unreasonably impact on adjoining property owners, future tenants or residential property owners within the expansion area.
- The proposed development provides a consistent built form outcome with the existing Town Centre and will result in a walkable retail centre which provides a retail/commercial facility for residents of the immediate area and broader community. The site is highly serviced by public transport with the Sydney Metro and bus interchange located adjacent to the proposed works (at the front of the existing Town Centre).
- The application was notified for a period of 14 days. There were no submissions received.

The application is recommended for approval subject to conditions.

## **1. THE SITE AND LOCALITY**

The proposed works are located within the Rouse Hill Town Centre which sits within the broader Rouse Hill Regional Centre. The development site has an area of approximately 2.4 hectares.

The site is zoned MU1 Mixed Use (formerly B4 Mixed Use) and adjoins Windsor Road which is a State arterial road. The proposed Town Centre expansion and apartment development are both permitted uses within the zone. The Metro and bus interchange is located between the existing Town Centre and Windsor Road.

The site is not currently subject to height or FSR controls under LEP 2019.

The Rouse Hill Town Centre contains a variety of retail and commercial premises including supermarkets, major and mini-major tenants, specialty shops, cinema and a various of commercial office and support uses. The Town Centre is generally sleeved by residential apartment development around the perimeter of the site.

## **2. THE PROPOSAL AND BACKGROUND**

### **2.1 The Proposal**

The proposal is for the expansion of the Rouse Hill Town Centre and construction of four apartment buildings.

The proposed retail expansion works will include 10, 621m<sup>2</sup> of net additional retail gross leasable floor area (GLFA) comprising four additional mini-major tenancies, specialty tenancies, food and beverage tenancies and kiosks.

The proposed retail expansion is predominantly single storey, with a three storey component at the north-western corner of Civic Way and Rouse Hill Drive (Pavilion building).

The proposed hours of operation of the retail expansion will be consistent with the existing hours of operation for the Town Centre.

The proposed apartment building development comprises 218 units within four buildings as follows:

Building A - 7 storey (27.05 metres) and containing 36 apartments;  
Building B - 12 storey (42.55m) and containing 78 apartments;  
Building C - 11 storey (37.3m) and containing 66 apartments; and  
Building D - 7 storey (24.9m) and containing 38 apartments.

The unit mix comprises:

49 x 1 bedroom units;  
143 x 2 bedroom units; and  
26 x 3 bedroom units.

There are no dual key apartments proposed.

The proposed additional retail parking is located below the retail expansion, with the upper level of parking connected to the existing basement parking. Parking for the residential apartments will be provided above the proposed retail podium. Vehicle access to the

proposed parking areas is from Rouse Hill Drive and Civic Way, with separate vehicle access points for retail and residential parking.

The retail component is provided with an additional 644 car spaces and the residential component will be provided with a total of 281 car spaces. It is noted that due to the proposed works an existing open air carpark adjoining Rouse Hill Drive containing 196 spaces will be lost due to the proposed works.

The proposal also includes an open space area known as 'Town Green' which will allow for active and passive recreation. Town Green will have an area of 850 m<sup>2</sup> and is located centrally within the expanded retail area.

Signage will be subject to separate Development Applications.

The applicant has advised that the works will be constructed concurrently.

The existing Town Centre is subject to a Publicly Accessible Areas Management Plan (PAAMP). The existing PAAMP seeks to enable public access to a privately owned shopping centre with a clear set of guidelines and an appeals process for use, maintenance, activities and events and similar uses by the public. The existing PAAMP will be required to be updated in order to ensure that it extends over the expansion area. This process will be undertaken separately to the Development Application.

## **2.2 Background to the Development of Rouse Hill Regional Centre**

The development of the Rouse Hill Regional Centre has been undertaken as follows:

Level 1 DA – Masterplan for the entire Rouse Hill Regional Centre site which sets the framework and principles for future development.

Level 2 DA – Precinct Plan for each of the precincts providing greater detail for development of the Precinct.

Neither Level 1 or Level 2 DAs allow any physical works.

Level 3 DA – application for physical works.

On 26 March 2004 Council approved a Development Application for a Masterplan for the entire Rouse Hill Regional Centre site (DA 1604/2004/HB – Level 1 DA). The Masterplan approval anticipated a total of 200,000m<sup>2</sup> of retail and commercial floor space within the Town Centre and Northern Precinct and 1800 dwellings across the entire site comprising a mixture of housing types including apartments (515), terraces (391), warehouses (54) and villas / single dwellings (840).

The Masterplan included a land use plan, open space plan, road hierarchy plan, water plan, residential density plan and maximum building height plan. The Masterplan also required the lodgement of separate Development Applications for Precinct Plans for each area of development.

On 9 December 2014 Modification Application 1604/2004/HB/A was approved by Council to amend the Masterplan to reflect the Northern Precinct Plan (DA 354/2013/HB). These two applications were approved concurrently.

On 26 July 2005 Council approved a Development Application for the Town Centre Precinct Plan (DA 1581/2005/HB – Level 2 DA).

The Precinct Plan included a context plan, linkage and concept plan, ground floor plan, level 1 plan, level 2 and above plan, basement 1 and 2/3 plans, stage 1 plans, public realm plan, pedestrian and cyclist circulation plan, road hierarchy, loading and car park access plan, maximum building height plan, contour plan and section plans.

The Precinct Plan has been subsequently amended on three occasions as follows: on 12 September 2006 Modification Application 1581/2005/HB/A was approved by Council to modify Condition 29 in regard to the 'Rouse Hill Regional Centre Council Development Agreement', on 12 December 2006 Modification Application 1581/2005/HB/B was approved by Council to modify Condition 36 in regard to Mungerie House and on 14 April 2009 Modification Application 1581/2005/HB/C was approved by Council to modify Condition 36 in regard to Mungerie House.

The area the subject of the DA has been recently subject to a modification to both the Masterplan and Precinct Plan. The proposed modifications were required to facilitate future development within the Town Centre, specifically in regard to the Town Centre expansion and apartment development (the subject Development Application) and Tempus Street commercial development (no Development Application lodged for works at this time).

In this regard the two key modifications to the Masterplan and Precinct Plan are that Rouse Hill Drive (private road) is to remain open for vehicle access and an increase in height to allow the higher form of development proposed for the apartment development.

The modification applications were approved by Council's Development Assessment Unit on 24 October 2023.

The area the subject of the two modification applications was not subject to limitations under LEP 2019 in regard to height or floor space ratio. In this regard, during the preparation of LEP 2012, Council initially proposed to introduce planning controls across the site in relation to height and FSR however the applicant successfully sought to have these planning controls removed on the basis of flexibility for landowners and given that the established Masterplan provided adequate certainty for Council and the community in regard to a built form outcome. As such the development of the site was anticipated to be consistent with the approved Masterplan and subsequent Precinct Plan.

It is also noted that LEP 2019 (Amendment No. 20) came into force on 16 July 2021. Amendment No. 20 introduced planning controls to the Northern Precinct area in regard to height. However, no controls were imposed in regard to the Town Centre Precinct area (the subject of the modification applications) in regard to height or FSR.

## **2.3 Background**

A pre-lodgement meeting was held prior to the lodgement of the application on 08 October 2021 for three applications, being the modification to the Masterplan, modification to the Precinct Plan and subject application.

The subject application was lodged on 17 May 2022.

Additional information was requested from the applicant on 23 May 2022, 22 August 2022, 18 October 2022, 24 January 2023, 16 March 2023, 20 March 2023, 21 March 2023, 22

March 2023, 28 March 2023, 19 May 2023, 23 May 2023, 16 June 2023, 20 June 2023, 04 July 2023, 15 August 2023, 25 August 2023 and 31 August 2023.

Additional information was received from the applicant on 26 May 2022, 30 September 2022, 27 October 2022, 31 October 2022, 22 November 2022, 02 February 2023, 24 February 2023, 04 April 2023, 04 May 2023, 01 June 2023, 26 June 2023, 07 July 2023, 21 July 2023, 24 July 2023, 05 September 2023 and 20 September 2023.

In regard to the above, a number of matters required additional information to be submitted from the applicant however the key matter has been in regard to traffic impacts and the applicant has been requested to address matters raised by Transport for NSW on a number of occasions. In respect to Transport for NSW, the proposal includes the provision of a hook turn on Rouse Hill Drive. The hook turn is not a common traffic arrangement in NSW and as such a detailed review of safety considerations was required, especially given the proximity of the hook turn to the intersection with Civic Way. A review has been undertaken of the right turn movement from Rouse Hill Drive to Civic Way and for vehicles exiting Civic Way to Rouse Hill Drive and has included consideration of the existing signal phasing and required signal phasing to ensure safe vehicle movement. Transport for NSW have also considered the 2025 Interim Scenario and 2035 Ultimate Scenario to address ongoing traffic management at the intersection.

The SCCPP were briefed on 30 June 2022.

The Design Excellence Panel considered the application on 13 July 2022.

### **3. STATUTORY CONSIDERATIONS**

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act'). These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

#### **3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments**

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021;

- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development; and
- Local Environmental Plan 2019.

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in the following table and considered in more detail below.

**Table: Summary of Applicable State Environmental Planning Policies**

<b>EPI</b>	<b>Matters for Consideration</b>	<b>Comply (Y/N)</b>
Planning System SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Chapter 2 and Clause 2 of Schedule 6.	Y
Resilience and Hazards SEPP	Clause 4.6 Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory.	Y
Biodiversity and Conservation SEPP	Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
Transport and Infrastructure SEPP	Clause 2.122 – Traffic generating development. Clause 2.98 – Development adjacent to rail corridors	Y Y
Building Sustainability Index (BASIX) 2004	The application is accompanied by BASIX Certificate No.783067M_09 committing to environmentally sustainable measures.	
SEPP 65	Clause 30(2) - Design Quality Principles - The proposal is consistent with to the design quality principles and the proposal is consistent with the ADG requirements.	Y
LEP 2019	<ul style="list-style-type: none"> <li>• Clause 4.1 – Lot size.</li> <li>• Clause 4.3 – Height of Buildings</li> <li>• Clause 4.4 – Floor Space Ratio</li> <li>• Clause 6.3 - Servicing</li> <li>• Clause 7.2 – Earthworks</li> <li>• Clause 7.7 – Design Excellence</li> </ul>	NA NA NA Y Y Y

**State Environmental Planning Policy (Planning Systems) 2021**

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 and Clause 5(b) of Schedule 6 of the SEPP as the proposal is development



for *general development* with a CIV of more than \$30 million (\$197,102,570.00). Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

#### State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 have been considered in the assessment of the development application. Clause 4.6 of the SEPP requires consent authorities to consider whether the land is contaminated, and 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.

The applicant has advised as follows:

*A Stage 1 Preliminary Environmental Site Assessment of the Rouse Hill Regional Centre site including the Rouse Hill Town Centre was commissioned by the then Department of Urban Affairs and Planning in March 2000. A Stage 2 Environmental Site Assessment has more recently been undertaken by Environmental Investigation Services (EIS). The Stage 2 investigations considered the likelihood of contamination of the sub-surface soils and groundwater and assessed the suitability of the site for the proposed land-use.*

*Based on the work undertaken in the above-mentioned assessments, the land to which this SEE relates is considered to be suitable for retail and commercial land uses and thus for the mixed-use development which is now proposed. The requirements of the Resilience SEPP have been satisfied.*

In regard to the above the proposal includes a Preliminary Site Investigation prepared by J K Environments Pty Ltd dated 10 March 2022. The report has been reviewed by Council's Co-ordinator Health and Environment and a condition has been recommended which requires compliance with the report.

In this regard, it is considered that the site is suitable for the proposed development.

#### SEPP Biodiversity and Conservation

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River Catchment by ensuring that the impacts of future land uses are considered in a regional context.

Through stormwater mitigation and erosion and sediment measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River Catchment.

#### State Environmental Planning Policy (Transport and Infrastructure) 2021

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

In accordance with Clause 2.122 of the SEPP, developments listed in Schedule 3 must be referred Transport for NSW prior to the determining of a development application and consider any matters raised, the accessibility of the site, traffic safety, road congestion or parking implications of the development. An assessment of the traffic, access, parking and road network is provided in the Traffic and Parking Report.

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to Transport for NSW where commercial premises exceed 10,000m<sup>2</sup> gross floor area (the proposal is for gross floor area of 10,957m<sup>2</sup>), shops with a 2000m<sup>2</sup> gross floor area (the proposal is for gross floor area of 10,957m<sup>2</sup>) and where carparks are proposed (whether or not ancillary to other development)

with 200 or more parking spaces (the proposal includes additional retail parking with 644 car spaces and the residential component will be provided with a total of 281 car spaces, being a total of 925 additional spaces).

The Development Application was referred to Transport for NSW for review. Transport for NSW raised no objection to the proposal.

The potential for traffic safety and road congestion of the development have been satisfactorily addressed and satisfies Clause 2.122 of SEPP (Transport and Infrastructure) 2021.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The objectives of this Policy are to ensure that the performance of the residential development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No.783067M\_09 committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended condition of consent.

#### State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Building

The required Design Verification Statement was prepared by Cox Architects.

#### Design Quality Principles

The Development Application has been assessed against the relevant design quality principles contained within SEPP No. 65 as follows:

##### Principle 1: Context and neighbourhood character

The proposal is compatible with the existing and future context and neighbourhood character of the precinct. The proposal seeks to respond to and contribute to the context of Rouse Hill Town Centre both in its present state as well as the desired future character.

The immediate locality is comprised of a mixture of existing buildings which form the existing retail and commercial town centre and apartment development located both within and surrounding the centre.

##### Principle 2: Built form and scale

The proposal provides a varied built form in regard to the northern part of the Town Centre when compared to the existing low scale retail and commercial form. The proposed built form of the apartment development will reflect the desired modern external appearance of the Town Centre and is comparable in design to other apartments within and surrounding the Town Centre. The scale of the development will reflect the future development of the Regional Centre and the proposed scale will provide a focal point for the northern entry to the Town Centre.

##### Principle 3: Density

The DCP contains a minimum density provision and no maximum density. The density complies and is appropriate for the site and the Town Centre location.

##### Principle 4: Sustainability

The design foreshadows that the proposal will achieve natural ventilation and solar access as required by the Apartment Design Guidelines and meet BASIX targets.

#### Principle 5: Landscape

The plans indicates that all open spaces will be appropriately landscaped with a variety of native and ornamental trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

#### Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy.

#### Principle 7: Safety

Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

#### Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that provides a range of retail, commercial and support services. The proposal includes a mix of dwelling designs to provide diversity of housing choice.

#### Principle 9 – Aesthetics

The proposal integrates a number of external design features into the facades of the buildings to articulate the overall mass and form of the apartment buildings. The bulk of the overall building works and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

#### Apartment Design Guide

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guide. The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide.

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes. The proposal requires an area of common open space for the West Quadrant of 493.25m <sup>2</sup> , with an area of 840m <sup>2</sup> provided. The East Quadrant requires and area of 539m <sup>2</sup> , with an area of 881m <sup>2</sup> .
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m <sup>2</sup> and 15% for sites greater than 1500m <sup>2</sup> .	No. There is no deep soil zone provided. Refer to comments below.

Separation	For habitable rooms and balconies, 12m for up to 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys.	Yes. See comments below.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. Appropriate visual privacy is achieved through window placement and use of balustrades and screens.
Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres:  0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	No. See comments below.
<b>Designing the building</b>		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	Yes. The proposal is for 81 units in Buildings A and B to achieve solar access which is 71.1% and 73 units in Buildings C and D to achieve solar access which is 70.2%.
Direct Sunlight	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	Yes. Eight units (3.6%) receive no direct sunlight.
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	Yes. A total of 66.9% of units will achieve natural ventilation.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1.8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes. All floor to ceiling heights are 2.7 metres.

Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup>  1 bedroom – 50m<sup>2</sup>  2 bedroom – 70m<sup>2</sup>  3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Yes. All units comply with the minimum unit area requirements.
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p>	Yes. The units provide an appropriate depth to allow natural ventilation and natural light.
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth  1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m  2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m  3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m<sup>2</sup> with a minimum depth of 3m is required.</p>	Yes. All units comply with the minimum balcony areas and are useable and are directly accessible off living areas.
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m<sup>3</sup>  1 bedroom – 6m<sup>3</sup>  2 bedroom – 8m<sup>3</sup>  3+ bedrooms – 10m<sup>3</sup></p> <p>At least 50% of the required storage is to be located within the apartment.</p>	Yes. All units are provided with an appropriately sized storage area.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The proposal provides a reasonable apartment mix.
Common Circulation Space	The maximum number of apartments off a circulation core is 8.	Yes. The apartment numbers accessed off circulation core is a maximum of nine units.

**a. Deep Soil Zone**

The ADG requires that 7% of site area be deep soil zones. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m<sup>2</sup> and 15% for sites greater than 1500m<sup>2</sup>.

The proposal provides no deep soil zone given that the apartment development is provided on a podium.

The applicant has provided the following justification:

*The ADG identifies 7% of a site as the required minimum deep soil area. Importantly, the ADG recognises that exceptions may be made in urban areas where sites are 'built out' and there is no capacity for water infiltration. In this regard, the ADG states (under Objective 3E-1, on page 59):*

*"Where a proposal does not achieve deep soil requirements, acceptable stormwater management should be achieved and alternative forms of planting provided such as on structure".*

*In the case of proposed Residential Buildings A, B, C and D, they are predominantly to be located above the new retail podium which in turn will be above the new basement car park. This is, therefore, a case where the 7% deep soil requirement in the ADG can justifiably be varied, particularly given that part of the intent of the 7% deep soil requirement is for stormwater infiltration which is dealt with in the Rouse Hill Regional Centre on a Masterplan-wide and Precinct Plan-wide basis.*

*Communal open spaces are located on the buildings podiums and as such there is no deep soil. However, raised planters and mounded landscaping has been provided, capable of supporting significant planting and trees.*

Given the proposed apartment development is provided on a podium and above parking areas and given the location within a town centre location, the provision of landscape areas within gardens and as roof top landscaping with no deep soil zone is considered reasonable in this context.

#### **b. Common Circulation Space**

The ADG requirement states that a maximum number of apartments off a circulation core is 8. The proposal is for a maximum of 9 units off a circulation core.

The applicant has provided the following as justification:

*The maximum no. of apartments off a circulation core is 9, however this is less on other floors. Access to ample light and ventilation to corridors has been provided, typically through 2 large windows provided to each corridor. Common rooms have been provided in each quadrant for people to gather.*

The proposal is for a maximum of nine units to have access off a circulation core. The proposed variation will not unreasonably impact on amenity for future residents and the design will result in an appropriate level of access for apartments.

#### **c. Separation**

The ADG requires that for habitable rooms and balconies, 12m for up to 4 storeys, 18m for 5-8 storeys and 24m for 9+ storeys. The proposal provides a separation of a minimum 6 metres between buildings A and B and Buildings C and D however the buildings are connected at the lower level.

The applicant has submitted the following to address this matter:

*Separation is 6m. For Quadrant C (Building A&B) and Quadrant D (Building C&D), they are interconnected with a podium, which they are considered as one building. Additional privacy screen has been provided for the 6m interface. Further to this, the direction of window openings have been strategically placed, so there's no overlooking issue.*

*In these instances, most of the walls are blank and only high-level staggered windows with no direct line of sight to the adjacent habitable room are provide. The high-level windows are to assist in natural ventilation only and are not the primary window to the rooms. In some instances screens are also provided to ensure privacy.*

The proposed separation is considered satisfactory.

The Hills Local Environmental Plan 2019

The land is zoned MU1 Mixed Use (formerly B4 Mixed Use) under Local Environmental Plan 2019.

The proposed works are defined as:

**shop top housing** means one or more dwellings located above the ground floor of a building, where at least the ground floor is used for commercial premises or health services facilities.

And

**commercial premises** means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

And

**food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises
- (c) a pub
- (d) a small bar.

**Note.** Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

And

**residential flat building** means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

All the above uses are permissible uses in the MU1 Mixed Use zone.

The objectives of the zone are:

MU1 Mixed Use Objectives

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage leisure and entertainment facilities in the major centres that generate activity throughout the day and evening.*
- *To provide for high density housing that is integrated with civic spaces.*

The proposal will provide a variety of compatible land uses which are consistent with the existing Town Centre and will result in a mixed use centre which provides a wide range of retail and residential uses.

The site has a high level of access to public transport, with the existing bus T-Way and Metro rail link adjoining the site along Windsor Road. In addition, the site is linked to surrounding suburbs by cycle paths which increase pedestrian activity and encourages a lower level of car access.

The proposal is considered satisfactory in regard to the objectives of the zone.

Development Standards

The proposal has been assessed against the LEP 2012 Map Sheets as follows:-

<b>LEP 2019 MAPPING - DEVELOPMENT STANDARDS</b>			
<b>STANDARD</b>	<b>REQUIRED</b>	<b>PROPOSED</b>	<b>COMPLIANCE</b>
Floor Space Ratio	NA	NA	NA
Allotment Size	600m <sup>2</sup>	NA – there is no subdivision proposed.	NA
Building Height	NA	NA	NA

Design Excellence – Clause 7.7 of LEP 2019

Clause 7.7 of the LEP specifies an objective to deliver the highest standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. It is noted that only the apartment development triggers the need for consideration by the DEP.

In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:



- (a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,
- (b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
- (c) whether the development detrimentally impacts on view corridors,
- (d) whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,
- (e) the requirements of any development control plan to the extent that it is relevant to the proposed development,
- (f) how the development addresses the following matters:
  - (i) the suitability of the land for development,
  - (ii) existing and proposed uses and use mix,
  - (iii) heritage issues and streetscape constraints,
  - (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
  - (v) bulk, massing and modulation of buildings,
  - (vi) street frontage heights,
  - (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
  - (viii) the achievement of the principles of ecologically sustainable development,
  - (ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
  - (x) the impact on, and any proposed improvements to, the public domain,
  - (xi) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,
- (g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.

It may also be noted that development within the Rouse Hill Regional Centre is also subject to a Design Review Panel which consists of an independent urban designer, independent architect, Council representative, Landcom representative and a Lend Lease/GPT representative. The proposal was also considered by the Rouse Hill Design Review Panel.

**Comment:**

The application was considered by the DEP on 13 July 2022. At the meeting the Panel concluded as follows:

*Although various refinements have been made to the design since the previous meeting, the Panel considers that there is opportunity for further design development to better satisfy the design excellence requirements for this significant development. Subject to Council's DA Officer being satisfied that the Applicant has addressed the issues raised in this report, the project need not return to the Panel for further consideration.*

The key matters raised by the Panel in regard to Clause 7.7 of LEP 2019 include:

- Provide views of how the taller elements will appear when viewed from all aspects;
- Ensure pedestrian permeability through the retail centre and from the north, including access across Rouse Hill Drive, need for an enhanced landscaped pedestrian refuge on Rouse Hill Drive and that consideration be given to an elevated pedestrian bridge across Rouse Hill Drive;
- Design of the development in regard to vehicle entry points;
- Solar access to Town Green;

- Consider providing a greater mix and diversity of unit types and sizes;
- Length of internal corridors from parking areas;
- Need for an enhanced landscaped pedestrian refuge on Rouse Hill Drive;
- Ensure adequate detail is provided on landscape plans and use of mounding and integrated seating to achieve levels;
- Consideration of maintenance for landscape works;
- Review compliance with ADG criteria; and
- Use of a range of materials with high performance.

The proposal was not required to be considered at a further DEP meeting.

In response to the above, the applicant provided additional plans and information to respond to the matters raised including an updated ADG compliance report, landscape report and urban design report. The following comments address the key comments raised by the DEP:

- Adequate elevations and perspectives have been provided which detail the proposed design of the apartment development in relation to the Town Centre.
- The proposal includes pedestrian links to the north including direct access via a 'green link' from Rouse Hill Drive and Civic Way to the Town Green, from the basement style parking into the retail and residential development, with the existing swale on Rouse Hill Drive remaining landscaped. There is no pedestrian bridge proposed across Rouse Hill Drive.
- The external design of the development when viewed from Rouse Hill Drive will include landscape areas and fencing components and will provide a satisfactory streetscape outcome.
- The Town Green achieves a minimum of 50% solar access to the area midwinter which is considered reasonable and is consistent with planning guidelines.
- The proposal provides a variety of units sizes and mix and general design which is considered satisfactory and which satisfies the principles and design intent of the ADG.
- The landscape plans submitted provide detailed landscape outcomes and utilised retaining walls and other landscape features including seating to soften and enhance the common areas of the development. Street tree planting will be undertaken at podium level along the street frontage which will soften the lower levels of the building façade and provide a 'green' outlook for future residents of the apartments. All landscape works will be required to be maintained in accordance with the approved landscape plans.
- The proposal is considered appropriate consistent with the requirements of the ADG as outlined above.
- The use of sustainability measures such as passive design measures such as access to natural light and ventilation in common areas, use of LED lighting, provision of a 6.8 star NatHERs rating, energy efficient glazing, use of recycled water for irrigation in common areas use of water efficient fixtures and appliances, effective waste management, use of water efficient landscape planting and use of materials which have a higher environmental specification where possible.

The other matters required to be addressed under Clause 7.7 have been assessed as satisfactory by the Design Excellence Panel or addressed in other sections of this report. It is considered that the proposal exhibits design excellence and satisfies Clause 7.7 of the LEP.

#### Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

#### Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plans are relevant to this application:

The proposal has been assessed against the following provisions of DCP 2012;

Part B Section 6 - Business

Part D Section 6 – Rouse Hill Regional Centre

Part C Section 1 – Parking

Part C Section 3 – Landscaping

The proposed development achieves compliance with the relevant requirements of the above DCPs except for the following:

DEVELOPMENT CONTROL	DCP REQUIREMENT	PROPOSED	COMPLIES
DCP Part B Section 6 – Business: Building Height and Building Plane	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.  For development not in the B2 Local Centre zone, the maximum height of buildings shall be 2 storeys.	The building is not set back for a building height plane.  The commercial component is three storey in height.	No
DCP Part B Section 6 – Business and DCP Part C Section 1 – Parking: Parking	Address THDCP Part C Section 1 – Parking.	Details provided below.	No
DCP Part D Section 6 – Rouse Hill Regional Centre: Setbacks	Front setback for building height up to 5 storeys: 3 metres Front setback for building height 5 storeys or above: 5 metres.	The proposed buildings have a nil setback to the Rouse Hill Drive frontage.	No
	Side setback: 1.5 metres.	The proposed works sit within a larger overall site.	No
	Rear setback: 4 metres.	The proposed works sit within a larger overall site.	No
	The minimum separation between buildings is 12 metres.	Buildings A and B and Buildings C and D have a 7.5m separation.	No

	The maximum length of a building is 50 metres.	Building B has a length of 52m, Building C has a length of 52m and Building D has a length of 59 metres.	No
DCP Part D Section 6 – Rouse Hill Regional Centre: Apartment Layout and Design	The proposal is required to meet unit mix and sizes.	The proposal does not meet the required unit size requirements.	No
DCP Part D Section 6 – Rouse Hill Regional Centre: Landscaping	Residential flat buildings: Minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m <sup>2</sup> (whichever is greater) ground level open space is to be provided on natural ground.	The proposal does not provide a landscape area at podium level or within one metre of the natural ground level.	No
DCP Part D Section 6 – Rouse Hill Regional Centre: Common Open Space	Common Open Space: A minimum 10m <sup>2</sup> of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces.	A total common open space area of 2180m <sup>2</sup> is required comprising 360m <sup>2</sup> for Building A, 780m <sup>2</sup> for Building B, 660m <sup>2</sup> for Building C and 380m <sup>2</sup> for Building D. the proposal is for two common open space areas, one for Buildings A and B with an area of 785.6m <sup>2</sup> and one for Buildings C and which has an area of 879.4m <sup>2</sup> .	No

#### a. Building Height and Building Plane

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. The DCP also requires that for development not in the B2 Local Centre zone, the maximum height of buildings shall be 2 storeys.

The applicant has provided the following justification:

*The proposed development forms part of the Rouse Hill Town Centre Core Precinct in which different setback requirements apply. The proposal satisfies the design guidelines for the Town Centre Core Precinct.*

**Comment:**

LEP 2019 does not contain any height limit for the site. The proposed built form outcome is considered to be satisfactory in regard to its relationship to the existing Town Centre and given the proposed heights of the adjoining apartment buildings.

The built form of the Town Centre expansion is considered to be satisfactory in regard to the setbacks from local roads with the works primarily sitting within the established Town Centre boundaries.

The proposed heights will be consistent with the existing Town Centre and will provide a uniform height across the site.

The proposed height is considered satisfactory.

**b. Setbacks, Separation and Building Length**

The DCP requires a front setback of 5m for buildings with a height of 5 storeys or more, a side setback of 1.5m, a rear setback of 4m, separation of 12m and a maximum length of 50m. The proposed apartment buildings have a nil setback to Rouse Hill Drive, Buildings A and B and Buildings C and D have a 7.5m separation and Building B has a length of 52m, Building C has a length of 52m and Building D has a length of 59 metres. In regard to side and rear setbacks, it is acknowledged that the works sit within a Town Centre context.

The applicant has provided the following justification:

**Building Separation:**

*Clause 3.5 in Part B Section 5 of the DCP requires a minimum building separation of 12.0m. Residential Buildings A and B are separated by around 7.5m as are Residential Buildings C and D, however, potential privacy issues between A and B and between C and D have been addressed in the design.*

**Building Setbacks:**

*The DCP requires a 1-metre front setback for residential flat buildings up to 5 storeys above ground floor retail and 3.0m where the height is 5 storeys or greater. Such setbacks would be contrary to the intent of the Masterplan, the Town Centre Core Precinct Plan and the Design Guidelines. The proposed front setback is appropriate in the circumstances and consistent with the Built Form Guidelines.*

**Building Length:**

*Building A and B have lengths of 48m and 52m respectively. Buildings C and D have lengths of 52m and 59m respectively. These building lengths are consistent with the design intent for sleeve sites in the Town Centre.*

**Comment:**

The principles of the DCP are:

*Setbacks to the front, rear and side of lot boundaries define the built area and the non-built area. They allow solar access to open space areas, generally minimise impacts on adjacent parcels and contribute to reducing bulk to the streetscape, reduce the impact of garages, and allow for landscape spaces within each allotment to address the streetscape. Continuous landscaped areas within each parcel of land can increase privacy and amenity of individual allotments.*

The proposed buildings will be located within retail environment and as such the provision of setbacks is not considered necessary in this instance. Given the location of the apartment buildings and the lower retail form sitting below at lobby level, the proposed buildings will not appear bulky or out of scale in the urban context.

The DCP seeks to limit building length in order to ensure that streetscape and external appearance are reasonable and will not adversely impact on character. The proposed external façade and design is modern in character and contains a reasonable level of articulation which will assist to reduce the appearance of the length.

Window placement has also been considered in regard to privacy impacts and viewing between apartments. The proposed design will ensure that the privacy and amenity is maintained within the Town Centre context.

The separation of building has been addressed in regard to ADG compliance and is considered satisfactory.

The external façades will comprise brick, painted render, aluminium batten screens or perforated screens and a mix of solid and clear balustrades to articulate the design. The colour scheme is in a neutral palette of browns and creams. The proposed external materials and finishes are considered appropriate for the location and the modern character.

The proposed buildings are considered to be satisfactory in regard to the DCP.

### **c. Unit Mix and Size**

The DCP requires the following in relation to unit mix and size:

#### Apartment Mix

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.

#### Residential Flat Development (30 or more units)

- (d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

<b>Apartment Size Category</b>	<b>Apartment Size</b>
Type 1	
1 bedroom	50m <sup>2</sup>
2 bedroom	70m <sup>2</sup>
3 or more bedrooms	95m <sup>2</sup>

Type 2	
1 bedroom	65m <sup>2</sup>
2 bedroom	90m <sup>2</sup>
3 or more bedrooms	120m <sup>2</sup>
Type 3	
1 bedroom	75m <sup>2</sup>
2 bedroom	110m <sup>2</sup>
3 or more bedrooms	135m <sup>2</sup>

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (g) All remaining apartments are to comply with the Type 3 apartment sizes.

The following is proposed:

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 49 x 1 bedroom units (22.4% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 26 x 3 bedroom units (11.9% of the total).

The proposal complies with the DCP unit mix requirements.

Proposed Unit Type:

Unit Type	Size	No. of Units	Type
1 bedroom	51.7 – 57.6m <sup>2</sup>	43	Type 1
1 bedroom	65.9m <sup>2</sup>	6	Type 2
2 bedroom	70.2 – 89.6m <sup>2</sup>	139	Type 1
2 bedroom	92.3 – 97.4m <sup>2</sup>	3	Type 2
2 bedroom	110.5m <sup>2</sup>	1	Type 3
3 bedroom	100.7 – 112.2m <sup>2</sup>	19	Type 1
3 bedroom	121.2 – 138.1m <sup>2</sup>	6	Type 2
3 bedroom	138.2m <sup>2</sup>	1	Type 3

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 201 x Type 1 apartments (92.2% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 15 x Type 2 apartments (6.9% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes ie: 40% - there is 2 x Type 3 apartment (0.9% of the total).

The applicant has submitted the following as justification:

Clause 3.11(d) of Part B, Section 5 in the DCP prescribes required unit sizes for residential flat buildings of 30 or more units, dividing 1-, 2- and 3-bedroom units into Type 1, Type 2 and Type 3 (by size) as detailed in the table below, and requires no more than 30% to be Type 1, no more than 30% to be Type 2 and all remaining apartments to be Type 3.

The minimum internal area requirements required by Part B, Section 5 in the DCP for apartment size categories Type 1, Type 2 and Type 3 are as follows:-

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m <sup>2</sup>
2 bedroom	70m <sup>2</sup>
3 or more bedrooms	95m <sup>2</sup>
Type 2	
1 bedroom	65m <sup>2</sup>
2 bedroom	90m <sup>2</sup>
3 or more bedrooms	120m <sup>2</sup>
Type 3	
1 bedroom	75m <sup>2</sup>
2 bedroom	110m <sup>2</sup>
3 or more bedrooms	135m <sup>2</sup>

The four Residential Buildings have been assessed as one for the purposes of this analysis. Of the proposed 218 apartments, 202 (or 92.6%) fall into Type 1 which exceeds the requirement of 30% maximum.

Type 1 and 2 apartments is 99% as opposed to a maximum of 60% required by the DCP. As a result, there are 2 apartments which fall into Type 3, instead of the 88 which the DCP requires.

Whilst Clause 3.11 of the DCP is addressed in this section of the SEE, compliance with its provisions is not required due to the requirements of Clause 30(1)(b) of SEPP 65. All of the proposed units are equal to or exceed the minimum unit sizes set out in Part 4D of the ADG being 50m<sup>2</sup> for a 1 bedroom unit, 70m<sup>2</sup> for a 2 bedroom unit and 90m<sup>2</sup> for a 3 bedroom unit. The provisions of Clause 6A of SEPP 65 means that the minimum size of units in the ADG prevail over the minimum size of units in Council's DCP and as such, the proposed unit sizes is not a matter that can support refusal of the DA. The proposal provides minimum apartment sizes in excess of the minimum criteria in the ADG: the minimum size of the 1 bedroom apartments is 52m<sup>2</sup>; the minimum size of the 2 bedroom apartments is 75m<sup>2</sup>; and the minimum size of the 3 bedroom apartments is 100m<sup>2</sup>.

#### Comment:

The objectives of the DCP are:

- (i) To ensure that individual units are of a size suitable to meet the needs of residents.
- (ii) To ensure the layout of units is efficient and units achieve a high level of residential amenity.
- (iii) To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.



- (iv) *Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) *To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

As outlined above, the proposal includes a variation to unit type. However, the variation is minor and does not result in an unreasonable built form. Strict compliance with the DCP requirements will not result in an improved outcome for future residents.

The proposal meets the objectives of the DCP in that it provides units which have a suitable size to meet resident needs, have a satisfactory level of amenity and provide housing choice and diversity.

The ADG contains the following minimum internal areas:

- 1 bedroom apartment 50 m<sup>2</sup>*
- 2 bedroom apartment 70m<sup>2</sup>*
- 3 bedroom apartment 95m<sup>2</sup>*

*The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each.*

The units all meet or exceed the minimum requirements of the ADG.

The proposal provides a range of unit sizes to cater for a variety of future residents. The proposal achieves satisfactory solar access and daylight to the units and meets the required ventilation requirements.

The units are also considered to have a high level of amenity in regard to the Town Centre location, with a high level of access to retail, commercial and leisure activities.

The design takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is located in a Town Centre location with access to the Caddies Creek area and future Leisure Square. In addition, Council's Iron Bark Ridge Park is located to the east.

As such the proposal is considered satisfactory and can be supported.

#### **d. Landscaping**

The DCP requires that residential flat buildings are provided with a landscaped area a minimum 30% of site excluding buildings and driveways. Terraces/balconies within 1m of natural ground level can be included. At least 25% or 50m<sup>2</sup> (whichever is greater) ground level open space is to be provided on natural ground. The proposal does not provide a landscape area at podium level or within one metre of the natural ground level.

The applicant has provided the following as justification:

*These requirements are for freestanding residential flat buildings as opposed to residential flat buildings above a retail podium, and particularly for sleeve sites in a Town Centre. The proposed building provides a landscaped communal roof terrace on the roof of each building.*

### **Comment:**

The Principles of the DCP are:

*Provide landscape areas for planting of screening and decorative trees, site amenity, open space, ground water recharge, site drainage management and other landscape outcomes.*

*High quality landscaping and open space (including private open space) is required to each dwelling to enhance the visual appeal, improve environmental performance and increase liveability for residents.*

The proposed apartment buildings are sited within a Town Centre location and are located atop a retail podium. The development provides only lobby access at the podium level and as such there is no landscape provision for the apartment building on podium level. In addition, there are no terraces/balconies provided within one metre of the podium level.

The proposed design of the development is considered appropriate given the surrounding retail environment. There is adequate open space with landscape works provided within the roof top common open space areas.

The proposed variation can be supported in this instance.

#### **e. Common Open Space**

The DCP requires A minimum 10m<sup>2</sup> of open space per dwelling (including courtyards, gardens and balconies) is to be provided, with minimum dimensions of 4 metres on ground level and podium levels, 3 metres for balcony and roof terraces. A total common open space area of 2180m<sup>2</sup> is required comprising 360m<sup>2</sup> for Building A, 780m<sup>2</sup> for Building B, 660m<sup>2</sup> for Building C and 380m<sup>2</sup> for Building D. The proposal is for two common open space areas, one for Buildings A and B with an area of 840m<sup>2</sup> and one for Buildings C and D which has an area of 881m<sup>2</sup>, being a total of 1721m<sup>2</sup>.

The applicant has submitted the following as justification:

*The proposal provides two communal open spaces: one for Buildings A and B, and one for Buildings C and D.*

- *the communal roof terrace for Buildings A and B has an area of 840m<sup>2</sup>;*
- *the communal roof terrace for Buildings C and D has an area of 881m<sup>2</sup>.*

*The total communal open space provided on the roof terraces is thus approximately 1,721m<sup>2</sup>. The absence of communal open space of the quantum required (i.e. 2,180m<sup>2</sup> in total) is not significant in the context of a site in a Town Centre location which is close by to the Caddies Creek open space corridor (and Town Green).*

### **Comment:**

The site is located in a Town Centre context in an urban environment. The proposal includes landscape planting on the site which includes trees, shrubs, native grasses and ground covers. This will ensure that the site is appropriately landscaped for an urban environment.

The site is also located in close proximity to the to the open space area at Town Green and along Caddies Creek, Tributary 3 and Council's Iron Bark Ridge Park. As such there is adequate area available for open space activities.

The proposed common space area is satisfactory.

**f. Assessment of Parking**

The below parking assessment has been undertaken as an assessment for both the Town Centre expansion and apartment development.

**i. Parking Requirements for the Existing Town Centre**

The current approval for the Town Centre (DA 1824/2006/HB) requires the provision of the following:

*The provision and maintenance thereafter of 3,317 carparking spaces. These spaces comprise:-*

- a) *Basement Carpark containing 2,482 spaces;*
- b) *Permanent on-grade parking adjacent to Schofields Road containing 175 spaces;*
- c) *Temporary on-grade parking on rail corridor containing 103 spaces;*
- d) *On-street parking containing 157 spaces. This includes three (3) x five (5) minute drop off spaces that are required to be provided on Civic Way immediately outside the library; and*
- e) *Temporary on-grade parking on the rail corridor containing 400 spaces.*

*The development provides a total floor area of 68,141m<sup>2</sup> comprising 63,720m<sup>2</sup> of retail area (gross leaseable floor area) and 5,607m<sup>2</sup> (gross floor area) of commercial area (which includes 2265m<sup>2</sup> of learning space and 3342m<sup>2</sup> of customer service and commercial space in Quadrant B). The above carparking spaces include a provision of 140 spaces (comprising 86 spaces associated with Council's library and community centre and 54 spaces associated with the commercial floor space) for the library and community centre building which is the subject of a separate Development Application.*

**ii. DCP Parking Rates**

The Parking DCP requires parking to be provided at a rate of 1 space per 18.5m<sup>2</sup> of gross leasable floor area (GLFA) for retail shops and 1 space per 25m<sup>2</sup> for commercial premises (building and office premises).

It is noted that Condition 23 of the Town Centre Precinct Plan (1581/2005/HB) allowed parking in the Town Centre core to be provided at a rate of 1 space per 23m<sup>2</sup>.

The Rouse Hill DCP requires parking at the following rate for apartment development:

1 bedroom – 1 space/dwelling

2 bedroom – 1.5 spaces/dwelling

3+ bedroom – 2 spaces/dwelling

Visitor parking – 2 spaces/5 dwellings for developments with up to 60 units or 1 space/5 dwellings for developments with 60 or more units.

### iii. Proposed Works

The existing Town Centre parking includes 196 spaces within the open air parking area adjoining Rouse Hill Drive (interface area) which will be lost due to the proposed works.

#### Parking Required for Apartment Development:

##### DCP Parking Rate:

1 bedroom – 49 units @ 1 space/ dwelling = 49  
2 bedroom – 143 units @ 1.5 space / dwelling = 215 (214.5)  
3 bedroom units – 26 units @ 2 spaces/ dwelling = 52  
Visitor parking – 1 space per 5 dwellings = 44 spaces (43.6).  
Total spaces required = 360 (359.1) spaces

The Apartment Design Guide (ADG) requires parking to be provided at the RMS rate as follows:

##### RMS Parking Rate (under ADG):

1 bedroom – 49 units @ 0.6 spaces per 1 bedroom unit = 29.4  
2 bedroom – 143 units @ 0.9 spaces per 2 bedroom unit = 128.7  
3 bedroom units – 26 units @ 1.40 spaces per 3 bedroom unit = 36.4  
Visitor parking – 1 space per 5 dwellings = 44 spaces (43.6).  
Total spaces required = 239 (238.1) spaces.

As the ADG states that the prevailing rate for parking is the RMS rate, the proposed apartment development requires a total of 239 spaces.

#### Parking Required for Retail Development:

The proposed floor areas for the proposed Town Centre expansion comprise retail uses including four mini-major tenancies and 49 specialty/food and beverage tenancies with a combined floor area of 10,621m<sup>2</sup>.

DCP retail rate of 1 space per 18.5m<sup>2</sup> GLFA @ 10,621m<sup>2</sup> = 575 (574.1) spaces

Previously agreed parking rate for retail use of 1 space per 23m<sup>2</sup> GFA @ 10,621m<sup>2</sup> = 462 (461.8) spaces.

### iv. Proposed Parking

As outlined above, the following parking is required:

Apartment development:

DCP rate – 360 spaces

ADG rate – 239 spaces

Retail development:

DCP rate - 575 spaces

Previously agreed rate – 462 spaces

The proposal is for a total of 644 spaces comprising 281 spaces for the apartment development and 363 spaces for the retail development.

The applicant has requested variations to carparking as detailed below.

**v. Request for Variation to Parking for the Apartment Development**

The proposal provides the following residential parking:

DCP rate – 360 spaces comprising 316 resident spaces and 44 visitor spaces.

ADG rate – 239 spaces comprising 195 resident spaces and 44 visitor spaces.

Parking Provided – 281 spaces comprising 257 resident spaces and 23 visitor spaces.

As the ADG states that the prevailing rate for parking is the RMS rate, the proposed apartment development requires a total of 239 spaces. Notwithstanding the overall parking numbers proposed which comply with the ADG rate, the applicant proposes a variation to the visitor parking provision.

The applicant has submitted the following as justification for the proposed parking:

*If the parking rate in Part D Section 6 of the DCP is applied to the 218 proposed apartments, it results in a need for 431 spaces.*

*The ADG calls up the RMS “Guide for Traffic Generating Development” and results in a requirement for 238 spaces.*

*The proposed number of residential spaces is 281, which is more than is required by the ADG but less than is required by the DCP. Of the 281 residential spaces, 24 will be for visitors. This equates to one visitor space per 9 units. In this regard, the following observations can be made:-*

- The visitor parking rate of one space per 9 units is justified having regard to the town centre location of proposed Buildings A, B, C, and D, the high level of accessibility via public transport and the application of similar visitor parking rate to residential flat buildings elsewhere in the town centre.*
- A residential visitor rate of 1 space per 10 units was approved for the DA 906/2015/JP and 965/2015/JP, being DAs for residential flat buildings on ‘sleeve sites’ fronting Caddies Boulevard. The visitor parking rate of 1 per 10 units, was approved having regard to the proximity of each of the two buildings to the town centre, to the Metro station, and to the basement car park. The same rate of one visitor parking space per 10 units was approved in the consent to DA 1007/2019/JP for two residential flat buildings containing 154 units above the approved Stage 2 retail podium.*
- In relation to the DCP visitor parking rate of one space per 5 apartments, the rate remains the same rate for a building in the Rouse Hill town centre within easy walking distance of the Metro station, as for a residential flat building not in the town centre and not within walking distance of a Metro station.*

- *Having regard to the location of the proposed development within a town centre, next to a bus transit centre and a Metro station, the reduced rate of visitor parking is considered satisfactory.*

**Comment:**

The proposal requires the provision of 44 visitor spaces, with the applicant proposing to provide 23 spaces.

The principle of the Rouse Hill DCP is:

*Provide carparking for multi dwelling housing and residential flat buildings at rates which recognise the close proximity of public transport, shops and other facilities and that the rear loading will facilitate greater on street parking for visitors.*

The proposal has been considered having regard to the location of the site within a Town Centre location and the proximity to the existing bus transit centre and the rail line. Given the high level of accessibility to existing public transport and the location which is serviced by a variety of retail and business uses, the reduced level of visitor parking is considered satisfactory.

The high level of accessibility to existing public transport will promote a reduction in car dependency and encourage walking, cycling and use of public transport. The existing bus transitway and rail link are convenient in terms of location and accessibility and are likely to be highly utilised.

On the basis of the location in proximity to the Town Centre and existing public transport, the reduced visitor parking rate is considered satisfactory and is supported.

**f. Request for Variation to Parking for the Retail Development**

The proposal requires the following retail parking based on a proposed retail floor area of 10,621m<sup>2</sup>:

DCP rate - 575 spaces (based on 1 space per 18.5m<sup>2</sup>)

Previously agreed retail rate – 462 spaces (based on 1 space per 23m<sup>2</sup>)

Parking Provided – 363 spaces

The applicant has requested that parking for the retail development be provided at a rate of 1 space per 25m<sup>2</sup> for both the existing and proposed development across both the retail and commercial floor area. The existing and proposed development comprise:

Existing floor area approved under DA 1824/2006/HA: 68,141m<sup>2</sup> comprising 63,720m<sup>2</sup> of retail area (gross leaseable floor area) and 5,607m<sup>2</sup> (gross floor area)

Actual constructed floor area: 68,898m<sup>2</sup> (combined retail and commercial floor area comprising 63,291m<sup>2</sup> of retail floor area and 5607m<sup>2</sup> of commercial office area)

Proposed floor area under current DA: 10,621m<sup>2</sup> (gross leaseable floor area)

Combined floor area: 79,519m<sup>2</sup>

Note: the carparking rate within the Parking DCP for commercial/office floor area is 1 space per 25m<sup>2</sup> gross floor area.

Based on a combined floor area of 79,519m<sup>2</sup> and using a rate of 1 space per 25m<sup>2</sup>, a total of 3181 spaces are required.

The proposal is for the provision of 3182 spaces.

The applicant has submitted the following as justification for the proposed parking:

TfNSW recommendations:

.....the TIA contains a response to the recommendations made by TfNSW relating to the quantum of proposed car parking (retail and residential). In summary, those recommendations from TfNSW include: -

- the use of maximum parking rates;
- limiting the supply of additional parking supply around mass transit infrastructure;
- consideration of recent benchmarks for Metro-served precincts;
- reducing the residential parking rates to below the ADG-referenced rates in TfNSW 'Guide to Traffic Generating Developments';
- reducing the adopted retail parking rate of one space per 25m<sup>2</sup> of GLFA as it is relatively high compared to established transit-oriented development benchmarks; and
- reduced residential and retail/commercial parking rates, consistent with recent benchmarks should be applied as maximum parking rates for the development.

Surveys:

The TIA notes that of the 2,981 parking spaces in the Rouse Hill Town Centre, 2,634 spaces are linked to "Park Assist", a dynamic car parking management system which provides customers of the town centre with ticketless parking and information on how many spaces are available and where in the basement car park they are located.

The dynamic parking system includes signage on the roads surrounding the town centre which identify where parking is available, and the number of spaces which are available. Furthermore, within the car park the dynamic parking system identifies available spaces. This allows customers of the retail and other facilities in the town centre to identify where parking is available and find a parking space as quickly and as conveniently as is reasonably possible in a town centre environment.

Surveys, using the Park Assist data, carried out by AECOM show that on a peak weekday there is a minimum availability of 372 spaces. Peak utilisation on a weekend was 95.5%.

The surveys show that the existing parking demand in the Rouse Hill Town Centre is at the rate of one space per 26m<sup>2</sup> of GLFA which is less than both the DCP car parking rate for Stage 1 of one space per 18.5m<sup>2</sup> of GLFA and the approved Stage 1 rate of one space per 23m<sup>2</sup> of GLFA, but more than twice the benchmark rate identified by TfNSW of one space per 60m<sup>2</sup> of GLFA.

Rate of one space per 25m<sup>2</sup> of GLFA:

The parking rate now proposed to be adopted for the Rouse Hill Town Centre is one space per 25m<sup>2</sup> of GLFA: this is justifiable for the following reasons: -

- RHTC is served by Sydney Metro and high frequency bus services;
- good public transport services reduce parking demand and promote use of public transport to and from the town centre;
- a rate less than that identified in the DCP for Stage 1 is appropriate and is more consistent with the recommended rate and benchmark rate identified by TfNSW noting, in particular, a benchmark rate of one space per 60m<sup>2</sup> of retail and

- commercial GLFA and one visitor space per 10 units for visitors to the residential apartments;
- the surveyed rate of parking demand is around one space per 26m<sup>2</sup> of GLFA; and
- having regard to the above reasons, a rate of one space per 25m<sup>2</sup> of GLFA will adequately meet the requirements of the proposal and of the town centre.

**Calculation:**

The proposal will result in a net addition of 10,621m<sup>2</sup> of retail GLFA to the 68,898m<sup>2</sup> of GLFA in Stage 1 of the town centre resulting in a total GLFA of 79,519m<sup>2</sup>. Applying the rate of one space per 25m<sup>2</sup> of GLFA to the combined Stage 1 and Stage 2 GLFA results in a demand for 3,181 spaces which is satisfied by the proposed provision of 3,183 spaces calculated as follows: -

2,981 Existing spaces

+ 364 Proposed spaces

- 196 Demolished spaces

+ Additional spaces in the existing carpark resulting from alterations of the existing line markings

= 3183 spaces

The proposal therefore satisfies the calculated demand for 3,181 retail spaces.

Notwithstanding all of the above..... as a result of a design change to satisfy the concerns of Council's Resource Recovery Officer, the number of proposed spaces has reduced by one from 364 to 363. The total provision of 3,182 spaces still satisfies the calculated demand for 3,181 spaces.

Draft Precinct Plan and Engagement Strategy for the Rouse Hill Strategic Centre:

Whilst not yet resulting in any changes to the DCP, it can be noted that Council is in the process of preparing a Draft Precinct Plan and Engagement Strategy for the Rouse Hill Strategic Centre which Council resolved to exhibit for 3 months, at its meeting of 22 November 2022. Rouse Hill Town Centre is part of the Rouse Hill Strategic Centre. One of the issues addressed in the Draft Precinct Plan is parking rates for retail and commercial GFA. In the Inner Walkable Catchment (in which the Town Centre is located) the proposed minimum and maximum rates for commercial GFA are 1 space per 100m<sup>2</sup> of GFA and 1 space per 75m<sup>2</sup> of GFA respectively. The proposed minimum and maximum rates for retail GFA are 1 space per 60m<sup>2</sup> of GFA and 1 space per 30m<sup>2</sup> of GFA.

The proposed Stage 2 Town Centre expansion will result in rates of retail and commercial parking well above the maximum rates identified in the Draft Precinct Plan.

**Comment:**

The applicant has submitted a detailed traffic and parking report which has considered the existing road network, traffic generation, including traffic modelling, consideration of other similar centres, required road upgrade works, public transport, parking surveys for the centre and related considerations. The report has concluded that adequate parking will be available to cater for customers to the centre.



The objectives of the DCP are:

- (i) *To ensure the safety of all road users in commercial/retail areas.*
- (ii) *To ensure that all carparking demands generated by the development are accommodated on the development site.*
- (iii) *To ensure the free flow of traffic into and out of the development and the surrounding street network.*
- (iv) *To ensure that the provision of off-street parking facilities does not detract from the overall visual amenity and character of the neighbourhood in relation to streetscape in accordance with Council's ESD objective 7.*

The proposal has been reviewed by both Transport for NSW and Council's Senior Traffic Engineer. The Transport for NSW comments are included below. Council's Manager Infrastructure and Transport Planning has advised that signals are required at the intersection of Commercial Road, Caddies Boulevard and the Green Hills Drive extension. A condition has been recommended which requires the installation of signals at the existing T-junction of Commercial Road and Caddies Boulevard. The condition also makes provision for the potential development of Lot 5 DP 30916 Commercial Road which is the subject of a Development Application for a subdivision creating one residential lot and one open space lot including new road (Green Hills Drive extension) (DA 1552/2020/ZA) (See recommended Condition 8).

The proposed works to the road network will ensure that road users within the Town Centre have a safe and direct route through and within the Town Centre.

The applicant has installed a dynamic parking system within the existing centre and this system will be installed within the new parking areas. The dynamic parking system includes signage on the surrounding roads to identify areas where parking is available and the number of spaces available, and within the carparking area identifies available spaces. This system will ensure that customers are able to identify areas of available parking either at street level or within the carparking areas, can locate a space, park quickly and conveniently and will assist in minimising congestion on local roads and within the carparking areas. The dynamic system will be installed within the new parking areas.

The Town Centre expansion and apartment developments are also serviced by the existing Sydney Metro and bus transit system which provides an alternate transport to key centres such as Castle Hill, Chatswood and the City. The available public transport provides a transport option for visitors to the centre and will assist in reducing reliance on private vehicles.

On the basis of the above the proposed parking variation is considered satisfactory

#### **vi. Design of Retail Parking**

The proposed additional retail carparking will link to the existing Town Centre parking and access will be available between the parking areas.

The design of the retail basement parking is similar to the existing parking. The pay parking scheme which is currently used in the existing Town Centre parking will be extended to the proposed parking. This system includes dynamic signage which confirms the number of available parking spaces in certain locations and bay sensors to indicate available and occupied spaces.

The parking area has been designed to be consistent with the existing centre in terms of its design and levels. The proposed basement parking will align with the existing parking to ensure that customers can travel between the parking areas to ensure ease of access.

The vehicle entry and exit points will be sign posted in order to provide clear access points for visitors to the centre.

The parking area includes a travelator, lifts and staircase to provide access to/from the carpark and retail podium level. In addition, separate lift lobbies are provided for access to the future residential apartments within the Town Centre expansion area.

The design of the parking is considered satisfactory.

### **3.2 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act**

There are no current planning agreements entered into and there are no draft planning agreements being proposed for the site.

### **3.3 Section 4.15(1)(a)(iv) - Provisions of Regulations**

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application.

These provisions have been considered and addressed in the draft conditions (where necessary).

### **3.4 Section 4.15(1)(b) - Likely Impacts of Development**

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

### **3.5 Section 4.15(1)(c) - Suitability of the site**

The site has been zoned for a mixed use development outcome. The proposed development is consistent with the Masterplan, Precinct Plan and previous approvals relating to the site. The proposal is a suitable development for the site consistent with the zone objectives.

The proposal will provide for an expanded retail form and housing, responds to the site characteristics and is considered to be a suitable development for the proposed lot.

### 3.6 Section 4.15(1)(d) - Public Submissions

There were no public submissions received to the proposal.

### 3.7 Section 4.15(1)(e) - Public interest

The development provides an expansion to the existing Town Centre and apartment development. The site is within an area that has access to public recreation facilities, retail, commercial and support services and public transport. On balance the proposal is consistent to the public interest.

## 4. COMPLIANCE WITH ROUSE HILL MASTERPLAN AND PRECINCT PLAN

### a. Compliance with the Masterplan

Development Consent 1604/2004/HC for the Masterplan was approved by Council on 26 March 2004. The Masterplan comprised both conditions of consent and a series of plans. The approved Masterplan contains a number of conditions of consent which apply to the site, however there are no specific conditions which directly relate upon the site. The proposal is generally in accordance with the original conditions of consent. It is noted that the Masterplan has recently been amended under Modification Application 1604/2004/HB/B which was approved by Council's Development Assessment Unit on 24 October 2023 and the proposed works are consistent with the amended Masterplan.

It is noted that the Masterplan referred to a maximum of 1800 dwellings within the Regional Centre as a whole. To date a total of 1947 dwellings (comprising apartments, affordable rental housing, integrated housing and single dwellings) have been approved. The subject application will result in a total of 2165 dwellings.

The proposal is considered to be satisfactory in regard to the Masterplan.

### b. Compliance with the Town Centre Precinct Plan and Built Form Guidelines

Development Application 1581/2005/HB for the Town Centre Precinct Plan was approved by Council at its Ordinary Meeting on 02 August 2005. The Precinct Plan approval included conditions of consent, approved plans and Design Guidelines.

Subsequently, the applicant amended the Precinct Plan and supporting Design Guidelines under Modification Application 1581/2005/HB/D which was approved by Council's Development Assessment Unit on 24 October 2023.

The following addresses the proposal's compliance with these provisions.

### c. Compliance with Conditions of Consent

The following conditions of consent are relevant to the current proposal.

Condition	Comment	Satisfactory
<b><u>1. Development in Accordance with Submitted Plans</u></b>	The proposal is generally consistent with the approved plans.	Yes

<p>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 (list of plans).</p>		
<p><b><u>2. Level 3 Development Applications for Construction Works</u></b>          Separate Development Applications (known as Level 3 DA's) are to be submitted for any construction works within the Town Centre Core Precinct Plan and are to be generally in accordance with the Town Centre Core Precinct Plan. All Level 3 Development Applications are to be in accordance with the endorsed Design Guidelines.</p>	<p>The subject application is a level 3 Development Application.</p>	<p>Yes</p>
<p><b><u>3. Design Guidelines</u></b>          The draft design guidelines are to be finalised prior to the submission of the first Level 3 Development Application for works within the Town Centre Core Precinct. The guidelines are to be updated to reflect the conditions of consent and Design Review Panel comments. The guidelines relating to shade structures must indicate that the structures must not enclose the Town Centre Core Precinct.</p>	<p>The Design Guidelines were finalised and endorsed.</p>	<p>Yes</p>
<p><b><u>9. Cycleways &amp; Pedestrian Links</u></b>          The proposed cycleway and pedestrian links are to connect into the proposed network within the adjoining precincts.</p>	<p>The existing and proposed cycleways and pedestrian links provide connection and are satisfactory.</p>	<p>Yes</p>
<p><b><u>12. Safer by Design</u></b>          All Level 3 Development Applications within the Town Centre Core Precinct are to be designed in accordance with the comments contained within Section 3 of the letter from the NSW Police dated 13 January 2004 and the "Safer By Design" Guidelines.</p>	<p>The application has been accompanied by a CPTED assessment report.</p>	<p>Yes</p>

**d. Built Form Guidelines**

The approval for the Precinct Plan was accompanied by a detailed set of Built Form Guidelines as required by Condition 3 of the Masterplan which states as follows:

**3. Precinct Plans**

*Detailed urban design guidelines are to be submitted for the Town Centre Core, Town Centre Frame, Central, South, East and Northern Precincts, with the first development application for each precinct.*

The Built Form Guidelines guide the development within the broader precinct area and support the DCP. The proposed development achieves compliance with the relevant requirements of the Built Form Guidelines except for the following:

<b>Section</b>	<b>Required</b>	<b>Provided</b>	<b>Complies</b>
Section A02 Siting and Massing: Building Sites	Building expressions must be a maximum of 20m in width facing all streets and pedestrian rights of way with retail at grade.	Building B has a length of 52m, Building C has a length of 52m and Building D has a length of 59 metres.	No. See comments above regarding DCP compliance.
Section A02 Siting and Massing: Setbacks and Build-to Lines	Setbacks of 2m required to Rouse Hill Drive and Civic Way. Build-to lines are permitted to quadrant loops.	Nil setback to Rouse Hill Drive for residential development.	No. See comments above regarding DCP compliance.
Section A03 Siting and Massing: Building Length	40m maximum for buildings fronting Rouse Hill Drive.	Building B has a length of 52m, Building C has a length of 52m and Building D has a length of 59 metres.	No. See comments above regarding DCP compliance.
B12: Built Form: Residential Open Space	Each dwelling is to be provided with an appropriate amount of private open space in the form of balconies or at-ground. Each dwelling shall be provided with a minimum of 20m <sup>2</sup> of open space/unit (includes common open space and setback areas).	An area equal to 20m <sup>2</sup> per residential unit is not provided.	No. See comments above regarding DCP compliance.

## 5. Economic Impact

The application was accompanied by an economic impact assessment prepared by Urbis. The assessment makes the following points:

- The RHTC trade area will benefit from strong population and retail spending growth resulting from the development of new residential precincts within the North West Growth Area. The RHTC trade area is extensive and includes primary, secondary and tertiary trade areas. The retail spending market is forecast to grow strongly, driven by both population growth and per capita retail spending growth.
- Our analysis indicates that by 2025, the expanded RHTC can achieve an overall market share of 7.9% within the trade area, and a resultant turnover of \$516.5 million (in constant \$2021 including GST). This turnover forecast compares to current retail

turnover of \$420.2 million and forecast turnover in 2025 under a 'no-development' scenario of \$455.2 million. Overall, the turnover of the centre would increase by \$61.3 million in 2025 as a result of the expansion, which represents an uplift of 13.4% relative to 'no-development' scenario.

- This level of retail spending growth demonstrates that:
  - Population and retail spending growth will generate demand for a major increase in retail floorspace;
  - The growth will comfortably support the RHTC expansion whilst still allowing competing centres to increase their turnover both prior to and after the RHTC expansion;
  - RHTC's forecast market share of 7.9% across the trade area in 2025 means that the majority of residual retail spend in the trade area (some \$5.4 billion) will be directed to other centres.
  
- The expansion will generate 444 direct jobs (full-time, part-time and casual) annually during on-going operations. These direct jobs are estimated to induce a further 91 indirect jobs (full-time, part-time and casual) annually both within the local region and broader New South Wales economy as a result of flow-on effects.

#### **Comment:**

In June 2009 Council adopted the 'Centres Direction' which provides an overall strategic context for the planning and management of the Shire's centres and their development and growth to 2031. The proposed development is consistent with the proposed B4 Mixed Use zone and future role of Rouse Hill Proposed Major Centre as identified in the Urban Structure Plan.

In particular, the Centres Direction indicates that the demand for retail in the Release Area Sector (which includes Rouse Hill) by 2031 will be an additional six large supermarkets, one small supermarket, three additional department or discount department stores and an additional 518 specialty retail shops. According to the Direction there will be an undersupply of retail in the Release Area Sector in the future and as such the expansion will assist in meeting these retail demands.

Furthermore, the proposed development is considered consistent with the overall vision for a well-planned, vibrant, safe and attractive Centre that provides a range of living, shopping, working, transport and leisure activities. The proposed development assists this vision via a quality built form and private domain, improvements in road safety and pedestrian amenity.

The 'Draft West Central District Plan' (November 2016) sets a vision, priorities and actions for the future development of the West Central District. The Plan states:

*The work to support Our vision - Towards our Greater Sydney 2056 also identified that there were a range of centres (some of which had been classified as strategic centres in A Plan for Growing Sydney) that in fact play a significant district role due to the presence of one or more of the following characteristics:*

- *the scale of retail activity, generally over 50,000 square metres of floor space*
- *the presence of health and education facilities that serve the district and the local community*
- *the level of transport services*
- *generally between 5,000 to 10,000 jobs.*

*These centres have been identified as district centres.*

The Plan identifies Rouse Hill as a 'District' Centre Type and states:

*The district centres of Castle Hill, Rouse Hill, Mount Druitt and Marsden Park accommodate retail and local services for communities.*

The proposal is also consistent with 'Productivity Priority 3: Manage growth and change in strategic and district centre and, as relevant, local centres'. In this regard the proposal provides an opportunity for managed growth, encouraging a competitive market and design which satisfies the needs of the retailers and operators.

The proposal is consistent with the actions of the Plan to provide competitive growth and investment and manage long term growth.

The proposal is considered satisfactory in regard to economic impact.

## **6. A Metropolis of Three Cities – the Greater Sydney Region Plan**

The Central City District Plan contains 'Directions for Liveability' which include:

- Housing the City – Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport; and
- A City of Great Places – Planning Priority C6 – Creating and renewing great places and local centres and respecting the District's heritage.

The plan also includes 'Directions for Productivity' which include:

- A well-connected city – Planning Priority C7 - Growing a stronger and more competitive Greater Parramatta.
- Jobs and skills for the city – Planning Priority C10 - Growing investment, business opportunities and jobs in strategic centres.

The plan seeks to provide housing supply which is diverse and affordable and which meets the needs of residents and which bring people together. The plan seeks to provide housing in locations which are easily accessible by public transport to reduce commuting time. Housing should be located in places which are liveable, walkable and cycle friendly. Housing should also respond to the changing needs of residents and consider single person and aging households. Great places are defined as areas which have a unique combination of local people, built form and natural features which reflect shared community values and which attract residents, workers and visitors. Local centres act as a focal point for neighbourhoods and provide essential access to day to day goods and services.

Implementation and monitoring of the Plan and the potential indicators for residential development are as follows:

Direction 4: Housing the City: Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population. Housing affordability is also a challenge that can affect job and lifestyle choices.

Direction 5: A City of Great Places: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm.

In regard to the Town Centre expansion, the plan seeks to ensure that major projects such as the light rail will deliver faster links between business and improved connections for the workforce and visitors. The plan also acknowledges that strong road links and the ease of parking can reduce impacts on road congestion and improve accessibility for works and visitors, along with walking and cycling links.

The plan also seeks to encourage economic growth through retail expansion in key strategic centres which creates economic and employment growth and also results in places which are community gathering spaces, recreation spaces, cultural and leisure spaces.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 6: *A Metropolis of Three Cities* requires a well-connected Greater Sydney with new jobs, shops and services in well-located centres with efficient transport connections and safe and convenient walking and cycling routes. This creates a 30-minute city.

A well-connected city will be measured against the outcomes achieved by improved access to metropolitan, strategic and local centres.

Potential indicators: Percentage of dwellings located within 30 minutes by public transport of a metropolitan centre/cluster; Percentage of dwellings located within 30 minutes by public transport of a strategic centre.

Direction 7: Greater Sydney's population growth needs to be supported by economic growth that enhances its productivity, export sectors and global competitiveness.

Jobs and skills for the city will be measured against the outcomes achieved by increased business growth and investment, improved transport connections, economic agglomerations and target sectors.

Potential indicator: Increased jobs in metropolitan and strategic centres.

The proposed development meets the intent of the Plan as follows:

- The proposal will provide a range of unit types which will assist in meeting housing demands;
- The proposed will result in an appropriate built form outcome which responds to the desired future modern character of the area;
- The proposal will meet the demand for an increase in retail and complementary uses within an established strategic centre;
- The proposal will result in increased local employment opportunities during both the construction and operation of the development; and
- The proposal has a high level of accessibility given the existing bus interchange and rail link and existing and proposed local roads.



The proposal is considered satisfactory in regard to the Central City District Plan.

## 7. REFERRALS AND SUBMISSIONS

### a. Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/referral as required by the EP&A Act and outlined below.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
<b>Concurrence Requirements (s4.13 of EP&amp;A Act)</b>			
Sydney Metro	Clause 2.98 of State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal is adjacent to the rail corridor.  Concurrence has been granted.	Y
<b>Referral/Consultation Agencies</b>			
Transport for NSW	Clause 2.122 - traffic generating development in Schedule 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021	Transport for NSW have provided conditions of consent.	Y
Endeavour Energy	Clause 2.48 Determination of development applications of State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal includes a substation. A condition has been recommended.	Y
Sydney Water	Clause 2.161 Development permitted with consent of State Environmental Planning Policy (Transport and Infrastructure) 2021	The proposal includes connection to Sydney Water's sewer and water supply system. A condition has been recommended.	Y
Castle Hill Police	Referral undertaken in accordance with the requirements of the "Safer by Design Guidelines" and the	No comments provided.	NA

	Protocol between The Hills Shire Council and Castle Hill Police.		
Integrated Development (S 4.46 of the EP&A Act) - NA			

**b. Council Referrals**

The development application has been referred to various Council officers for technical review as outlined below.

<b>Officer</b>	<b>Comments</b>	<b>Resolved</b>
Engineering	Council's Senior Subdivision Engineer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Traffic	Council's Senior Traffic Engineer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Fire Safety	Council's Principal Co-ordinator Fire Safety has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Health	Council's Environmental Health Co-ordinator has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Waste	Council's Resource Recovery Project Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Landscape	Council's Senior Landscape Officer has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Contributions	Council's Senior Forward Planner has reviewed the submitted plans and information and raised no objections subject to conditions.	Y
Ecology	Council's Environment Co-ordinator has reviewed the submitted plans and information and raised no objections subject to conditions.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

**c. Community Consultation**

The proposal was notified in accordance with Council's DCP from 6 June 2022 to 20 June

2022. No submissions were received.

## **8. CONCLUSION**

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

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is considered satisfactory.

It is considered that variations proposed can be supported as the proposal continues to meet the objectives of the ADG and DCP. There was no submission received to the proposal.

Approval is recommended subject to conditions - refer Attachment A.

## **9. RECOMMENDATION**

That Development Application 1837/2022/JP for an expansion of the Rouse Hill Town Centre and apartment development be approved pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Photograph
- Attachment D: Site Location Plan
- Attachment E: Podium Level Plan
- Attachment F: Typical Residential Level (Level 3)
- Attachment G: Elevations
- Attachment H: Photomontages

## ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

### GENERAL MATTERS

#### **1. Development in Accordance with Submitted Plans**

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

#### REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	DATE
A-DA-0100	Cover Sheet	16.08.2023 Rev. 02
A-DA-1000	Site Overview	16.08.2023 Rev. 02
A-DA-1101	Existing Site Plan	16.08.2023 Rev. 02
A-DA-1102	Site Analysis Plan (Podium Level)	16.08.2023 Rev. 06
A-DA-1103	Proposed Site Plan Podium Level	16.08.2023 Rev. 06
A-DA-1104	Proposed Site Plan Basement 1 Level	16.08.2023 Rev. 06
A-DA-1105	Public Realm	16.08.2023 Rev. 05
A-DA-1106	Proposed PV Locations	16.08.2023 Rev. 03
A-DA-1107	Proposed Site Plan Basement 2 Level	16.08.2023 Rev. 03
A-DA-1301	Existing Floor Plan – Podium Level	16.08.2023 Rev. 02
A-DA-1302	Existing Floor Plan – Level 1	16.08.2023 Rev. 02
A-DA-1303	Existing Floor Plan – Basement Level	16.08.2023 Rev. 02
A-DA-1501	Detailed Interface Plan	16.08.2023 Rev. 02
A-DA-1502	Demolition Plan – Podium Level	16.08.2023 Rev. 03
A-DA-1503	Demolition Plan – Retail Roof	16.08.2023 Rev. 03
A-DA-1504	Demolition Plan – Basement 1	16.08.2023 Rev. 02
A-DA-1505	Demolition Plan – Basement 1 West	16.08.2023 Rev. 02
A-DA-1506	Demolition Plan – Basement East	16.08.2023 Rev. 02
A-DA-2700	Building Controls	16.08.2023 Rev. 02
A-DA-2701	Maximum Building Height Plan	16.08.2023 Rev. 02
A-DA-2702	Building Setbacks and Built To Lines	16.08.2023 Rev. 02
A-DA-6000	3D Visualisations	16.08.2023 Rev. 02
A-DA-6001	3D View 01	16.08.2023 Rev. 02
A-DA-6002	3D View 02	16.08.2023 Rev. 02
A-DA-6003	3D View 03	16.08.2023 Rev. 02
A-DA-6004	3D View 04	16.08.2023 Rev. 02
A-DA-6005	3D View 05	16.08.2023 Rev. 02
A-DA-6006	3D View 06 & 07	10/03/2022 Rev. 1

A-DA-2000	Floor Plans	16.08.2023 Rev. 02
A-DA-2001	Ground Floor & Upper Podium Level Plan	16.08.2023 Rev. 06
A-DA-2002	Podium Level Plan	16.08.2023 Rev. 06
A-DA-2003	Level 1 Plan	16.08.2023 Rev. 04
A-DA-2004	Level 2 Plan	16.08.2023 Rev. 04
A-DA-2005	Level 3 Plan	16.08.2023 Rev. 04
A-DA-2006	Level 4 Plan	16.08.2023 Rev. 03
A-DA-2007	Level 5 Plan	16.08.2023 Rev. 03
A-DA-2008	Level 6 Plan	16.08.2023 Rev. 03
A-DA-2009	Level 7 Plan	16.08.2023 Rev. 03
A-DA-2010	Level 8 Plan	16.08.2023 Rev. 03
A-DA-2011	Level 9 Plan	16.08.2023 Rev. 03
A-DA-2012	Level 10 Plan	16.08.2023 Rev. 04
A-DA-2013	Roof Plan	16.08.2023 Rev. 04
A-DA-3000	Elevations & Sections	16.08.2023 Rev. 02
A-DA-3501	Residential Elevations – Quadrant West	16.08.2023 Rev. 03
A-DA-3502	Residential Elevations – Quadrant West	16.08.2023 Rev. 03
A-DA-3601	Residential Elevations – Quadrant East	16.08.2023 Rev. 04
A-DA-3602	Residential Elevations – Quadrant East	16.08.2023 Rev. 04
A-DA-4501	Residential Sections – Quadrant West	16.08.2023 Rev. 04
A-DA-4601	Residential Sections – Quadrant East	16.08.2023 Rev. 05
A-DA-8000	Shadow studies, Compliance & Finishes	16.08.2023 Rev. 02
A-DA-8001	Solar Analysis	16.08.2023 Rev. 02
A-DA-8002	Solar Analysis – Town Green	16.08.2023 Rev. 02
A-DA-8003	Solar Analysis – Residential Communal Open Space	16.08.2023 Rev. 03
A-DA-8110	ADG Compliance – Solar & Cross Ventilation – Quadrant West	16.08.2023 Rev. 03
A-DA-8120	ADG Compliance – Solar & Cross Ventilation – Quadrant East	16.08.2023 Rev. 03
A-DA-8130	Adaptable & Liveable (Silver Level) Apartments – Quadrant West	16.08.2023 Rev. 03
A-DA-8140	Adaptable & Liveable (Silver Level) Apartments – Quadrant East	16.08.2023 Rev. 03
A-DA-9010	Development Calculations (GFA) – Quadrant West	16.08.2023 Rev. 03
A-DA-9015	Development Calculations (GFA) – Quadrant East	16.08.2023 Rev. 03

A-DA-9030	Development Calculations (Storage) – Quadrant West	16.08.2023 Rev. 03
A-DA-9035	Development Calculations (Storage) – Quadrant East	16.08.2023 Rev. 03
A-DA-2102	Basement 1	16.08.2023 Rev. 06
A-DA-2103	Basement 1 West	16.08.2023 Rev. 07
A-DA-2104	Basement 1 East	16.08.2023 Rev. 06
A-DA-2201	Loading Dock Plans	16.08.2023 Rev. 04
A-DA-2301	Indicative Retail Plan	10.10.2023 Rev. 06
A-DA-3001	Rouse Hill Drive Overall Elevation	16.08.2023 Rev. 03
A-DA-3002	Rouse Hill Drive Elevations	16.08.2023 Rev. 03
A-DA-3003	Civic Way Elevations	16.08.2023 Rev. 04
A-DA-3100	Internal Elevations - West	16.08.2023 Rev. 03
A-DA-3101	Internal Elevations - West	16.08.2023 Rev. 03
A-DA-3102	Internal Elevations – Town Green	16.08.2023 Rev. 03
A-DA-3103	Internal Elevations – Town Green	16.08.2023 Rev. 03
A-DA-3104	Internal Elevations - East	16.08.2023 Rev. 03
A-DA-3105	Internal Elevations – Town Green Internal Elevations - East	16.08.2023 Rev. 03
A-DA-4001	General Arrangement Sections – Sheet 1	16.08.2023 Rev. 05
A-DA-4002	General Arrangement Sections – Sheet 2	16.08.2023 Rev. 04
A-DA-5000	Canopy & Awnings	16.08.2023 Rev. 02
A-DA-5001	Canopies & Awning Types	16.08.2023 Rev. 03
A-DA-5002	Canopy Sections	16.08.2023 Rev. 03
A-DA-2500	Floor Plans (West)	16/08/2023 Rev. 2
A-DA-2501	Basement 1 Plan – Quadrant West	16/08/2023 Rev. 04
A-DA-2502	Ground Level Plan – Quadrant West	16/08/2023 Rev. 05
A-DA-2503	Podium Level Plan – Quadrant West	16/08/2023 Rev. 05
A-DA-2504	Level 1 Plan – Quadrant West	16/08/2023 Rev. 05
A-DA-2505	Level 2 Plan – Quadrant West	16/08/2023 Rev. 04
A-DA-2506	Level 3 Plan – Quadrant West	16/08/2023 Rev. 04
A-DA-2507	Level 4 Plan – Quadrant West	16/08/2023 Rev. 03
A-DA-2508	Level 5 Plan – Quadrant West	16/08/2023 Rev. 03
A-DA-2509	Level 6 Plan – Quadrant West	16/08/2023 Rev. 03
A-DA-2510	Level 7 Plan – Quadrant West	16/08/2023 Rev. 03
A-DA-2511	Level 8 Plan – Quadrant West	16/08/2023 Rev. 03
A-DA-2512	Level 9 Plan – Quadrant West	16/08/2023 Rev. 03

A-DA-2513	Level 10 Plan – Quadrant West	16/08/2023 Rev. 04
A-DA-2514	Roof Plan – Quadrant West	16/08/2023 Rev. 03
A-DA-2600	Floor Plans (East)	16/08/2023 Rev. 02
A-DA-2601	Ground Level Plan – Quadrant East	16/08/2023 Rev. 05
A-DA-2602	Podium Level Plan – Quadrant East	16/08/2023 Rev. 05
A-DA-2603	Upper Podium Level Plan - Quadrant East	16/08/2023 Rev. 03
A-DA-2604	Level 1 Plan – Quadrant East	16/08/2023 Rev. 04
A-DA-2605	Level 2 Plan – Quadrant East	16/08/2023 Rev. 04
A-DA-2606	Level 3 Plan – Quadrant East	16/08/2023 Rev. 04
A-DA-2607	Level 4 Plan – Quadrant East	16/08/2023 Rev. 03
A-DA-2608	Level 5 Plan – Quadrant East	16/08/2023 Rev. 03
A-DA-2609	Level 6 Plan – Quadrant East	16/08/2023 Rev. 03
A-DA-2610	Level 7 Plan – Quadrant East	16/08/2023 Rev. 03
A-DA-2611	Level 8 Plan – Quadrant East	16/08/2023 Rev. 03
A-DA-2612	Roof Plan – Quadrant East	16/08/2023 Rev. 03
000	Coversheet	25.08.2023 Issue 2
100	Landscape Masterplan	25.08.2023 Issue 2
C100	Colour Masterplan	25.08.2023 Issue 2
C101	Colour Plan Quadrant West – Level 3	25.08.2023 Issue 2
C102	Colour Plan Quadrant East – Level 3	25.08.2023 Issue 2
110	General Arrangement Quadrant West – Level 3	25.08.2023 Issue 2
111	General Arrangement Quadrant West – Level 1 & 10	25.08.2023 Issue 2
120	Planting Plan Quadrant West – Level 3	25.08.2023 Issue 2
121	Detail Planting Plan Quadrant West – Level 3	25.08.2023 Issue 2
122	Planting Plan Quadrant West – Level 1 & 10	25.08.2023 Issue 2
130	Hardscape Plan Quadrant West – Level 3	25.08.2023 Issue 2
210	General Arrangement Quadrant East – Level 3	25.08.2023 Issue 2
220	Planting Plan Quadrant East – Level 3	25.08.2023 Issue 2
221	Detail Planting Plan Quadrant East – Level 3	25.08.2023 Issue 2
230	Hardscape Plan Quadrant East – Level 3	25.08.2023 Issue 2
500	Landscape Specifications Notes & Plant Schedule	25.08.2023 Issue 2
501	Landscape Details	25.08.2023 Issue 2
502	Landscape Details	25.08.2023 Issue 2
601	Landscape sections Quadrant West – Level 3	25.08.2023 Issue 2
602	Landscape Sections Quadrant West – Level 3	25.08.2023 Issue 2

603	Landscape Sections Quadrant East – Level 3	25.08.2023 Issue 2
604	Landscape Sections Quadrant East – Level 3	25.08.2023 Issue 2
701	Materials Schedule	25.08.2023 Issue 2
801	Landscape Irrigation Scoping Plan (West)	25.08.2023 Issue 2
802	Landscape Irrigation Scoping Plan (East)	25.08.2023 Issue 2
L000	Cover Sheet	15.09.2023 Issue 5
L001	Legend Sheet	15.09.2023 Issue 5
L002	Materials Schedule	15.09.2023 Issue 5
L003	Planting Schedule	15.09.2023 Issue 4
L004	Site Plan Ground Floor	15.09.2023 Issue 5
L100	Tree Removal Plan	15.09.2023 Issue 5
L101	Soil Zone Plan	15.09.2023 Issue 4
L200	Surface Finishes Rouse Hill Drive West	15.09.2023 Issue 4
L201	Surface Finishes Rouse Hill Drive Centre	15.09.2023 Issue 5
L202	Surface Finishes Rouse Hill Drive East	15.09.2023 Issue 4
L203	Surface Finishes Retail Loop West	15.09.2023 Issue 4
L204	Surface Finishes Town Green	15.09.2023 Issue 4
L205	Surface Finishes Retail Loop East	15.09.2023 Issue 4
L500	Planting Rouse Hill Drive West	15.09.2023 Issue 4
L501	Planting Rouse Hill Drive Centre	15.09.2023 Issue 5
L502	Planting Rouse Hill Drive East	15.09.2023 Issue 4
L503	Planting Retail Loop West	15.09.2023 Issue 4
L504	Planting Town Green	15.09.2023 Issue 4
L505	Planting Retail Loop East	15.09.2023 Issue 4
L701	Sections 01	15.09.2023 Issue 4
L702	Sections 02	15.09.2023 Issue 4
L703	Sections 03	15.09.2023 Issue 4
L800	Landscape Details 01	15.09.2023 Issue 4
L801	Landscape Details 02	15.09.2023 Issue 5
L802	Landscape Details 03	15.09.2023 Issue 5
L803	Landscape Details 04	15.09.2023 Issue 5
L804	Landscape Details 05	15.09.2023 Issue 5
L805	Landscape Details 06	15.09.2023 Issue 5
L860	Landscape Detail Plans – Town Green	15.09.2023 Issue 6
L861	Landscape Detail Plans – Rouse Hill Drive Ground Floor Residential	15.09.2023 Issue 5



L862	Landscape Detail Plans – Rouse Hill Drive Level 1 Residential	15.09.2023 Issue 5
---	ADG – Compliances Schedule – Unit Schedule (4 pages)	10/10/2023 Rev. 2
----	Set of Plans (for 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. Limits on Floor Area**

The following limits on floor area apply:

10,621m<sup>2</sup> of additional gross leasable floor area (GLFA) retail floor space;

Overall, the proposed works and the approved works under DA 1824/2006/HB allow the following:

74,341m<sup>2</sup> of gross leasable floor area (GLFA) retail floor space;

5607m<sup>2</sup> of gross floor area (GFA) commercial floor space (no change to floor area approved under DA 1824/2006/HB).

## **3. Unit Numbers**

The development is to comprise the following:

1 bedroom units – 49

2 bedroom units – 143

3 bedroom units - 26

Total: 218 units.

The development is required to include a minimum of 23 adaptable units and a minimum of 22 Liveable Housing Guidelines silver level universal design features units.

## **4. Provision of Car Parking and Bicycle Parking**

The provision and maintenance of the following parking:

### **Retail/Commercial Parking**

The Town Centre is required to be provided with a total of 3182 car parking spaces. This comprises an additional 363 spaces and an existing 2819 spaces. An additional 30 bicycle parking spaces are required to be provided, being a total provision of 230 bicycle parking spaces for the expanded Town Centre.

### **Apartment Parking**

The apartment development is required to be provided with a total of 281 car parking spaces comprising 257 resident spaces and 23 visitor spaces. All residential units are required to be provided with a minimum of one residential parking space. A total of 54 bicycle parking spaces are to be provided for the apartment buildings.

## **5. Area of Town Green**

The area of Town Green is required to be a minimum 850m<sup>2</sup>.

## **6. Pay Parking**

Pay parking is permitted within the retail/commercial basement parking areas. Pay parking is not permitted on the private roads, public roads, residential parking or residential visitor parking. The pricing strategy is to be consistent with the existing Town Centre.

## **7. Parking Assist System**

The existing parking assist system is to be extended and be installed within the additional commercial/retail parking areas.

## **8. Traffic Signals – Commercial Road/ Caddies Boulevard**

The installation of traffic signals at the existing T junction of Commercial Road with Caddies Boulevard is required prior to the relevant Occupation Certificate being issued for Town Centre expansion works. The Transport for NSW warrants for these traffic signals will be met by that development. The design of these traffic signals and the associated intersection configuration is required to show staging works required in the future to accommodate the provision of two through traffic lanes in each direction of Commercial Road, the existing right turn lane into Caddies Boulevard, median island construction, utility relocations, street lighting, footpath/ cycleway construction and landscaping in accordance with the detailed concept plan provided by Council (which includes the Green Hills Drive extension).

The detailed design for these traffic lights must be accepted by Transport for NSW and a copy of the accepted design provided to Council prior to issue of the relevant Construction Certificate.

Should Lot 5 DP 30916 Commercial Road opposite be developed and that fourth leg of this intersection (Green Hills Drive extension) be delivered at the same time as these works, the applicant must coordinate the design and construction of these traffic signals with that adjoining developer based on the detailed concept plan for the traffic signals provided by Council (which includes the Green Hills Drive extension). That developer/ development opposite has their own obligations relating to these intersection works.

## **9. No Dual Key Units**

Dual key units are not permitted with the development.

## **10. External Finishes**

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

## **11. Plan of Management for Public Areas**

Prior to the issue of the first Occupation Certificate for any building work within the Town Centre expansion area, the Rouse Hill Town Centre Publicly Accessible Areas Management Plan is to be updated, submitted to and endorsed by Council.

## **12. Further Development Applications Required**

A further Development Application is required for:

- a. the use of the pavilion building.
- b. The use of the Town Green for events.

### **13. Outdoor Dining – Separate development applications required**

A separate development application is required for any outdoor dining. Each outdoor dining application is to be submitted to Council with a detailed noise management plan, details of the exact number of seats and a site plan showing the location of all tables and chairs.

### **14. Permanent Kiosks**

Approval is granted for a total of three permanent kiosks within the retail expansion area. The permanent kiosks are limited to dimensions of 4m x 4m and an area of 16m<sup>2</sup>. The total area of the kiosks is to be included in the total approved gross leasable floor area.

The final location of the kiosks are to have regard to pedestrian circulation, use by those with trolleys and prams, access for the mobility impaired and safe egress during emergencies.

Any additional kiosks or the increase in size of the approved kiosks require the further Development Consent of Council.

### **15. Separate application for advertising and signage**

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or signage, except where the signage does not require development consent or exempt development under another relevant planning instrument.

### **16. Tree Removal**

Approval is granted for the removal of trees indicated in red to be removed on the Tree Removal Plan prepared by Oculus, Issue 5, dated 15.09.2023.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

### **17. Planting Requirements**

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m<sup>2</sup>.

For all planting on slab and planter boxes the following minimum soil depths must be provided:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and not the overall depth of the planter, and that mounding to achieve soil depth is not supported.

### **18. 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.

### **19. 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.

## **20. Vehicular Access and Parking**

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

## **21. Vehicular Crossing Request**

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

## **22. Excavation/ Anchoring Near Boundaries**

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

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

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

### **23. 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.

### **24. Street Trees**

Street trees must be provided for the section of Rouse Hill Drive & Civic Way fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. 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.

### **25. 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.

### **26. 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.

### **27. Water Sensitive Urban Design Handover Process**

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;

- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required in order to facilitate this handover process:

- The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council.
- The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- A whole of life assessment is provided for the WSUD measure which is based upon the expenses incurred during the maintenance period, and documentation is provided to confirm these expenses.
- WAE drawings and any required engineering certifications are provided to Council.
- Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.
- Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

### **28. 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.

### **29. 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.

### **30. Building Work to be in Accordance with BCA**

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

### **31. Litter Control**

A sufficient number of litter bins must be provided on the premises for litter disposal.

### **32. Acoustic Requirements**

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Logic Pty Ltd, referenced as 20211326.1/0903A/R1/AW, dated 9 March 2022 and submitted as part of the Development Application are to be implemented as part of this approval.

### **33. Contamination Assessment & Site Remediation**

The recommendations of the Preliminary Site Investigation prepared by J K Environments Pty Ltd, referenced as E24529BrptRev1, dated 10 March 2022 and submitted as part of the Development Application are to be implemented as part of this approval.

Prior to the commencement of site excavation, the existing landscaped fill mounds are to be assessed for soil contamination in accordance with the recommendations of the report.

There is to be no disposal of contaminated soil, soil for which the contamination status is unknown or waste materials on land or under roads either private roads or roads that will become public land under the control of Council.

### **34. Retention of Trees**

All trees not specifically identified on the approved plans for removal are to be retained and protected in accordance with AS 4970-2009 Protection of Trees on Development Sites and the tree protection conditions of this consent.

### **35. Maintain Vegetation**

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

### **36. Provision of Kitchen Waste Storage Cupboard**

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

### **37. Adherence to Waste Management Plan**

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

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

[www.wastelocate.epa.nsw.gov.au](http://www.wastelocate.epa.nsw.gov.au).

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

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

- 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 “residential waste collection loading zone”, “keep clear on collection day” and “no parking at any time”. Contact Council’s Resource Recovery Officer for advice on collection days.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of heavy sized vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

### **39. Communal Composting Areas**

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

### **40. Commercial 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 by commercial/retail tenants. 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.

### **41. 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](http://www.wastelocate.epa.nsw.gov.au).

#### **42. Provision of Waste Chute System**

The development must incorporate dual chute (garbage and recycling) systems within each building (Building A, B, C and, D). Chute openings must be provided on every residential floor within the building corridors. The waste chutes must terminate into the waste storage rooms. Garbage must discharge into 1100 litre sized bins housed on 2-bin linear tracks with compactor (2:1 compaction ratio) and recyclables must discharge into 1100 litre sized bins housed on 2-bin linear tracks (no compaction). The waste chute system must be maintained in accordance with manufactory standards.

#### **43. Provision of Bin Cupboards**

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

#### **44. 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.

#### **45. Commencement of Domestic Waste Service**

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

#### **46. Construction of Residential Waste Storage Areas – Buildings A+B (Basement 1 West) and Buildings C+D (Basement 1 East)**

The waste storage area(s) must be designed and constructed in accordance with the following requirements. The waste storage area in Basement 1 West must provide minimum storage facility for 7 x 1100 litre garbage bins, 7 x 1100 litre recycling bins, 2 x 2-1100L bin linear track systems with compaction unit for garbage and, 2 x 2-1100L bin linear track systems for recycling (no compaction needed). The waste storage area in Basement 1 East must provide minimum storage facility for 6 x 1100 litre garbage bins, 6 x 1100 litre recycling bins, 2 x 2-

1100L bin linear track systems with compaction unit for garbage and, 2 x 2-1100L bin linear track system for recycling (no compaction needed).

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The chute termination points inclusive of the linear track systems and compaction units must not be accessible by residents.
- The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with limited manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area(s) must be constructed of brickwork or similar.
- The floor of the waste storage area(s) 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 area(s) must have a waste servicing door, with a minimum clear floor width of 1.5m. Acceptable waste servicing doors are single or double swinging doors and roller doors.
- The waste storage area(s) must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.
- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) 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 area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) 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 except where the bin removal is by bin tug for Quadrant C waste room. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (Council approved designs) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

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

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

#### **47. Property Numbering and Cluster Mail Boxes**

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

The property addresses for this development is:

Building A: 7 Rouse Hill Drive Rouse Hill  
 Building A Unit: 9 Rouse Hill Drive Rouse Hill  
 Building B Unit: 11 Rouse Hill Drive Rouse Hill  
 Building B: 13 Rouse Hill Drive Rouse Hill  
 Retail Pavilion GRMM03: 15 Rouse Hill Drive Rouse Hill  
 Retail GR225: 17 Rouse Hill Drive Rouse Hill  
 Building C: 19 Rouse Hill Drive Rouse Hill  
 Building C Unit: 21 Rouse Hill Drive Rouse Hill  
 Building D Unit: 23 Rouse Hill Drive Rouse Hill  
 Building D: 25 Rouse Hill Drive Rouse Hill  
 Building D Unit: 27 Rouse Hill Drive Rouse Hill  
 Building D Unit: 29 Rouse Hill Drive Rouse Hill  
 Building D Unit: 31 Rouse Hill Drive Rouse Hill  
 Retail GR-222: 75 Civic Way Rouse Hill  
 Retail GR-223: 77 Civic Way Rouse Hill  
 Retail GR-224: 79 Civic Way Rouse Hill  
 Retail GR-226A: 94 Civic Way Rouse Hill

Approved unit numbering is as per plans submitted marked as DWG No: A-DA-2301, 2502 – 2514 & 2601 – 2612 & 3002; Rev: 1; dated 10.03.2022 and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation; and as follows:

Level	Building A	Building B	Building C	Building D
Ground #Street numbers apply	Unit # 9	Unit #11	Unit #21	Units #s 23, 27, 29 & 31
Mezzanine One	M01 - M04	N/A	N/A	M101 - M102
Mezzanine Two	N/A	N/A	M201 – M202	M203 – M207
One	101 - 104	105 - 109	101 - 105	106 - 110
Two	201 – 204	205 – 209	201 – 205	206 - 210
Three	301 – 307	308 – 316	301 – 309	310 – 318
Four	401 – 408	409 – 417	401 – 409	410 – 417
Five	501 – 508	509 – 517	501 – 509	N/A
Six	N/A	601 - 609	601 – 609	N/A
Seven	N/A	701 – 709	701 - 709	N/A
Eight	N/A	801- 809	801 – 808	N/A
Nine	N/A	901 -909	N/A	N/A
Ten	N/A	1001 - 1004	N/A	N/A

**Note: Strata – Unit number does not carry across Buildings A & B to Buildings C & D**

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.

#### Mail Boxes

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

Plans with mail box positions in foyer are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email [Gregory.dimmock@auspost.com.au](mailto:Gregory.dimmock@auspost.com.au) or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

The number of mail boxes to be provided is to be equal to the number of units/retail. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A - 7 Rouse Hill Drive and Building C – 21 Rouse Hill Drive

#### Strata Developments

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

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

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

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

#### **48. Endeavour Energy Requirements**

Compliance with the requirements of Endeavour Energy in regard to the provision of an electrical supply to the site in accordance with the letter dated 24 May 2022.

#### **49. Transport for NSW Requirements**

Compliance with the requirements of Transport for NSW in the letter dated 26 September 2023 attached as Appendix A to this consent.

#### **50. Sydney Metro Requirements**

Compliance with the requirements of Sydney Metro in the letter dated 23 June 2022 attached as Appendix B to this consent.

## PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

### **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:-

	<b>Purpose : 1 bedroom unit</b>	<b>Purpose : 2 bedroom unit</b>	<b>Purpose: 3 bedroom unit</b>	<b>Purpose: Credit</b>
Open Space - Land	\$ 3,553.01	\$ 5,739.47	\$ 7,379.32	\$ 10,112.40
Open Space - Capital	\$ 1,461.34	\$ 2,360.62	\$ 3,035.08	\$ 4,159.19
Community Facilities - Land	\$ 76.56	\$ 123.68	\$ 159.02	\$ 217.91
Community Facilities - Capital	\$ 662.84	\$ 1,070.75	\$ 1,376.67	\$ 1,886.55
Studies and Administration	\$ 101.93	\$ 164.65	\$ 211.70	\$ 290.11
Roadworks - Land	\$ 585.41	\$ 945.66	\$ 1,215.85	\$ 1,666.16
Roadworks - Capital	\$ 1,391.80	\$ 2,248.29	\$ 2,890.66	\$ 3,961.28
<b>Total</b>	<b>\$ 7,832.89</b>	<b>\$ 12,653.12</b>	<b>\$ 16,268.30</b>	<b>\$ 22,293.60</b>

<b>No. of 1 bed units : 49</b>	<b>No. of 2 bed units : 143</b>	<b>No. of 3 bed units : 26</b>	<b>Sum of Units</b>	<b>Total S7.11</b>
\$ 174,097.49	\$ 820,744.21	\$ 191,862.32	\$ 1,186,704.02	\$ 1,186,704.02
\$ 71,605.66	\$ 337,568.66	\$ 78,912.08	\$ 488,086.40	\$ 488,086.40
\$ 3,751.44	\$ 17,686.24	\$ 4,134.52	\$ 25,572.20	\$ 25,572.20
\$ 32,479.16	\$ 153,117.25	\$ 35,793.42	\$ 221,389.83	\$ 221,389.83
\$ 4,994.57	\$ 23,544.95	\$ 5,504.20	\$ 34,043.72	\$ 34,043.72
\$ 28,685.09	\$ 135,229.38	\$ 31,612.10	\$ 195,526.57	\$ 195,526.57
\$ 68,198.20	\$ 321,505.47	\$ 75,157.16	\$ 464,860.83	\$ 464,860.83
<b>\$ 383,811.61</b>	<b>\$ 1,809,396.16</b>	<b>\$ 422,975.80</b>	<b>\$ 2,616,183.57</b>	<b>\$ 2,616,183.57</b>

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

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

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 8.

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

### **52. Stormwater Pump/ Basement Car Park Requirements**

The stormwater pump-out system must be designed and constructed in accordance with AS/NZS 3500.3:2015 – Plumbing and Drainage – Stormwater drainage. The system must be connected to a junction pit before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. Where Onsite Stormwater Detention is required, the system must be connected to that Onsite Stormwater Detention system. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.

### **53. 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 set of Engineering plans for Northern Expansion – Stage 2 (titled – Tender Design) prepared by ARCADIS 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) Transport of NSW Approval**

A copy of the approved construction works drawings must be submitted with the construction documentation package to the Principal Certifying Authority.

#### **b) Rouse Hill Drive – Improvement Works**

The improvement works including introducing a U-Turn Bays, extension of existing culvert, improving the pavement connection, reconnection to existing street drainage and reforming the existing road swales are to be generally in accordance with the Civil work and Stormwater Plans Quadrant C – Basement 1 OAL-SI-CV-0201, Quadrant C – Basement 1 OAL-SI-CV-0202, Quadrant C – Podium OAL-SI-CV-0203, Quadrant D – Basement 1 OAL-SI-CV-0211, Quadrant D – Basement 2 OAL-SI-CV-0212 and Quadrant D – Podium 2 OAL-SI-CV-0213, all drawings Revision 06 dated 23/06/2023.

Any necessary service adjustments and ancillary work required to make the construction effective must be carried out by the development to the requirements of respective service authorities.

#### **c) Full Width Road Reconstruction – Civic Way**

The Civic Way reconstruction and associated drainage works must be reflective to the Civil work and Stormwater Plans Quadrant D – Basement 2 OAL-SI-CV-0213 Revision 06 dated 23/06/2023.

Any necessary service adjustments and ancillary work required to make the construction effective must be carried out by the development to the requirements of respective service authorities.:

#### **d) 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.

The driveway must be widened adequately at the boundary and splayed at the kerb to facilitate two-way traffic movement of designed vehicles encroaching the other lanes on the streets.

Specifically, unless additional driveway crossings are clearly shown on the approved plans, only one driveway crossing is approved/ permitted.

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

#### **e) 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".

#### **f) Footpath Verge Formation**

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

#### **g) Concrete Footpath**

A minimum 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of Civic Way in accordance with the DCP and the above documents.

#### **h) Concrete Cycleway/ Shared Path**

A 2.5m wide concrete cycleway/ shared path including access ramps at all intersections, must be provided on the eastern side of Rouse Hill Drive in accordance with the Public Domain Plan, the DCP and the above documents.

#### **a) Disused Layback/ Driveway Removal**

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

#### **i) Service Conduits**

Service conduits to the development must be laid in strict accordance with the relevant service authority's requirements. Services must be shown on the engineering drawings.

#### **j) Street Drainage Reconnection**

New kerb inlet pits must be provided in Rouse Hill Drive and Civic fronting the site and the street drainage extended to connect the pipes in accordance with the drawings referenced under the works related to Rouse Hill Drive and Civic Way required under the items (a) and (b).

The construction on street pipes must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

### **k) Water Sensitive Urban Design Elements**

The integrated stormwater management design of the subject development (Stage 2) relies on a Pond 1 already constructed along Gaddies Creek within the Lot 305 DP 1107129, Bara Way Reserve Commercial Road Rouse Hill as part of previous stages, details submitted with the application.

Water sensitive urban design elements, consisting of Rainwater Tanks and amendment to the existing Road Swales on Rouse Hill Drive are to be provided with the subject development.

Two Rainwater Tanks of 80,000 litre are to be located generally in accordance with the Civil work and Stormwater Plans Quadrant D – Basement 1 OAL-SI-CV-0211, Quadrant D – Basement 2 OAL-SI-CV-0212 form part of the civil engineering concept package, and a separate Hydraulic Services Quadrant D Water & Fire Services insets drawing TAL-DQ—HY-6001 Revision 02 dated 201/10/2022 submitted with the application.

The minor modification to existing road swales in the middle of Rouse Hill Drive proposed with the subject development must be completed in accordance with the drawings referenced under the works related to Rouse Hill Drive required under the items (a) and (b) and the Stormwater Drainage Catchment Plan drawing OAL-SI-CV-0301 Revision 06 dated 23/06/2023.

### **54. Erosion & Sediment Control Plan**

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

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

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

### **55. Design Verification**

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP65.

### **56. Building Plan Approval**

The approved plans must be submitted to the Sydney Water Tap in™ online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.



*The Sydney Water Tap in™ online self-service replaces our Quick Check Agents as of 30 November 2015.*

The Tap in™ service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

#### **57. Parenting Facility**

A minimum of one parenting facility is to be provided within the expansion area. The parenting facility is to be in accordance with the requirements of the Development Control Plan Part B Section 6 – Business. Details are to be approved by the PCA prior to issue of the Construction Certificate.

#### **58. Surrender of Previous Development Consents**

Prior to issue of any Construction Certificate, the following Development Consents are required to be surrendered in accordance with Section 4.63 of the Environmental Planning and Assessment Act, 1979:

- a. 1009/2017/JP
- b. 968/2019/JP
- c. 1007/2019/JP

#### **59. Signage and Line Marking Certification**

- a. Prior to the issue of a Construction Certificate, details of the signage and linemarking to be installed on Rouse Hill Drive and Civic Way shall be submitted to the Principal Certifier with certification from a suitably qualified traffic/civil engineer confirming compliance with Australian Standards 1742.2:2002, AustRoads Guides, TfNSW Supplement to Australian Standards and AustRoads, TfNSW Delineation Guidelines, and any other applicable guidelines and standards.
- b. As Rouse Hill Drive and Civic Way are private roads, the cost of all signage and linemarking including installation and maintenance is to the cost of the owner.

#### **60. Irrigation**

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

### **61. Shopping Trolley Management**

A geospatial fenced trolley containment system is required to be installed within the proposed and existing centre. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land). Details are to be submitted to the PCA prior to issue of the relevant Construction Certificate.

## **PRIOR TO WORK COMMENCING ON THE SITE**

### **62. Tree Protection Fencing**

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

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

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

Where the provision of the tree protection fencing is impractical due to its proximity to the proposed development footprint, trunk protection shall be erected around nominated trees to avoid accidental damage. The trunk protection shall consist of a layer of carpet underfelt (or similar) wrapped around the trunk, followed by 1.8m metre lengths of softwood timbers (90 x 45mm in section) aligned vertically and spaced evenly around the trunk at 150mm centres (i.e. with a 50mm gap) and secured together with galvanised hoop strap.

### **63. 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.

### **64. 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.

### **65. 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.

### **66. 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.

#### **67. 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.

#### **68. Transport for NSW Design Approval**

The design and construction of the relevant works must be approved by Transport for NSW before any works commence on that road. A copy of the Transport for NSW stamped approved construction plans must be submitted to Council.

#### **69. Property Condition Report – Private Assets**

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

#### **70. Notification of Asbestos Removal**

Prior to commencement of any removal of any asbestos containing materials, all adjoining neighbours, Council and WorkCover NSW must be given a minimum five days written notification of the works.

#### **71. 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.

#### **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. 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.

#### **73. 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.

#### **74. Demolition Works and Asbestos Management**

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

#### **75. 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.

#### **76. 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.

#### **77. 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.

### **DURING CONSTRUCTION**

#### **78. Compliance with BASIX Certificate**

Under Section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No.

783067M\_09 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

### **79. 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.

### **80. Hours of Work**

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

**Monday to Saturday - 7.00am to 5.00pm;**

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

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

### **81. 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.

### **82. 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.

### **83. 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](http://www.wastelocate.epa.nsw.gov.au).

### **84. Dust Control**

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

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

- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

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

#### **85. 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.

#### **86. Odour Control**

To ensure that adequate provision is made for the treatment of odours, the mechanical exhaust system shall be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises.

#### **87. 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)*.

#### **88. Washing of Vehicles**

Any carpark area provided as a car wash bay is to be bunded or graded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a suitable Trade Waste Agreement from Sydney Water.

#### **89. Contamination**

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

### **PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE**

#### **90. 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.

#### **91. Pump System Certification**

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

#### **92. Landscaping Prior to Issue of any Occupation Certificate**

Landscaping of the site shall be carried out prior to issue of the relevant Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment

and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

### **93. Installation of Traffic Signals**

The installation of traffic signals at the existing junction of Commercial Road with Caddies Boulevard is required prior to the issue of the relevant Occupation Certificate for the retail/commercial expansion works.

### **94. 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.

### **95. 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;
- 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.

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

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

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

#### **a) Restriction – Bedroom Numbers**

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

#### **b) Restriction – Rainwater Tanks**

The subject site must be burdened with a restriction using the “rainwater tanks” terms included in the standard recitals.

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

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

#### **d) Positive Covenant – Stormwater Pump**

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

#### **e) Positive Covenant – Onsite Waste Collection**

The subject site must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

### **97. Engineering 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
- 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 modified piped stormwater drainage systems and ancillary structures which will become public assets/ or on streets 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.

### **98. 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.

### **99. 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.

### **100. Validation report**

Should the additional soil assessment required by the preliminary site assessment find soil contamination resulting in remediation work or unexpected finds require remediation work, a validation report shall be submitted to the Certifying Authority. 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.

### **101. Regulated Systems**

To ensure that adequate provision is made for ventilation of the building all mechanical and/or natural ventilation systems shall be designed, constructed and installed in accordance with the provisions of:

- a) Australian/New Zealand Standard AS/NZS 1668.1:1998 – The use of ventilation and air conditioning in buildings – fire and smoke control in multi-compartment buildings;
- b) Australian Standard AS 1668.2 – 2002 - The use of ventilation and air conditioning in buildings – ventilation design for indoor air contaminant control;
- c) Australian/New Zealand Standard AS/NZS 3666.1:2011 – Air handling and water systems of buildings – Microbial control – Design, installation and commissioning;



- d) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control - Operation and maintenance;
- e) Australian/New Zealand Standard AS/NZS 3666.2:2011 – Air handling and water systems of buildings - Microbial Control – Performance based maintenance of cooling water systems; and
- f) Public Health Regulation 2012.

The regulated system is to be registered with Council by submitting an Application for Registration of Regulated Water Cooling/Warm Water Systems, available on Council's website [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au) prior to commissioning.

### **102. 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.

### **103. Final Inspection of Waste Storage Area(s)**

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

### **104. Provision of Signage for Waste Storage Areas**

Prior to the relevant Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; [www.thehills.nsw.gov.au](http://www.thehills.nsw.gov.au).

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

### **105. Domestic Waste Collection Risk Assessment**

Prior to the relevant Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

### **106. Waste Chute System Installation Compliance Certificate**

Prior to the relevant Occupation Certificate being issued, a letter of compliance must be submitted to and approved by the Principal Certifying Authority. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system, including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.

### **107. Section 73 Certificate**

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

The proponent is advised to make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit [www.sydneywater.com.au](http://www.sydneywater.com.au) > Plumbing, building and developing > Developing > Land development or telephone 13 20 92.

#### **108. Design Verification Certificate**

Prior to the issue of the relevant Occupation Certificate, design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

#### **109. Loading Dock Stormwater and Wastewater Compliance Report**

A detailed report confirming the location of all stormwater drains, wastewater drains and all associated pipework within the loading docks within the footprint of works covered by this development consent is to be submitted to Council's Manager - Environment and Health prior to the issue of an Occupation Certificate. This report shall include a clear site plan of each loading dock showing all drains that discharge to stormwater and all drains that discharge to the reticulated sewerage system of Sydney Water. The report shall also include confirmation by an appropriately qualified person that all drains within the loading docks are connected to the appropriate water disposal mechanism.

#### **110. Procurement of Mechanical Bin Mover**

Before the issue of an Occupation Certificate, a ride-on tractor and trailer attachment must be purchased at the cost of the developer and provided at the site. The tractor and trolley must be handed over into the ownership of the Owners Corporation. The trailer must be sized to hold at least 6 x 1100 litre bins. The ride-on tractor must be capable of towing the trailer and full bins over all ramps and slopes between the waste storage areas and the designated collection point.

#### **111. Shopping Trolley Management Plan**

A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The operator shall:-

- Install a geospatial fenced trolley containment plan. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land).
- Provide to The Hills Shire Council a list of contacts for the store or centre management;
- Ensure that all trolleys are easily identifiable by Council staff;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

## THE USE OF THE SITE

### **112. Grease Trap (Food Premises)**

Sydney Water shall be contacted with regards to grease trap requirements.

### **113. Offensive Noise**

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

### **114. Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to the occupiers of local 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*.

### **115. Operation of Regulated Water Cooling/Warm Water Systems**

Regulated systems must be operated in accordance with *AS/NZS 3666:2011 Air handling and water systems of buildings – Microbial Control – Operation and Maintenance*.

### **116. Final Acoustic Report**

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

This report should include but not be limited to, details verifying that the noise control measures as recommended in the acoustic report submitted with the development application are effective in attenuating noise to an acceptable noise level and that the activities does not give rise to “offensive noise” as defined under the *Protection of the Environment Operation Act 1997*.

### **117. Signage for loading dock stormwater drains**

Signs shall be displayed and maintained adjacent to all stormwater drains within the loading dock, clearly indicating “Clean Water Only – NO wastewater or rubbish.”

### **118. Garbage Storage – Odour Control**

A waste contractor shall be engaged to remove all waste from the garbage storage area on a regular basis so that no overflow of rubbish will occur. Practical measures are also to be taken to ensure that odour emission from the garbage storage area does not cause offensive odour.

### **119. 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. Commercial garbage and recycling bins 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.

## **120. Hours of operation for waste collection, and loading dock delivery / dispatch of goods**

- All garbage removal to occur between the hours of 7am – 6pm;
- Between 6pm – 10pm only up to 3 large vehicles and 4 car/van deliveries can enter the loading dock in any given 15 minute period.

## **121. Waste and Recycling Management**

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

## **122. Hours of Operation**

The following hours of operation are required to be complied with at all times:

- (i) shops and commercial premises – 7am – 10pm, seven days per week;
- (iii) restaurants and cafes – 7am – midnight, seven days per week;
- (iv) carparks – 24 hours, seven days per week;
- (v) extended Christmas retail trading for all retail and commercial premises – 24 hours per day, on a total of 6 days during the period 10<sup>th</sup> - 24<sup>th</sup> December. The extended trading hours does not include restaurants/cafes;
- (vi) outdoor seating areas associated with café/restaurants – 7am – 10pm, seven days per week.

Any alteration to the approved hours of operation will require the further approval of Council.

## **123. Outdoor Seating**

The outdoor seating associated with any restaurants/cafes/pavilion is limited to 120 seats. Any increase to the seating numbers beyond 120 seats is subject to a further Development Application which is required to be accompanied by a Parking Report which assesses existing parking on site, including parking counts within the parking areas, peak use of parking spaces and dual use of parking and include an assessment of whether any additional seating would generate demand for additional car parking spaces.

Any proposal for outdoor seating requires a Development Application and must include the exact number of seats. An updated seating schedule must be submitted with each successive Development Application to monitor compliance with this condition.

The location of any seating areas and placement of seats must have regard to pedestrian circulation, use by those with trolleys and prams, access for the mobility impaired, safe egress during emergencies and not impact upon on-street parking. Furthermore, a minimum 2 metre wide corridor is to be kept clear on all streets in order to allow the flow of pedestrian traffic.

**124. Loading dock access restriction**

Access way to the loading docks is to be blocked by way of a boom gate, steel gate, chain or bollards, outside of the approved hours of operation to ensure that vehicles cannot access the dock outside of the approved hours.

## ATTACHMENT A

### Transport for NSW

26 September 2023

TfNSW Reference: SYD22/00577/07 (CNR-40019)

Council's Reference: 1837/2022/JP



The General Manager  
The Hills Shire Council  
PO Box 7064  
BAULKHAM HILLS NSW 2153

Attention: Kristine McKenzie

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#### **PROPOSED STAGE 2 ROUSE HILL TOWN CENTRE EXPANSION ROUSE HILL DRIVE, ROUSE HILL**

Dear Sir/Madam,

Reference is made to Council's correspondence dated 6 September 2023, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment in accordance with section 2.122 of *State Environmental Planning Policy (Transport and Infrastructure) 2021*.

The proposed modifications to the signalised intersection of Rouse Hill Drive/Civic Way requires Consent from TfNSW in accordance with Section 87 of the *Roads Act 1993*.

It is noted the development proposes modification to the signalised intersection of Rouse Hill Drive and Civic Way as outlined below:

#### **2025 Interim Scenario**

- incorporate an unsignalised "U-Turn" on Rouse Hill Drive western approach
- Civic Way southern approach is proposed to be converted into one-way northbound with two approach lanes
- Civic Way northern approach is temporary closed

#### **2035 Ultimate Scenario**

- incorporate a signalised "U-Turn" on Rouse Hill Drive western approach
- Civic Way southern approach is proposed to remain one-way northbound
- Reopen the Civic Way northern approach, and U-turn lane will be further extended to 150m towards Tempus St intersection upon the removal of the redundant bus turn

Further, it is noted access to eastern retail / residential car parks is proposed via new midblock right turn movement, with right turn lane extending to signalised intersection of Rouse Hill Drive and Civic Way.

TfNSW has reviewed the submitted information and provides "Agreement in Principle (AIP)" to the proposed Interim Scenario subject to the following conditions. The AIP for the Ultimate Scenario is subject to future traffic and safety demands. Until then, the interim AIP supports the installation of cabling and conduits to ease future installation of signals for the U-Turn leg, when required.

TfNSW raises no objection to the proposed development subject to Council's approval and the following conditions being included in any Consent issued by Council for this development:

1. The proposed interim works and modifications to the Traffic Control Signal/s at the intersection of Rouse Hill Drive/Civic Way shall be designed to meet TfNSW requirements. The civil and Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant TfNSW supplements (available on [www.rms.nsw.gov.au](http://www.rms.nsw.gov.au)). The certified copies of the TCS design and civil design plans shall be submitted to TfNSW for consideration and approval prior to the release of a Construction Certificate and commencement of road works. Please send all documentation to [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au)

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OFFICIAL  
Level 4, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150  
PO Box 973 Parramatta CBD NSW 2124

W [transport.nsw.gov.au](http://transport.nsw.gov.au)

TfNSW fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works and obtain Consent from TfNSW in accordance with Section 87 of the Roads Act 1993.

2. The TfNSW Agreement in Principle (AIP) for the Ultimate Scenario and modification to the signalised intersection of Rouse Hill Drive and Civic Way is subject to future traffic and safety demands.
3. All signal cabling and conduits are to be installed to allow for ultimate signalisation of the U-Turn facility (when required).
4. The applicant should install a large guide sign on approach to the U-Turn facility advising motorists of permissible movement and the restriction on the vehicle size (in addition to the regulatory signage).
5. TfNSW has reviewed the modelling which is suggestive that the proposed unsignalised U-Turn at Rouse Hill Dr / Civic Way will operate efficiently without queuing onto Rouse Hill Drive and Windsor Road. However, given SIDRA modelling can't fully replicate all the vehicle interactions at this location, TfNSW is concerned that should queuing occur it will impact upon the operation of the road networks.

To address this concern, TfNSW requests a condition to be included in the development Consent that the Thursday PM Peak and Saturday Peak traffic queues are to be monitored at Rouse Hill Drive / Civic Way on an annual basis for 2 years post occupation of the site. The purpose of the monitoring is to determine the storage capacity of the turning lane associate with the proposed unsignalised U-Turn at Rouse Hill Dr / Civic Way is sufficient to prevent queuing impacts on Rouse Hill Drive and Windsor Road.

Should the queuing capacity not be sufficient to prevent queuing impacts on Rouse Hill Drive then the applicant will be required to lengthen the storage capacity of the turning bay to 150m by the removal of the redundant bus turn on Rouse Hill Drive.

The results of the monitoring and mitigation measures are to be provided to Council and TfNSW for review and approval.

6. A Road Occupancy Licence (ROL) should be obtained from Transport Management Centre (TMC) for any works that may impact on the operation of traffic signals. A ROL can be obtained through <https://myrta.com/oplinc2/pages/security/oplincLogin.jsf>.
7. A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.
8. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work, and as required by the various public utility authorities and/or their agents.
9. The applicant/Council should be responsible for any community consultation for the proposed works.

If you have any further inquiries in relation to this development application please contact the undersigned on 8849 2331 or e: [development.sydney@transport.nsw.gov.au](mailto:development.sydney@transport.nsw.gov.au). I hope this has been of assistance.

Sincerely,



Zhaleh Alamouti  
Senior Land Use Planner

## ATTACHMENT B



SM-22-00329001

23 June 2022

Kristine McKenzie  
Council Assessing Officer  
The Hills Shire Council  
Via ePlanning Portal

Dear Madam

**State Environmental Planning Policy (Transport and Infrastructure) 2021  
Development Application – 1837/2022/JP  
81 Civic Way, Rouse Hill**

Sydney Metro refers to Development Application 1837/2022/JP (DA) submitted by BBC Planners (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 26 May 2022 in accordance with section 2.98 of the *State Environmental Planning Policy (Transport and Infrastructure) 2021* (Transport and Infrastructure SEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Metro North West Line rail corridor to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Metro North West Line rail corridor for the purpose of the Transport and Infrastructure SEPP.

### **Assessment requirements under the Transport and Infrastructure SEPP**

Sydney Metro has reviewed the DA documents that were uploaded onto the NSW Planning Portal on 27 April 2022.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.98(4) of the Transport and Infrastructure SEPP.

In this regard, Sydney Metro has taken into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

### **Concurrence granted subject to conditions**

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at Attachment A.

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Sydney Metro  
Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240  
T 02 8285 9400 | sydneymetro.info | ABN 12 354 083 515



Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

#### **Next steps**

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Metro North West Line rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA be forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to Section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

Finally, please note that the DA may also have impacts on rail corridors which are not the responsibility of Sydney Metro. If these impacts trigger any concurrence or comments function of the relevant rail authority under the Transport and Infrastructure SEPP, the DA will need to be referred to that other rail authority for a separate concurrence or comments response.

Sydney Metro thanks Council for its assistance.

Please contact Peter Bourke Senior Manager Corridor Protection or Jennifer Nguyen Corridor Protection Planner at email [sydneymetrocorridorprotection@transport.nsw.gov.au](mailto:sydneymetrocorridorprotection@transport.nsw.gov.au) should you have any further enquiries on this matter.

Yours sincerely,



**Stephen Scott**  
Deputy Executive Director  
Northwest Operations  
Development Application – 1837/2022/JP  
81 Civic Way, Rouse Hill



## Attachment A – Conditions

### 1 Prior to issue of a Construction Certificate

#### Noise & Vibration

##### 1.1 The development must:

- (a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines (available from [www.sydneymetro.info](http://www.sydneymetro.info));
- (b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
- (c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

##### 1.2 The Applicant must:

- (d) prepare an acoustic assessment report which confirms compliance with each of the matters outlined in condition 1.1; and
- (e) incorporate as part of the development all the measures recommended in the acoustic assessment report; and

A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

- ##### 1.3
- Prior to the issuing of a Construction Certificate, the Applicant must submit to Sydney Metro a plan showing all craneage and other aerial operations for the development and must comply with all Sydney Metro requirements. If required by Sydney Metro, the Applicant must amend the plan showing all craneage and other aerial operations to comply with all Sydney Metro requirements. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from the Sydney Metro that this condition has been satisfied.

#### Documentation

- ##### 1.4
- Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

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#### Sydney Metro

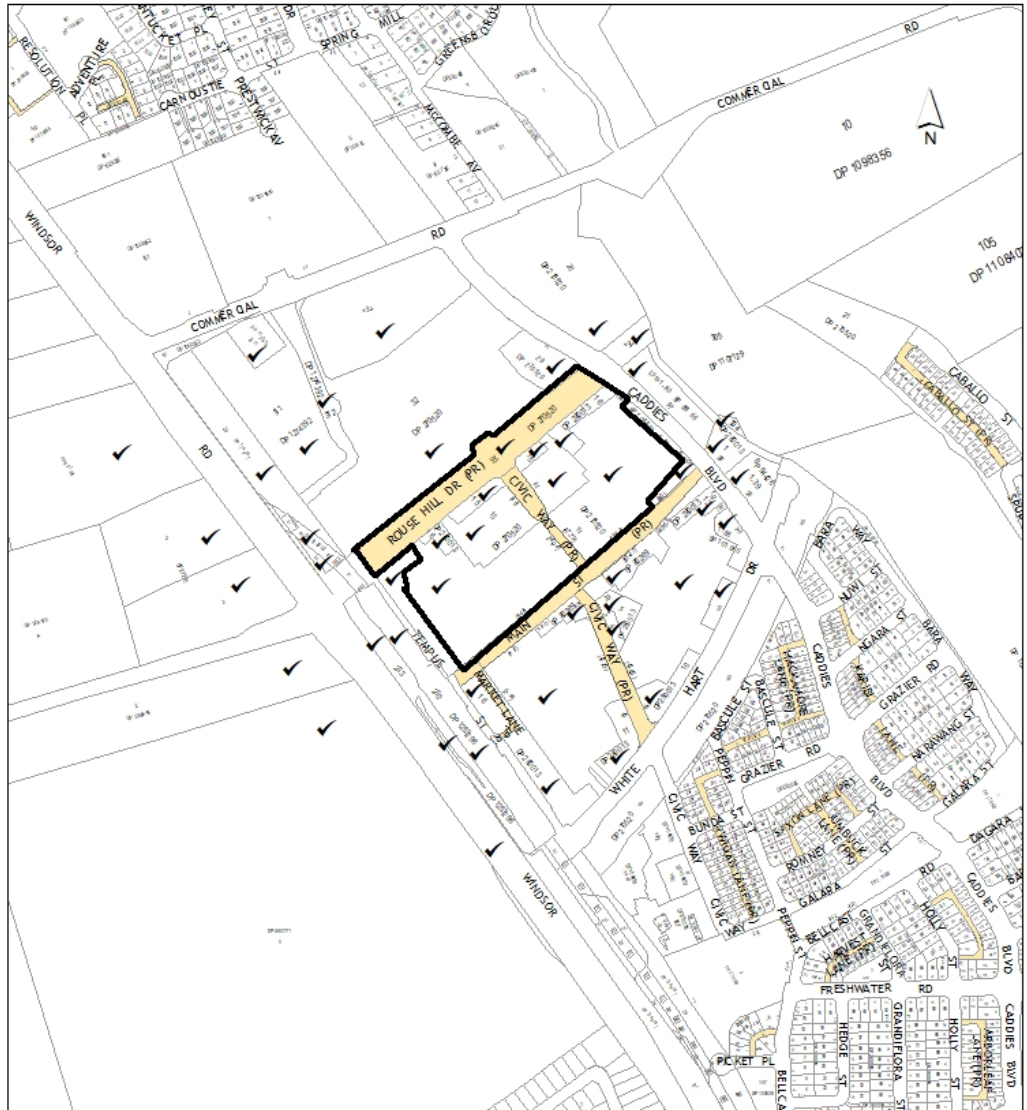
Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240  
T 02 8265 9400 | [sydneymetro.info](http://sydneymetro.info) | ABN 12 354 063 515

## 1 Prior to the issue of an Occupation Certificate

### Noise and Vibration

- 1.1 If required by Sydney Metro, prior to the issue of an Occupation Certificate, an acoustic assessment report must be prepared and submitted to the Certifying Authority, Council and Sydney Metro certifying that the completed development meets the requirements of:
  - (a) *State Environmental Planning Policy (Transport and Infrastructure) 2021*;
  - (b) *the Department of Planning, Infrastructure and Environment's Development Assessment Guideline titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines"*; and
  - (c) *any other noise and vibration requirements imposed by this consent.*
- 1.2 If required by Sydney Metro, the acoustic report must demonstrate testing of external and internal noise levels for the completed development and ensure that external noise levels are representative of the typical maximum levels that may occur at the development and internal noise levels meet the required dB(A) levels. Where it is found that internal noise levels are greater than the required dB(A) level, necessary corrective measures must be carried out to ensure that internal noise levels are compliant with the requirements of this consent.

## ATTACHMENT B: LOCALITY PLAN



SUBJECT SITE

PROPERTIES NOTIFIED - THIS INCLUDES BLACKTOWN CITY COUNCIL AND ALL PROPERTIES WITHIN THE STRATA PLANS

**THE HILLS**  
Sydney's Garden Shire


### THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI), CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

# ATTACHMENT C: AERIAL PHOTOGRAPH



 SUBJECT SITE

**THE HILLS**  
Sydney's Garden Shire

## THE HILLS SHIRE COUNCIL

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# ATTACHMENT D: SITE LOCATION PLAN

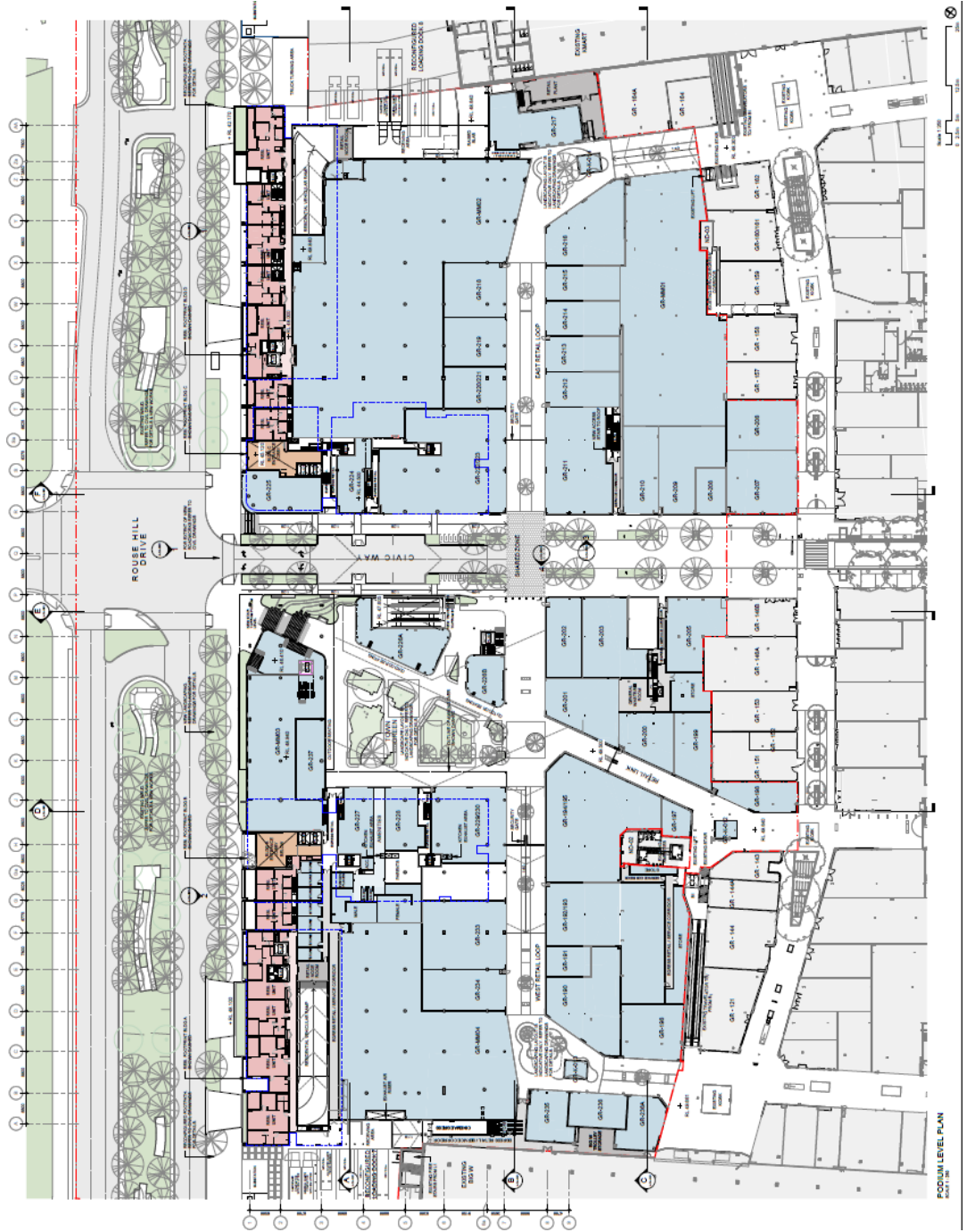


## A-DA-10 SITE PLANS

ROUSE HILL TOWN CENTRE,  
NORTHERN EXPANSION STAGE 2

- LEGEND:
- 1. PAVILION (RETAIL)
  - 2. EAST QUADRANT RETAIL LOOP
  - 3. PODS (RETAIL)
  - 4. TOWN GREEN
  - 5. WEST QUADRANT RETAIL LOOP
  - 6. BUILDING A (RESIDENTIAL)
  - 7. BUILDING B (RESIDENTIAL)
  - 8. BUILDING C (RESIDENTIAL)
  - 9. BUILDING D (RESIDENTIAL)

# ATTACHMENT E: PODIUM LEVEL PLAN



# ATTACHMENT F: TYPICAL RESIDENTIAL LEVEL (LEVEL 3)





# ATTACHMENT G: ELEVATIONS





3 CIVIC WAY - EAST ELEVATION  
DATE: 10/10/23



4 CIVIC WAY - WEST ELEVATION  
DATE: 10/10/23

ATTACHMENT H: PHOTOMONTAGES



3D VIEW 01



3D VIEW 02