

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-420 - DA 1118/2023/JP
PROPOSAL	Concept Development Application for The Gables Town Centre and Stage 1 Works including construction and use of the mixed use development made up of a supermarket, function centre, speciality shops and commercial tenancies and Subdivision of the site into Four Lots.
ADDRESS	Lot 20 and 21 DP 1256674 Fontana Drive, Gables
APPLICANT	Stockland Developments Pty Ltd
OWNER	AW Bidco 4 Pty Limited
DA LODGEMENT DATE	16 January 2023
APPLICATION TYPE	Development Application – Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the Planning Systems SEPP: General development over \$30 million
CIV	\$63,300,000.00 (excluding GST)
CLAUSE REQUESTS 4.6	Nil
KEY SEPP/LEP	The Hills LEP 2019
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
DOCUMENTS SUBMITTED FOR CONSIDERATION	Town Planner: GLN Planning Architect: i2C/Thomson Adsett Landscape: Aecom/Ground Ink Engineering: Enspire Traffic: Colston Budd Hunt and Kafes Acoustic: Stantec Bushfire: Peterson Bushfire Quantity Surveyor: WT Partnership
SPECIAL INFRASTRUCTURE	Not Applicable

CONTRIBUTIONS (S7.24)	
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	Electronic
PLAN VERSION	NA
PREPARED BY	Robert Buckham – Principal Coordinator
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	21 November 2023

EXECUTIVE SUMMARY

The subject Development Application seeks approval for the overall concept for the site subject to Section 4.22 of the Environmental Planning and Assessment Act 1979 and the Stage 1 built form development.

The concept proposal details the general location of buildings and uses on proposed Lot 61 for retail and food and drink premises (i.e. pub), Lot 62 for a medical centre and child care centre and Lot 63 for supermarket, function centre, commercial and speciality shops, together with location of basements and shared car parking arrangements, access locations to the external road network and management of stormwater. The development of proposed Lot 64 will be developed independently under the existing planning controls established for the Masterplan.

The Stage 1 (Lot 63) development includes construction and use of the mixed use development made up of a supermarket, function centre, speciality shops and food tenancies and construction of a basement and at-grade car park for 511 vehicles.

The proposed development is permissible in the E1 Local Centre zone and has been assessed under the relevant provisions of 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 (Industry and Employment) 2021, State Environmental Planning Policy (Transport and Infrastructure) 2021, LEP 2019, and The Hills Development Control Plan 2012.

The proposed development includes variations to the DCP relating to the number of parking spaces and landscaping within the carpark. The variations are considered to be satisfactory given the location and characteristics of the site.

The application was notified for a period of 14 days. No submissions were received.

The DA remains consistent with Box Hill Masterplan 1397/2015/JP (as modified), as it provides for the development of the land for retail and commercial purposes.

The proposal is defined as 'Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act 1979 as the proposal requires approval from the Rural Fire Service under Section 100B of the Rural Fires Act 1997 and the NSW Department of Planning and Environment – Water under the provisions of the Water Management Act 2000. A Bushfire Safety Authority and General Terms of Approval has been provided.

The Development Application is recommended for approval.

1. THE SITE AND LOCALITY

The subject site is legally described as Lot 20 and 21 in DP 1256674 Fontana Drive and Red Gables Road, Gables. The site has an area of approximately 3.145 hectares with frontage to Fontana Drive, Lakefront Crescent and Red Gables Drive. Lot 20 and Lot 21 in DP 1256674 are irregular in shape, created under DA1542/2019/ZB and have an area of 23,243m² and 7,042m² respectively.

The site is void of any structures and vegetation having been previously cleared under DA1983/2016/ZB and DA1824/2017/ZB (as modified) which also included construction of the lake immediately north of the Centre.

The topography of the site is gently sloping located just below the ridge in an area characterised by rolling hills with broad crests and gently undulating slopes and flats. The site generally drains to the north and east.

Based on the approved Masterplan which applies to the site, Precinct E comprises land designated for a town centre including a range of residential and commercial land uses.

The development site zoned E1 Local Centre pursuant to The Hills Local Environmental Plan 2019. The site is subject to Height of Building (HOB) maximum heights of 16m (O2), 18m (P2) and 27m (T2), (refer Attachment E) and an FSR of 1:1 (N), 1.2:1 (P2) and 1.9:1 (S4) (Refer Attachment F) for a portion of the site under Local Environmental Plan 2019

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development includes:

- Subdivision of the Site to create 4 lots.
- The overall concept for the Centre showing the general location of buildings and uses on proposed Lot 61 for retail and food and drink premises (i.e. pub), Lot 62 for a medical centre and child care centre and Lot 63 for supermarket, function centre, speciality shops and food and drink premises together with location of basements and shared car parking arrangements, access locations to the external road network and management of stormwater. The development of proposed Lot 64 will be developed independently under the existing planning controls established for the Masterplan.
- The Stage 1 development includes:
 - excavation and construction of a basement and at-grade car park for 511 vehicles and site access locations.

- construction and use of the mix-used development made up of a supermarket, function centre, speciality shops and food and drink tenancies on Lot 63.
- extension and augmentation of physical infrastructure and utilities (as required).
- landscaping works within car park and public domain areas on Lot 63.
- indicative signage to support the proposed Centre.

The specific floor areas for the uses Stage 1 – Lot 63 include; supermarket (approximately 3,800m²), a speciality supermarket retailer (approximately 526m²), function centre (approximately 693m²), speciality shops (approximately 537m²) and commercial tenancies comprising cafes/restaurants (approximately 795m²), gym (approximately 796m²) and car wash (approximately 214m²).

PAD Site 1 – Lot 61 – retail and food and drink premises (i.e. pub) of approximately 2,000m² will not have car parking constructed on this lot but will include additional car parking when the future application is lodged and as supplemented by carparking on Lot 63 available in off peak periods to the shop and commercial premises peak period.

PAD Site 2 – Lot 62 - health services facility of approximately 1,800m² and centre-based child care facility of approximately 700m² internal and 700m² external) including the exclusive allocation of parking for 64 vehicles on the western side of the car park (30 in the basement car park and 34 in the at-grade car park). The development application for this site is currently under assessment and will be reported to the Panel (DA 103/2024/JP – PPSC482).

The 511 car spaces will be constructed to meet the commitment to provide 110 parking spaces in the basement for the Santa Sophia Catholic College (opposite the site) between 6:00am to 6:30pm Monday to Friday (excluding school holidays) in accordance with SSD 9772 (these spaces are currently provided in an approved temporary carpark adjacent to the school) and to satisfy car parking demand for the proposed and future retail and commercial uses.

The childcare centre and medical centre will have 64 parking spaces for the exclusive use of these developments. The future pub will include future car parking on proposed Lot 61 with opportunity to have car parking to utilise other spaces in front of the car park in non-peak times for the Centre. The future application for the pub will demonstrate the car parking provision in relation to the size and patron capacity of the pub.

A separate loading dock to service the supermarkets is proposed along the eastern edge of the Site, with access provided from the roundabout on Lakefront Crescent. Landscaping will border the site's street frontages and interface with Cataract Creek to the east and future lake precinct to the north.

The general hours of operation sought are from 6:00am to 12:00am Monday to Sunday. Within this range the hours of operation for particular uses are as follows;

- Supermarket 7am to 12am Monday to Sunday
- Specialty retailers (including food and beverage and commercial) 7am to 10pm Monday to Sunday
- Loading dock 6am to 11pm Monday to Sunday

Approval for indicative signage zones is sought. The location of proposed signage for the tenancies in Stage 1 is shown on the Architectural Plans. The purpose of the signage zones is to identify key tenants within the Centre to be incorporated into the architecture of the new Centre. The signage zones will support the following future forms of signage on the site:

- building identification signage,
- retail signage, including glazing, wall mounted and awning signage for the retail tenancies,
- major supermarket identification signage.

The individual design, character and dimensions of the signage will be subject to future separate DAs.

2.2 Background

The development application was lodged on 16 January 2023. The Regional Planning Panel was briefed on 06 April 2023.

Additional information was requested on 23 March 2023 in relation to owner's consent, servicing, clarification of the concept da, landscaping and acoustic matters and on 29 March 2023 in relation to engineering and traffic matters. A response was provided on 13 June 2023.

Further correspondence was sent to the applicant on 24 August 2023 in relation to landscaping and engineering matters. A response was provided on 15 September 2023.

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.

It is noted that the proposal is considered to be Integrated Development (s4.46).

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 (Industry and Employment) 2021;*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021; and*
- *The Hills Local Environmental Plan 2019.*

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 1** and considered in more detail below.

Table 1: Summary of Applicable Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	<ul style="list-style-type: none"> Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6. 	Y
Resilience and Hazards SEPP	<ul style="list-style-type: none"> Section 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
Biodiversity and Conservation SEPP	<ul style="list-style-type: none"> Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments. 	Y
Industry and Employment SEPP	<ul style="list-style-type: none"> Chapter 3 – Advertising and signage 	Y
Transport and Infrastructure SEPP	<ul style="list-style-type: none"> Section 2.122 Schedule 3 – Traffic-generating development 	Y
The Hills LEP	<ul style="list-style-type: none"> Clause 4.1 – Lot size. Clause 4.3 – Height of Buildings Clause 4.4 – Floor Space Ratio Clause 6.3 - Servicing Clause 7.2 – Earthworks 	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 of Schedule 6 of the SEPP as the proposal is development for *general development* with a CIV of more than \$30 million. 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 (RH SEPP) 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.

A Detailed Site Investigation (DSI) and Remediation Action Plan (RAP) was prepared and approved for the majority of the Box Hill North release area, including the subject site by

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JBS&G in 2014 and 2015 respectively. Areas requiring remediation have therefore been identified, with the RAP making appropriate recommendations to ensure that land is suitable for the intended residential and recreational uses. Remediation of the site was carried out under the bulk earthworks application (DA 824/2017/ZB).

Council's Environmental Health Team have raised no objections to the recommendations of the report, subject to conditions. Following satisfactory remediation of the site the site can be made suitable for its intended use and is consistent with the SEPP.

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

In accordance with Schedule 3, the proposal comprises development for the purposes of 'carparks' with more than 200 car parking spaces, 'food and drink premises' associated with more than 200 car parking spaces, and 'shops' with more than 2,000m² in GFA. Accordingly, before determining the DA, the consent authority must give written notice of the DA to TfNSW within 7 days of lodgement and take into consideration any submission that RMS provides in response to that notice within 21 days after the notice was given.

- (2) *Before determining a development application for development to which this section applies, the consent authority must—*
 - (a) *give written notice of the application to Transport for NSW (TfNSW) within 7 days after the application is made, and*
 - (b) *take into consideration the matters referred to in subsection (3).*
- (3) *The consent authority must take into consideration—*
 - (a) *any submission that TfNSW provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, TfNSW advises that it will not be making a submission), and*
 - (b) *the accessibility of the site concerned, including—*
 - (i) *the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (ii) *the potential to minimise the need for travel by car, and*
 - (c) *any potential traffic safety, road congestion or parking implications of the development.*

TfNSW was consulted and provided the following comments:

"TfNSW has reviewed the submitted documents in relation to the development proposal and does not object to the development proposal on traffic and transport grounds.

TfNSW also provides the comments in Attachment A for Council's consideration.

The concept layout plans show that the proposed access to the development consists of:

- *a combined entry/exit driveway along the Lakeview Crescent frontage to the at grade car park allowing all movements that is immediately adjacent to an existing raised pedestrian crossing facility,*

- a combined entry/exit driveway from the roundabout in Lakeview Crescent to the underground car park allowing all movements,
- a combined entry/exit driveway from the roundabout in Lakeview Crescent from the roundabout to the loading docks allowing all movements, and
- a combined entry/exit driveway along the Fontana Drive frontage to the at grade car park allowing left in and left out movements only due to the median in Fontana Road.

Although the traffic report states that all driveways servicing the at grade car park will be left in/left out there is no traffic facility or signage that indicates that the exit movement from the at grade car park into Lakeview is restricted to left out movements only.

It is noted that the traffic report states that 110 car parking spaces will be allocated for school parking between 6AM and 6:30PM weekdays. Considering the additional pedestrian crossing movements across Lakeview Crescent that these spaces will generate, TfNSW raises safety concerns with permitting exit movements from the combined entry/exit driveway from the at grade car park that will be immediately adjacent to this driveway. TfNSW strongly recommend that this driveway be changed to allow entry movements only.

This will improve road safety in the vicinity of the school by:

- removing the traffic conflict with left turn movements and pedestrians using the existing pedestrian crossing, and
- reducing right turn movements and therefore traffic volumes in Lakeview Crescent from the at grade car park."

Conditions of consent have been recommended to address the matters raised by TfNSW, refer conditions Nos. 49 and 50.

Accordingly, the proposal development is satisfactory with respect to Section 2.122 of the SEPP.

State Environmental Planning Policy (Industry and Employment) 2021

Chapter 3 Advertising and Signage of State Environmental Planning Policy (Industry and Employment) 2021 applies to the proposal since signage zones are proposed in the form of flush wall signs, under awning signs and pylon signs. Future signage of the site will be subject to future separate approval and will be required to be further assessed against the Industry and Employment SEPP.

Section 3.1 Aims and Objectives of Chapter 3 states:

- (a) to ensure that signage (including advertising)—
 - (i) is compatible with the desired amenity and visual character of an area, and
 - (ii) provides effective communication in suitable locations, and
 - (iii) is of high quality design and finish, and
- (b) to regulate signage (but not content) under Part 4 of the Act, and
- (c) to provide time-limited consents for the display of certain advertisements, and
- (d) to regulate the display of advertisements in transport corridors, and
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.

The proposed signage zones have been assessed against the Assessment Criteria outlined in Schedule 5 of the SEPP and is considered satisfactory. The proposed signage zones accord with the objectives of the E1 Local Centre zone in providing identification for the businesses at the site.

The Hills Local Environmental Plan 2019

The proposed development is pursuant to the provisions outlined within the LEP.

The site is located within the E1 Local Centre zone. The proposed uses are permissible forms of development in the zone.

The E1 zone objectives include the following (pursuant to the Land Use Table in Clause 2.3):

- *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*
- *To encourage investment in local commercial development that generates employment opportunities and economic growth.*
- *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*
- *To ensure the scale and type of development is compatible with the character and amenity of the surrounding area.*
- *To allow for residential development that contributes to the economic and social vitality of the centre and does not detract from the primary objective of the zone.*
- *To promote transit oriented development principles and encourage walking and cycling to and from the centre.*

The proposal is considered to be consistent with these zone objectives.

The LEP also contains the following relevant controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in **Table 2** below.

Table 2: Consideration of the LEP Controls

Control	Requirement	Proposal	Comply
Clause 4.1 Minimum Lot Size	600m ²	4 lots ranging in area from 3,201m ² (Lot 62) to 1.66 hectares (Lot 63)	Yes
Clause 4.3 Height of Buildings	16m (O2), 18m (P2) and 27m (T2)	Max 14.2m	Yes
Clause 4.4 Floor Space Ratio	1:1 (N), 1.2:1 (P2) and 1.9:1 (S4)	The FSR for the uses on the proposed lots are: proposed Lot 63 – area of 1.66ha – GFA of 8,317m ² = 0.5:1 proposed Lot 62 – area 3,201m ² – GFA of 2,500m ² = 0.78:1	Yes

		<p>proposed Lot 61 – area 3,682m² – GFA of 2,000m² = 0.0.54:1</p> <p>No building or uses have been nominated on Lot 64 which has an area of 6,662m² and a potential GFA of 6,662m².</p>	
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i) Compliance with Clause 6.3 Public Utility Infrastructure

Clause 6.3(1) states the following:

(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.

Clause 6.1 of the LEP defines public utility infrastructure as any of the following:

- a) the supply of water,
- b) the supply of electricity,
- c) the disposal and management of sewage.

The applicant has provided advice from Sydney Water in relation to the supply of water, Endeavour Energy in relation to the supply of electricity and Altogether, a private sewage infrastructure provider for the Gables that adequate arrangements have been made.

The proposal is satisfactory with respect to Clause 6.3 of the LEP.

3.2 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.

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

The proposal has been assessed against the following Sections of The Hills DCP 2012 where relevant:

- Part B Section 6 – Business;
- Part C Section 1 – Parking;
- Part C Section 2 – Signage
- Part C Section 3 – Landscaping; and
- Part D Section 17 - Box Hill North

The proposed development is considered to be consistent with the objectives of the DCP as it has been designed to relate to the size, shape and context of the site and to be consistent with the desired future character for development in the locality in accordance with Part D Section 17 Box Hill North which comprises an ILP for the town centre.

Parking

The proposal provides for 511 spaces on the site. There are a range of uses proposed on the site. The table below details the parking required by the proposal under the DCP for each use and rates of parking for uses not covered under the DCP. The calculations below differ from that provided by the applicant, who considers that the DCP requires 407 spaces, however a similar rationale regarding demand and dual use parking has been determined to be an appropriate outcome for the site.

PARKING CALCULATIONS

USE	PARKING RATE (SPACES)	REQUIREMENT	PROPOSED
Retail	1 space per 18.5m ² of GLFA (5,574m ²)	301.3 spaces	-
Business Premises/Gym	1 space per 25m ² (796m ²)	31.84 spaces	-
Function	12 spaces per 100m ² of GFA (693m ²)	103.95 spaces	-
Total required		437.09 spaces (438 spaces)	-
Child Care Centre /Medical Centre	1 space per 6 children plus 1 space per employee, and 1 space per 25m ²	Subject to future DA	64
Santa Sophia School 6:00am to 6:30pm Monday to Friday (excluding school holidays)	-	110	110
Total Required			612
Total Proposed			511

Given the range of uses parking demand will vary given the time of day or week. The applicant has provided justification below to support the proposed development.

“Applying the parking requirements for new development set out in The Hills Development Control Plan 2012, the proposed development would require 407 spaces noting not all uses have peak parking demands at the same time. Accordingly, a Traffic Report has been prepared to review the traffic implications of the proposed development as the actual parking requirements vary with the type of land use (i.e. not all uses have peak parking demands at the same time) and often result in an oversupply of parking, which, in turn, consumes land and natural resources, encourages private vehicle use and increases the associated air and water pollution. Accordingly, the following rates have been adopted at peak retail times (around midday):

- retail (including cafes/restaurants in shopping centres) – 1 space per 18.5m²

- *entertainment – 1 space per 20m²*
- *gyms – 1 space per 33m².*

Applying these rates, the “worst case” assessment would require 365 parking spaces. By way of comparison, Council approved a similar development at West Kellyville based on parking provided at TfNSW rates. Applying these rates (and the DCP rate for the community/entertainment), the proposed development would require 334 spaces.”

Council’s DCP Part C Section 1 - Parking Clause 2.1.3 allows the provision of dual use parking. The DCP states;

“Where the main usage periods of the component uses do not coincide, Council may consider a reduction in the car parking requirements provided that the total car parking is not less than that needed for the component that generates the greatest requirement. The onus will be on the applicant to satisfy Council that the main usage periods do not coincide.”

It is considered that the justification provided by the applicant for the proposed parking is reasonable and that adequate parking will be provided on site for future tenants, customers and the Santa Sophia School. The shortfall of spaces in accordance with the assessment in the table above is on a worst case scenario and it is unlikely that every use on site will occur at maximum capacity at the same time. Specifically, peak use on weekends will be supplemented by the 110 school spaces that are not required during this time and it would be expected that school use by parents will also occur within peak drop-off and pick-up and that both activities will occur by some users at the same time.

Landscaping within the carpark

Section 2.8 of Part C Section 1 – Parking and Section 3.12 of Part C Section 3 – Landscaping, requires a 2m wide landscaping strips between rows served by different aisles, between spaces at a rate of one in every ten car parking spaces, and either side of driveways.

The at grade over basement carpark includes landscaping below these provisions and is restricted due to available soil depths over the car park slab.

The relevant objectives of the controls are:

- To provide appropriate landscaping for external and uncovered car parks so that they do not detract from the surrounding area.*
- To provide shade and improve amenity of loading, service and parking areas and to provide a buffer to neighbouring properties.*
- To utilise landscaping to provide amenity to neighbouring properties in accordance with Council’s ESD objective 7.*

Comment:

Although the proposal does not fully comply with the control, the landscaping provided meets the intent of the control by providing a landscaped area within the carpark to ‘break-up’ the hardstand area. The remaining areas surrounding development are also landscaped and comply with the required 2 metre. It is considered that the proposal meets the objectives of the controls and the variation is considered reasonable.

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

The Box Hill North Planning Agreement (VPA) applies to the site. The Planning Agreement was executed by Council and EJ Cooper and Son Pty Ltd and has since been transferred to Stockland.

The VPA makes satisfactory arrangements with Council for development contributions over the site and the wider development at the Gables and turns off the application of S7.11 and S7.12 of the EP&A Act.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application. The development application includes minor demolition works (driveway crossings) and as such Australian Standard AS 2601—2001: The Demolition of Structures has been considered.

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The proposed development is not considered likely to result in any adverse impacts. The development will provide for retail, commercial, food and drink and entertainment development that is not otherwise provided for in the Gables. Conditions of consent have been recommended to address potential amenity impacts.

3.7 Section 4.15(1)(c) - Suitability of the site

The site has been zoned for the urban purpose and forms part of the Box Hill North Urban Release Area. The proposed development is consistent with the Box Hill North Masterplan approval and Council's previous approvals and is suitable development of the site consistent with the zone objectives.

The proposal will provide for essential uses consistent with the intended town centre outcome for the area, responds to the site characteristics and is considered to be a suitable development.

3.8 Section 4.15(1)(d) - Public Submissions

No submissions received.

3.9 Section 4.15(1)(e) - Public interest

The proposed development will improve the level of amenity provided in the Gables through the provision of a new supermarket, retail precinct and public open space. On these grounds, the proposed development is considered to be in the public interest.

3.10 Section 4.24 Concept Approval

The DA remains consistent with Box Hill Masterplan 1397/2015/JP (as modified), as it provides for the development of the land for a town centre retail/mixed use purpose.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The subject application has been referred to Council's relevant staff for comments as well as the following external government departments:-

- Department of Planning and Environment – Water;
- Rural Fire Service; and
- Transport for NSW

The proposal is defined as Nominated Integrated Development and Integrated Development under the Provisions of Clause 4.46 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the NSW Department of Planning and Environment – Water under the provisions of the Water Management Act 2000 and the Rural Fire Service under the Rural Fires Act, 1997

A Bushfire Authority was granted by the Rural Fire Service and is included at Attachment L.

General Terms of Approval have been issued by the Department of Planning and Environment – Water and is included at Attachment M.

The Transport for NSW comments were addressed in this report.

4.2 Community Consultation

The proposal was notified in accordance with the DCP for 14 days. No submissions were received to the application.

5. CONCLUSION

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

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

Approval is recommended subject to conditions, refer Attachment A.

6. RECOMMENDATION

That the Development Application 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 Map
- Attachment D: Zoning Map
- Attachment E: Height Map
- Attachment F: FSR Map
- Attachment G: Proposed Site Plan
- Attachment H: Floor Plans
- Attachment I: Elevations
- Attachment J – Landscaping Plans
- Attachment K – Proposed Subdivision Plan
- Attachment L – RFS Bushfire Safety Authority
- Attachment M - DPE Water General Terms of Approval

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

PROJECT NO.	DESCRIPTION	SHEET	REVISION	DATE
23273-Sub E3	Subdivision Plan	-	-	27/10/2023
23.0029.17	Demolition Plan	DA15	1	16/08/2023
23.0029.17	Site Plan	DA16	1	16/08/2023
23.0029.17	Basement Floor Plan	DA17	1	16/08/2023
23.0029.17	Ground Floor Plan	DA18	1A	16/08/2023
23.0029.17	Level 1 Floor Plan	DA19	1	16/08/2023
23.0029.17	Roof Plan	DA20	1	16/08/2023
23.0029.17	Elevations Sheet 1	DA21	1	16/08/2023
23.0029.17	Elevations Sheet 2	DA22	1	16/08/2023
23.0029.17	Site Sections	DA23	1A	16/08/2023
23.0029.17	Sections Sheet 1	DA24	1A	16/08/2023
23.0029.17	Sections Sheet 2	DA25	1A	16/08/2023
20230426	Landscape Cover Sheet	LCC-000	D	14/09/2023
20230426	Legend and Schedules	LCC-001	D	14/09/2023
20230426	General Arrangement Plan	LCC-201	D	14/09/2023
20230426	General Arrangement Plan – Planting Plans	LCC-202	D	14/09/2023
20230426	Landscape Finishes Plan Inset 1	LCC-301	D	14/09/2023
20230426	Landscape Finishes Plan Inset 1	LCC-302	E	14/09/2023
20230426	Landscape Details 1	LCC-901	D	14/09/2023

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

2. Concept Application and Stage 1

Development consent is granted to concept development application No.1118/2023/JP that sets out a concept proposal pursuant to section 4.22 of the Environmental Planning and Assessment Act 1979 together with a detailed proposal comprising Stage 1 of the application.

The concept proposal is as follows:

- The overall concept for the Centre showing the general location of buildings and uses on proposed Lot 61 for retail and food and drink premises, Lot 62 for a medical centre and child care centre and Lot 63 for supermarket, function centre, commercial and speciality shops, together with location of basements and shared car parking arrangements.

The works in Stage 1 comprise:

- excavation and construction of a basement and at-grade car park for 511 vehicles for Lots 62 and 63 and
- site access locations on proposed Lots 62 and 63
- construction and use of the mix-used development made up of a supermarket, function centre, speciality shops and commercial tenancies on Lot 63
- extension and augmentation of physical infrastructure and utilities (as required)
- landscaping works within car park and public domain areas on Lots 62 and 63
- indicative signage to support the proposed Centre.

3. Future development applications

While this consent remains in force, the determination of any further development application in respect of the site cannot be inconsistent with this consent and the plans and documents referred to in this consent.

4. Compliance with Department of Planning and Environment - Water Requirements

Compliance with the requirements of the Department of Planning and Environment - Water attached as Appendix A to this consent and dated 29 August 2023.

5. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service attached as Appendix B to this consent and dated 10 March 2023.

6. External Finishes

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

7. 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 and ornamental grasses are to be minimum 140mm pot sizes. Any species that need substituting requires confirmation from Council.

8. Provision of Parking Spaces

The development is required to be provided with 511 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

110 of these spaces are allocated for school parking 6.00am to 6.30pm Monday to Friday. These spaces will be located in the western section of the basement car park with appropriate signage and line marking showing them as school parking. These spaces will be available for general parking outside of the designated hours.

Off-street parking for Lot 61 will be determined with a future development for this land.

9. Separate Development Application for fit out and/or occupation

A separate development application is required for the fit out and/or occupation of the uses not approved with this application, unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Where a development application is required, the application should address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
-
- Parking Provision

10. Separate application for other signs

Approval is granted for signage zones and for the tenancies in Stage 1 is shown on the Architectural Plans. A separate application is required to be submitted to, and approved prior to the erection of any advertisements or advertising structures other than the sign(s) approved in this consent unless otherwise allowed under the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

11. 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.

12. 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.

13. Contamination

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

14. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by prepared by Stantec Australia Pty Ltd, dated 8 June 2023, referenced AC-RPT-301050509 001-DA_002.

15. Control of early morning noise from trucks

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

16. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in the streets adjacent to the development site, being Fontana Drive and Lakeview Crescent.

17. Imported 'Waste Derived' Fill Material

The only waste derived fill material that may be received at the development site is:

- virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

18. 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 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as "waste collection loading zone", "keep clear at all times" and "no parking at any time".
- Access to restricted loading areas will be managed with signage identifying "no public access" and line marking (chevroning).

19. Waste and Recycling Collection Contract

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

20. 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.

21. 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.

Excess material on site is to be stockpiled at Precinct F of the Gables as detailed in drawing number DA-C03.02, revision 2 by Enspire Solutions.

22. Construction of Waste Storage Area(s)

The waste storage area(s) must be designed and constructed in accordance with the following requirements. The area(s) must provide minimum storage facility for the total minimum number of bins outlined in the Operational Waste Management Plan written by TTM dated 06/12/2022.

- 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 layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area(s) must be constructed of brickwork.
- 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. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
- The waste storage area(s) must have a staff access door. Suitable staff access doors are single or double swinging doors. The staff access door must be separate to the waste servicing door. If a loading dock is proposed in the development the staff access door must be located to ensure that staff do not have access to the loading dock to gain access to the waste storage area(s).
- 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 town centre.
- 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. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (EPA approved designs can be found on the NSW EPA website) mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

Example Bin Measurements (mm)

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

23. Property Numbering and Cluster Mail Boxes

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

The primary property address for this development will be to Lakefront Crescent.

Land information conditions are unable to be finalised at this time. Final property addressing will be issued at a later stage. Please request that the applicant forward any amendments or further stages of plans to Land Information for approval prior to any registration.

24. Subdivision Works Approval

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

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

25. 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.

26. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Proust & Gardner Consulting Pty Ltd, Drawing 23273 – Sub E3, dated 27/10/2023, except where amended by other conditions of consent.

Note: A 1.5m wide drainage easement (private) must be created over the downstream property, Lot 24 DP 1256674

27. 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.

28. Structures Adjacent to Piped Drainage Easements

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

29. Vehicular Access and Parking

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

- AS/ NZS 2890.1-2004
- 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.
- The primary indented drop-off for the MRV shall be clearly marked on the plans.

30. Vehicular Crossing Request

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

31. Excavation/ Anchoring Near Boundaries

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

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or Transport for NSW in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate

to the cost of their removal and must be confirmed by Council in writing before payment.

- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

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

32. Minor Engineering Works

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

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

a) Driveway Requirements

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

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

The driveway must be 7.6m wide at the boundary splayed to 12m wide at the kerb.

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

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.

b) 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.

c) Driveway/ Kerb Inlet Pit Conversion

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

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

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

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

The driveway relocation and reconstruction must be completed before any Occupation Certificate is issued. The scope/ cost of these works are not reasonably left to the eventual lot owner.

The design shall be supported by Analysis/calculation for the kerb flow width and kerb flow depth for the minor and major stormwater events. The proposed kerb flow width and kerb flow depth for the minor and major stormwater events shall not be worse than the existing condition.

Details of the model/analysis/calculation shall be provided with the application for council's assessment and approval. Additional stormwater pits might be required to collect the additional stormwater surface run-off.

d) Site Stormwater Drainage

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

Refer to concept civil plans prepared by Enspire, Project Number: 220100-RS, drawing No. DA-C05.01 and DA-C05.02, both Revision 5, both dated 8/09/2023.

e) Inter-allotment Stormwater Drainage

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

33. Subdivision Certificate Preliminary Review

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

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

34. 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

35. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

Following an application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water / sewer extensions can be time consuming and may impact on other services and building, driveway and landscape design.

36. Landscape Plan

A Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to the satisfaction of Council's Manager - Environment and Health.

The plan must contain:

- a) site boundaries and dimensions surveyed;

- b) north point, and scale;
- c) existing and proposed levels;
- d) locations of street trees to be retained and removed;
- e) retaining walls and planter box locations, with Top of Wall (TOW) heights for all retaining walls or planter boxes
- f) all trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc);
- g) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- h) detailed planting plans indicating species locations and individual plant symbols;
- i) further details regarding the landscaping to the south-eastern boundary.

37. 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).

38. 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 Construction Certificate.

39. Acoustic assessment of Mechanical Plant noise

A detailed acoustic assessment of the mechanical plant noise is to be prepared prior to Construction Certificate to ensure no adverse cumulative noise impacts from the development, including the external mechanical plant. The cumulative noise impact should be carried out in accordance with the criteria outlined in Section 4 at the sounding noise-sensitive receivers of the Noise Impact Assessment report prepared by Stantec Australia Pty Ltd dated 8 June 2023 and referenced AC-RPT-301050509 001-DA_002.

40. 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.

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

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

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

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

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

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

A SWMP is required for this development.

42. Construction Management Plan

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

43. Works in Existing Easement

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

44. Works on Adjoining Land

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

45. Stormwater Discharge Acceptance

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

46. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$326,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (320m) multiplied by the width of the road (8.5m).

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

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

47. Security Bond – External Works

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

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

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

48. Construction Management Plan –Subdivision Works

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

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

49. Engineering Works

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

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

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

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

The concept engineering plan prepared by Enspire, Project Number: 220100-RS, drawing vary, Revision vary, dated vary, are 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) 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".

b) 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.

c) Service Conduits

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

d) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Enspire, Project Number: 220100-RS, drawing No. DA-C05.01 & C05.02.DA-C04.01 Revision 4, dated 8/09/2023. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

The proposed retaining wall shall be designed to such that it accepts and caters for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. The proposed retaining wall including footing and subsoil drain shall be design and constructed fully inside the property boundary.

e) Stormwater Drainage – Pipe Extension

A new kerb inlet pit must be provided in Fontana Drive North fronting the site and the street drainage extended from the existing pit downstream. The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

f) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Natural Resources Access Regulator (even where the receiving waterbody is not a natural watercourse) and Sydney Water, in the case of stormwater management land.

g) Inter-allotment Stormwater Drainage

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

h) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of GPT is to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

i) Surface runoff calculation

The design shall be supported by Analysis/calculation for the kerb flow width and kerb flow depth for the minor and major stormwater events. The proposed kerb flow width and kerb flow depth for the minor and major stormwater events shall not be worse than the existing condition.

Details of the model/analysis/calculation shall be provided with the application for council's assessment and approval. Additional stormwater pits might be required to collect the additional stormwater surface run-off.

j) Driveway width

Prior to the issue of the relevant Subdivision Works Certificate, or the construction certificate by the Registered Certificate, the proposed driveway and the vehicular crossing fronting Lakefront Crescent shall be widened by another 1m to allow for the MRV to access the site simultaneous entry and exit movements at the driveways and the vehicular crossing. The internal driveway shall be increase from 6.60m to 7.6m and the vehicular crossing shall be widened by 1m too, where possible. The adjacent the landscape area will need to be adjusted to facilitate this requirement. This requirement shall be shown on the Subdivision Works plans prior to the issue of the Subdivision Works certificate and the construction plans prior to the issue of the construction certificate.

Prior to the issue of the relevant Subdivision Works Certificate, or the construction certificate by the Registered Certificate, the proposed driveway and the vehicular crossing fronting Ontana Drive North shall be widened by another 1m to allow for the MRV to access the site simultaneous entry and exit movements at the driveways and the vehicular crossing. The internal driveway shall be increase from 6.60m to 7.6m and the vehicular crossing shall be widened by 1m too, where possible. The adjacent the landscape area will need to be adjusted to facilitate this requirement. This requirement shall be shown on the Subdivision Works plans prior to the issue of the Subdivision Works certificate and the construction plans prior to the issue of the construction certificate.

50. Road Safety Audit Requirements

Prior to the issue of the relevant Subdivision Works Certificate, or the construction certificate by the Registered Certificate, all recommendations and measures as stated in the "Project Manager Response" of the Road Safety Audit report dated 25 September 2023 prepared by AMWC are to be implemented at the full cost of the developer. Any regulatory signage or linemarking to be installed on a public road (including public footway area) must be approved by Council through the endorsement of the Local Traffic Committee prior to installation. Approval from TfNSW is required for any additional School Zone signs to be installed on Fontana Drive and Lakefront Crescent.

These requirements shall be shown on the relevant Subdivision Works Certificate plans or Construction plans prior to the issue of the relevant the Subdivision Works Certificate or the construction certificate by the Registered Certificate, including the following additional requirements:

1. The applicant/developer shall upgrade street lighting system along the pedestrian crossing on Lakeview Crescent. The specification and accessories details are to be obtained from Council's Traffic manager of Council. The applicant/developer shall engage services of Endeavour Energy accredited ASP Level 3 service provider to prepare electrical design and obtain certification from Endeavour Energy. The approved design shall be submitted to Council for review and approval prior to any Subdivision Works Certificate.
2. For item 6 – Pedestrian Crossing Focus Carpark Access, a speed hump shall be located along the existing/egress carpark side to slowdown the vehicles leaving the carpark. This measure shall be proposed in addition to proposed signage. This requirement will enable the vehicle to slow down at the boundary and hence increase the awareness of the pedestrian

51. Plan of Management – Parking

Plan of management relating to the use of 110 carparking for the adjoining School shall be prepared and approved by the registered Certifier prior to the issue of the construction certificate.

PRIOR TO WORK COMMENCING ON THE SITE

52. 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.

53. 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.

54. 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.

55. Notification of Asbestos Removal

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

56. Site Water Management Plan

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

57. Construction and/or Demolition Waste Management Plan Required

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

58. 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.

59. Erection of Signage – Supervision of Subdivision Work

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

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

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

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

60. Contractors Details

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

61. Erosion and Sediment Control/ Soil and Water Management

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

62. Service Authority Consultation – Subdivision Works

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

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

63. 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.

64. Dust Management Plan

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

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

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

DURING CONSTRUCTION

65. 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.

66. 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.

67. 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.

68. 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.

69. Dust Control

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

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

70. Rock Breaking Noise

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

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

71. 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)*.

72. 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.

73. 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.

74. Critical Stage Inspections – Subdivision Works

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

75. Registration of Drainage Easement

A 3m wide drainage easement must be created over the downstream property, Lot 24 DP 1256674, prior to a Construction Certificate or Subdivision Works Certificate being issued

in accordance with the letter of authority from the downstream property owner. The width of the drainage easement must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated documents must be submitted to Council.

A 1.5m wide drainage easement (private stormwater) must be created over the downstream property, Lot 24 DP 1256674, prior to a Construction Certificate or Subdivision Works Certificate being issued in accordance with the letter of authority from the downstream property owner. The width of the drainage easement must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated documents must be submitted to Council.

76. Section 73 Certificate must be submitted to the Principal Certifier before the issuing of an Occupation Certificate

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

Make early application for the certificate, as there may be water and sewer pipes to be built and this can take some time. This can also impact on other services and building, driveway or landscape design.

Application must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Building and developing > Developing your land > water Servicing Coordinator or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifier before occupation of the development/release of the plan of subdivision.

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

77. Provision of Telecommunication Services

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

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

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

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

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

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

78. Landscaping Prior to Issue of any Occupation Certificate

The landscaping of the site shall be carried out in accordance with the relevant "Planting Requirements" Condition of the subject Development Consent prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plans 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.

79. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

80. 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 prior to commissioning.

81. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report Amended Noise Impact Assessment, prepared by Stantec Australia Pty Ltd, dated 8 June 2023, referenced AC-RPT-301050509 001-DA_002. Certification is to be provided.

82. Completion of Subdivision Works/ Satisfactory Final Inspection

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

83. Subdivision Works – Submission Requirements

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

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification

- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

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

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

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

84. Performance/ Maintenance Security Bond

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

85. 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.

86. 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.

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

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

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance from a hydraulic engineer verifying that the constructed stormwater management system including the Water Sensitive Urban Design Elements will function hydraulically;
- A certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed stormwater management system including the Water Sensitive Urban Design Elements are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

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

88. Certification stormwater drainage

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

89. Final Plan and Section 88B Instrument

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

a) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/Developments.

b) – Private Stormwater Drainage

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

c) Easement – Temporary Public Stormwater Drainage/ Outlet

Temporary drainage easements, minimum 5m wide and 30m long, must be created over all temporary outlets within the property or on adjoining land using the "temporary public stormwater outlet" terms included in the standard recitals.

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

A right of access/ easement for services must be created over proposed lot 63.

e) Restriction/ Covenant – Water Sensitive Urban Design

Lot 63 must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

f) Restriction/ Covenant - parking

Lot 63 must be burdened with a restriction and a positive covenant that relates to the nominated use of 110 carparking spaces to benefit Santa Sophia Catholic College.

If the Santa Sophia Catholic College ceases to be operated as a school, or no longer requires the carparking, or otherwise terminates the carparking license, then the restriction and positive covenant will be removed from title so as not to unreasonably burden Lot 63.

90. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

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

THE USE OF THE SITE

91. Shopping Trolley Management

A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The supermarket retailer 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). Details are to be submitted and approved by Council's Manager Development Assessment.
- Provide to The Hills Shire Council a list of contacts for the store;
- 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.

92. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

93. Lighting

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

94. Operation of Regulated Water Cooling/Warm Water Systems

Regulated systems must be registered with Council and operated in accordance with the *Public Health Regulation 2022, AS/NZS 3666:2011 Air handling and water systems of buildings – Microbial Control – Operation and Maintenance*.

95. Hours of Operation

The hours of operation being restricted to the following: -

- Supermarket 7am to 12am Monday to Sunday
- Specialty retailers (including food and beverage and commercial) 7am to 10pm Monday to Sunday
- Loading dock 6am to 11pm Monday to Sunday

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

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

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

97. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the use of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage 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. 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.

98. Waste and Recycling Collection

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

ATTACHMENT B – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

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
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ATTACHMENT C – AERIAL MAP



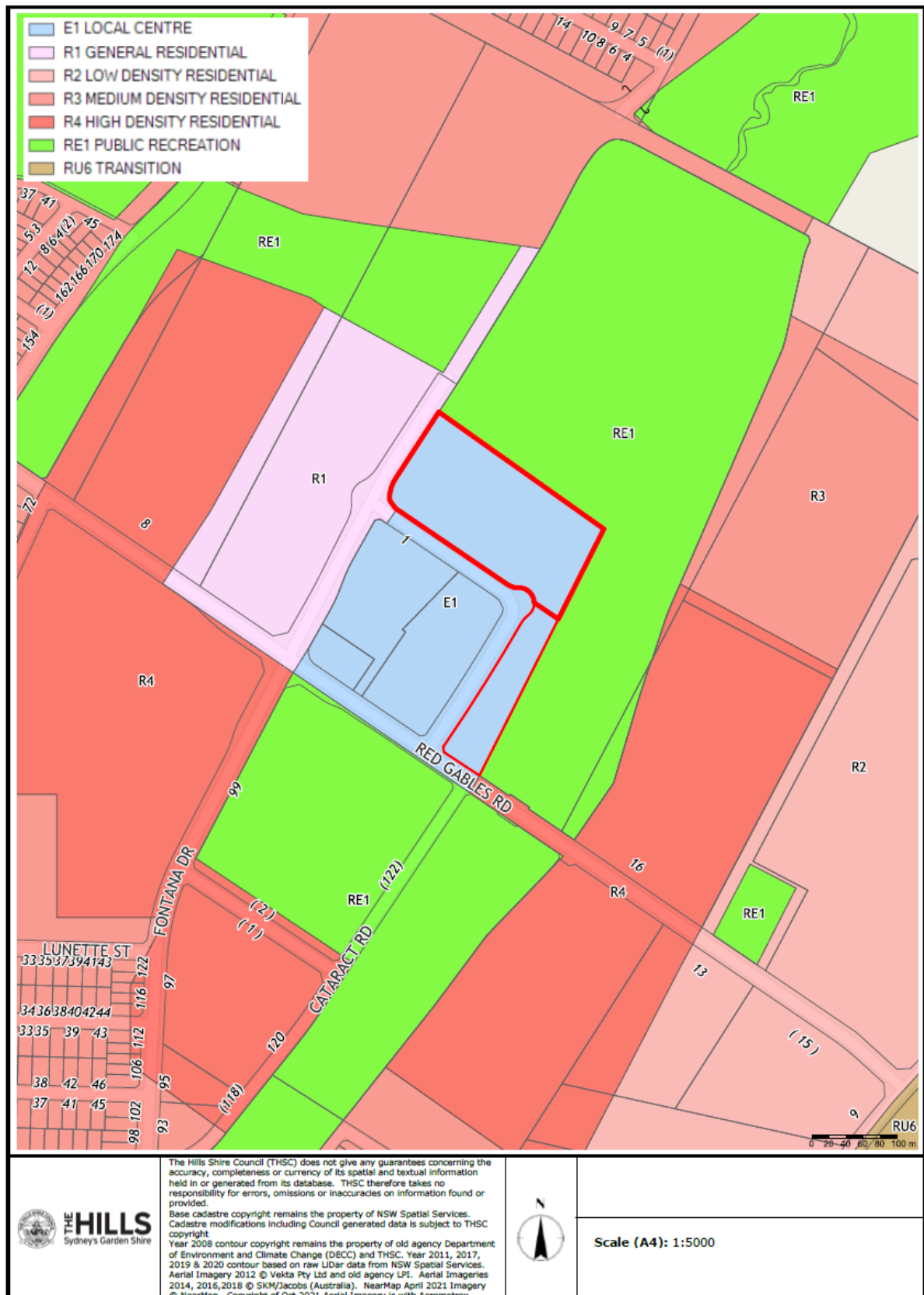
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

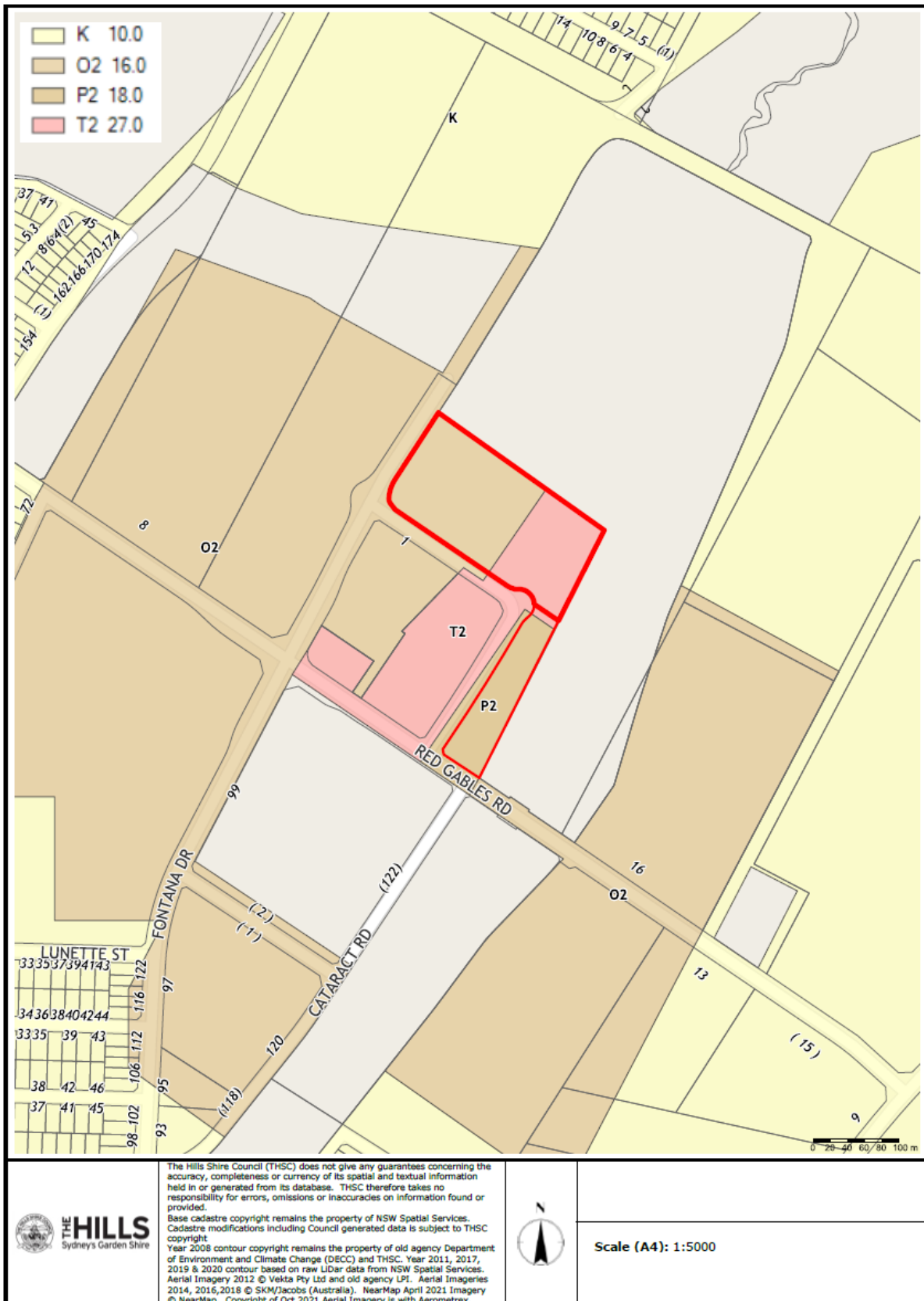
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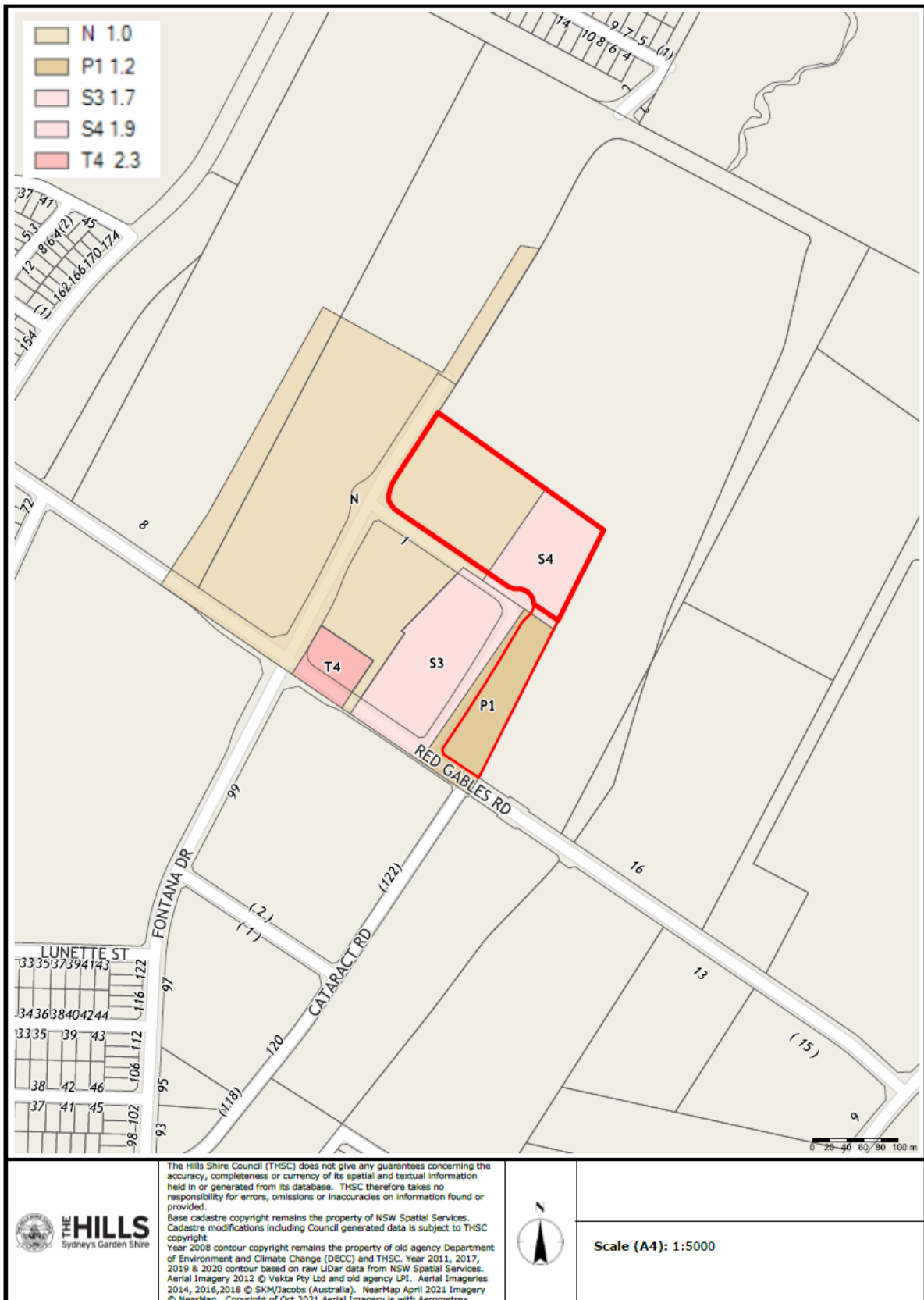
ATTACHMENT D - ZONING MAP



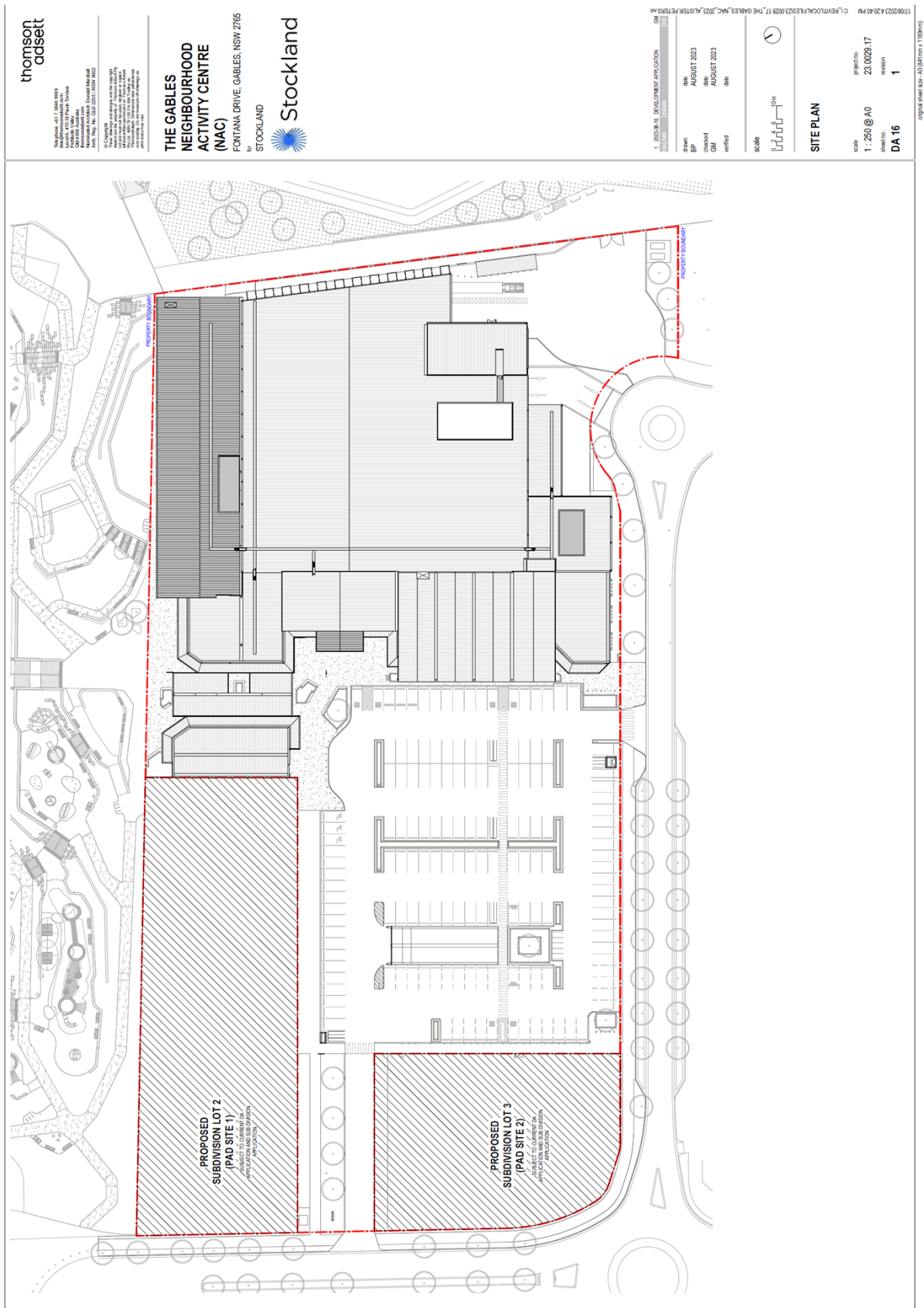
ATTACHMENT E - HEIGHT MAP

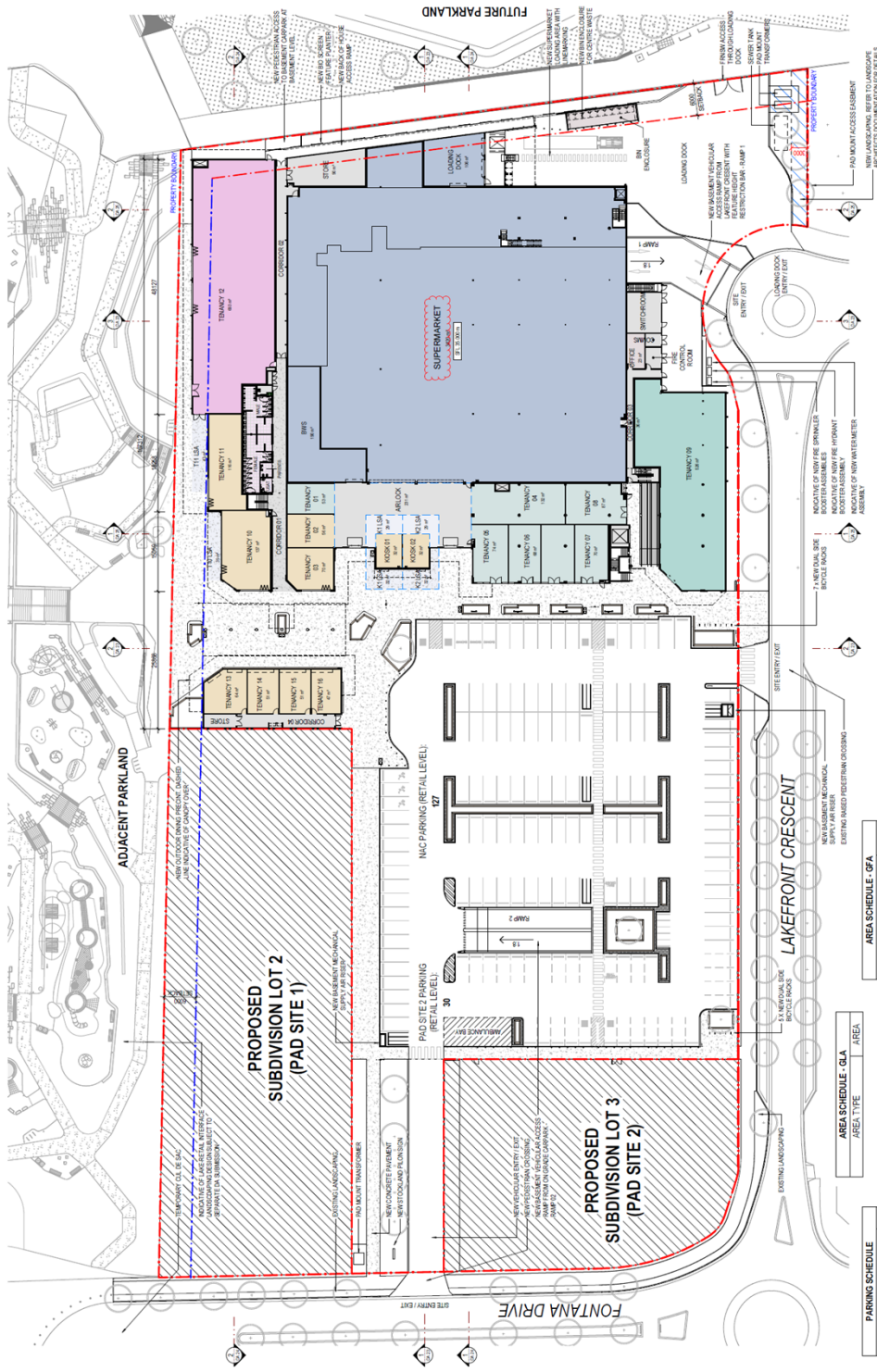


ATTACHMENT F – FSR MAP



ATTACHMENT G – PROPOSED SITE PLAN





AREA SCHEDULE - GFA	
LEVEL	GFA

BASEMENT	159 m ²
GROUND FLOOR	6979 m ²
LEVEL 1	832 m ²
PLANT ROOM	248 m ²
TOTAL GFA	8218 m ²

AREA SCHEDULE - GLA	
AREA TYPE	AREA

BASEMENT	
END OF TRIP FACILITIES	35 m ²
SPECIALTY	214 m ²
SUPERMARKET	219 m ²

GROUND FLOOR

ENTERTAINMENT	693 m ²
GROCEr	528 m ²
LICENSED SEATING AREA	204 m ²
SPECIALTY	554 m ²
SPECIALTY - FOOD	656 m ²
SUPERMARKET	3716 m ²

LEVEL 1		796 m ²
COMMERCIAL		
TOTAL		7613 m ²

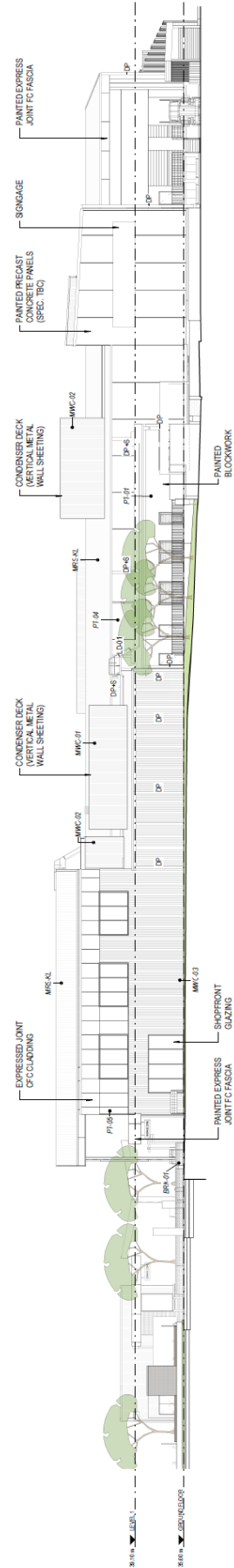
PARKING SCHEDULE	
CARPARK ALLOCATION	QTY

BASEMENT		
NAC - BASEMENT LEVEL		228
PAD SITE 2 - BASEMENT LEVEL		29
SCHOOL - BASEMENT LEVEL		110
		367
NAC GROUND FFL		
NAC - GROUND LEVEL		127
PAD SITE 2 - GROUND LEVEL		30
		157
TOTAL CARPARK NUMBERS		524

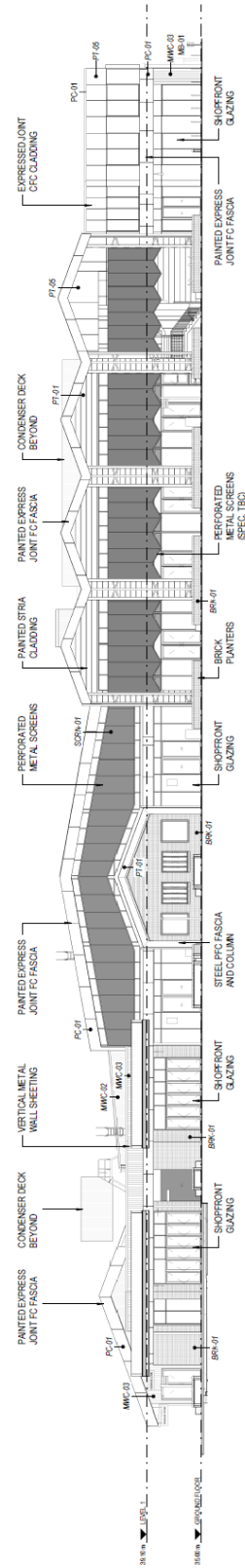
Architectural drawing of the proposed elevation B - eastern of a building. The drawing shows a long, low building with a series of dark, rectangular planters or screens along its side. The building has a flat roof with a slight slope. The drawing includes labels for "VERTICAL METAL WALL SHEETING (SPEC TBQ)", "RECOMBINATION PLANTERS", and "SEPARATED METAL SCREENS (SPEC TBQ)". The drawing is oriented horizontally on the page.

PROPOSED ELEVATION A - NORTHERN

PROPOSED ELEVATION B - EASTERN

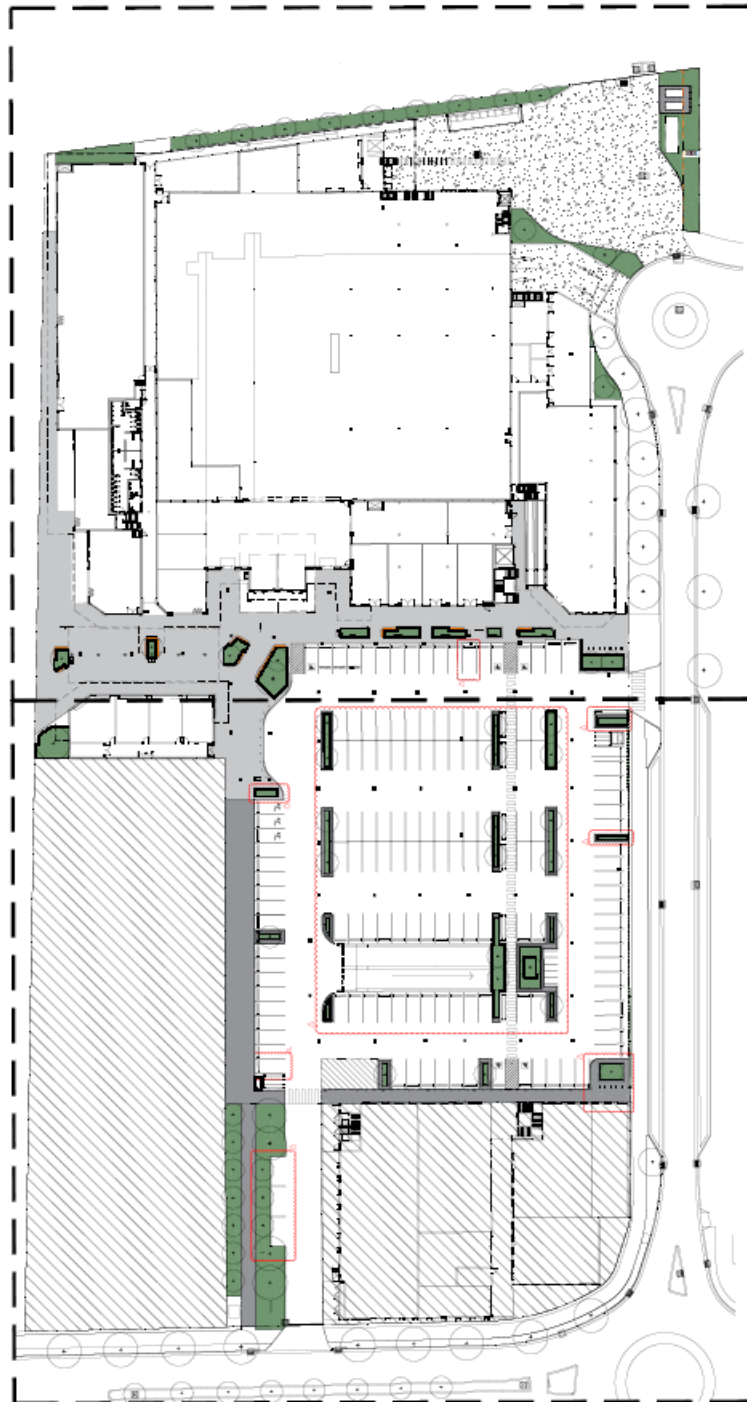


PROPOSED ELEVATION C - SOUTHERN



PROPOSED ELEVATION D - WESTERN

ATTACHMENT J – LANDSCAPE PLANS



ATTACHMENT L – RFS BUSHFIRE SAFETY AUTHORITY



NSW RURAL FIRE SERVICE

The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC NSW 2153

Your reference: CNR-50977 1118/2023/JP
Our reference: DA20230120000296-Original-1

ATTENTION: Robert Buckham

Date: Friday 10 March 2023

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Subdivision
Fontana Drive Gables NSW 2765, 20//DP1256674

I refer to your correspondence dated 03/02/2023 seeking general terms of approval for the above Integrated Development Application.

The New South Wales Rural Fire Service (NSW RFS) has considered the information submitted. General Terms of Approval, under Division 4.8 of the *Environmental Planning and Assessment Act 1979*, and a Bush Fire Safety Authority, under section 100B of the *Rural Fires Act 1997*, are now issued subject to the following conditions:

General Conditions

Emergency and Evacuation Planning Assessment

Intent of measures: to provide suitable emergency and evacuation arrangements for occupants of SFPP developments.

1. A Bush Fire Emergency Management and Evacuation Plan must be prepared and be consistent with the NSW RFS document: *A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan*. The plan must also include the following:

- contact details for the local Rural Fire Service office;
- procedures for coordinated evacuation of the site in consultation with local emergency services.

A copy of the Bush Fire Emergency Management and Evacuation Plan should be provided to the Local Emergency Management Committee for its information prior to the occupation of the development.

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

2. At the commencement of building works or the issue of a subdivision certificate, and in perpetuity, whichever comes first, the entire site of the proposed lots 61-64 must be maintained as an Inner Protection Area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*.

When establishing and maintaining an inner protection area, the following requirements apply:

- tree canopy cover should be less than 15% at maturity,
- trees at maturity should not touch or overhang the building,
- lower limbs should be removed up to a height of 2m above the ground,
- tree canopies should be separated by 2 to 5m,
- preference should be given to smooth-barked and evergreen trees,
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings,
- shrubs should not be located under trees,
- shrubs should not form more than 10% ground cover,
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation,
- grass should be kept mown (as a guide, grass should be kept to no more than 100mm in height), and
- leaves and vegetation debris should be removed.

3. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- A minimum 1 metre wide area (or to the property boundary where the setbacks are less than 1 metre), suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- Planting is limited in the immediate vicinity of the building;
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- Landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- Avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- Use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- Avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);
- Avoid climbing species to walls and pergolas;
- Locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- Locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and
- Low flammability vegetation species are used.

Construction Standards

Intent of measures: to provide suitable building design, construction and sufficient space to ensure that radiant heat levels do not exceed critical limits for firefighters and other emergency services personnel undertaking operations, including supporting or evacuating occupants.

4. Construction of the proposed function centre in entirety must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2018 *Construction of buildings in bushfire-prone areas* or the relevant requirements of the NASH Standard - *Steel Framed Construction in Bushfire Areas* (incorporating amendment A - 2015). New construction must also comply with the construction requirements in Section 7.5 of *Planning for Bush Fire Protection 2019*.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.



5. The provision of water, electrical and gas services must comply with Table 6.8c of *Planning for Bush Fire Protection 2019*.

General Advice – Consent Authority to Note

- The above general terms of approval are based on an alternate solution proposed in the submitted bush fire report prepared by Peterson Bushfire (dated: 25 November 2022 and Referenced: 18146).
- The provision of a perimeter road along the hazard interface was conditioned at the parent subdivision stage as part of the Bush Fire Safety Authority issued on 17 September 2019 (RFS ref: D19/1435, council ref: 1542/2019/ZB). As such, before issuing the consent and/or subdivision certificate for the proposed works, the council should be satisfied that the general terms of approval issued for parent subdivision are complied with.

For any queries regarding this correspondence, please contact Surbhi Chhabra on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Subdivision
Fontana Drive Gables NSW 2765, 20//DP1256674
RFS Reference: DA20230120000296-Original-1
Your Reference: CNR-50977 1118/2023/JP

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority confirms that, subject to the General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin

Manager Planning & Environment Services
Built & Natural Environment

Friday 10 March 2023

ATTACHMENT M – DPE WATER GENERAL TERMS OF APPROVAL

Department of Planning and Environment



Contact: Department of Planning and Environment-Water
Phone: 1300081047
Email: waterlicensing.servicedesk@dpie.nsw.gov.au

Our ref: IDAS-2023-10123
Your ref: 1118/2023/JP

29 August 2023

The General Manager
THE HILLS SHIRE COUNCIL
3 COLUMBIA COURT NORWEST 2153

Attention: Robert Buckham

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2023-10123 - Integrated Development Referral – General Terms of Approval
Dev Ref: 1118/2023/JP
Description: Concept development application for The Gables Town Centre and includes the detailed proposal for the first stage of works to deliver carparking, shops, stormwater management and subdivision.
Location: Lot 20, DP1256674, FONTANA DRIVE GABLES 2765
Lot 21, DP1256674, RED GABLES ROAD GABLES 2765

I refer to your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Department of Planning and Environment-Water's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, the department requests these GTA be included (in their entirety) in Council's development consent. Please also note the department requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

The Department of Planning and Environment-Water will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, the department recommends the following condition be included in the development consent:

The attached GTA issued by the Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the department for a Controlled Activity approval after consent has been issued by Council and before the commencement of any work or activity.

A completed application must be submitted to the department together with any required plans, documents, application fee and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required

supporting documentation is received.

Applications for controlled activity approval should be made to the department, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at:
<https://www.planningportal.nsw.gov.au/>

The Department of Planning and Environment-Water requests that Council provide a copy of this letter to the development consent holder.

The Department of Planning and Environment-Water also requests a copy of the determination for this development application be provided by Council as required under section 4.47(6) the EPA Act.

Yours Sincerely



For
Patrick Pahlow
Team Leader
Licensing and Approvals
Department of Planning and Environment-Water



General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS-2023-10123
Issue date of GTA: 29 August 2023
Type of Approval: Controlled Activity
Location of work/activity: Lot 20, DP1256674, FONTANA DRIVE GABLES 2765
Lot 21, DP1256674, RED GABLES ROAD GABLES 2765
Waterfront Land:
DA Number: 1118/2023/JP
LGA: THE HILLS SHIRE

The GTA issued by Department of Planning and Environment-Water do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to the Department of Planning and Environment-Water for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
------------------	---------

- | | |
|---------|--|
| TC-G001 | Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Department of Planning and Environment-Water, and obtained, for a controlled activity approval under the Water Management Act 2000. |
| TC-G002 | A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents relating to Development Application 1118/2023/JP provided by Council to Department of Planning and Environment-Water.

B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Department of Planning and Environment-Water, must be notified in writing to determine if any variations to the GTA will be required. |
| TC-G003 | A. The application for a controlled activity approval must include the following plan(s): Stormwater Outlet Design Plan.

B. The plan(s) must be prepared in accordance with Department of Planning and Environment-Water's guidelines located on the website
https://www.dpie.nsw.gov.au/water/licensing-and-trade/approvals/controlled-activity-approvals/what/guidelines |