COUNCIL ASSESSMENT REPORT
SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-598 DA 237/2025/JP
PROPOSAL	Residential Flat Building Development containing 209 units and Community Title Subdivision (Stage 5 of The Orchards Development)
ADDRESS	104 Fairway Drive Norwest
APPLICANT	SH Orchards Pty Ltd
OWNER	SH Orchards Pty Ltd
DA LODGEMENT DATE	15 August 2024
APPLICATION TYPE	Development Application - Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 6 of the SEPP (Planning Systems) 2021
CIV	$109,945,455.00 (excluding GST)
CLAUSE 4.6 REQUESTS	4.3 Building Height 4.4 Floor Space Ratio 7.10 Residential development yield on certain land
KEY SEPP/LEP	LEP 2019, Housing SEPP
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nine
DOCUMENTS SUBMITTED FOR CONSIDERATION	Town Planner: Dowling Urban / Sutherland Planning and Associates Architect: Rothe Lowman Landscape Architect: Site Image Arboricultural: McArdle Engineering: Northrop Surveyor: LTS Lockley Acoustic: Pulse White Noise Acoustics Traffic: Varga Traffic Planning Quantity Surveyor: Rider Levett Bucknall

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

	Contamination: SLR Global Environmental Solutions and EI Australia Geotechnical: Fortify Geotechnical Hydrogeological: Reditus Access: MGAC BCA: Vic Lilli
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Yes
RECOMMENDATION	Approval
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	4 June 2025

EXECUTIVE SUMMARY

The Development Application proposes two buildings ranging in height from 3 to 12 storeys plus a single storey communal builing, to be constructed in stages, comprising:

- 209 apartments in a mix of 1, 2, 3 and 4 bedrooms;
- on-site communal facilities including communal building;
- private and communal open spaces with associated landscaping;
- basement car parking spaces for 301 vehicles, 2 car share, 6 motorcycles and 52 bicycles.
- Subdivision of the Community Title Lot 9 to create Lots 14 and 15 for this stage of development.

The subject site is identified as Stage 5 (final stage) of the masterplan application as modified (736/2017/JP). The site is irregular in shape and will have vehicular access from Fairway Drive. The site has a total area of 10,845m².

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

This application is accompanied by a request to vary development standards pursuant to Clause 4.6 of The Hills Local Environmental Plan. The proposal seeks to vary Clause 4.3 Building Height, Clause 4.4 Floor Space Ratio and Clause 7.10 which specifies a mix of apartment typologies and parking requirements for the subject development site. These matters have been previously reviewed holistically for the entire development site under the masterplan

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

The current proposal is consistent with those previous variations considered as part of the masterplan and is being considered and determined concurrently with a further modification to the masterplan to address further amendments to built form. Each variation is addressed in detail in this report. It is considered that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standards at Clause 4.3, 4.4 and 7.10 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

The variation to built form responds to the current site opportunities and constraints whilst retaining the floor space and dwelling yield approved. The development as approved facilitates higher densities close to the Norwest station and centre and the amended built form seeks to improve the bulk and scale and associated impacts that are in place with the current masterplan by responding to a changing local character. Specifically, the proposal responds to adjoining development sites such as 'Moda' – No. 100 Fairway Drive, directly to the north of the Stage 5 development site which was rezoned from 4 to 5 storeys to allow for heights of 7 to 12 storeys. In the locality other rezonings have provided controls for buildings up to 26 storeys in height.

A variation is proposed to the front setback control within the DCP. The DCP requires a primary front setback for residential flat buildings of 10 metres. The subject development has a varied setback from 6 to 14 metres metres along Fairway Drive. A 6 metre setback is not uncommon to the locality with other approved flat buildings in the locality have setbacks between 6 and 10 metres including buildings along Spurway Drive and the adjoining building at 100 Fairway Drive to the north of the site which has setback to Fairway Drive of 6.8 metres to balconies.

The application was notified and advertised for a period of 28 days. Nine submissions were received. The issues raised include construction management, parking, traffic, privacy and environmental impacts. These matters are addressed in this report and it is considered that they do not warrant refusal of the application or amendments to the application. Numerous conditions are recommended in relation to construction management.

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 NSW Department of Planning and Environment – Water under the provisions of the Water Management Act 2000. General Terms of Approval have been provided.

The application is recommended for approval subject to conditions.

1. THE SITE AND LOCALITY

The subject development site is part of a larger site owned by Sekisui and is identified as Stage 4 of the approved masterplan application 736/2017/JP. The masterplan encompasses 10 buildings with a total of 1,300 dwellings, associated car parking, civil works, internal roads and landscaping over 5 stages. The site was subject to a site specific Planning Proposal that amended The Hills Local Environmental Plan 2012.

The Stage 5 site is zoned R4 High Density Residential (refer Attachment D) under Local Environmental Plan 2019 and is subject to Height of Building (HOB) maximum heights of 18m (P2) (refer Attachment E) and floor space ratio (FSR) of 1.5:1 (S1) (refer Attachment F).

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

The site is also within Area B on the LEP Key Sites Map and consequently, the provisions of clause 7.10 'Residential development yield on certain land' apply. The clause enables the consent authority to grant consent to the erection of residential flat buildings with a maximum of 1,300 dwellings across the site. However, if development will result in more than 600 dwellings, the development must provide a prescribed mix of apartment typologies and parking.

On the Sekisui site, built form development applications have been approved for the preceding 4 stages, with stages 1, 2 and 3 completed. Stage 4 is under construction. The locality comprises a mix of commercial and residential developments of varied scale.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposed development proposes two apartment buildings ranging in height from 3 to 12 storeys, to be constructed in stages, comprising:

- 209 apartments in a mix of 1, 2, 3 and 4 bedrooms;
- on-site communal facilities including pool and communal building;
- private and communal open spaces with associated landscaping;
- basement car parking spaces for 301 vehicles, 2 car share, 6 motorcycles and 52 bicycles.
- Subdivision of the Community Title Lot 9 to create Lots 14 and 15 for this stage of development.

The subject site is identified as Stage 5 of the masterplan application as modified (736/2017/JP). The site is irregular in shape and will have vehicular access from Fairway Drive. The site has a total area of 10,845m².

The proposal includes 53 x 1 bedroom, 114 x 2 bedroom, 31 x 3 bedroom and 11 x 4 bedroom dwellings.

Vehicle access will be provided from Fairway Drive. The proposed development makes provision for a total of 301 off-street car parking spaces, comprising of 280 resident spaces (including 22 disabled/adaptable spaces) and 21 visitor spaces, plus a dedicated car wash bay. In addition, the proposed development makes provision for a total of 52 bicycle spaces and 2 car share spaces.

The development application also proposes the subdivision of the Community Title Lot 9 to create Strata Lot 14 for this stage of development, and Lot 15 including the public accessible land for inclusion into the Strangers Creek reserve for transfer to the respective Community Associations

2.2 Background

The site was subject to a Planning Proposal to amend the Hills Local Environmental Plan 2012 (10/2013/PLP). Amendment No. 32 for the site was notified on the NSW legislation website (Notification No. 210) on 29 April 2016.

The Hills Local Environmental Plan 2012 was amended as follows:

Increased the maximum building height from 16 metres to heights ranging between 18 metres and 36 metres;

- Applied a maximum floor space ratio ranging from 1.5:1 to 3.2:1;

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

- Identified the site as “Area B” within the Key Sites Map; and
- Included a new local provision which ensures that future development on the site does not exceed a yield of 1,300 dwellings and that, in order to achieve this yield, development must comply with Council’s standards for apartment mix, apartment size and car parking.

Associated amendments to The Hills Development Control Plan 2012 (Part D Section 7 – Balmoral Road Release Area) also came into force on 29 April 2016. The amendments will facilitate the upgrade and inclusion of the existing portion of Spurway Drive (currently private) as a public road to connect to the existing planned local road network within the Balmoral Road Release Area (from Windsor Road to Fairway Drive).

Masterplan

A number of applications relating to the masterplan have been approved. They include:

Development Application 736/2017/JP was approved by the Panel on 11 April 2018 for concept masterplan for the entire development. The masterplan provided indicative details of each of the future buildings. The masterplan also dealt with impact and off-setting of vegetation across the site. The masterplan identified the staging of the development site including the provision of the eastern and western portions of the Spurway Drive extension.

The application approved in concept the redistribution of building height and floor space across the site compared to that identified within the LEP amendment. The masterplan provided indicative details of each of the buildings which will be further detailed within future Development Applications. The purpose of this application was to demonstrate how the site will be developed in its entirety and to provide an assessment framework for future detailed development applications for individual buildings.

The application was accompanied by a request to vary development standards pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). The proposal varied Clause 4.3 Building Height, Clause 4.4 Floor Space Ratio and Clause 7.10 which specifies a mix of apartment typologies and parking requirements for the subject site should it be developed to its maximum yield of 1300 dwellings.

In summary the variation to height was attributed to three reasons. These included the redistribution of built form on the central northern part of the site, height attributed to an alternate built form provided on the western part of the site to improve the amenity of adjoining land, and design matters in terms of the numbers of storeys identified within the planning proposal, increased floor to ceiling heights, site topography and lift overruns.

The floor space ratio on the site did not exceed the provisions of the LEP when the site is considered in totality. The variation to FSR was attributed to a redistribution of built form on the central northern part of the site. The additional built form is provided in an area nominated as 1.5:1 FSR. The proposal provides an FSR of 1.58:1. The built form in this area occupies a lesser building footprint than what could otherwise be provided within a compliant scheme, allowing for the retention of more landscaping including Cumberland Plain Woodland vegetation.

The masterplan also sought a variation to the mix of apartment typologies and car parking. The variations have been assessed and it is considered the proposal provides appropriate amenity for future residents and sufficient parking given the site’s proximity to the future Norwest station. The parking provision exceeds the Road and Maritime Service rates for sites within 800m of a railway station. The site is located approximately 650m walking distance from the future Norwest Station.

In relation to the Clause 4.6 Variations, The Panel determined:

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

The Panel has considered the applicant's request to vary the development standards contained in The Hills Local Environment Plan 2012 Clause 4.3 relating to height of buildings, Clause 4.4 Floor Space Ratio and Clause 7.11 (now Clause 7.10) *Residential Development Yield on Certain Land. The Panel considers compliance with the standards would be unreasonable and unnecessary in the circumstances of this case as the variations provide a better design outcome through provision of additional and improved open space, greater retention of significant trees and provides better building relationships to adjoining properties, and will not result in development inconsistent with this locality. The development as designed remains consistent with the underlying intent of the standard and the objectives of the zone.*

The Panel is therefore satisfied that the Applicant's clause 4.6 variation requests have adequately addressed the matters required to be demonstrated in clause 4.6 of The Hills LEP 2012 and that the proposed development will be in the public interest because it is consistent with the objectives of the relevant controls and the objectives for development within the R4 zone in which the development is proposed to be carried out.

For the above reasons, the Panel was satisfied that the variations from the LEP development standards were in the public interest.

A 4.55(1A) modification was approved under delegated authority on 21 January 2020 to alter the approved staging of buildings and road construction across the Sekisui development site. Specifically the modification brought forward the construction of the proposed building D3 subject to this application. It should be noted that the sequence of construction of the Spurway Drive road link and dedication was to occur sooner than anticipated in the concept consent, being Stage 3 rather than Stage 4.

On 8 September 2022, a modification (736/2017/JP/B) was approved by the Sydney Central City Planning Panel for to re-distribute approved heights to create tower forms while reducing the street wall height onto Spurway Drive . This was a response to the need to provide improved solar access to adjoining existing developments as well as significant changes to the site's southern context resulting from The Greens rezoning opposite Spurway Drive as shown in the diagrams. The Panel considered that;

- *The site is considered suitable for the development (as proposed to be modified).*
- *The proposed modifications result in an outcome that is substantially the same development as originally approved.*
- *The proposed modifications adequately satisfy the relevant state and local planning provisions.*
- *The proposed modifications will have no unacceptable impacts on the built or natural environments.*
- *The variation to height results in a development that is consistent with the relevant objectives, and compliance with the standard are unnecessary in this instance, and the proposal results in a better planning outcome as outlined in this report.*
- *The proposal is in the public interest.*

A further 4.55(1A) modification (736/2017/JP/C) to the masterplan was approved by Council's Development Assessment Unit on 7 November 2023 which deferred the extension of Spurway Drive to coincide with this Stage 4 development rather than Stage 3. It is noted that the Spurway Drive extension was recently opened.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

Built Form Applications
Built form development applications have been approved for the first 4 stages.

Development Application 2059/2022/JP was approved by the SCCP Panel on 07 August 2023 to construct a 3 to 19 Storey Residential Flat Building Development comprising 583 units with basement parking for 818 vehicles and associated Community Title Subdivision.

Development Application 1732/2019/HA was approved by the SCCP Panel on 16 April 2020 to construct a 7 Storey Residential Flat Building Development comprising 57 units with basement parking for 101 vehicles and associated Community Title Subdivision.

Development Application 46/2018/JP was approved by the SCCP Panel on 20 December 2018 to construct a 9-13 Storey Residential Flat Building Development comprising three hundred and thirty units (330) with basement parking for 470 vehicles and associated Community Title Subdivision.

Development Application 779/2017/JP was approved by the SCCP Panel on 20 July 2017 to construct two seven-storey residential flat buildings comprising a total of 121 apartments, car parking for 199 vehicles over three levels of basement car park, and subdivision. Some of these spaces are utilised by this development.

Other Applications
Development Application 417/2018/HC was approved under delegated authority on 16 September 2019 for a pedestrian bridge across Strangers Creek.

Subdivision and early works Development Application (DA 634/2017/ZB) was approved by Council's Development Assessment Unit on 29 August 2017, which sought to expedite the delivery of utility servicing and local road construction including Spurway Drive, Lucinda Avenue and Horatio Avenue as identified within the Development Control Plan. The application also assessed the deletion of Rosetta Crescent.

Temporary display suite for the marketing and sales has been constructed fronting Fairway Drive (DA 60/2017/HA). The display suite will be demolished prior to the construction of the final stage of development.

Consents for the demolition of all structures across the site have been approved across four separate DAs (610/2015/LA, 611/2015/LA, 612/2015/LA and 58/2017/HA).

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.*

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

These matters are further considered below.

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021*
- *State Environmental Planning Policy (Housing) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *The Hills Local Environmental Plan 2019;*

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

Table: Summary of Applicable Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
Planning System SEPP	• Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 and Clause 5(b) of Schedule 6.	Y
Resilience and Hazards SEPP	• Clause 4.6 **-** Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Biodiversity and Conservation SEPP	• Chapter 2 Vegetation in non-rural areas and Chapter 6 Water Catchments.	Y
Transport and Infrastructure SEPP	• Clause 2.122 – Traffic-generating development.	Y
LEP	• 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 • Clause 7.7 – Design Excellence • Clause 7.10 - Residential development yield on certain land	Y N N Y Y Y N

State Environmental Planning Policy (Planning Systems) 2021

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

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 ($109,945,455.00). Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Housing) 2021

The required Design Verification Statement was prepared by Ben Pomroy (Registration No. 7918) of Rothe Lowman.

The Development Application has been assessed against the design quality principles contained within SEPP Housing as follows:

Principle 1: Context and neighbourhood character

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

The locality is comprised of a mixture of existing buildings, low to medium and high density, multi-residential and single dwellings, with the future vision of the area zoned to encourage an increased scale of high density residential development adjacent to the site.

Principle 2: Built form and scale

The proposal provides a more varied built form and allow for increased solar access to adjacent existing buildings on Spurway Drive and additional views from these apartments to the surrounds. The development is appropriately articulated to minimise the perceived scale. Generous setbacks to the existing adjoining northern residential flat building development, separation and variety along the elevations and layering of façade elements, enhance the developments relationship with the public domain. Lower buildings are provided to Spurway Drive improving the street interface.

Principle 3: Density

The subject proposal remains at 1300 dwellings across the development site. The density complies and is appropriate for the site and precinct.

Principle 4: Sustainability

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

Principle 5: Landscape

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

Principle 6: Amenity

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

Principle 7: Safety

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

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

Principle 8: Housing diversity and social interaction
The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the mix requirements of the LEP.

Principle 9 – Aesthetics
The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall building works and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

Apartment Design Guide
In accordance with Clause 147 of SEPP Housing, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guide. The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide.

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes, 39.5% of the development site area (4293m2). The communal open space area will receive at least 50.5% direct sunlight for 2 hours at during midwinter.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m2 and 15% for sites greater than 1500m2.	Yes, 15% of the development site area is true deep soil zones as defined within the ADG.
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	Yes
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes Greater than 18 metres provided between buildings and greater than 9 metres to adjoining allotments. The visual privacy of the development has been duly considered with the placement of windows and balconies. Separation

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

		distances between habitable / non habitable spaces are considered to be adequate. Screening devices set at oblique angles have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	Yes. The site is located within 800m of the future Norwest Station. 235 Spaces would be required utilising the RMS rate, 303 spaces are provided.
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes. The proposed development will achieve two hours solar access for 70.3% of apartments between 9am and 3.00pm. Yes 14.3% of apartments receive no direct sunlight, between 9am to 4pm.
Natural ventilation	1. At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	Yes. A total of 68% of units will meet the cross ventilation requirements or can be naturally ventilated. Yes.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

	2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	The maximum overall depth is 18 metres for a cross through apartment.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 300 minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes Floor to ceiling height approx. 2.7 metres for all apartments. NA
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m^2 1 bedroom – 50m^2 2 bedroom – 70m^2 3 bedroom – 90m^2 The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes 1 bedroom – 58.3 – 75.3m^2 2 bedroom – 79.2-113.1m^2 3 bedroom – 117-129.1m^2 Where additional bathrooms are proposed, an additional 5m^2 has been provided. Yes – 193m^2 All habitable rooms have windows greater than 10% of the floor area of the dwelling.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts	Yes All rooms comply.
Balcony area	The primary balcony is to be:	Yes

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

	Studio – 4m^2 with no minimum depth 1 bedroom – 8m^2 with a minimum depth of 2m 2 bedroom – 10m^2 with a minimum depth of 2m 3 bedroom – 12m^2 with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m^2 with a minimum depth of 3m is required.	All balcony sizes and depths comply.
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	Yes Yes
Storage	Storage is to be provided as follows: Studio – 4m3 1 bedroom – 6m3 2 bedroom – 8m3 3+ bedrooms – 10m3 At least 50% of the required storage is to be located within the apartment.	Yes. Each unit contains the minimum storage area.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The apartment mix is satisfactory.

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 RH 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 Stage 2 Site Investigation been undertaken by EI Australia. The investigation found that the potential for low-level and isolated contamination to be present on the site, as a result of past and present land use activities, is considered to be low to moderate.

However, given the extent of the excavations and the nature of landscaping works anticipated with the proposed development, any contamination that may be present on site is likely to be removed offsite or covered by the landscaped material.

The investigation also found that potential asbestos impacted soil (if any) is likely to be excavated as part of the basement excavation, cleared as part of the site clearance work or covered with landscaping material as part of the proposed development. As such, asbestos contamination, if present, is unlikely to pose an unacceptable risk to future site users. A condition is recommended that requires all asbestos material to be removed from the site.

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

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

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

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

State Environmental Planning Policy (Transport and Infrastructure) 2021
This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

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

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP.

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

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

State Environmental Planning Policy (Sustainable Buildings) 2022
The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No.1757598M committing to environmental sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent.

The Hills Local Environmental Plan 2019
The land is zoned R4 High Density Residential under Local Environmental Plan 2019. The proposal remains a residential flat building which is permissible in the zone.
Zone Objectives

The site is zoned R4 High Density Residential under The Hills LEP 2019. The objectives of the zone are:

R4 High Density Residential Objectives

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The proposal is considered to remain consistent with the stated objectives of the zone, in that the proposal will provide for a land use to meet the needs of the surrounding residents and is also considered to provide an alternative housing option for future residents.

As such the proposal is considered satisfactory in respect to the LEP 2019 objectives.

Development Standards
The following table addresses the principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Height	18 metres – Approved 30.7 metres	Building A1 – 41 metres Building A2 – 4.7 metres Building A3 - 32.2 metres	No, further variation proposed.
4.4 Floor Space Ratio	The site (10,845m^2) is subject to floor space ratio (FSR) development standards of 1.5:1, and is permitted a maximum Gross Floor Area of 16,297.5m^2 which equates to 2.2:1.	Proposed Gross Floor Area 23,904.4m^2	No, addressed below.
4.6 Exceptions to development standards	Exceptions will be considered subject to appropriate assessment.	Variations proposed to height are addressed below.	Yes
7.10 Residential development yield on certain land	Where development exceeds 600 dwellings certain the development must provide a specific mix, unit sizes and parking.	The masterplan is predicated on 1300 dwellings. Variations are proposed to unit sizes and carparking	No, addressed below.

Variation to Height
The proposal has a maximum height of 41 metres which is a variation of 23 metres or 127.7% from the 18m height control.

The applicant has submitted a variation request (see Attachment M) and is summarised as providing a better planning and design outcome for the following reasons:

- *The Stage 5 development design is required to respond to a significant change to the immediate context as result of the rezoning of the adjoining site to the immediate north for the higher density development "Moda" which included greater building mass and increased building heights from 4 storeys to 7-12 storeys from which additional shadowing is required to be absorbed on site and building relationships improved.*

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

- *The revised variations better respond to significant changes in the built form context to the north of the site, while the streetscape is preserved with generous setbacks and mid-winter sunlight.*
- *The limited impact of shadowing on neighbouring development to the south is maintained and planned open space areas on Spurway Drive will provide a landscaped setting to the buildings appropriate to the low rise context to the south of the site.*
- *The proposed adjustment to the approved height variations will result in development that is a more compatible with the character of the surrounding area and provided for improved apartment separation and solar access on site while preserving solar access to townhouses south of the site and providing a coherent composition of building forms when viewed from the public domain.*

The variation to building height has been proposed to provide a built form outcome that responds to the current site opportunities and constraints whilst retaining the floor space and dwelling yield approved. The development as approved facilitates higher densities close to the Norwest station and centre and the amended built form seeks to improve the bulk and scale and associated impacts that are in place with the current masterplan by responding to a changing local character.

Specifically, the proposal responds to adjoining development sites such as 'Moda' – No. 100 Fairway Drive, directly to the north of the Stage 5 development site which was rezoned from 4 to 5 storeys to allow for heights of 7 to 12 storeys. In the locality other rezonings have provided controls for buildings up to 26 storeys in height.

The impacts of the increase in height are offset by improved solar access and privacy impacts as well as improved bulk and scale. The amendments result in greater separation and open space which is provided adjacent to the boundary with adjoining buildings in excess of that required under the Apartment Design Guideline and DCP.

The applicant has also provided a solar analysis to quantify the amended impact of the development on the southern adjoining development Central Park. Although it is acknowledged that the north facing units currently enjoy uninterrupted solar access throughout the day, the impacts relating to solar access are reasonable.

The objectives of the height standard are as follows;

(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,
(b) to minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.

The applicant has responded to both objectives. Specially in response to both objectives the following responses were provided;

The revised variations better respond to significant changes in planned built form context from adjoining rezonings, which now include higher towers rather than planned at the time of the original masterplan application, while the streetscape is better treated with a lower street wall height on Spurway Drive and greater access to winter sun light.

Reduced shadowing on neighbouring development and planned open space areas will result from a lower street wall created by remassing while improving visual impact from the perception of bulk.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

It is agreed that the proposal, particularly the increase in building height and tower-like built form responds to the recent altered context of the locality. These amendments provide opportunities to adjust the built form to better facilitate the approved density and floor space. They result in a more balanced built form that is compatible with that of adjoining development and the overall streetscape and minimises the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas, thereby satisfying the objectives of the height standard. In view of the above, the variation to building height is considered satisfactory and can be supported in this instance.

It is therefore recommended that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 height of building development standard at Clause 4.3 be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). it is considered that the variation can be supported as compliance with the standard is unnecessary in this instance and the proposal results in a better planning outcome as it provides for a better building relationship and better solar access to adjoining properties. The increased height also facilitates increased floor to ceiling heights to increase the amenity of future residents.

Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standard and the objectives for development within the zone and is therefore in the public interest.

<u>Variation to Floor Space Ratio</u>
The LEP limits the FSR of the Sekisui development site (all 5 stages) to three ratios being 1.5:1, 2.6:1 and 3.2:1. This would equate to an allowable floor space of 138,000m2.

The LEP limits the FSR of Stage 5 S to 1.5:1. This would equate to an allowable floor space of 16,297.5m2 for this site or net FSR of 2.2:1. This is a net figure excluding roads. A floor space of 23,904.4m2 is proposed. This is above the GFA of 21,453m2 anticipated by the concept development consent.

The masterplan site prior to any development catered for a total gross floor area of 138,000m2 across all 5 stages. The Stage 5 development when added to the approved four prior stages (confirmed by survey) has a GFA of 135,385.4m2, 2,615.6m2 less than approved by the masterplan.

The applicant has provided a Clause 4.6 Variation which is provided at Attachment M.

Across the site, floor space ratio is not exceeded however the masterplan approved variations to FSR which are attributed to a redistribution built form on the site. This is further varied under related application 736/2017/JP/D.

In determining the appropriateness of the variation request a number of factors identified by the Applicant have been taken into consideration to determine whether the variation is supportable in this instance. They include:

- The development is consistent with the objectives of the development standard as provided in Clause 4.4(1) of THLEP 2012 as discussed above.
- The scale and mass of the buildings is compatible with the established built form within the immediate context of the site.
- Floor space ratio across the site is not exceeded.
- The redistribution of FSR has allowed tree and vegetation retention to be maximised.

The objectives of the height standard are as follows;

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

(a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,
(b) to provide for a built form that is compatible with the role of town and major centres.

The development has been designed to provide a built form outcome that responds to the sites opportunities and constraints. The development facilitates higher densities close to the Norwest station and centre. The floor space ratio variation on this part of the site does not result in any further detrimental impacts on adjoining developments. Significantly it is not proposed to exceed the total number of dwelling permitted across the whole site.

The alternate built form across the site complies with the total floor space permitted on the site and has allowed as part of the masterplan application vegetation including Cumberland Plain Woodland on the site being retained and a public benefit including the linear park and widened Strangers Creek Reserve.

It is therefore recommended that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 floor space ratio development standard at Clause 4.4 be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unnecessary and unreasonable in this instance and the proposal results in a better planning outcome as it provides for a and alternate built form that results in better solar access to adjoining properties.

Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standard and the objectives for development within the zone and is therefore in the public interest.

<u>Variation to Clause 7.10 - Residential development yield on certain land</u>
Clause 7.10 of the THLEP 2012 includes requirements specific to the subject site. The clause enables the consent authority to grant consent to the erection of residential flat buildings with a maximum of 1,300 dwellings. The clause requires that where more than 600 dwellings are proposed, the development must provide a specific mix, unit sizes and parking. The clause in its entirety states:

"(1) The objectives of this clause are as follows:

(a) to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets,
(b) to ensure that development for residential flat buildings does not place an unreasonable burden on the provision of services, facilities and infrastructure in the area to which this clause applies,
(c) to provide opportunities for suitable housing density that is compatible with existing development and the future character of the surrounding area,
(d) to promote development that accommodates the needs of larger households, being a likely future residential use.

(2) This clause applies to land identified as "Area B" on the Key Sites Map.

(3) The consent authority may consent to the erection of residential flat buildings on the land containing a maximum of 1,300 dwellings.

(4) If development under this clause will result in no more than 600 dwellings in residential flat buildings, development consent may be granted for the development only if the height of each residential flat building does not exceed 16 metres.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

(5) If development under this clause will result in more than 600 dwellings in residential flat buildings, development consent may be granted for the development only if:

(a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are studio or 1 bedroom dwellings, or both, and
(b) at least 10% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings, and
(c) the development comprises the following:
(i) Type 1 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and
(ii) Type 2 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and
(iii) Type 3 apartments, and
(d) the following minimum number of car parking spaces are provided in the development:
(i) for each 1 bedroom dwelling—1 car parking space, and
(ii) for each 2 or more bedroom dwelling—2 car parking spaces, and
(iii) for every 5 dwellings—2 car parking spaces, in addition to the car parking spaces required for the individual dwelling.

(6) In this clause:

***Type 1 apartment** means:*
(a) a studio or 1 bedroom apartment with an internal floor area of at least 50m^2 but less than 65m^2, or
(b) a 2 bedroom apartment with an internal floor area of at least 70m^2 but less than 90m^2, or
(c) a 3 or more bedroom apartment with an internal floor area of at least 95m^2 but less than 120m^2.
***Type 2 apartment** means:*
(a) a studio or 1 bedroom apartment with an internal floor area of at least 65m2 but less than 75m2, or
(b) a 2 bedroom apartment with an internal floor area of at least 90m2 but less than 110m2, or
(c) a 3 or more bedroom apartment with an internal floor area of at least 120m2 but less than 135m2.
***Type 3 apartment** means:*
(a) a studio or 1 bedroom apartment with a minimum internal floor area of 75m2, or
(b) a 2 bedroom apartment with a minimum internal floor area of 110m2, or
(c) a 3 or more bedroom apartment with a minimum internal floor area of 135m2.

***internal floor area** does not include the floor area of any balcony."*

The applicant proposes to vary the unit sizes and parking requirements of the Clause by way of a Clause 4.6 Variation. This is addressed below.

As identified above, Clause 7.10 of the THLEP 2012 includes requirements specific to the subject site. The clause enables the consent authority to grant consent to the erection of residential flat buildings with a maximum of 1,300 dwellings across the site, however if development will results in more than 600 dwellings, the development must provide a specific mix, unit sizes and parking. The Applicant addressed this matter as part of the approved masterplan and subsequent built form applications. This application remains generally consistent with the variation approved under the masterplan however has been addressed in detail as part of this application.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

In summary the following tables detail the applicable planning controls:

Apartment Mix	LEP Development Standard	Proposal	Compliance
One Bedroom	25% (Maximum)	24.8%	Yes
Three/Four Bedroom	10% (Minimum)	20%	Yes

Apartment Typology	LEP Development Standard	Proposal	Compliance
Type 1 Apartments	<30%	**38%**	No
Type 2 Apartments	<30%	23%	Yes
Type 3 Apartments	N/A	40%	N/A

Parking Type	LEP Development Standard	Proposed Rate	RMS Requirements
1 Bedroom	1 car space	1 car space	0.6
2 Bedroom	2 car spaces	**1.25 car spaces**	0.9
3 & 4 Bedroom	2 car space	2 car spaces	1.40
Visitor	2 spaces per 5 units	**1 space per 10 units**	1 space per 5 units

The applicant has provided a Clause 4.6 Variation which is provided at Attachment L.

<u>Apartment Size</u>
The development proposes, 6 of 32 Type 2, 1 bedroom and 6 of 17 Type 2, 3 bedroom apartments have minimum size ranges 2m2 and 3m2 less than the range specified for these categories under clause 7.10 of the LEP. These apartment types have average areas of 71m2 and 125 m2 which are 6m2 and 5m2 above the averages anticipated in the approved Concept Plan and would equate to 32.1% and 29% of Type 1 and Type 2 units when measure against the approved masterplan criteria. All other types have average sizes consistent or greater than the Concept Plan anticipated averages.

The proposed development assessed against the LEP standard will result in greater than 30% (38%)of apartments being classified as Type 1 under the sizes specified in Clause 7.10(5).

The applicant considers that the proposed apartment sizes, which are generally much larger than ADG requirements are appropriate and outline that residents will also have access to a range of high quality facilities which will be delivered in future stages of the masterplan, including a fitness centre, outdoor swimming pool, indoor cinema, multi-purpose room and extensive open space areas. They feel the extent of facilities provided will set a new standard for the amenity of developments in the surrounding area and will promote social interactions and lifestyle choices for future residents.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

The objectives of the Clause to provide a mix of dwelling types, providing housing choice for different demographics, living needs and household budgets, as well as to promote development that accommodates the needs of larger households, are maintained. The extent of variation to the apartment sizes (between 2 - 6m2) is minimal and considered reasonable given the facilities and open space which will be provided.

Car Parking

The development provides a total of 303 car parking spaces within the basement carpark. Based on strict compliance with the car parking rates specified under Clause 7.10, the proposal would require 408 spaces.

The car parking provided is well in excess of the 235 spaces specified by the RMS' *Guide to Traffic Generating Development* for developments within 800 metres of a railway station. The subject site is within 650m walking distance to Norwest Station.

The proposal specifically identifies a reduction in parking for 2 bedroom apartments to a rate of 1 to 1.25 spaces. The Applicant has identified that under this strategy, smaller 2 bedroom units would receive 1 parking space while larger units would receive 2 spaces.

To support the reduction in parking for 2 bedroom apartments the applicant has proposed the use of car share vehicles from the outset of the development. Four vehicles will be provided.

The application also includes the reduction in visitor parking to 1 per 5 apartments resulting in 21 visitor spaces being proposed.

The variation to the car parking development standard is consistent with the masterplan approval and the earlier built form applications. The variation is considered reasonable given the proposed provision is far in excess of the RMS requirements and given the car-share scheme proposed.

It is therefore recommended that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standard at Clause 7.10 be supported as it adequately justifies the contravention of the development standard having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unnecessary and unreasonable in this instance and the proposal results in a better planning outcome as it provides for apartment typologies that meet demographics and encourage less car use due to a reduced parking rate

Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standard and the objectives for development within the zone and is therefore in the public interest.

7.7 Design Excellence

Clause 7.7 of the LEP seeks to deliver a high standard of architectural and urban design and applies to development involving the erection of a new building or external alterations to an existing building if the building has a height of 25 metres or more. The Clause also prescribes that development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,
(c) whether the development detrimentally impacts on view corridors,
(d) whether the development detrimentally impacts on any land protected by solar access controls established under a development control plan,
(e) the requirements of any development control plan to the extent that it is relevant to the proposed development,
(f) how the development addresses the following matters:

(i) the suitability of the land for development,
(ii) existing and proposed uses and use mix,
(iii) heritage issues and streetscape constraints,
(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,
(v) bulk, massing and modulation of buildings,
(vi) street frontage heights,
(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,
(viii) the achievement of the principles of ecologically sustainable development,
(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,
(x) the impact on, and any proposed improvements to, the public domain,
(xi) the configuration and design of public access areas, recreation areas and communal open space on the site and whether that design incorporates exemplary and innovative treatments,

(g) the findings of a panel of 3 or more persons that has been convened by the consent authority for the purposes of reviewing the design excellence of the development proposal.

The design excellence of the proposal was considered at a Design Excellence Panel meeting held on 13 November 2024. The comments made to the application included:

The Panel notes the reasoning for modifications to the masterplan and how these reflect changes to projects on adjacent sites. The Panel suggests several refinements to be considered as described above, including:

- *Testing options for adjusting the form and massing, in particular possibly shifting the central wings further to the south;*
- *Refining the architectural expression. Consider more additional facade articulation and richer material palette;*
- *Reviewing the detail of the gallery access design to ensure optimum light, amenity and privacy to apartments;*
- *Reviewing the location of condenser units;*
- *Refining the design of building entrances to increase legibility and sense of arrival;*
- *Review of pool fencing to enhance accessibility and overall functionality of the pool area;*
- *Removal of green roof over basement entry and garbage collection are to accommodate appropriate landscaping;*
- *Review of form and function of the central portion of the site and open lawn area, with the opportunity to explore changes in level, furniture, materiality etc; and*
- *Better cohesion in design between the pool area and central portion of the site;*

The Panel would like to see further information relating to:

- *Location and access arrangements of the pool safety fencing;*
- *Streetscape elevations and renders, showing the relationship with adjacent townhouses and apartment buildings on Fairway Drive and Spurway Drive*

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

The Design Excellence Panel concluded;

The Panel thanks the Applicant for presenting the development application and commends the Applicant for a well-presented scheme. The Panel acknowledges the work to date by the Applicant, however, with respect to the scheme as presented, the Panel does not consider that in its current form, the development application demonstrates design excellence. The Panel acknowledges that the scheme has the potential to achieve design excellence, with further refinement of the massing, internal planning, architectural detail, materiality and expression.

In relation to comments above the following comments are provided in response to the matters raised above by the panel;

The context of the site was a key driver in the massing exploration undertaken as part of the concept plan modification. In response to the constructed development to the north, mass was redistributed to rise at the northern boundary and step down towards the townhouses to the south. This creates a smooth transition between the high density at 100 Fairway Drive and the low density on the southern side of Spurway Drive. This move also ensures the townhouses on Central Park Avenue receive generous solar access mid winter. The building forms along Spurway Drive have been setback from the street to create a green buffer between the town houses and the proposed form and minimise the visual impact on the existing neighbours.

The extent of building interfacing with Spurway Drive has been reduced and is at a lower scale to relate to the houses across Fairway Drive. As the form rises along Fairway Drive, the building sets back from the boundary, increasing the separation to the neighbours across the street.

In response to comments from the DAP, a greater degree of contrast has been introduced to the facade colours to create further enhance depth and visual interest.

Thorough massing testing was undertaken to optimise the solar and visual amenity to the dwellings while also ensuring solar access to the neighbouring buildings. The weighted setback to Fairway Drive optimises solar access to the west facing dwellings and the neighbours to the south.

Landscape buffers have been designed between private terraces and communal landscaped areas as shown in the below sections. These zones are non trafficable creating a setback from the communal area with planting designed to screen the private terrace. In addition to this, 1800mm high fences with solid elements to the lower portion have been designed to the private terraces to maintain privacy while providing daylight and outlook

In response to the DAP comments, the design proposes to relocate the visitor bike racks to the southern courtyard, outside each building lobby. The new location is closer to the building entries and aligns with the pedestrian paths. This results in an reduction in hardscape required adjacent to the driveway and increases the extent of planting. This also allows the fire egress doors to be screened from the street.

The private terraces adjacent to the pool are at a higher level than the communal space and also feature 1800mm high fences with solid elements to the lower portion to ensure visual privacy. Terraced landscaping has been designed between the communally accessible spaces to assist in screening the private spaces.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

Despite some of the views of the Design Excellence Panel it is considered that Sekisui through the completed developments on their site, that the development outcomes they have provided demonstrate design excellence in architectural design, materials, landscape and detailing. The applicant has addressed and demonstrated compliance with the matters outlined in Clause 7.7 and in particular the bulk, massing and modulation of buildings in this proposal is supported.

Based on the comments provided in response by the Applicant, it is considered that the proposal exhibits design excellence and satisfies Clause 7.7 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 against the following relevant provisions of The Hills Development Control Plan 2012 noting that some standards such as density, number of storeys, unit typology and parking are superseded by the site specific provisions in the LEP;

Part B Section 2 – Residential
Part B Section 5 – Residential Flat Buildings
Part C Section 1 – Parking
Part C Section 3 – Landscaping
Part D Section 7 – Balmoral Road Release Area

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

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part B Section 5 Residential Flat Buildings - Clause 3.3(2)(a)	Front Setback 10m	Setback to Fairway Drive 6m to 14m to facade	No

<u>Front Setback</u>
The DCP requires a front setback for residential flat buildings of 10 metres. The subject development has a minimum setback of 6 metres to the building façade for a portion of the building located on the corner of Fairway Drive and Spurway Drive.

The relevant objectives of this clause of the DCP are:

- *To provide setbacks that complement the setting and contributes to the streetscape and character of the street while allowing flexibility in siting of buildings;*
- *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- *Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.*
- *The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

- *To ensure placement of buildings takes into account the retention and protection of existing trees.*

A variation is proposed to the front setback control within the DCP. The DCP requires a primary front setback for residential flat buildings of 10 metres. The subject development has a varied setback from 6 to 14 metres along Fairway Drive. A 6 metre setback is not uncommon to the locality with other approved flat buildings in the locality have setbacks between 6 and 10 metres including buildings along Spurway Drive and the adjoining building at 100 Fairway Drive to the north of the site which has setback to Fairway Drive of 6.8 metres to balconies.

It is considered that sufficient space remains for adequate landscaping and the reduced setback will not lead to any detrimental overshadowing or privacy impacts.

In relation to overshadowing, the solar access to the south in Central Park will be reduced. The Applicant has undertaken a solar analysis which identified that the units at Nos. 26-52 Central Park Avenue will achieve at least 4 hours of solar access in mid winter.

In this regard, it is considered that the site is appropriate in this instance and the variation to the front setback control is supported.

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

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

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.

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

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

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

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

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

The Site has been zoned for a high density urban development. The proposed development is consistent with the Masterplan modification being concurrently considered and Council's previous approvals and is therefore a suitable development of the site consistent with the zone objectives.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

The proposal will provide for essential housing consistent with the intended outcomes for the area, responds to the site characteristics and is considered to be a suitable development for the proposed lot.

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

The submissions are considered in Section 4 of this report.

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

The development provides a suitable density of housing products within an area that has access to public recreation facilities, a town centre and public transport. Noting the limited high density housing being delivered in the local area, on balance the proposal is consistent to the public interest.

3.10 Section 4.24 Concept Approval

The DA remains consistent with Masterplan 736/2017/JP (as modified), as it provides for the development of the land by virtue of a concurrent modification 736/2017/JP/D to facilitate this application.

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;
- 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

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

The Transport for NSW raised no objection.

5. Community Consultation

The proposal was notified in accordance with the DCP. A total of nine unique submissions, were received. The issues raised in these submissions are considered in the Table below.

Table: Community Submissions

ISSUE/OBJECTION	COMMENT
Fairway Drive is already a very busy road. Exiting from No.100 Fairway Drive is highly	The driveway access to the proposal is located on Fairway Drive generally in the

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

dangerous because the driver's vision to the right is frequently obstructed. I object to any further development until you address the safety issues for residents. The road really needs to be widened. Even if you put a development at 104 Fairway Drive it should exit to Spurway Drive.	same location as the driveway to the existing Sekisui Display Centre and separated approximately 15 metres from the driveway to 100 Fairway Drive. It is noted that no stopping / no parking zones exist along portions of Fairway Drive adjacent to existing driveways and intersections and these will need to be extended to facilitate safe movements onto Fairway Drive from the development. Parking restrictions will be reviewed by Council's Traffic section as general local traffic safety issues arise as has occurred with the adjacent development at No. 100 Fairway Drive.
While the Metro may contribute some ability to move people around, a significant number of residents are not able to use public transport to meet their daily/weekly work, schooling, sporting and social commitments.	The proposal still provides significantly more parking spaces then required by Transport for NSW given the proximity to the metro train line. In this regard, 235 car spaces are required, 303 spaces are provided and this is considered reasonable given the location of the site.
Developers haven't even been required to provide for workers' parking. The impact of staff and trucks often arriving before 6.00am, workers talking loudly early in the morning, disrupting residents' sleep, parking on both sides of our narrow roads, causing streets to be one-way, should have all been foreseen if proper planning had been undertaken. Residents received no prior knowledge of any of this impact, especially with >50 concrete trucks travelling up Laura Street and Rosetta Crescent some days. The developer has effectively taken over local streets for construction worker parking, from 6:00 AM to 3:30 PM, six days a week. This take over was not obvious in any of the documentation supplied for DA approval of stage 4. This practice will continue for at least three more years, excluding any future impact from stage 5. Suggestions made by residents to accommodate parking within the development site have been rejected without any credible justification.	It is inevitable that given the scale of development there will be some impact on residential amenity however Council staff regularly inspect and monitor development sites in the precinct to ensure construction impacts are minimised. It is acknowledged that off-street worker parking has not been provided for recent developments unlike the earlier stages and parking will continue to occur on street however given the proximity to Metro and Bus services some workers will utilise these services rather than drive. Post lodgement, the Applicant was requested to provide a Preliminary Construction Management Plan to consider and address likely impacts associated with construction on adjoining and nearby residents. Refer Attachment L. The Construction Management Plan indicates; • Access to the site during construction is intended to be provided to and from

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

Construction workers have been parking in prohibited and dangerous areas, making local streets hazardous. When this issue was raised with the developer, the response was that residents should report the violations to the council ranger, demonstrating a lack of accountability on their part.	Spurway Drive and via on-street work zones • Approach Route 1 via Fairway Drive to the north of the site is intended to form the primary site access until such time as access to and from Spurway Drive and Windsor Road is made available, following which Approach Route 2 (Spurway Drive East) is intended to be utilised as well as a Departure Route via Spurway Drive. • A waiting zone is indicated on Spurway Drive to the east of the site, whilst two loading zones are intended in Spurway Drive adjacent to the site. • Vehicles presenting to the site must be booked-in in advance of the delivery by at least 24 hrs to ensure congestion at the access gates in managed and minimised. • The entry gate will be monitored by Traffic Controllers who will facilitate safe movement of vehicles in accordance with the approved traffic control plan.
There has been virtually no communication from the developer regarding stage 4, save for one document that contained incorrect information, dates, and addresses. The Construction Management Plan (CMP) specifies a process for community communication, which is not being adhered to.	It is recommended that conditions be imposed requiring a Construction Management Plan and Traffic Management Plan be prepared and submitted to and approved by Council's Manager Development Assessment prior to the issue of a Construction Certificate. The builders will be encouraged to liaise with residents however the site will also be subject to regular and ongoing monitoring by Council's Regulatory team.
The developer continues to permit vehicle access to the stage 4 site from Horatio Ave, despite this being prohibited under the CMP.	There are penalties for the builders/developers if they breach the terms of their approval. Their hours of works are restricted to 7am to 5pm Monday to Saturday, so anything outside this could incur a penalty. However, there are circumstances where developers can seek a permit for an extension to these hours. This requires an application and approval process, including a condition that requires affected neighbours to be notified.
The absence of a comprehensive local traffic plan, which considers current traffic volumes and the cumulative impact of multiple developments in Norwest, is alarming. The	The traffic impacts for the locality do not directly relate to this application. They are a matter for Council and the Roads and Maritime Service.

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

area is already overloaded with traffic, and any additional approval would increase the problem.	It is considered that the Spurway Drive connection to Fairway Drive associated with this development will alleviate some of the traffic concerns on Solent Circuit. The Spurway Drive extension is a pre-planned component of the overall Balmoral Road Release Area street network that was introduced into the DCP as a direct consequence of the planning proposal relating to this site. The underlying planning proposal was forwarded to the Roads and Maritime Services and Transport for NSW for comment. Both agencies deemed that future development on the site is unlikely to have any unacceptable traffic implications in terms of road network capacity.
The proposed building's height and design, specifically the inclusion of balconies, will significantly compromise the privacy of my residence due to direct overlooking.	The proposal is consistent with other developments in the locality and provides for complying separation distances or screening measures required by the NSW Apartment Design Guide to mitigate privacy impacts.
The proposed development will result in the loss of trees and landscaping, contributing to increased heat in the area. The application lacks sufficient evidence of sustainable design features, such as passive cooling.	The proposal seeks to retain key trees on the site and embellishes the site with significant landscaping as has been established on the Sekisui sites.
The increased population will place undue pressure on local educational facilities, which are already operating at capacity.	The increase in population is not a matter for consideration for this application, rather the State Government who provide for public school infrastructure.
Currently our TV reception is directed towards Windsor and with the construction of 8-12 storey buildings, our reception will be greatly affected. The developer needs to provide an antenna relay/booster on the roof of the 12 storey building to compensate for blocking our signal.	This is not considered a planning matter.

6. 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

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

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

It is considered that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standards at Clause 4.3, 4.4 and 7.10 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variations can be supported as compliance with the standards are unreasonable or unnecessary in these instances and the proposal results in better environmental planning outcomes as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

Approval is recommended subject to conditions, refer Attachment A.

7. RECOMMENDATION

That the Development Application DA No 2059/2022/JP for a Residential Flat Building Development containing 583 Units (Stage 4) – 104 Fairway Drive, Norwest 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.

It is recommended that the applicant's Clause 4.6 written request to vary The Hills LEP 2019 development standards at Clause 4.3, 4.4 and 7.10 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variations can be supported as compliance with the standards are unreasonable or unnecessary in these instances and the proposal results in better environmental planning outcomes as outlined in this report. Furthermore, having regard to Clause 4.6(4), the development is consistent with the objectives of the standards and the objectives for development within the zone and is therefore in the public interest.

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: Site Plan
- Attachment H: Floor Plans
- Attachment I: Elevations
- Attachment J: Sections
- Attachment K: Subdivision Plan
- Attachment L: Construction Management Plan
- Attachment M: Clause 4.6 Request

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

- Attachment N: General Terms of Approval – DPIE Water
- Attachment O: Shadow Diagrams

Document Set ID: 21920481
Version: 11, Version Date: 04/06/2025

ALL DEVELOPMENT TYPES

GENERAL CONDITIONS

1. **Approved Plans and Supporting Documentation**

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Approved plans				
Plan number	**Revision**	**Plan title**	**Drawn by**	**Date of plan**
DA00.01	D	Development Summary	Rothelowman	15/04/2025
DA00.10	C	Demolition Plan	Rothelowman	28/02/2025
DA00.11	D	Site Plan	Rothelowman	15/04/2025
DA01.01	D	Basement 2	Rothelowman	15/04/2025
DA01.02	D	Basement 1	Rothelowman	15/04/2025
DA01.03	D	Ground	Rothelowman	15/04/2025
DA01.05	D	Level 1	Rothelowman	15/04/2025
DA01.06	D	Level 2	Rothelowman	15/04/2025
DA01.07	D	Level 3	Rothelowman	15/04/2025
DA01.08	D	Level 4	Rothelowman	15/04/2025
DA01.09	D	Level 5	Rothelowman	15/04/2025
DA01.10	D	Level 6	Rothelowman	15/04/2025
DA01.11	D	Level 7	Rothelowman	15/04/2025
DA01.12	D	Level 8	Rothelowman	15/04/2025
DA01.13	D	Level 9	Rothelowman	15/04/2025
DA01.14	D	Level 10	Rothelowman	15/04/2025
DA01.15	D	Level 11	Rothelowman	15/04/2025
DA01.16	C	Roof	Rothelowman	15/04/2025
DA02.01	D	Elevations	Rothelowman	15/04/2025
DA02.02	D	Elevations	Rothelowman	15/04/2025
DA02.03	B	Elevations	Rothelowman	18/12/2024
DA03.01	D	Sections	Rothelowman	15/04/2025
DA03.02	D	Sections	Rothelowman	15/04/2025
DA03.03	B	Sections	Rothelowman	18/12/2024
DA03.04	B	Sections	Rothelowman	18/12/2024
DA03.05	C	Sections	Rothelowman	15/04/2025
DA06.40	A	Communal Building Alterations	Rothelowman	28/02/2025
0000-9001	-	Landscaping Package	Site Image	20/02/2025
-	-	Draft Subdivision Plan	LTS Lockley	24/07/2024

	Approved documents Document title | Version number | Prepared by | Date of document Numbering Plan | 1 | The Hills Shire Council | 17/03/2025 In the event of any inconsistency between the approved plans and documents, the approved documents prevail. In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.
	Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

2.	**Compliance with Department of Department of Planning and Environment – Water Requirements**
	Compliance with the requirements of the Department of Planning and Environment – Water attached as Appendix A dated 27 March 2025.
	Condition reason: To ensure compliance with the requirements of relevant agencies.

3.	**Compliance with Endeavour Energy Requirements**
	Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy re their Agency Concurrence and Referral reference CNR-72768 dated 03/09/2024, referenced as Attachment A in the relevant documents.
	Condition reason: To ensure compliance with relevant service provider's requirements.

4.	**Construction Certificate**
	Before building works commence for 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.
	Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.

5.	**Building Work to be in Accordance with BCA**
	During building work, 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.
	Condition reason: To ensure compliance with the legislative requirements.

6.	**Tree Removal**
	Approval is granted for the removal of (38) Thirty-eight Trees numbered 1, 2, 14, 15, and 17 - 30, 32 - 50 and 51 prepared by McArdle Arboricultural Consultancy dated 29th July 2024. All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.
	Condition reason: To provide details of trees approved for removal.

7.	**Property Numbering and Cluster Mailboxes for Residential Flat Buildings**
	The overall property address for this development is: - 104 Fairway Drive, Norwest NSW 2153 & 27 Spurway Drive, Norwest NSW 2153 Building A – 104 Fairway Drive, Norwest NSW 2153 (Alternate Address - 29 Spurway Drive) Building B – 27 Spurway Drive, Norwest NSW 2153 Approved unit numbering is as per approved Numbering Plans and as follows: **Level** **Building A** **Building B** Ground G01 – G14 G15 – G24 One 101 – 116 117 – 126 Two 201 – 216 217 – 226 Three 301 – 316 317 – 325 Four 401 – 412 413 – 421 Five 501 – 512 513 – 520 Six 601 – 612 613 – 618 Seven 701 – 712 713 – 718 Eight 801 – 810 811 – 816 Nine 901 – 905 Ten 1001 – 1005 Eleven 1101 – 1105 These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW. Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number. Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobbies. External directional signage is to be erected on site to ensure all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly. <u>Mailboxes</u> Australia Post requires cluster mailboxes to be perpendicular to the footpath or road and within easy reach for the postal delivery officer. For resident's useability and convenience, they are to be located close to relevant entry points.

	Cluster mailboxes are to be located as per approved Numbering Plans. Cluster mailboxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer. Locations of Mailboxes as proved by Council on Numbering Plans are to be approved by Australia Post for mail delivery. Plans are to be provided to Sobhana Gangadharan at the Seven Hills Delivery Centre via email Sobhana.Gangadharan@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council. The number of mailboxes to be provided is to be equal to the number of units etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A - 104 Fairway Drive, Norwest NSW 2153. Strata Developments All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section *before it is registered* for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not. It is required that Lot numbers within the proposed strata plan are not duplicated, and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development. Please call 9843 0555 or email a copy of the final strata plan *before it is registered* at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet. Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.
	Condition reason: To ensure consistent addressing as per Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council and Geographical Names Board guidelines. Final development can be located in the event of an emergency and for mail delivery.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

8.	**Design Amendments**
	Before the issue of the relevant construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents: • The A1 FOGO room is to be adjacent the Bulky store room on basement 1. The Bulky Store Collection room is of adequate size to meet requirements for this development.
	Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

9.	**Section 7.11 Contribution**
	Before the issuing of the relevant Construction Certificate, the following contributions must be paid to Council:

Stage 1:

No contributions are applicable.

Stage 2:

No contributions are applicable.

Stage 3:

	Purpose: 1 bedroom unit	***Purpose: 2 bedroom unit***	***Purpose: 3 bedroom unit***	***Purpose: 4+ bedroom unit***	***Purpose: Credit***	***No. of 1 Bedroom units: 53***
Open Space - Land	$ 13,655.43	$ 19,454.31	$ 24,224.36	$ 32,267.97	$ 31,332.67	$ 723,737.83
Open Space - Capital	$ 4,327.79	$ 6,165.63	$ 7,677.39	$ 10,226.64	$ 9,930.21	$ 229,372.79
Transport Facilities - Capital	$ 4,740.35	$ 6,753.37	$ 8,409.25	$ 11,201.50	$ 10,876.82	$ 251,238.51
Community Facilities - Land	$ 135.95	$ 193.68	$ 241.17	$ 321.25	$ 311.93	$ 7,205.39
Administration	$ 12.46	$ 17.74	$ 22.09	$ 29.43	$ 28.57	$ 660.12
Total	**$ 22,871.97**	**$ 32,584.73**	**$ 40,574.26**	**$ 54,046.80**	**$ 52,480.22**	**$ 1,212,214.65**

No. of 2 Bedroom units: 114	***No. of 3 Bedroom units: 31***	***No. of 4+ Bedroom units: 11***	***Sum of Units***	***No. of Credits: 1***	***Total S7.11***
$ 2,217,791.53	$ 750,955.17	$ 354,947.70	$ 4,047,432.23	$ 31,332.67	**$ 4,016,099.56**
$ 702,881.45	$ 237,999.11	$ 112,493.05	$ 1,282,746.41	$ 9,930.21	**$ 1,272,816.19**
$ 769,884.30	$ 260,686.75	$ 123,216.53	$ 1,405,026.09	$ 10,876.82	**$ 1,394,149.27**
$ 22,079.57	$ 7,476.27	$ 3,533.71	$ 40,294.94	$ 311.93	**$ 39,983.00**
$ 2,022.74	$ 684.86	$ 323.76	$ 3,691.48	$ 28.57	**$ 3,662.90**
$ 3,714,659.58	**$ 1,257,802.16**	**$ 594,514.76**	**$ 6,779,191.15**	**$ 52,480.22**	**$ 6,726,710.93**

Stage 4:

No contributions are applicable.

The contributions above are applicable at the time this consent was issued. The amount may be adjusted at the time of payment in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.

Prior to payment, it is advised to phone or email Council to confirm the amount. Payments will be accepted via Debit or Credit Card. Cash payments will not be accepted. This condition has been imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Contributions Plan No 12.

Condition reason: To contribute towards public infrastructure for the area.

10. **Western Sydney Growth Areas – Payment of Special Infrastructure Contribution**

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

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

Special infrastructure contributions | Planning (nsw.gov.au)

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

Condition reason: To ensure the Special Infrastructure Contribution has been paid by the developer/ applicant before the issue of a Construction Certificate.

11.	**Construction Management Plan**
	Prior to the issuing of the relevant Construction Certificate a Construction Management Plan must be submitted to Council's Manager – Regulatory Services for approval. The plan shall demonstrate how the potential for conflict between residents and construction activities is to be minimised and managed throughout all stages of the development. The Construction Management Plan must specifically address each of the following matters: a) Construction traffic (internal). b) Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned. c) Public asset protection. d) Dust management as separately conditioned. e) Sediment and erosion control as separately conditioned. f) Stockpiles. g) 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. h) Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time. i) Tree/ vegetation protection. The construction management plan must be submitted before a Construction Certificate is issued and complied with for the duration of works.
	Condition reason: To manage construction impacts.

BEFORE WORK COMMENCES

12.	**Notification**
	Two days before building work commences, Council shall be notified of the Principal Certifier in accordance with Form 7 of the Regulation.
	Condition reason: To ensure details are provided to Council in a timely manner.

13.	**Consultation with Service Authorities**
	Before building work commences, applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

	Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment. In the interest of health and safety, applicants are to contact before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the dial before you dig service in advance of any construction or planning activities.
	Condition reason: To ensure compliance with relevant service provider's requirements.

14.	**Builder and Principal Certifier Details**
	Before building work commences, the builders name, address, telephone and email information must be submitted to the Principal Certifier. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations.
	Condition reason: To ensure compliance with the legislative requirements.

15.	**Management of Building Sites**
	Before building work commences, 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 is to be provided. 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.
	Condition reason: To protect workers, the public and the environment.

16.	**Engagement of a Project Arborist**
	Before site works commence, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health: a) Name: b) Qualification/s: c) Telephone number/s: d) Email: If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.
	Condition reason: To protect vegetation.

17.	**Ground Protection within Tree Protection Zone**

	Before site works commence, ground protection measures are required where any construction access or works are within the TPZ of any tree (s) identified for retention which include the following: a) Temporary access for machinery, vehicular and foot traffic within the TPZ of trees on the site and/or on adjoining Council site (s). A permeable membrane such as geo-textile fabric beneath a layer of mulch or crushed rock below rumble boards as per Clause 4.5.3 Ground protection AS4970-2009 Protection of trees on development sites
	Condition reason: To protect trees

18.	**Erosion and Sediment Controls in Place**
	Before site work commences, the certifying authority must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.

19.	**Waste Management Plan requirements**
	Before site work commences, a waste management plan for the development must be prepared and provided Principal Certifying Authority. The plan must be prepared a) in accordance with i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and i. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and b) include the following information— i. the contact details of the person removing waste, i. an estimate of the type and quantity of waste, i. whether waste is expected to be reused, recycled or sent to landfill, v. the address of the disposal location for waste. A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.
	Condition reason: To ensure resource recovery is promoted and local amenity protected during construction

20.	**Work Zone**
	While site work is being carried out, if a Work Zone is proposed, an application must be made to Council to install the 'Work Zone'. Work Zones are provided specifically for the set down and pick up of

	materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Work Zone is approved, the requirements imposed by Council on the Work Zone permit (or permits) must be complied with at all times.
	Condition reason: To protect amenity and convenience during construction

21.	**Road Occupancy Licence**
	Should the development necessitate temporarily occupying part of a public road or nature strip, a Road Occupancy Licence (ROL) will be required. A ROL from the NSW Transport Management Centre is required for work on a State Road e.g. Old Northern Road, or within 100m of a set of traffic signals on any road. All costs associated with the road occupancy and required temporary notification will be borne by the applicant. This includes a Road Occupancy fee in accordance with Council's Fees and Charges.
	Condition reason: To protect amenity and convenience during construction

DURING WORKS

22.	**Standard of Works**
	During building works, all work shall be completed in accordance with the development consent, Council's Engineering Works Specification for Subdivisions/Developments and include any necessary works to make the construction effective. All works and public utility relocation shall incur no cost to Council.
	Condition reason: To ensure the works are carried out in accordance with Council's technical specifications.

20.	**Stockpiles**
	During site work, stockpiles of topsoil, sand, aggregate or other material capable of being moved by water must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.
	Condition reason: To protect waterways

23.	**Protection of Tree Canopy**

	While works are being carried out, care shall be taken when operating excavation machineries, cranes and similar equipment near trees to avoid damage to tree canopies (foliage and branches). Any damages to trees during the construction period must be inspected by a Project Arborist and remedial action is to be implemented and certified by the Project Arborist.
	Condition reason: To protect tree canopy.

24.	**Hours of Work**
	Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority. Sufficient notice is required to neighbours and Council if any of planned works are likely to go beyond approved consent hours. A permit may be obtained from Council for such works by submitting an online request by using the weblink: https://epathway.thehills.nsw.gov.au/ePathway/Production/Web/Applications/NewApplication.aspx
	Condition reason: To protect the amenity of the surrounding area.

25.	**Implementation of the site management plans**
	While site work is being carried out: a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work

26.	**Noise and Vibration Requirements**
	While site work is being carried out, noise generated from the site must not exceed an L_{Aeq} (15 min) of 5dB(A) above background noise, when measured at the boundary of the site.
	Condition reason: To protect the amenity of the neighbourhood during construction.

27.	**Soil Management**
	While site work is being carried out, the certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements: a) All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the certifying authority b) All fill material imported to the site must be:

	i. Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997*, or i. a material identified as being subject to a resource recovery exemption by the NSW EPA, or i. a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the *Protection of the Environment Operations Act 1997* and a material identified as being subject to a resource recovery exemption by the NSW EPA.
	Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.

28.	**Tree protection during work**
	While site work is being carried out, all required tree protection measures must be maintained in good condition in accordance with: a) the relevant requirements of AS 4970 Protection of trees on development sites b) any arborist's report approved under this consent. This includes maintaining adequate soil grades and ensuring all machinery, builders refuse, spoil and materials remain outside tree protection zones.
	Condition reason: To protect trees during the carrying out of site work.

29.	**Waste Management**
	While site work is being carried out: a) all waste management must be undertaken in accordance with the waste management plan, and b) upon disposal of waste, records of the disposal must be compiled and provided to Principal Certifying Authority detailing the following: i. The contact details of the person(s) who removed the waste; i. The waste carrier vehicle registration; i. The date and time of waste collection; v. A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; v. The address of the disposal location(s) where the waste was taken; i. The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. c) If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.

	Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.

ON COMPLETION OF WORKS

30.	**Removal of waste upon completion**
	After completion of all site work: all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and written evidence of the waste removal must be provided to the satisfaction of the Principal Certifying Authority.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

31.	**Provision of Telecommunications Services**
	Before the issue of an occupation certificate, a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act must be submitted confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.

32.	**Provision of Electricity Services**
	Before the issue of an occupation certificate, a compliance certificate from the relevant service provider must be submitted 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.
	Condition reason: To ensure relevant utility and service providers requirements are provided to the certifier.

33.	**Section 73 Certificate must be Submitted to the Principal Certifier Prior to Issue of Occupation Certificate**
	Before the issue 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.**
	Condition reason: To ensure the development will be satisfactorily serviced by Sydney Water and that the requirements of Sydney Water have been complied with.

34.	**Irrigation**
	Before the issue of the relevant construction certificate, an automatic watering system is to be installed as a minimum to all common areas and rooftop planters. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier.
	Condition reason: To ensure irrigation is provided.

35.	**Procurement Of Mechanical Bin Mover**
	Prior to Occupation Certificate being issued, a mechanical bin mover, suitable for 240, 660 and 1100 litre bins must be purchased and delivered to the site. The equipment procured must have capacity to move full bins over ramps and slopes between the waste storage areas and waste collection points. All waste moving equipment must be lawfully handed into the ownership of the Owners Corporation.
	Condition reason: To ensure safe movement of bins around site.

DEMOLITION WORK

DURING DEMOLITION WORKS

36.	**Trenching within Tree Protection Zone**
	Whilst site works are being carried out, any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to the Certifier or Council (where a certifier is not required) or under supervision of a project arborist. If supervision by a project arborist is selected, certification of supervision must be provided to (the Certifier or Council (where a certifier is not required) within 14 days of completion of trenching works.
	Condition reason: To protect trees during the carrying out of site work.

BUILDING WORK

GENERAL CONDITIONS

37.	**Protection of Public Infrastructure**
	During works, Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.
	Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.

38.	**Vehicular Access and Parking**
	Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction that the formation, surfacing and drainage of all driveways, parking modules, circulation roadways, sight distance and ramps/circular ramps have been design and construction complying are in accordance with: a) AS/ NZS 2890.1 b) AS/ NZS 2890.6 c) AS 2890.2 d) DCP Part C Section 1 – Parking e) Council's Driveway Specifications Where conflict exists, the Australian Standard must be used. The following must be provided: f) 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. g) All driveways and car parking areas must be separated from landscaped areas by a low-level concrete kerb or wall. h) 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. i) All driveways and car parking areas must be graded, collected, and drained by pits and pipes to a suitable point of legal discharge. These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of the relevant construction certificate.

	Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council's DCP.

39.	**Vehicle Crossing Application**
	Before the issue of the relevant construction certificate, the consent holder must lodge a vehicular crossing application with council. Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges. Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority. NOTE: The receipt shall be provided to the Certifier as evidence of lodgement.
	Condition reason: To ensure that the site has adequate access, and the vehicular crossing is not classing with other services.

40.	**Section 138 Works**
	A S138 Roads Act application, including the payment of application and inspection fees, is required to be lodged with, and approved by The Hills Shire Council (being the Roads Authority under the Roads Act) Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments, Austroad Guidelines and best engineering practice. Before the issue of the relevant construction certificate or a subdivision work certificate, whichever precedes first/earlier, the consent holder must provide a copy of the approved S138 Roads Act to the certifier. Note: Where The Hills Shire Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
	Condition reason: To ensure that council will assess and approve public roads or any other land under the care and control of Council.

41.	**Excavation/ Anchoring Near Boundaries**

	Before the issue of the relvant construction certificate, a suitably qualified Structural engineer must review Excavation/Anchoring Near Boundaries design and provide written certification on the approved plans to satisfy the certifier that: a) 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 sustain excavation near the property boundary, the following requirements apply: i. Written owner's consent for works on adjoining land must be obtained. i. For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road. i. 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. v. All anchors must be temporary. Once works are complete, all loads must be removed from the anchors. v. A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed. i. The anchors must be located clear of existing and proposed services. Details demonstrating compliance with the requirements above must be submitted to the Certifier and included as part of any Construction Certificate been issued.
	Condition reason: To protect the road/private properties from the excavation and anchoring works.

42.	**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.
	Condition reason: To protect the roads.

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

43.	**Design Verification**

	Before the issue of the relevant construction certificate, design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP Housing.
	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.

44.	**Stormwater Pump/ Basement Car Park Requirements**
	Before the issue of the relevant construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that: The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.
	Condition reason: To protect the Basement Car Park from surface runoff.

45.	**Works on Adjoining Land**
	Before the issue of the relevant construction certificate, the consent holder must obtain and submit a written owner consent from all affected adjoining property owners, where the engineering works included in the scope of this approval extend into the adjoining lands. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: To ensure the adjoining owners are aware of the works on their land and to protect the existing stormwater easement that the adjoining properties are aware of the work and to obtain any access/consent.

46.	**Security Bond – Road Pavement and Public Asset Protection**
	The applicant must provide a security bond of $ 430,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of $132.00 per square metre based on the road frontage of the subject site Fairway Drive plus an additional 50m buffer zone (120m) multiplied by the width of the road (12m) and the road frontage of the subject site Spurway Driveway plus an additional 50m buffer zone (208m) multiplied by the width of the road (9m) A. single bond payment with the amount specified above shall be lodged with Council, partial bond payments will not be accepted.

	The square metre rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website. 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. This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of the relvant construction certificate or a subdivision work certificate, whichever precedes first/earlier.
	Condition reason: To ensure any damage to public infrastructure is rectified

47.	**Engineering Works and Design**
	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 Northrop Revision 4 Dated 17.04.2025 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent. Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that: **a) 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. **b) Footpath** Existing footpath at the rear of the development site shall be maintained in accordance with the DCP and the above documents.

	c) 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 must be built to Council's heavy-duty standard. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary. On high level sites a grated drain must be provided on the driveway at the property boundary. A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges. **d) Disused Layback/ Driveway Removal** All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. **e) Service Conduits** Service conduits for the proposed development to be laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings. **f) Earthworks/ Site Regrading** Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Northrop Revision 4 Dated 17.04.2025, Where earthworks are not shown on the approved plan the topsoil within the site must not be disturbed. **g) 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. **h) Stormwater Easements** Stormwater easement shall be created over any stormwater pipe that cross a separate existing/proposed lot. The width of the private easement shall comply with Council's Design Guidelines Subdivisions/ Developments. The easements with shall be shown on the stormwater/civil plans. **i) Water Sensitive Urban Design Elements** Water sensitive urban design elements, consisting of Bio-Retention, are 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.

	Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments

48.	**Groundwater Requirements and Management**
	Prior to the issue of the relevant construction certificate by the registered Certifier, the Applicant is to undertake the following to the satisfaction of DPE Water and the Natural Resources Access Regulator: 1. demonstrate adequate groundwater entitlements can be obtained for the project's operational water take 2. ensure sufficient water entitlement is held in a water access licence/s (WAL) to account for the maximum predicted take for each water source prior to take occurring 3. develop a Ground Water Management Plan for the construction phase 4. develop a dewatering reporting schedule covering duration of construction 5. develop a proposed operational phase (after building completion) monitoring and reporting schedule The design compliance certificate shall be prepared by suitably accredited qualified Geotechnical Engineer certificating that the requirements above have been satisfied. These requirements shall be reflected on the Construction Certificate and supporting documentation prior to the issue of the Construction certificate by the Registered Certifier.
	Condition reason: To ensure the adequate system for the groundwater management..

49.	**Protection of Internal Noise Levels**
	Before the issue of the relevant Construction Certificate, an acoustic statement is to be provided to the certifying authority providing methods of noise attenuation (if any) ensuring the following noise levels are achieved: a) 35 dB (A) in any bedroom between 10pm and 7am. b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime. In particular the acoustic statement shall detail that all recommendations contained within The Orchards, Stage 5, 104 Fairway Drive, Norwest – DA Acoustic Assessment prepared by Pulse White Noise Acoustics Pty Ltd, with reference project number 230141, and dated 15th July 2024, have been included in the construction plans of the development.
	Condition reason: To ensure the acoustic amenity of the building.

50.	**Provision of Bulky Goods Storage Area**
	Before the issue of the relevant construction certificate, construction plans that demonstrate a bulky goods storage area must be approved by the certifier. The area must: a) Be a separate room or caged area; b) Open directly onto the designated waste service bay;

	c) Have a minimum floor area of 4m^2 per 50 apartments. Floor space must be rounded up to the nearest 50 apartments; d) Have floors that are to be constructed of concrete with a smooth non-slip finish; e) Have a resident access door, with a minimum clear floor width of 2m; f) Have a resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened; and g) Be provided with lighting.
	Condition reason: To ensure that adequate space is provided within Residential Flat Buildings for the storage of any unwanted bulky items to help in preventing illegal dumping and promote resource recovery.

51.	**Access and Loading for Waste Collection**
	Before the issue of the relevant construction certificate, construction plans satisfied by the Certifier must demonstrate waste vehicle access and loading facilities designed and provided on site in accordance with AS 2890 for the minimum STANDARD 12.5M LONG HEAVY RIGID VEHICLE (MINIMUM 4.5M CLEAR VERTICAL CLEARANCE. The following requirements must also be satisfied: a) All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per AS 2890.1. b) All manoeuvring and loading areas for waste collection vehicles must be clearly and permanently line marked, signposted, and maintained. c) Pedestrian paths around the designated waste collection areas must be clearly and permanently line marked, signposted, and maintained. d) The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three-point turn). e) The designated waste service bay must allow additional space servicing of bins. f) 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”. g) Entry to sites with restricted access (i.e., via roller shutter doors, boom gates or similar) must be provided via the installation of a lockbox (supplied through Council’s locksmith) containing Council’s Waste Management Master Key System ‘P3520’ on an accessible external wall. The lockbox must store the site-specific keys or remote so that Council’s Waste Collection Contractor can access the site for ongoing waste collection.
	Condition reason: To ensure safe and adequate loading facilities are provided for the waste vehicle to enter the site and service all waste collections.

52.	**Communal Composting Areas**
	Before the issue of the relevant construction certificate, a communal composting area must be included within the building footprint or landscaping plans.
	Condition reason: To ensure the future possibility of communal composting can be achieved within the building footprint or externally in common landscaped areas.

53.	**Provision of Bin Cupboards**

	Before the issue of the relevant construction certificate, construction plans must be submitted to the certifier that demonstrate a separate bin cupboard next to the chute openings on every residential floor that allows for the disposal of items unsuitable for chute disposal.
	Condition reason: To promote resource recovery and the storage of a potential third waste stream. It also allows for disposal of unsuitable items down the waste chute.

54.	**Construction of Waste Storage Area(s)**
	Before the issue of the relevant construction certificate, construction plans are to be submitted to the certifier that demonstrate the waste storage areas are designed and constructed in accordance with the following requirements: a) The area(s) must provide minimum storage facility for 12 x 1100 litre garbage bins and 23 x 1100 litre recycle bins and 2 x 1100lt bin linear conveyor system with compaction unit for garbage and 2x1100 linear conveyor system for recycle for each of A1 and A3 bin rooms. b) The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas. All internal walkways must be at least 1.5m wide. c) The walls of the waste storage area(s) must be constructed of brickwork. d) 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). e) 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. The waste servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. f) The waste storage area(s) to be accessed by residents must have an access door which allows wheelchair access. The resident access door must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the waste storage area(s). g) 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. h) The waste storage area(s) must be ventilated. Vented waste storage areas must not be connected to the same ventilation system supplying air to the units. i) 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), must not conflict with the space designated for the placement of bins. j) The waste storage area(s) must be provided with internal lighting. k) The maximum grade acceptable for moving bins for collection purposes is 5%. l) The waste storage area(s) must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation.
	Condition reason: To ensure all residential developments with a shared bin system provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.

55.	**Internal Pavement Certification**
	Before the issue of the relevant Construction Certificate, a Certified Practicing Engineer (CPEng) must certify that the internal pavement design will withstand the loads imposed by a loaded 12.5m long

	heavy rigid waste collection vehicle (i.e., 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.
	Condition reason: To ensure internal pavement design is adequate.

56.	**Erosion and Sediment Control Plan**
	Before the issue of the relevant construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to THE CERTIFIER OR COUNCIL. a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).
	Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.

57.	**Preparation of Mechanical Ventilation Plans**
	Before the issue of the relevant construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier: a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not: i) cause a nuisance to persons within or nearby to the premises, or ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997
	Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.

BEFORE WORK COMMENCES

58.	**Management of Building Sites**
	Before building work commences, suitable fencing or other measures are to be erected 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.

	Condition reason: To ensure the development site is maintained in a safe manner during site works and construction.

59.	**Toilet Facilities**
	Before building work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided: a) must be a standard flushing toilet, and b) must be connected: i. to a public sewer, or i. if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or i. if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.
	Condition reason: To ensure there are amenities provided to workers on site.

60.	**Public Infrastructure Inventory Report**
	Before works commencing on site the Principal Contractor must get a public infrastructure inventory report 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: a) Planned construction access and delivery routes; and b) Dated photographic evidence of the condition of all public assets.
	Condition reason: To document the condition of public infrastructure prior to works commencing.

61.	**Dust Management Plan – Major Works**
	Before works commencing on site the Principal Contractor must get a site specific dust management plan developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Health and Environment 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
	Condition reason: To ensure appropriate dust control in is in place to protect the environment and amenity of the local area.

62.	**Traffic Control Plan**
	Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the plan 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.
	Condition reason: To Ensure safe movement of vehicles around/past the site

63.	**Erection of Signage – Supervision of Work**

	Before works commencing on site the Certifier is to ensure a sign is erected in a prominent position displaying the following information: • The name, address and telephone number of the Principal Certifying Authority; • 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 work is being carried out and must be removed upon completion.
	Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021.

64.	**Tree Protection Fencing**
	Before any work begins on the site, tree protection fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be as per the Tree Protection Plan prepared by McArdle Aboricultural Consultancy dated 29th July 2024. Stockpiling of materials, placement of fill, parking of vehicles, compaction of soil, or washing of cement, other chemicals or fuel contaminants shall not occur within the designated root protection zone. The location of tree protection fencing can only be altered by the Project Arborist. The temporary relocation or removal of tree protection fencing to undertake works within the TPZs of trees to be retained is strictly to be undertaken under supervision of the Project Arborist.
	Condition reason: To protect trees during the carrying out of site work.

65.	**Tree Protection Signage**
	Before any work begins on the site, a Tree Protection Zone sign must be attached to the tree protection fencing stating “Tree Protection Zone No Access” (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.
	Condition reason: To protect trees during the carrying out of site work.

66.	**Mulching within Tree Protection Zone**
	Before any work begins on the site, all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.
	Condition reason: To protect trees during the carrying out of site work.

67.	**Discontinuation of Domestic Waste Services**
	Before the commencement of works, an arrangement for the discontinuation of all current domestic waste services on the site must be organised with Council’s Customer Service Centre. This service must

	be cancelled before demolition works commence or where the site ceases to be occupied during works, whichever comes first. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council.
	Condition reason: To ensure that any domestic waste service that is active onsite is cancelled and returned to Council prior to works commencing. Bins must be returned to prevent the misuse and presence of contamination.

68.	**Dilapidation report**
	Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of The principal certifier Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties. No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.
	Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report

DURING BUILDING WORKS

69.	**Compliance with BASIX Certificate**
	During works, all commitments listed in BASIX Certificate No. 1757598M is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.
	Condition reason: To ensure compliance with the BASIX Certificate requirements.

70.	**Control of early morning noise from trucks**
	During works, trucks associated with the construction at the site that will be waiting to be loaded must not arrive at the site before 7am.
	Condition reason: To protect the acoustic amenity of the local area and of the development.

71.	**Control of Noise from Trucks**
	During works, the number of trucks waiting in adjacent streets to enter the site for the removal of fill shall not exceed one (1). Trucks waiting shall not obstruct driveways and shall have their motors off if expected to wait more than 5 minutes.

	Condition reason: To protect the acoustic amenity of the local area and of the development.

72.	**Imported 'Waste Derived' Fill Material**
	During building works only 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 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 Certifier.
	Condition reason: To ensure that fill is not contaminated.

73.	**Notification of New Contamination**
	During building work, ground conditions must be monitored and when new evidence including, but not limited to, imported fill, buried building materials, asbestos, odour and/or staining, works are to immediately cease and Council's Manager- Environment and Health is to be notified. A site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021* and submitted to Council's Manager – Environment and Health for review. Approval from Council's Manager – Environment and Health must be obtained in writing prior to works recommencing on site.
	Condition reason: To ensure controls are in place for contamination management

74.	**Construction Noise**
	During building work, 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).*
	Condition reason: To protect residential amenity

75.	**Rock Breaking Noise**
	During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays. Details of noise mitigation measures and likely duration of the activity must be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.
	Condition reason: To minimise noise impacts on neighbouring properties

76.	**Soil and Water Management Plan**
	During construction, a Soil and Water Management Plan is to be prepared and implemented. The plan shall be in accordance with "Managing Urban Stormwater - Soils and Construction" (Blue Book) produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request. A temporary sediment basin must be in place before start of any earthworks and maintained throughout the construction phase. During rain events the excess water from site must be pumped into the sediment

	and only released after flocculating into the stormwater system. The site controls and roads must be kept clean by ensuring stabilised entry exit points maintained along with regular use of road sweepers. The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.
	Condition reason: To protect the environment

77.	**Acoustic Requirements**
	During the building works the recommendations of the Acoustic Assessment and Report prepared by Pulse White Noise Acoustics Pty Ltd, referenced as The Orchards, Stage 5, 104 Fairway Drive, Norwest – DA Acoustic Assessment, dated 15th July 2024 and submitted as part of the development application are to be implemented as part of this approval.
	Condition reason: To protect the amenity of the local area.

78.	**Project Arborist**
	During site works, the Project Arborist must be on site to supervise any works within 20 meters of or within the Tree Protection Zone (TPZ). Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Principle Certifying Authority within 14 days of completion of the works.
	Condition reason: To protect trees during carrying out of site work.

ON COMPLETION OF WORKS

79.	**Post-Construction Dilapidation Report**
	After completion of all sites work a post- construction dilapidation report must be prepared by a suitably qualified engineer, to the satisfaction of the PRINCIPAL CERTIFIER ,detailing whether: a) after comparing the pre-construction dilapidation report to the post-construction dilapidation report required under this condition, there has been any structural damage to any adjoining buildings; and b) where there has been structural damage to any adjoining buildings, that it is a result of the work approved under this development consent, and c) a copy of the post-construction dilapidation report must be provided to principal certifier and to the relevant adjoining property owner(s).
	Condition reason: To identify any damage to adjoining properties resulting from site work on the development site.

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE

80.	**Design Verification Certificate**
	Before the issue of an occupation certificate, design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.
	Condition reason: To ensure the design of the building has been verified by a qualified architect/designer.

81.	**Creation of Restrictions / Positive Covenants**
	Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used. a) Restriction – Bedroom Numbers The subject site must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals b) Restriction/ Positive Covenant – Water Sensitive Urban Design The subject site must be burdened with 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. c) Positive Covenant – Stormwater Pump The subject site must be burdened with a restriction and a positive Covenant using the "basement stormwater pump system" terms included in the standard recitals. d) Easement – Public Access A public access easement must be created over the existing footpath within the rear of the proposed development site using the "public access easement" terms included in the standard recitals. e) Positive Covenant – Onsite Waste Collection The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.
	Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.

82.	**Public Infrastructure Inventory Report - Post Construction**
	Before the release of an Occupation Certificate an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.
	Condition reason: To ensure protection and where required suitable remediation of public assets

83.	**Pump System Certification**
	Before the release of an Occupation Certificate, Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer
	Condition reason: To ensure pump system for stormwater discharge is suitable and installed/operation.

84.	**Water Sensitive Urban Design Certification**
	Before the issue of an Occupation Certificate the WSUD elements conditioned earlier in this consent must be constructed and operational. The following documentation must be submitted in order to obtain an Occupation Certificate: a) WAE drawings and any required engineering certifications; b) Records of inspections; c) An approved operations and maintenance plan; and d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime. Where Council is not the PCA a copy of the above documentation must be submitted to Council..
	Condition reason: To ensure structure(s) associated with the treatment of stormwater to ensure the quality of water discharge from site is suitable to enter the downstream watercourse

85.	**Completion of Engineering Works**
	An Occupation Certificate must not be issued before the completion of all engineering works covered by this consent, in accordance with this consent.
	Condition reason: To ensure all engineering works are completed before an occupation certificate is issued.

86.	**<u>Groundwater Requirements and Management</u>**
	Prior to the issue of the Occupation Certificate, the consent holder must submit a compliance certificate prepared by suitably accredited qualified Geotechnical Engineer certifying that the Groundwater and Management condition within this consent has been satisfied. The compliance certificate shall also certify that the DPE Water and the Natural Resources Access Regulator requirements have been satisfied. These requirements shall be reflected on the Occupation Certificate and supporting documentation prior to the issue of the Occupation certificate by the Registered Certifier.

	Condition reason: To ensure any groundwater encountered during excavation or construction is properly managed in accordance with environmental regulations and water licensing requirements.

87.	**Planting Requirements**
	Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by an Accredited Landscape Architect or to the satisfaction of Council's Manager Environment and Health. All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m^2. Any species that need substituting requires confirmation from Council.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).

88.	**Insect and Odour Control**
	Before the issue of an occupation certificate, Council's resource recovery Assessment Officer must be satisfied with the installation of an insect control system provided in the waste holding or collection room(s). The equipment installed must have: a) An ultraviolet fly trap with a UV lamp of at least 20W or higher or similar; b) An electric-grid style and mounted to an internal wall or attached to the ceiling; c) An air deodoriser must be installed.
	Condition reason: To ensure that waste holding rooms are maintained and insect and odour issues are prevented. This will assist in the ongoing onsite management

89.	**Commencement of Domestic Waste Service**
	Before the occupation of the site, Council's domestic waste service must commence. The service must be arranged no earlier than two (2) days prior to occupancy and no later than seven (7) days after occupancy of the development. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.
	Condition reason: To ensure residential dwellings have an active waste service for the lawful disposal of garbage, recyclables and garden organics through Council's Contractor.

90.	**Internal Pavement Construction**
	Before the issue of an Occupation Certificate, a Certified Practicing Engineer (CPEng) must submit a letter to the certifier confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by 12.5m long waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).
	Condition reason: To ensure that the internal pavement has been constructed to allow Council's waste vehicle to enter the site safely.

91.	**Final Inspection of Waste Storage Area(s)**
	Before the issue of an Occupation Certificate, a final inspection of the waste storage area(s) and associated management facilities must be undertaken by Council's Resource Recovery Project Officer to assess compliance with the design specifications and ensure that the necessary arrangements are in

	place for domestic waste collection. The time for the inspection must be arranged with Council for a mutually convenient time.
	Condition reason: To ensure the waste storage area is compliant with the approved design specifications.

92.	**Provision of Signage for Waste Storage Areas**
	Before the issue of an Occupation Certificate, a complete full set of English and traditional Chinese waste education signage must be installed in a visible location on every internal wall of all waste storage areas. Additionally, one set of English and Chinese garbage and recycling signage must be provided above every chute opening on every floor. The signage must meet the minimum specifications: a) Flat size: 330mm wide x 440mm high; b) Finished size: 330mm wide x 440mm high. Round Corners, portrait; c) Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel); d) Colours: Printed 4 colour process one side, UV ink; e) Finishing: Over laminated gloss clear. Profile cut with radius corners and holes.
	Condition reason: To ensure that waste education is provided to residents to promote resource recovery and ensure waste is being managed correctly by reducing contamination and illegal dumping.

93.	**Domestic Waste Collection Risk Assessment**
	Before the issue of an Occupation Certificate, a risk assessment must be undertaken on site by Council's Resource Recovery Assessment Officer. The assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.
	Condition reason: To ensure that any development serviced by Council and its Contractor can safely be accessed by the waste vehicle to complete onsite waste collections.

94.	**Waste Chute System Installation Compliance Certificate**
	Before the issue of an occupation certificate, a letter of compliance must be submitted to and approved by the certifier. The letter must be prepared by the equipment supplier/installer confirming that the Council approved waste chute system including all associated infrastructure, has been installed to manufacture standards and is fully operational and satisfies all relevant legislative requirements and Australian standards.
	Condition reason: To ensure that all waste infrastructure have been constructed/installed to manufacture standards and will be fully operational once residents occupy the building and dispose waste down the waste chutes.

95.	**Installation of Master Key System to Waste Collection Room**
	Before the issue of an Occupation Certificate, the site project manager must organise with Council's locksmith to install a lockbox fitted with Council's Waste Management Master Key System 'P3520' on an accessible external wall of the waste holding room. The lockbox must store the site-specific keys that open the waste holding room so that Council's Waste Collection Contractor can access the room for ongoing waste collection. The lockbox is to be installed through Council's locksmith at the cost of the developer. Please contact Council's Resource Recovery Project Officer to organise the installation.

	Condition reason: To ensure access is granted to Council's waste collection Contractor into the site's waste room to collect bins.

96.	**Provision of Kitchen Waste Storage Cupboard**
	Before the issue of an Occupation Certificate, the certifier must be satisfied with a kitchen waste storage area storage facility provided in each unit/dwelling for the to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have: a) a waste storage cupboard provided in the kitchen with a minimum of 2 removable 15L bins. b) convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The bins provided must allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point.
	Condition reason: To ensure that the kitchen waste storage area is suitable for the unit or dwelling.

97.	**Certification of acoustic measures**
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent
	Condition reason: To protect the amenity of the local area

98.	**Construction and installation of ventilation system**
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
	Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved

OCCUPATION AND ONGOING USE

99.	**Offensive Noise**
	During occupation and ongoing use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.
	Condition reason: To protect the amenity of the local area

100.	**Loading dock - signage for stormwater drains**
	During the operation of the premises, signs shall be displayed and maintained adjacent to all stormwater drains within the loading dock, clearly indicating "Clean Water Only – NO wastewater or rubbish."
	Condition reason: To protect the environment

101.	**Lighting**
	During the occupation and ongoing use, 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/NZS 4282:2023 Control of Obtrusive Effects of Outdoor Lighting.
	Condition reason: To protect the amenity of the area.

102.	**Waste and Recycling Management**
	During the occupation and use, all garbage and recyclable materials must be separated into dedicated waste collection containers and stored in a designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangements 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 places. Ideally, waste storage containers should be kept inside units and under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided on site. A caretaker must be appointed to manage waste operations onsite including undertaking all instructions issued by Council to enable waste collection. Waste storage areas(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.
	Condition reason: To ensure responsibility is placed upon the site's occupier or resident to management all waste generated on the site without it affected local amenity of neighbouring properties.

103.	**Location of mechanical ventilation**
	During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dB(A) above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.
	Condition reason: To protect the residential amenity of neighbouring properties.

104.	**Managing noise with ongoing acoustic treatment**
	During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report. Where the approved acoustic report recommends ongoing acoustic treatments, an acoustic implementation report from a suitably qualified person must be submitted to council within 3 months of the date of the issue of the occupation certificate. The report must confirm the implementation of acoustic treatment and demonstrate the external and internal noise levels satisfy the criteria nominated in accordance with the approved acoustic report.
	Condition reason: To ensure operational noise levels comply with the approved acoustic report and do not unreasonably impact on the amenity of adjoining and nearby premises

SUBDIVISION WORK

BEFORE ISSUE OF SUBDIVISION CERTIFICATE/OCCUPATION CERTIFICATE

105.	**Completion of Subdivision Works**
	Before the release of a Subdivision Certificate the Principal Certifier must ensure completion of all subdivision works covered by this consent
	Condition reason: To ensure all works required by this consent are completed prior to release of subdivision certificate

106.	**Confirmation of Pipe Locations**
	Before the release of a Subdivision Certificate a letter from a registered surveyor certifying that all pipes and drainage structures are located within the proposed drainage easements must be submitted to the Principal Certifier
	Condition reason: To ensure all relevant drainage infrastructure built under the consent is within easements where required.

107.	**Section 73 Compliance Certificate**
	Before the release of a Subdivision Certificate being issued a Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created. This Certificate must be submitted to the Principal Certifier Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.
	Condition reason: To ensure appropriate water and/ or sewer facilities are provided when covered by land under the Sydney Water Act 1994

108.	**Provision of Electrical Services**
	Before the release of a Subdivision Certificate a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services must be submitted to the Principal Certifier. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.
	Condition reason: To ensure lots created are appropriately serviced by a relevant electrical services provider

109.	**Provision of Telecommunication Services**
	Before the release of a Subdivision Certificate for a fibre-ready facility, written certification from a qualified installer must be submitted to the Principal Certifier confirming that the telecommunications infrastructure has been installed in accordance with the following requirements: • The Telecommunications Act 19978 (Cth). • The standard specifications of NBN Co current at the time of installation. • All telecommunications infrastructure must be undergrounded. The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. In all other cases (non-fibre ready facilities), either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.
	Condition reason: To ensure lots created are appropriately serviced by a relevant telecommunication services provider

LAND SUBDIVISION

GENERAL CONDITIONS

110.	**Subdivision Certificate Preliminary Review**
	Before 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 to Council in order to establish that all conditions have been complied with.
	Condition reason: To ensure that all conditions have been complied with.

BEFORE ISSUE OF SUBDIVISION CERTIFICATE

111.	**Subdivision Certificate Application**
	When submitted, the Subdivision Certificate application must include:

	a) One copy of the final plan. b) The original administration sheet and Section 88B instrument. c) All certificates and supplementary information required by this consent. d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).
	Condition reason: To ensure the applicant is aware of the documentation required for the subdivision certificate application.

STRATA SUBDIVISION

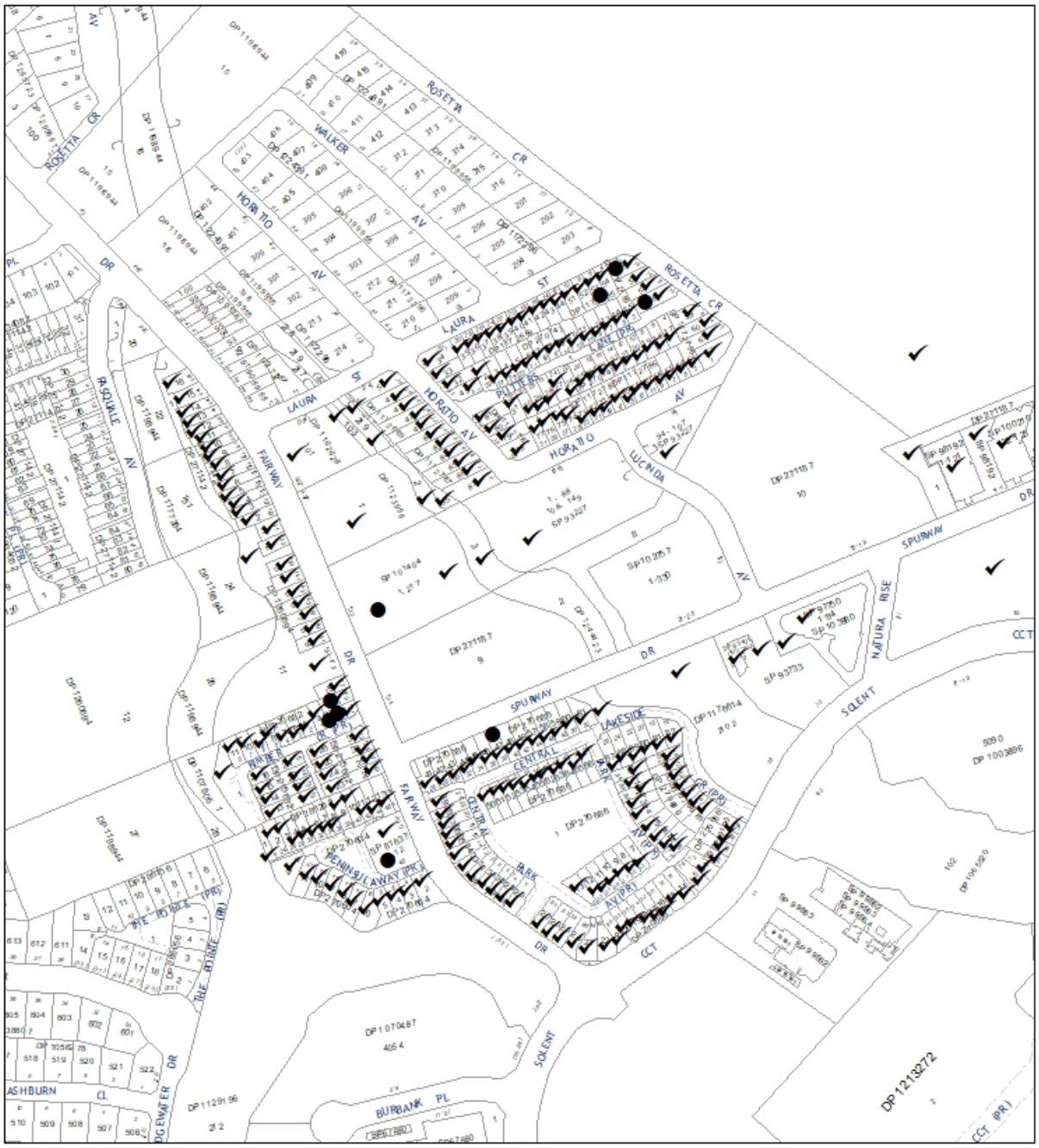
GENERAL CONDITIONS

112.	**Strata Certificate Preliminary Review**
	Before the submission of a Strata Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted to Council in order to establish that all conditions have been complied with.
	Condition reason: To ensure that the applicant is aware of the documentation required for the Strata Certificate application and to identify any items or conditions that have not been addressed before the Strata Certificate is applied for.

BEFORE ISSUE OF SUBDIVISION CERTIFICATE

113.	**Strata Certificate Application**
	When submitted to Council, the Strata Certificate application must include: a) One copy of the final plan. b) The original administration sheet and Section 88B instrument. c) All certificates and supplementary information required by this consent. d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56). Should the Strata Certificate be issued by a certifier other than Council a copy of the Strata Certificate along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days prior to the issue of the Strata Certificate.
	Condition reason: To ensure all required documentation is submitted for assessment.

ATTACHMENT B – LOCALITY PLAN



SUBJECT SITE

PROPERTIES NOTIFIED

SUBMISSIONS RECEIVED

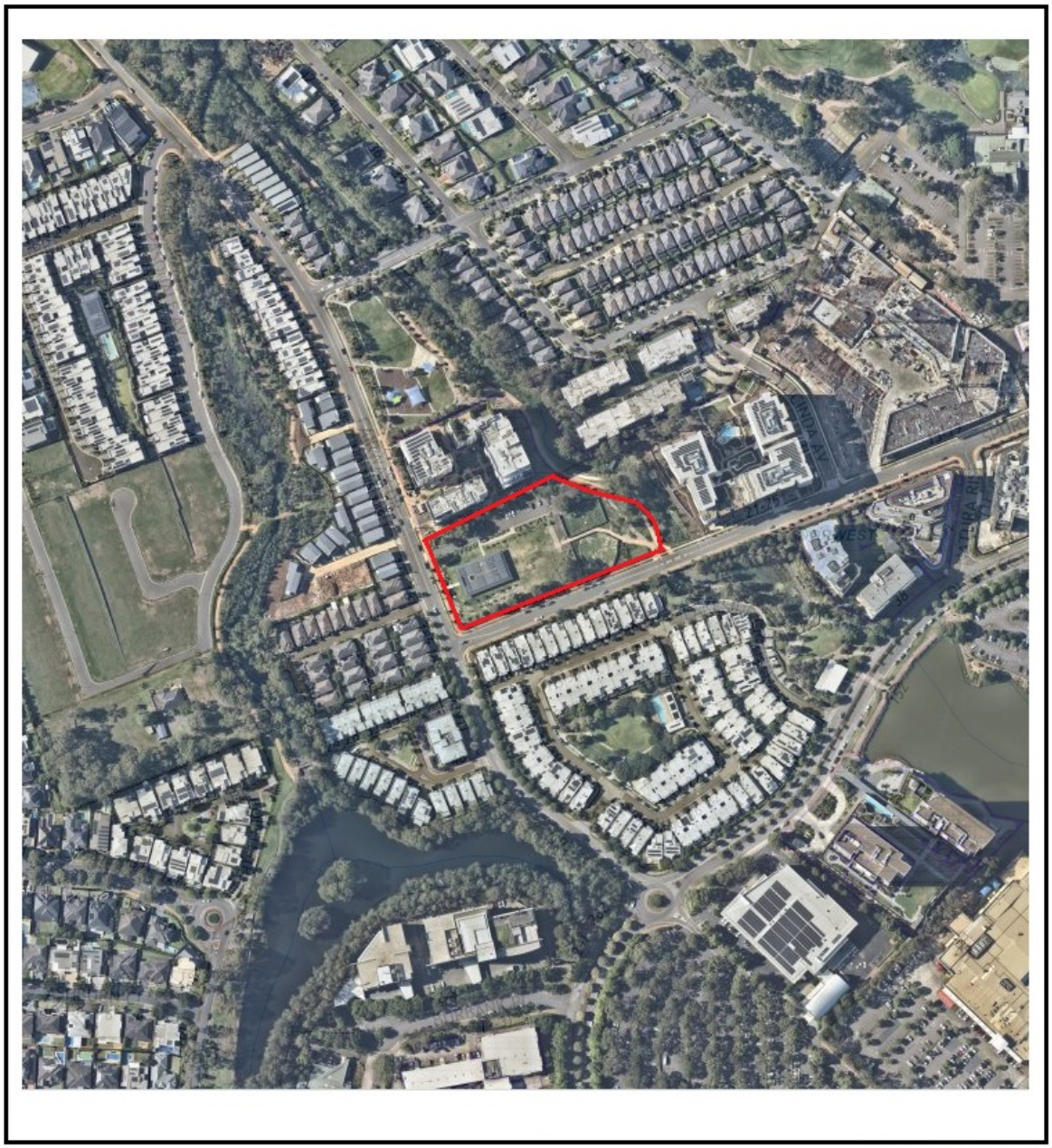
THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

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

ATTACHMENT C – AERIAL PHOTOGRAPH



Imagery © Nearmap HERE

SUBJECT SITE

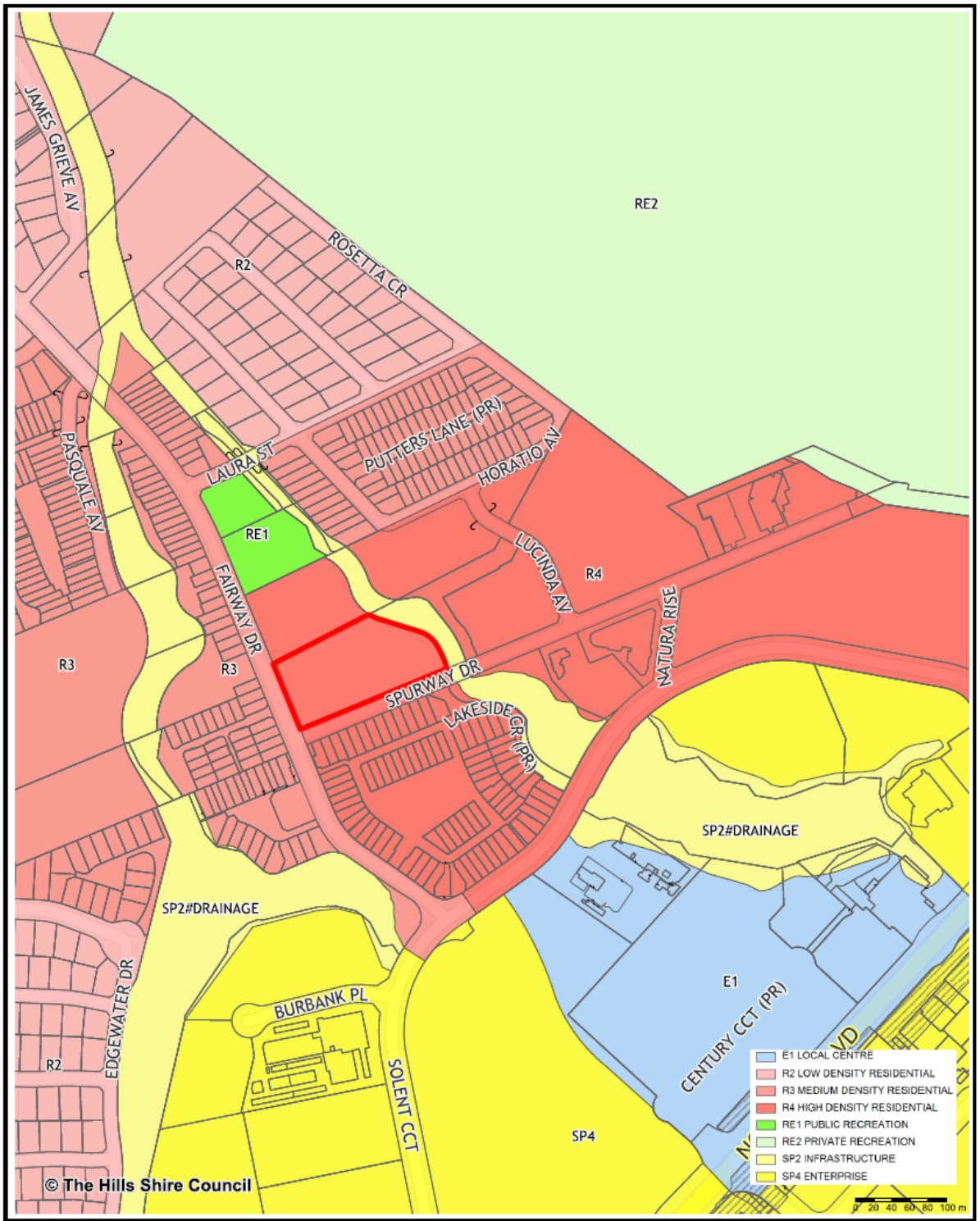
THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

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

ATTACHMENT D – LEP 2019 ZONING MAP



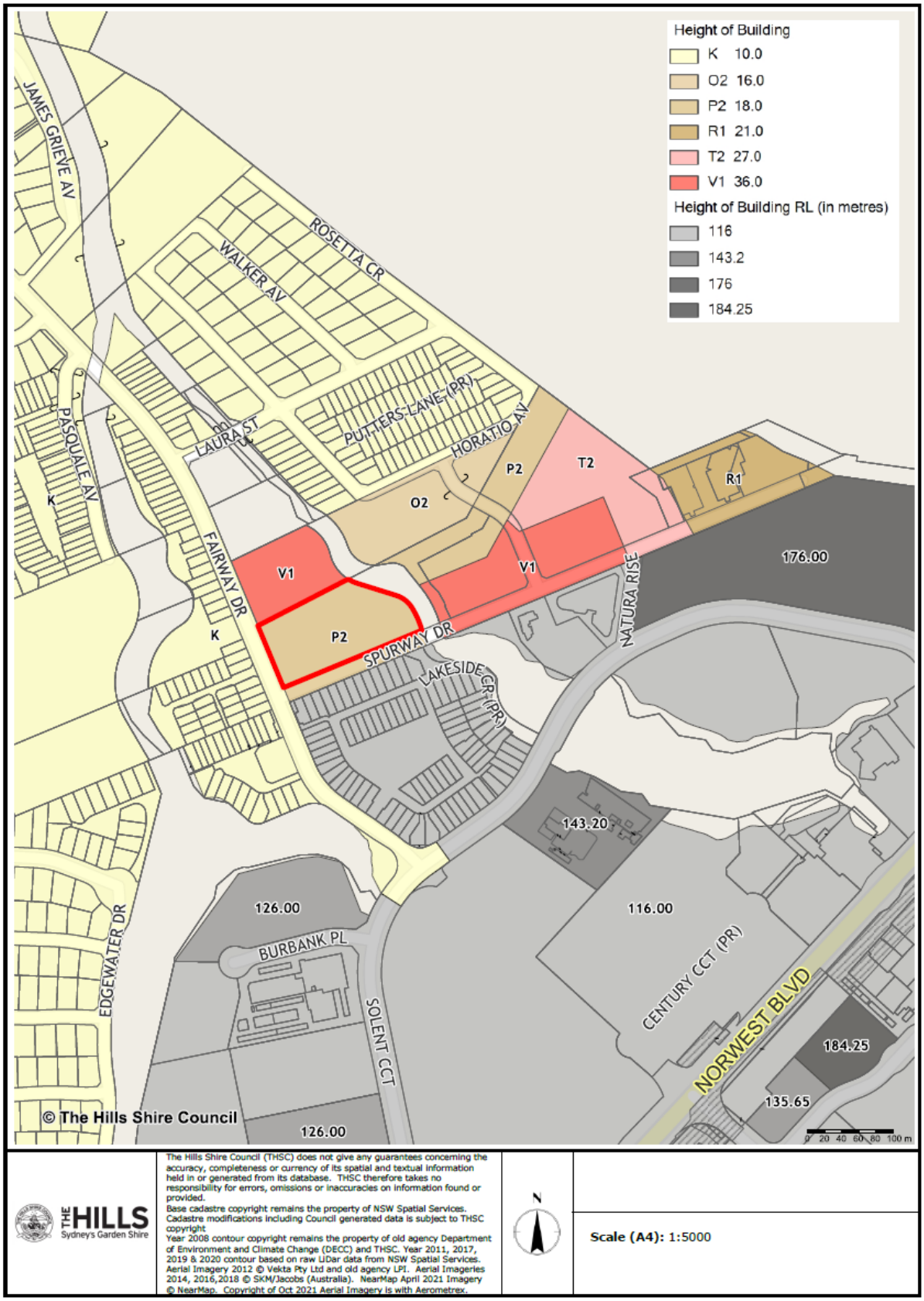
THE HILLS Sydney's Garden Shire

The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
Base cadastre copyright remains the property of NSW Spatial Services. Cadastre modifications including Council generated data is subject to THSC copyright
Year 2008 contour copyright remains the property of old agency Department of Environment and Climate Change (DECC) and THSC. Year 2011, 2017, 2019 & 2020 contour based on raw LiDar data from NSW Spatial Services. Aerial Imagery 2012 © Vekta Pty Ltd and old agency LPI. Aerial Imageries 2014, 2016,2018 © SKM/Jacobs (Australia). NearMap April 2021 Imagery © NearMap. Copyright of Oct 2021 Aerial Imagery is with Aerometrex.

N

Scale (A4): 1:5000

ATTACHMENT E – LEP 2019 HEIGHT OF BUILDINGS MAP



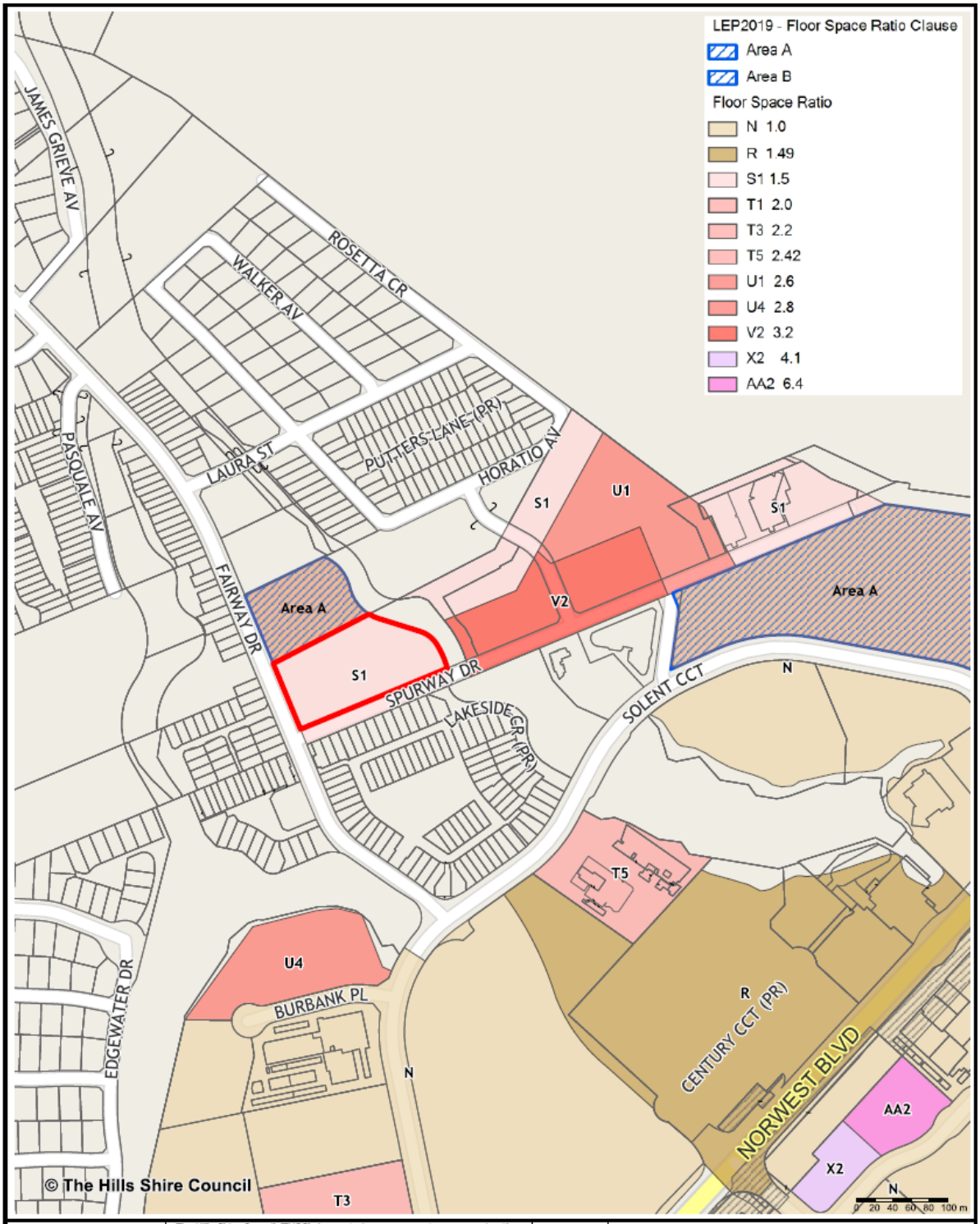
THE HILLS Sydney's Garden Shire

The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
Base cadastre copyright remains the property of NSW Spatial Services. Cadastre modifications including Council generated data is subject to THSC copyright
Year 2008 contour copyright remains the property of old agency Department of Environment and Climate Change (DECC) and THSC. Year 2011, 2017, 2019 & 2020 contour based on raw LiDar data from NSW Spatial Services. Aerial Imagery 2012 © Vekta Pty Ltd and old agency LPI. Aerial Imageries 2014, 2016,2018 © SKM/Jacobs (Australia). NearMap April 2021 Imagery © NearMap. Copyright of Oct 2021 Aerial Imagery is with Aerometrex.

N

Scale (A4): 1:5000

ATTACHMENT F – LEP 2019 FLOOR SPACE RATIO MAP



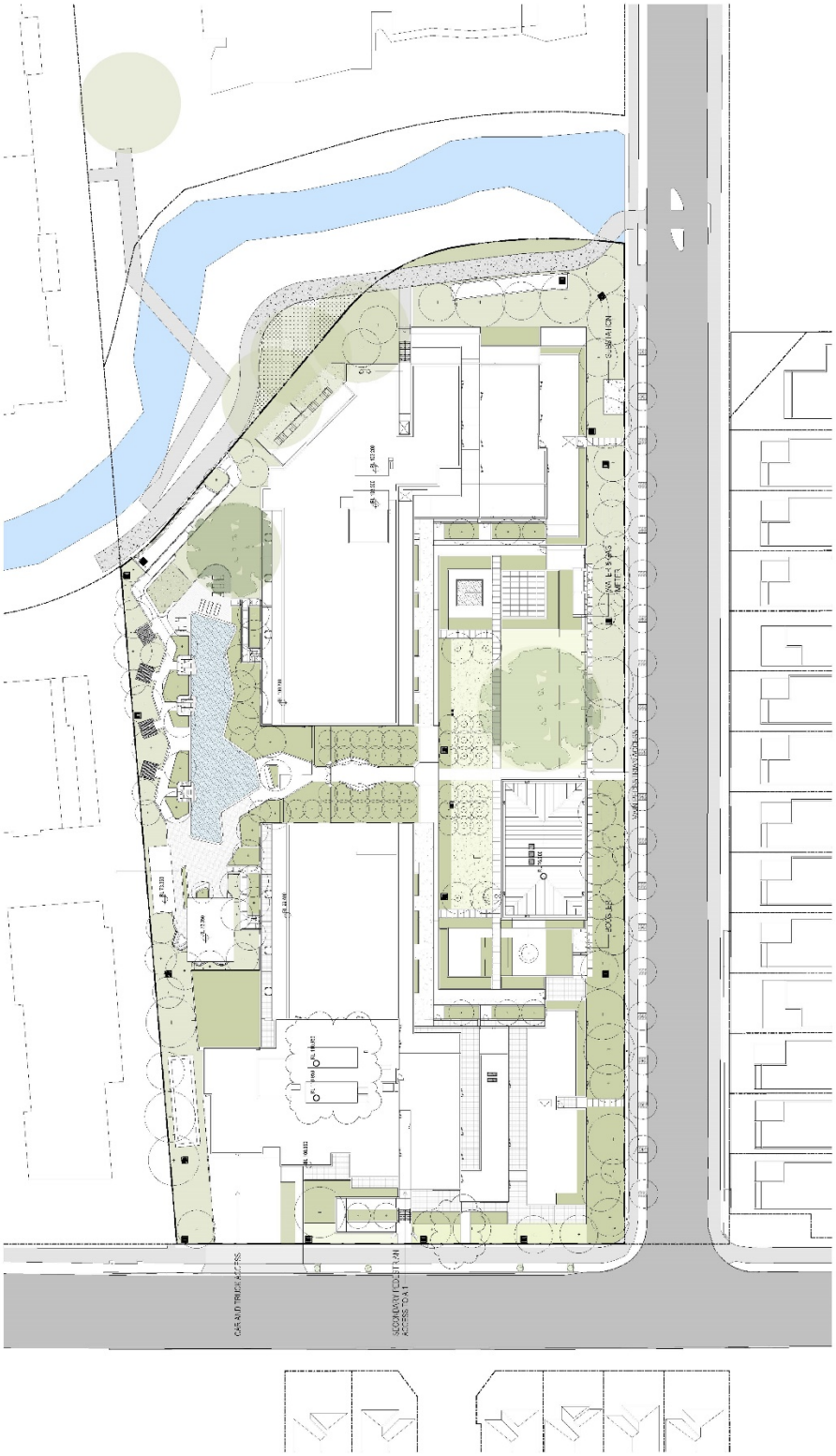
THE HILLS Sydney's Garden Shire

The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
Base cadastre copyright remains the property of NSW Spatial Services. Cadastre modifications including Council generated data is subject to THSC copyright
Year 2008 contour copyright remains the property of old agency Department of Environment and Climate Change (DECC) and THSC. Year 2011, 2017, 2019 & 2020 contour based on raw LiDar data from NSW Spatial Services. Aerial Imagery 2012 © Vekta Pty Ltd and old agency LPI. Aerial Imageries 2014, 2016,2018 © SKM/Jacobs (Australia). NearMap April 2021 Imagery © NearMap. Copyright of Oct 2021 Aerial Imagery is with Aerometrex.

N

Scale (A4): 1:5000

ATTACHMENT G – SITE PLAN



DEVELOPMENT APPLICATION

Revision			
A	30.07.2024	DA ISSUE	A0
B	14.10.2024	RESPONSE TO DCP	A2
C	31.10.2024	RESPONSE TO DCP	A2
D	6.04.2025	COUNCIL ISSUE	A2

REVISIONS IN RED

Project: The Orchards - Stage 5

Drawing: Site Plan

Project No: 218063

Drawn: AH

Scale @ A1: 1 : 300

Drawing No: DA00.11

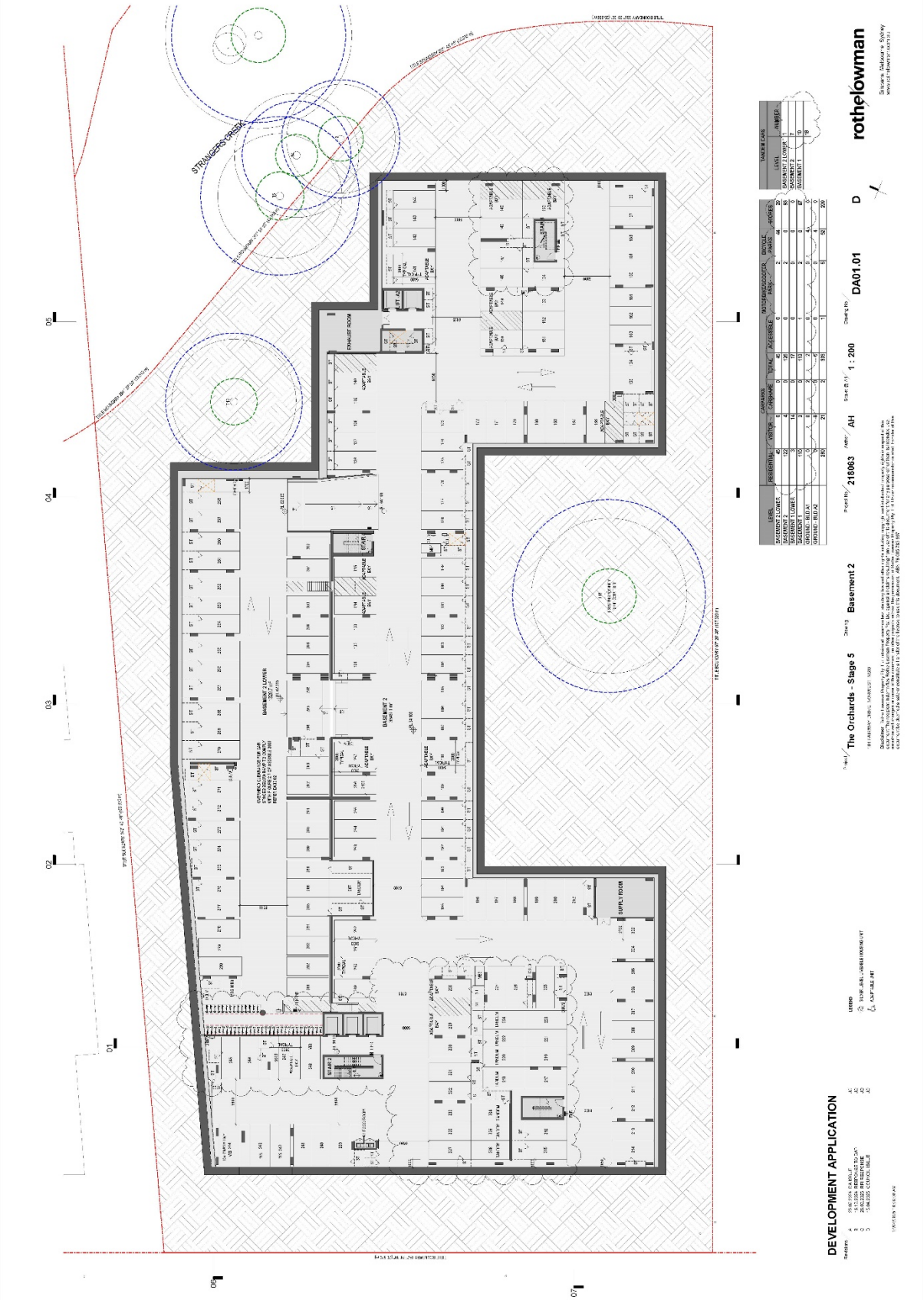
D

rothelowman

BRISBANE PERTH SYDNEY
www.rothelowman.com.au

Disclaimer Rothelowman Pty Ltd (ACN 010 487 963) and Rothelowman (NSW) Pty Ltd (ACN 150 305 940) (collectively "Rothelowman") has prepared this document for its client in accordance with the terms of its retainer and in support of its client's development application. Rothelowman's liability is limited to the purpose for which it was prepared and does not extend to any other purpose. Rothelowman does not warrant the accuracy of any information in this document obtained from third parties. Rothelowman does not represent that this document is suitable for use by any person other than its client. Rothelowman does not accept a duty of care to any person other than its client. Rothelowman does not accept any liability for any loss or damage which may be incurred by any person other than its client as a result of reliance on this document. Rothelowman does not represent that this document is free from errors or omissions. Rothelowman does not represent that this document is free from viruses or other contaminants. +61 (0) 7 3831 1100 brisbane@rothelowman.com.au

ATTACHMENT H – FLOOR PLANS



Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

LEVEL	CARPARKS RESIDENTIAL	VISITOR	CARSHARE	TOTAL	ACCESSIBLE	MOTORBIKE/SCOOTER PARK	BICYCLE PARKS	STORES
BASEMENT 2 LOWER	45	0	0	45	6	2	44	20
BASEMENT 2	122	4	0	126	6	2	0	85
BASEMENT 1 LOWER	3	14	0	17	6	0	0	0
BASEMENT 1	110	3	0	113	1	2	0	87
GROUND - BLD A1	2	0	2	2	0	0	4	0
GROUND - BLD A2	8	0	0	8	0	0	4	0
	280	21	2	305	1	6	52	200

TANDEM CARS	
LEVEL	NUMBER
BASEMENT 2 LOWER	1
BASEMENT 2	7
BASEMENT 1	10
	18

DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 DA ISSUE	JC
B	15.10.2024 RESPONSE TO DA	JC
C	25.02.2025 RFI RESPONSE	JC
D	3.06.2025 COUNCIL ISSUE	JC

LOCATION: 1 ROSE ST AV

LEGEND

SILVER_LEVEL VISITABLE HOUSING UNIT

ACCESSIBLE UNIT

Project: The Orchards - Stage 5 | Drawing: Basement 1 | Project No: 218063 | Author: AH | Scale: @ A1 1 : 200 | Drawing No: DA01.02 | D

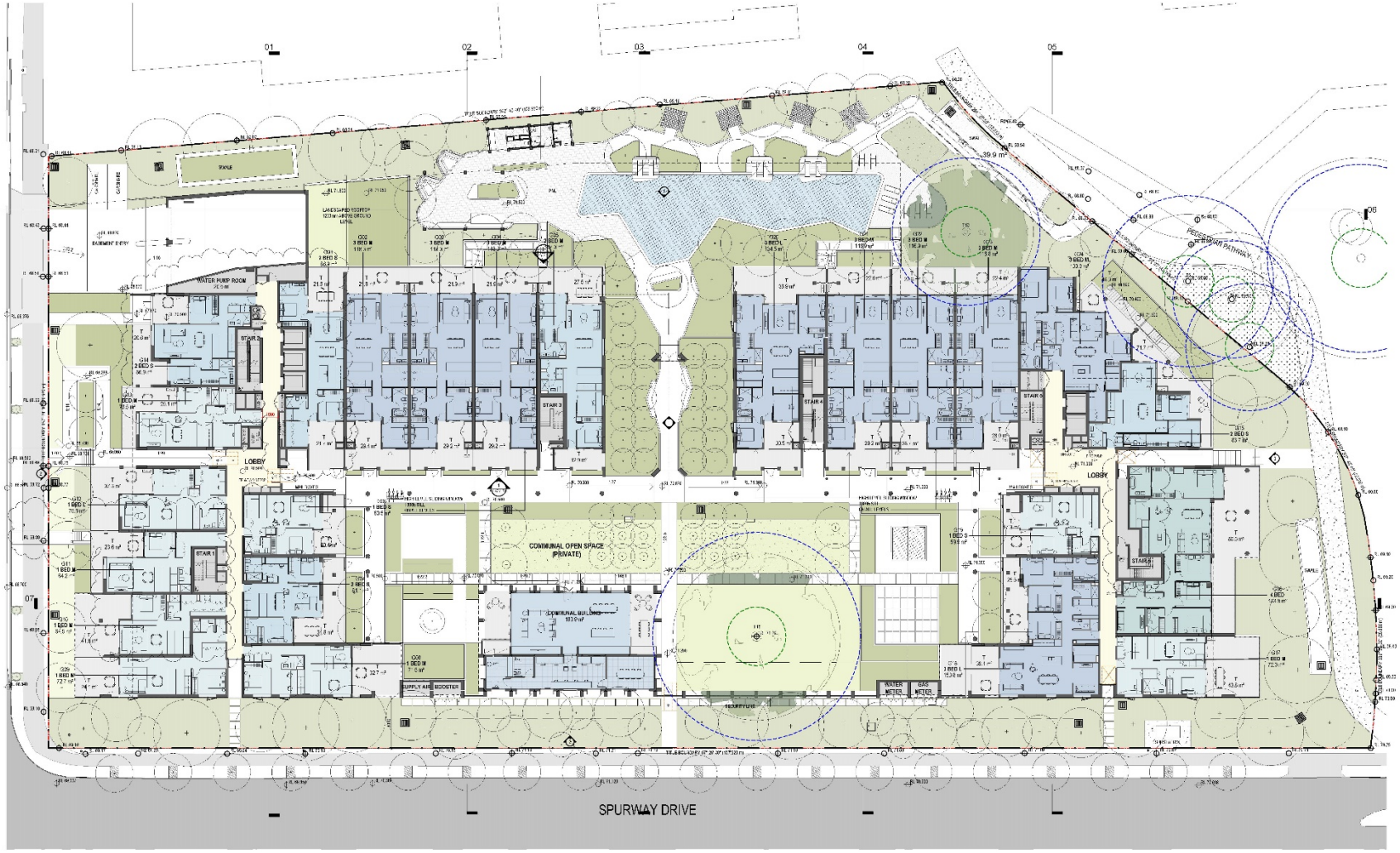
181 FAIRFAX DRIVE, MORNINGSIDE, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property in this report or this document. The reproduction, including Rothelowman Property Pty Ltd, liability of all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Rothelowman Property Pty Ltd. Rothelowman Property Pty Ltd does not accept liability that this document be used as a sale or constitutes a licence to sell or licence to use this document. ABN: 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 CAD ISSUE	JC
B	5.12.2024 RESPONSE TO DA	JC
C	25.02.2025 RFI RESPONSE	JC
D	5.04.2025 COUNCIL ISSUE	JC

LEGEND

SILVER LEVEL VISITABLE HOUSING UNIT

ADAPTABLE UNIT

Project: The Orchards - Stage 5

Drawing: Ground

Project No: 218063

Author: AH

Scale @ A1: 1 : 200

Drawing No: DA01.03

D

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Disclaimer: Rothelowman Property Pty Ltd retains all copyright and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other projects without the permission of Rothelowman Property Pty Ltd. Under no circumstances is what is in this document be deemed a sale or constitute a transfer of the licence to use this document. ABN: 78 005 783 697

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 DA ISSUE	JC
B	5.12.2024 RESPONSE TO DA?	JC
C	25.02.2025 RFI RESPONSE	JC
D	5.04.2025 COUNCIL ISSUE	JC

LEGEND

SILVER_LEVEL LIVABLE HOUSING UNIT

ADAPTABLE UNIT

Project The Orchards - Stage 5 | Drawing Level 1 | Project No 218063 | Author AH | Scale @ A1 1 : 200 | Drawing No DA01.05 | D

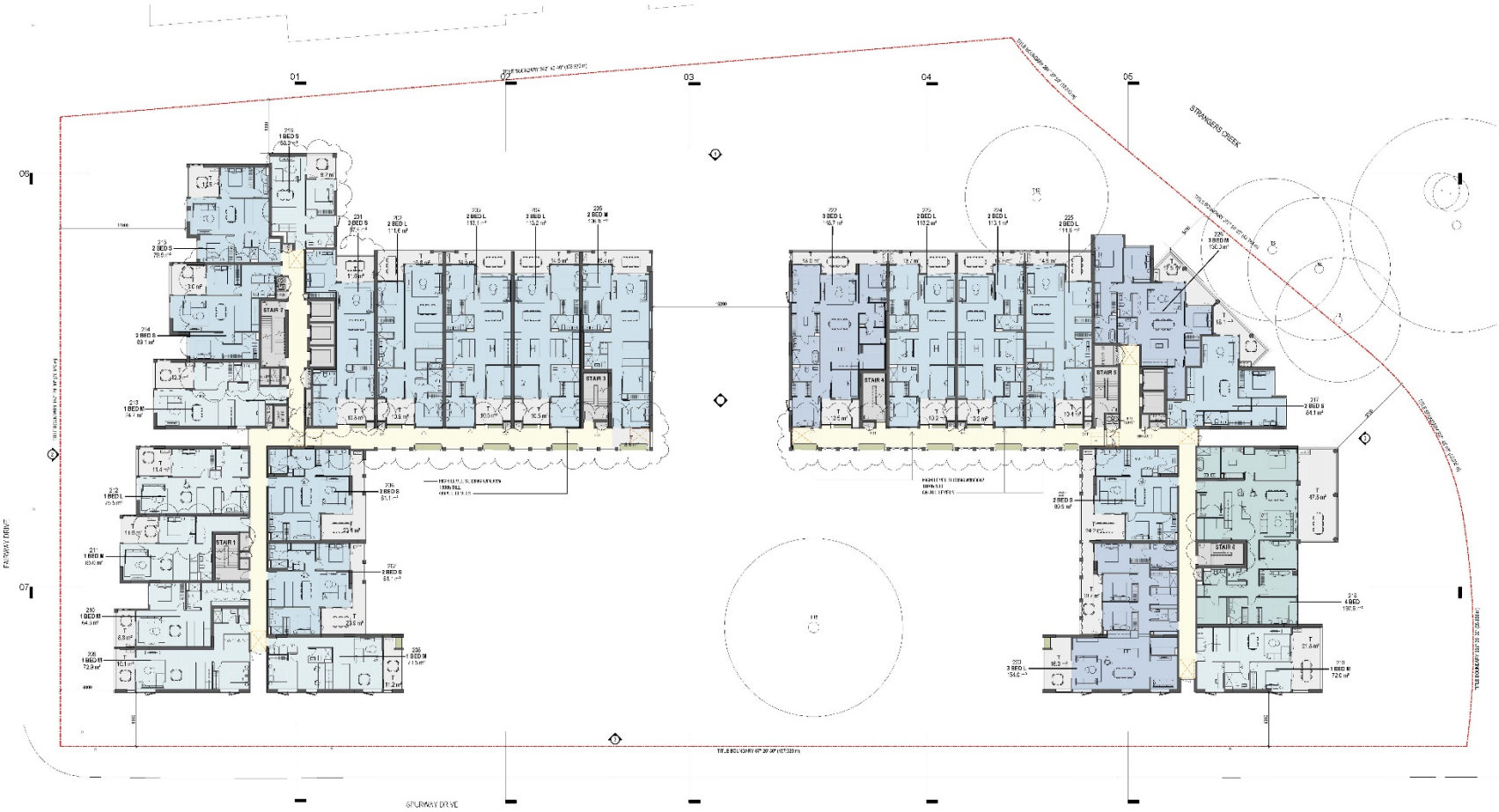
181 FAIRWAY DRIVE, NORTH WEST, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Rothelowman Property Pty Ltd. Under no circumstances is what is in this document be deemed a sale or constitute a transfer of the licence to use this document. ABN: 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 CA ISSUE	JC
B	5.12.2024 RESPONSE TO DA	JC
C	25.02.2025 RFI RESPONSE	JC
D	3.04.2025 COUNCIL ISSUE	JC

LEGEND

SILVER LEVEL ADAPTABLE HOUSING UNIT

ADAPTABLE UNIT

Project: The Orchards - Stage 5 | Drawing: Level 2 | Project No: 218063 | Author: AH | Scale @ A1: 1 : 200 | Drawing No: DA01.06 | D

181 FAIRWAY DRIVE, NORWEST, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property in this document. The reproduction, adaption, distribution, publication or other use of this document for any purpose other than its intended use, unauthorised changes or copies of the document, or other impacts which the permission of Rothelowman Property Pty Ltd (Rothelowman) is not obtained, is prohibited. The use of this document does not sell or constitute a transfer of the licence to use this document. ABN: 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

DEVELOPMENT APPLICATION

Revisions			
A	25.02.2024	DA ISSUE	JC
B	5.12.2024	RESPONSE TO DA	JC
C	25.02.2025	RFI RESPONSE	JC
D	5.04.2025	COUNCIL ISSUE	JC

1:200@A1 1:100@A3

LEGEND

SILVER_LEVEL LIVABLE HOUSING UNIT

ADAPTABLE UNIT

Project: The Orchards - Stage 5 | Drawing: Level 3 | Project No: 218063 | Author: AH | Scale @ A1: 1 : 200 | Drawing No: DA01.07 | D

181 FAIRWAY DRIVE, NORWEST, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property in this report or this document. The reproduction, adaption or use of this document for any purpose other than its intended use, unauthorised changes or issue of this document to other parties without the permission of Rothelowman Property Pty Ltd (Rothelowman) is strictly prohibited. Use of this document for any purpose other than its intended use or constitutes a breach of the licence to use this document. ABN: 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 CA ISSUE	JC
B	5.12.2024 RESPONSE TO DA	JC
C	25.02.2025 RFI RESPONSE	JC
D	5.04.2025 COUNCIL ISSUE	JC

LEGEND

SILVER LINING VARIABLE HOUSING UNIT

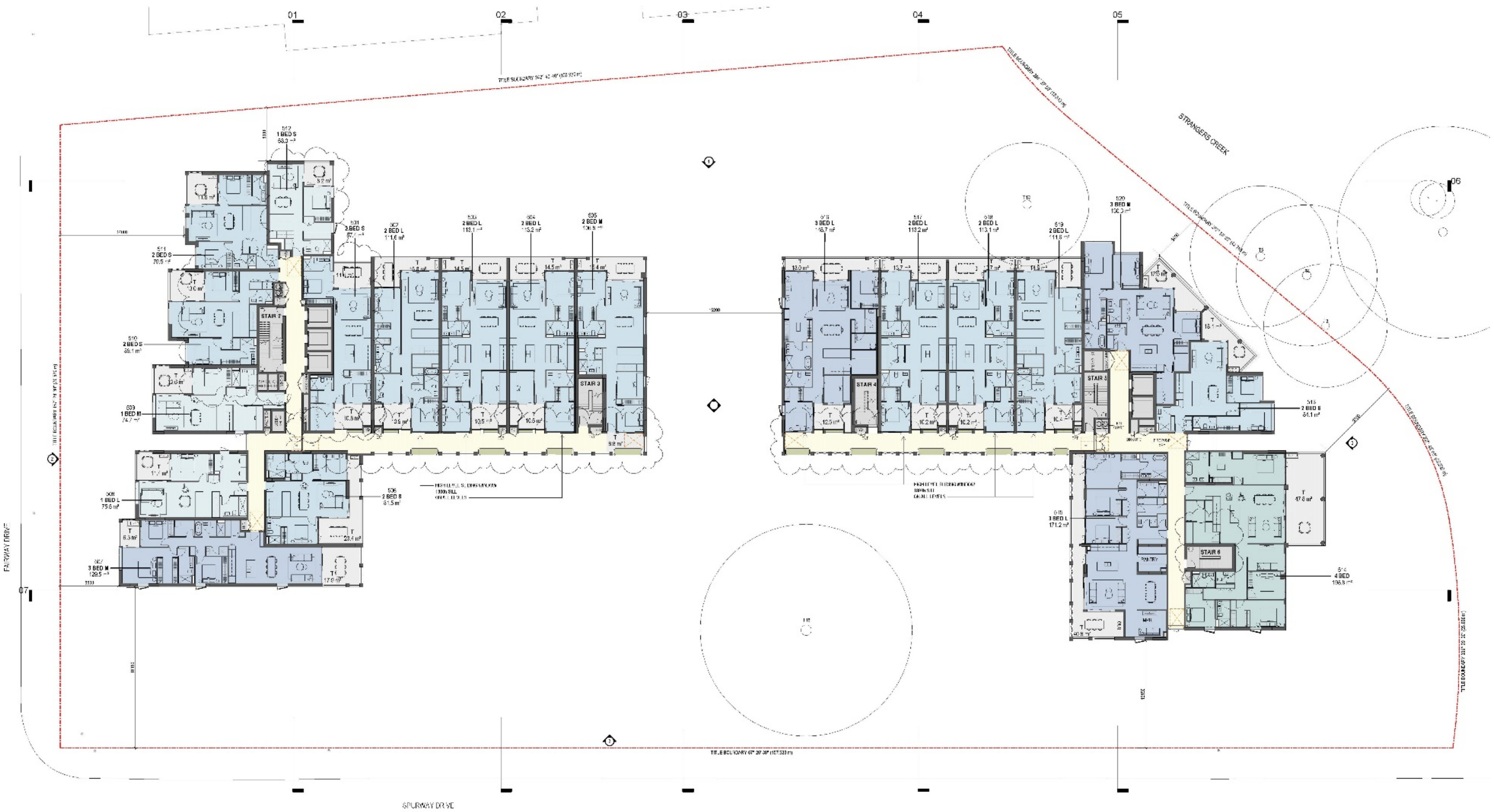
ADAPTABLE UNIT

Project The Orchards - Stage 5 | Drawing Level 4 | Project No 218063 | Author AH | Scale @ A1 1 : 200 | Drawing No DA01.08 | D

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property in this document. The recipient indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of the document, or other reports without the permission of Rothelowman Property Pty Ltd. Under no circumstances is what is in this document be deemed a sale or constitute a transfer of the licence to use this document. ABN: 78 005 783 697



DEVELOPMENT APPLICATION

Revisions

A	25.07.2024	DA ISSUE	JC
B	15.12.2024	RESPONSE TO DAP	JC
C	25.02.2025	RFI RESPONSE	JC
D	15.04.2025	COUNCIL ISSUE	JC

LEGEND

SILVER LEVEL LIVEABLE HOUSING UNIT

ADAPTABLE UNIT

Project: **The Orchards - Stage 5**

Drawing: **Level 5**

Project No: **218063**

Author: **AH**

Scale @ A1: **1 : 200**

Drawing No: **DA01.09**

D

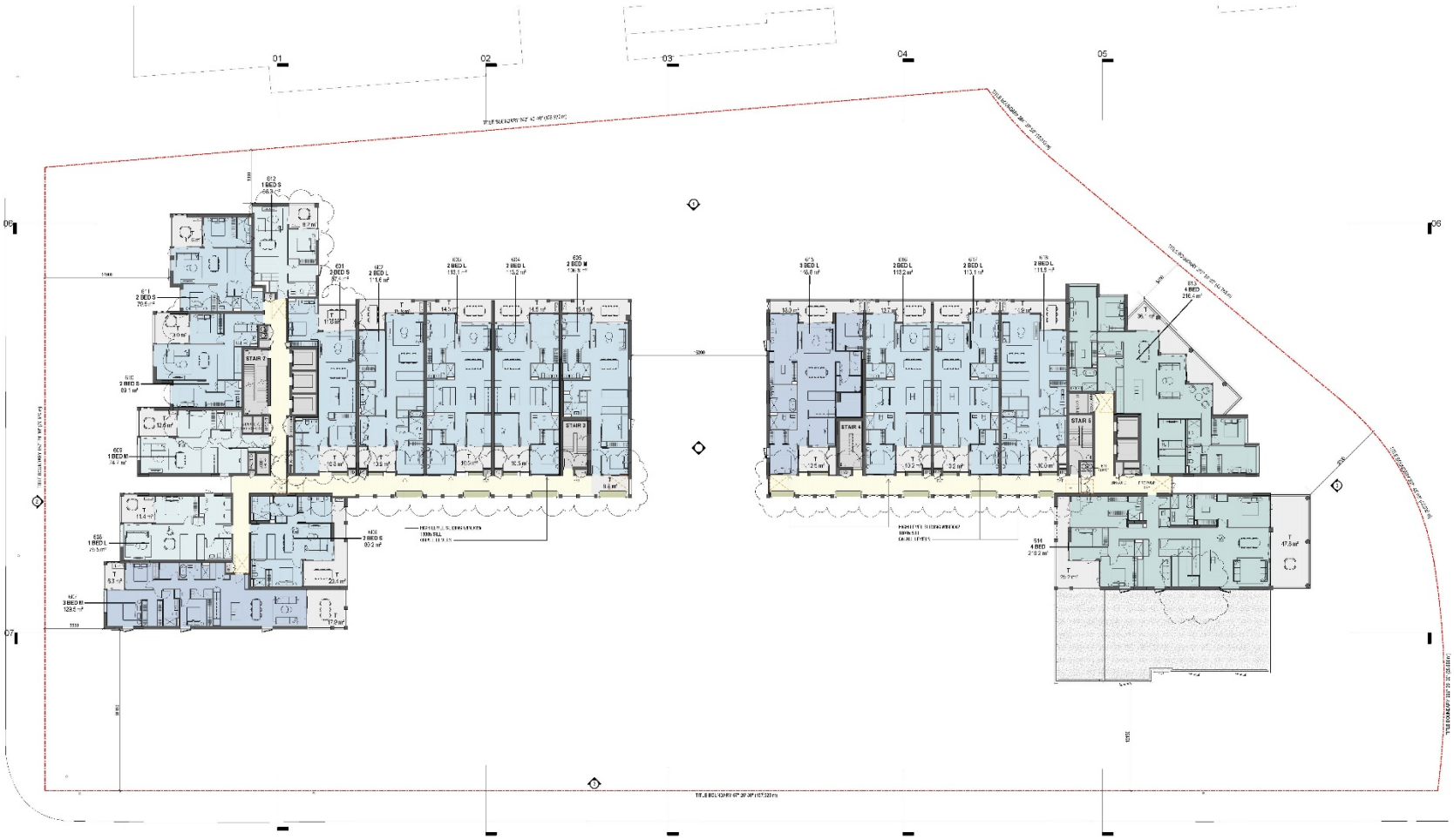
101 FAIRWAY DRIVE, NORWEST, NSW

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstances shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 DA ISSUE	JC
B	5.12.2024 RESPONSE TO DA?	JC
C	25.02.2025 RFI RESPONSE	JC
D	5.04.2025 COUNCIL ISSUE	JC

LEGEND

SILVER_LEVEL LIVABLE HOUSING UNIT

ADAPTABLE UNIT

Project The Orchards - Stage 5 | Drawing Level 6 | Project No 218063 | Author AH | Scale @ A1 1 : 200 | Drawing No DA01.10 | D

191 FAIRFAX ROAD, WOOLLOMOOLOO, NSW

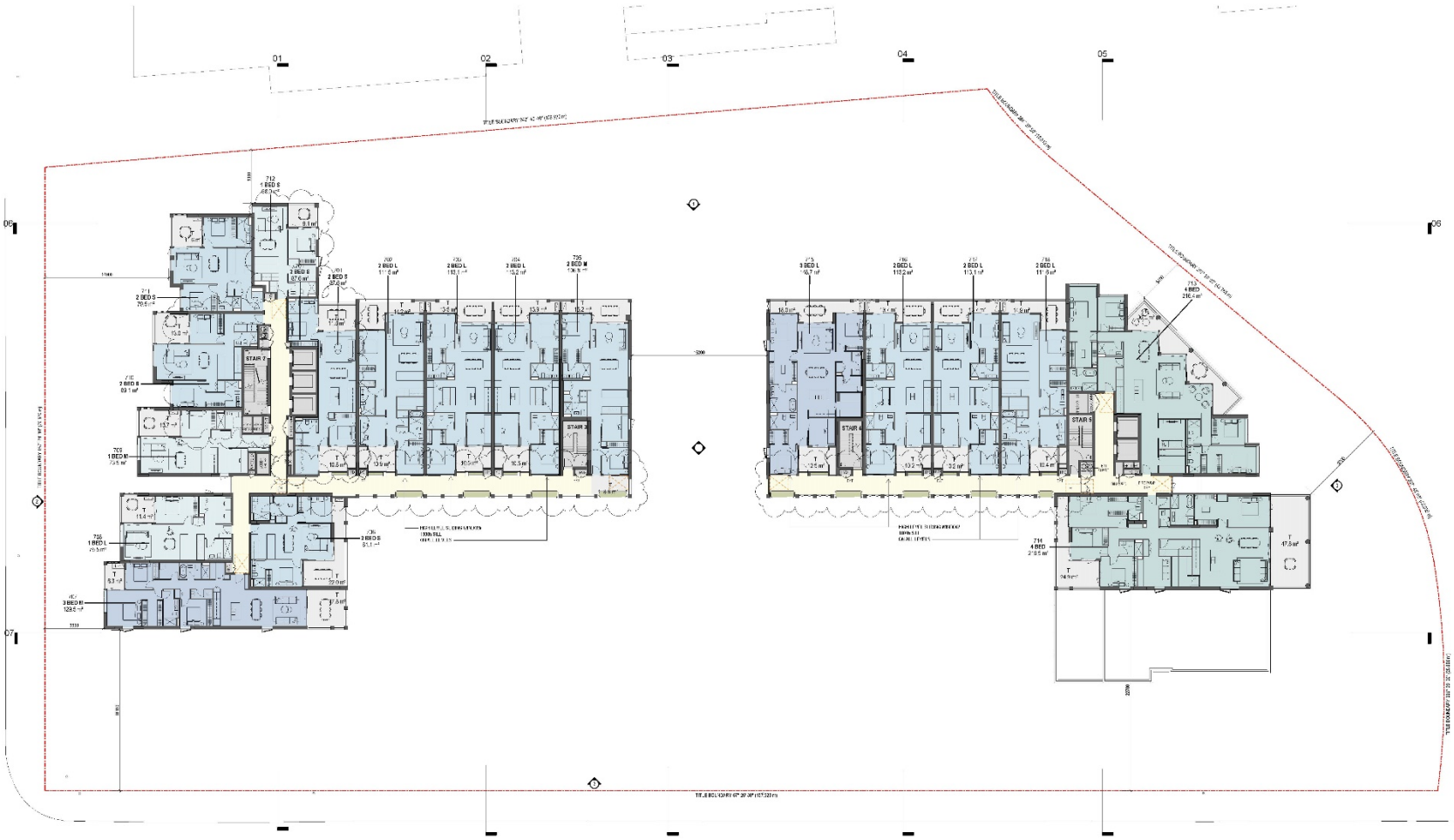
Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Rothelowman Property Pty Ltd. Under no circumstances is what is in this document be deemed a sale or constitute a transfer of the licence to use this document. ABN: 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

1/06/2025 10:10:41 AM

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions

A	25.02.2024 DA ISSUE	JC
B	5.12.2024 RESPONSE TO DA?	JC
C	25.02.2025 RFI RESPONSE	JC
D	5.04.2025 COUNCIL ISSUE	JC

LEGEND

SILVER_LEVEL LIVABLE HOUSING UNIT

ADAPTABLE UNIT

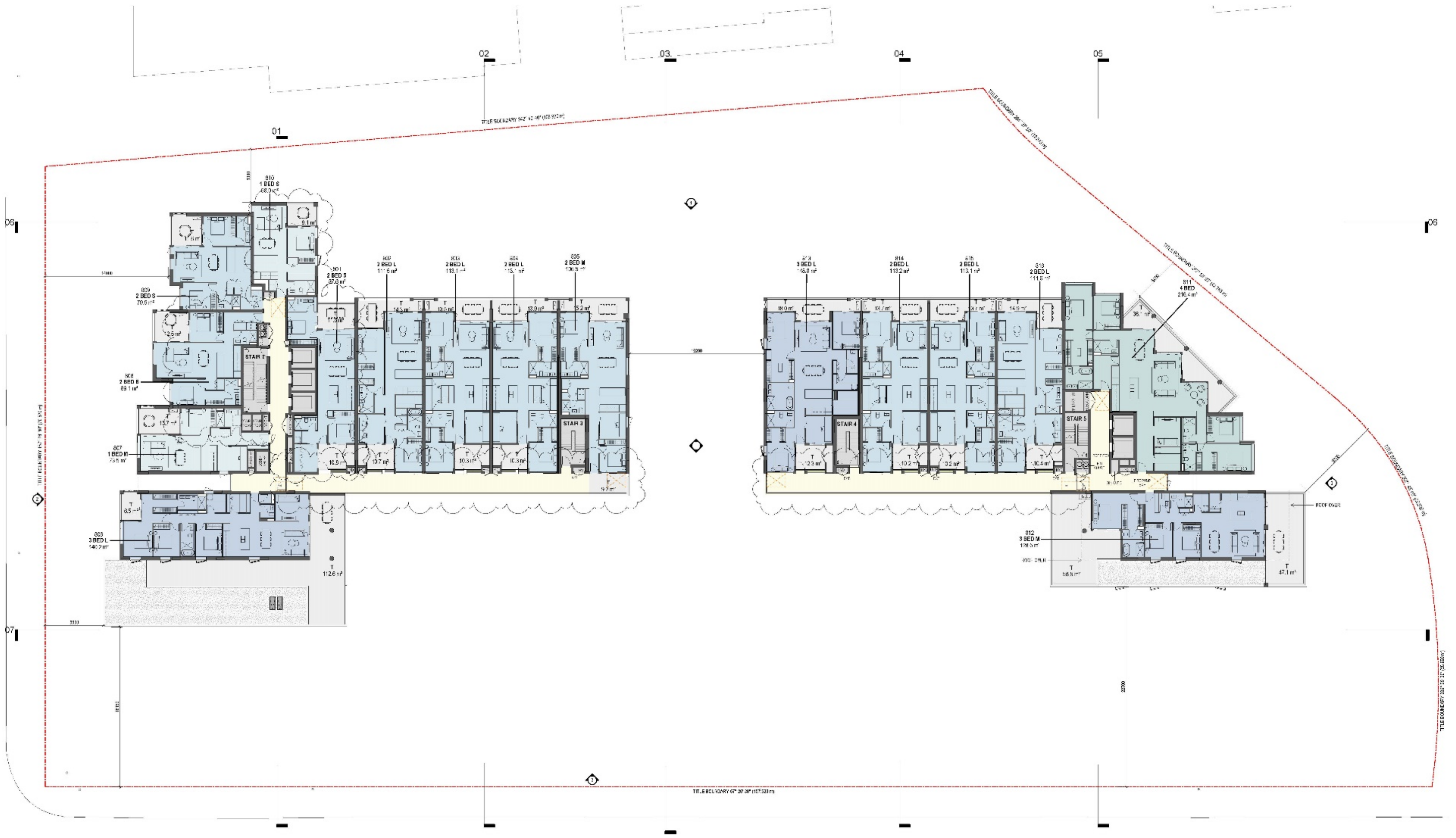
Project The Orchards - Stage 5 | Drawing Level 7 | Project No 218063 | Author AH | Scale @ A1 1 : 200 | Drawing No DA01.11 | D

181 FAIRFAX DRIVE, MORNING SIDE, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property in this document. The recipient indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Rothelowman Property Pty Ltd. Under no circumstances is what is in this document be deemed a sale or constitute a transfer of the licence to use this document. ABN: 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au



DEVELOPMENT APPLICATION

Revisions

A	25.07.2024	DA ISSUE	JC
B	16.12.2024	RESPONSE TO DAP	JC
C	25.02.2025	RFI RESPONSE	JC
D	15.04.2025	COUNCIL ISSUE	JC

1/04/2025 10:11:57 AM

LEGEND

SILVER LEVEL LIVEABLE HOUSING UNIT

ADAPTABLE UNIT

Project: The Orchards - Stage 5

101 FAIRWAY DRIVE, NORWEST NSW

Drawing: Level 8

Project No: 218063

Author: AH

Scale @ A1: 1 : 200

Drawing No: DA01.12

D

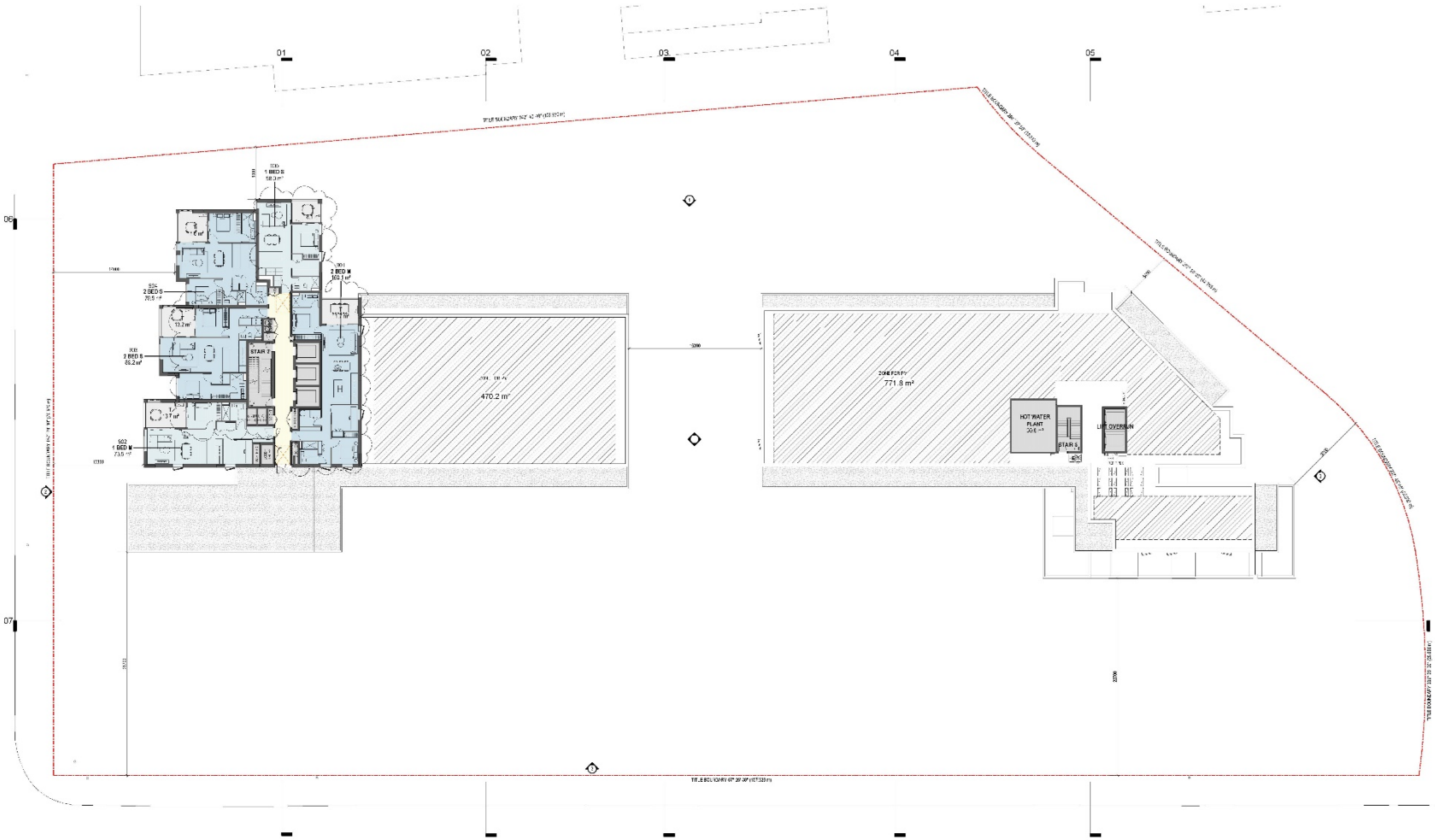
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all common law, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or reuse of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstances shall transfer of this document be deemed a sale or constitute a transfer of the license to use this document. ABN 76 005 783 997

rothelowman

Brisbane, Melbourne, Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions			
A	25.02.2024	DA ISSUE	JC
B	15.10.2024	RESPONSE TO DA	JC
C	28.02.2025	RFI RESPONSE	JC
D	15.04.2025	COUNCIL ISSUE	JC

LEGEND

SILVER_LEVEL OVERHEIGHT/OVERSIZED UNIT

ADAPTABLE UNIT

Project: The Orchards - Stage 5 | Drawing: Level 9 | Project No: 218063 | Author: AH | Scale @ A1: 1 : 200 | Drawing No: DA01.13 | D

181 FAIRFAX ROAD, WAHROONGA NSW

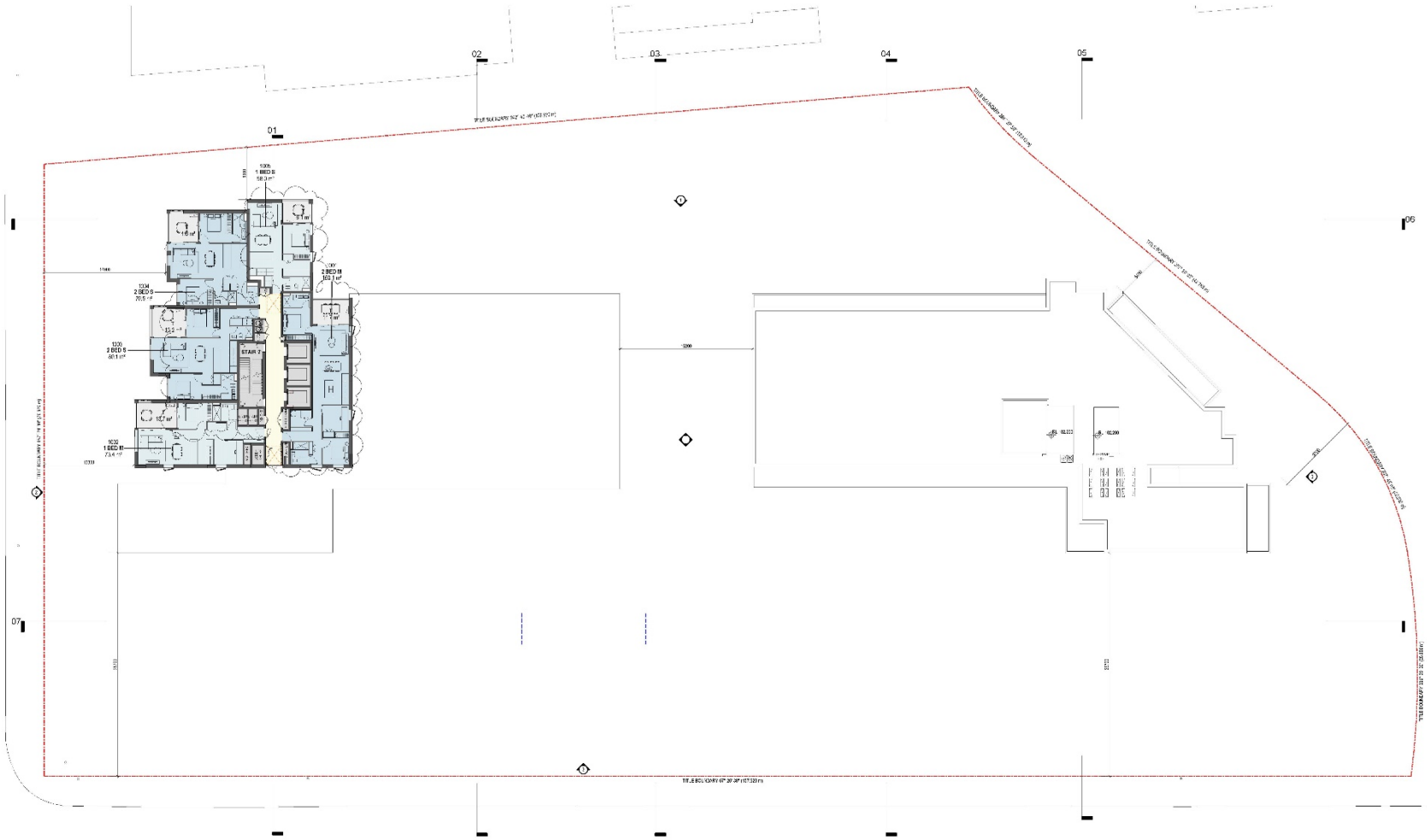
Disclaimer: Roth Lowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Roth Lowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Roth Lowman Property Pty Ltd. Under no circumstances shall the use of this document be deemed a sale or constitute a transfer of the licence to use this document. ABN 78 005 783 697

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

1/06/2025 10:17:19 AM

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions

A	25.02.2004 DA ISSUE	JC
B	5.12.2004 RESPONSE TO DA?	JC
C	25.02.2005 RFI RESPONSE	JC
D	1.04.2005 COUNCIL ISSUE	JC

LEGEND

SILVER LEVEL VISITABLE HOUSING UNIT

ADAPTABLE UNIT

Project: The Orchards - Stage 5

Drawing: Level 10

Project No: 218063

Author: AH

Scale @ A1: 1 : 200

Drawing No: DA01.14

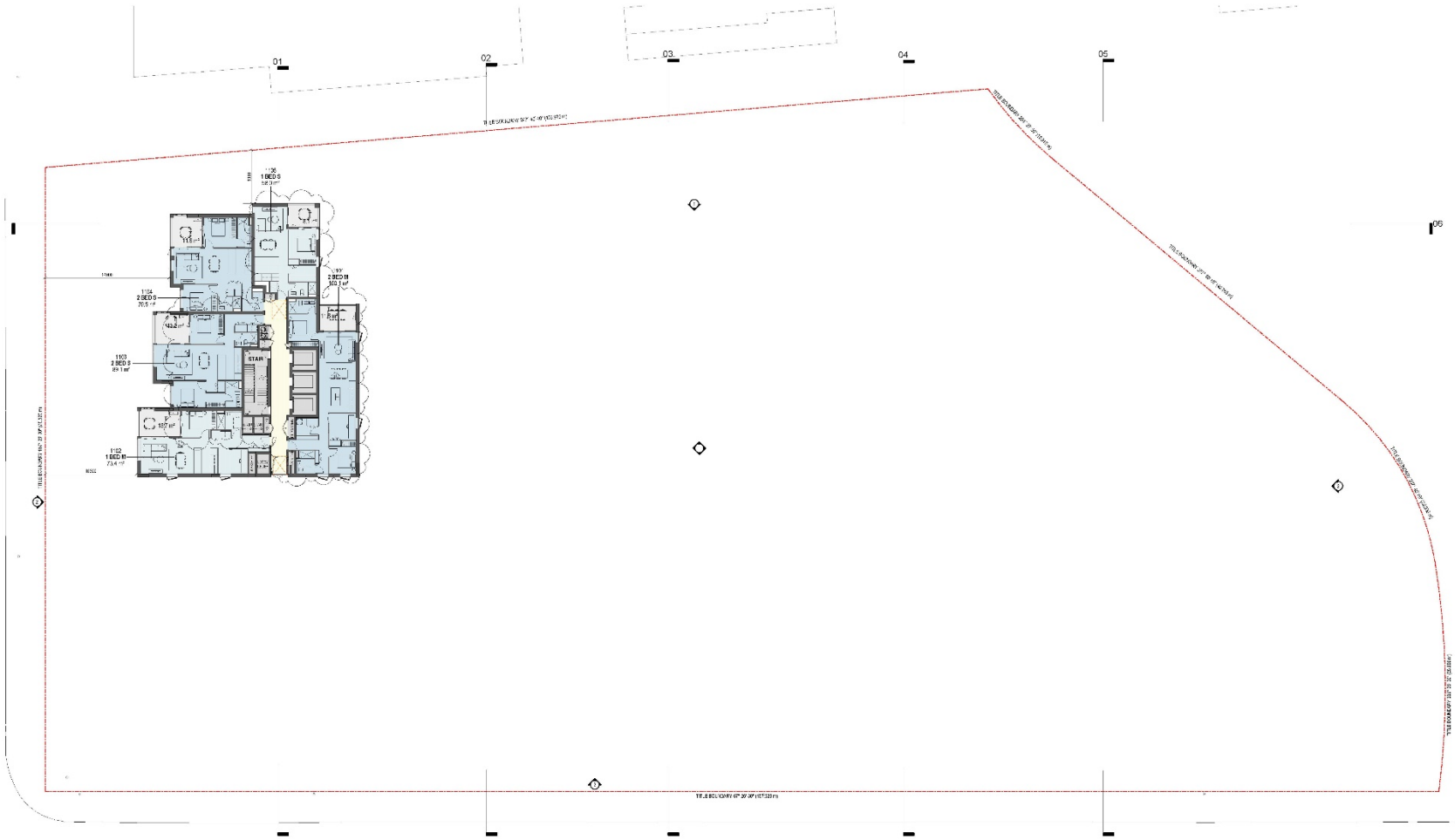
D

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Disclaimer: Rothe Lowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothe Lowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Rothe Lowman Property Pty Ltd. Under no circumstances shall the title of this document be deemed to sell or constitute a transfer of the licence to use this document. ABN 78 005 783 697

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



DEVELOPMENT APPLICATION

Revisions			
A	25.02.2024	DA ISSUE	JC
B	15.10.2024	RESPONSE TO DA	JC
C	20.02.2025	RFI RESPONSE	JC
D	13.04.2025	COUNCIL ISSUE	JC

LEGEND

STAIR_LEVEL 01 VARIES HOUSING UNIT

ADAPTABLE UNIT

Project / The Orchards - Stage 5

Drawing / Level 11

Project No / 218063

Author / AH

Scale @ A1 / 1 : 200

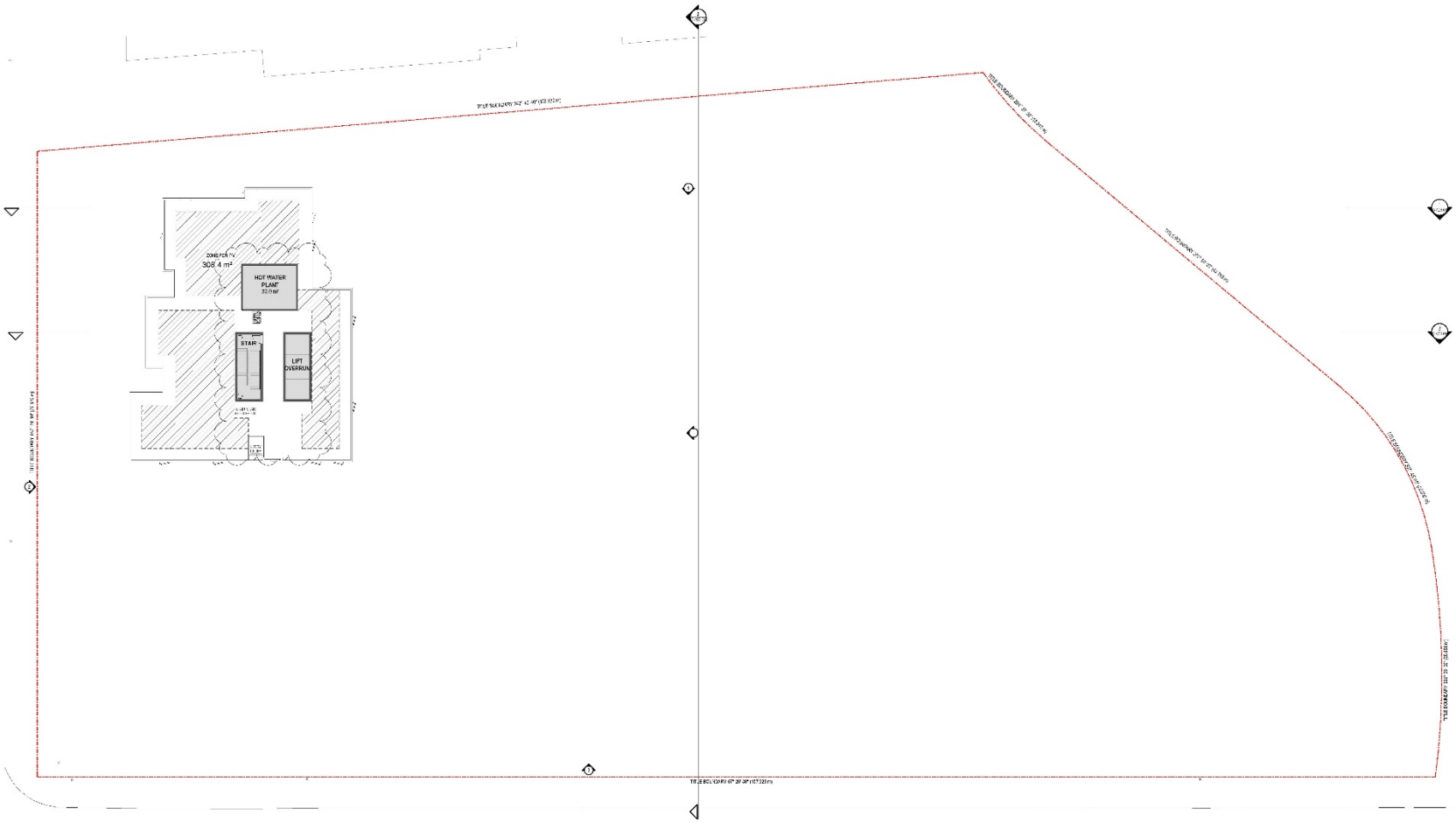
Drawing No / DA01.15

D

rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

Disclaimer: Rothe Lowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothe Lowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of this document, or other reports without the permission of Rothe Lowman Property Pty Ltd. Under no circumstances is what is in this document be deemed a sale or constitute a transfer of the licence to use this document. ABN 78 005 783 697



DEVELOPMENT APPLICATION

Revisions

A	15.02.2024	DA ISSUE	JC
B	15.10.2024	RESPONSE TO DA	JC
C	5.04.2025	COUNCIL ISSUE	JC

LEGEND

31 M²/LEVEL OVERHEIGHT COVERED UNIT

43 M² PURE UNIT

Project: The Orchards - Stage 5

Drawing: Roof

Project No: 218063

Author: AH

Scale @ A1: 1 : 200

Drawing No: DA01.16

C

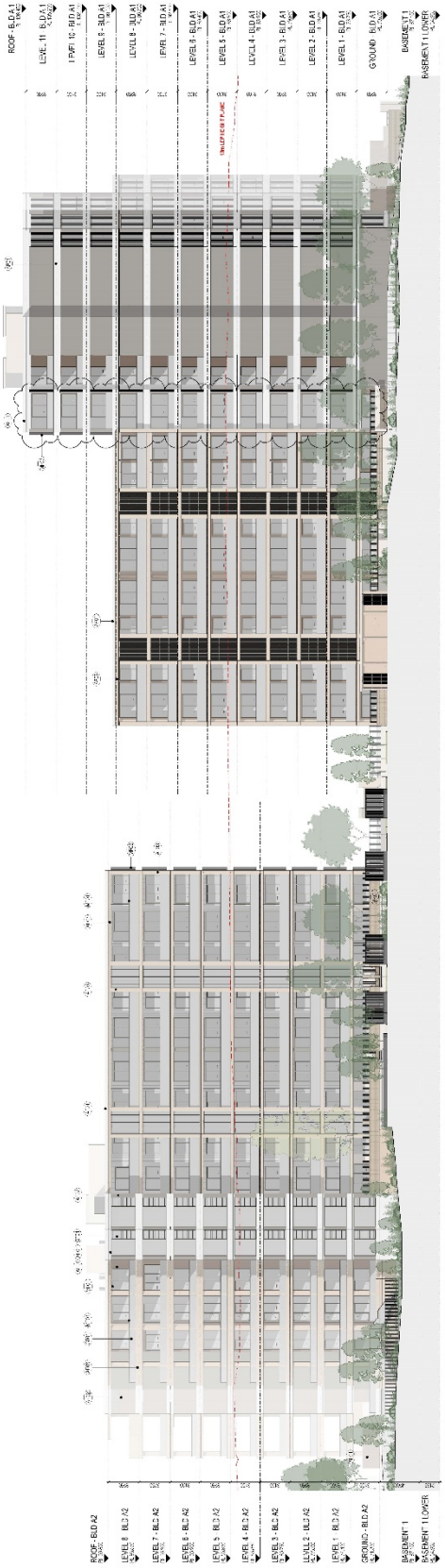
rothelowman

Brisbane Melbourne Sydney
www.rothelowman.com.au

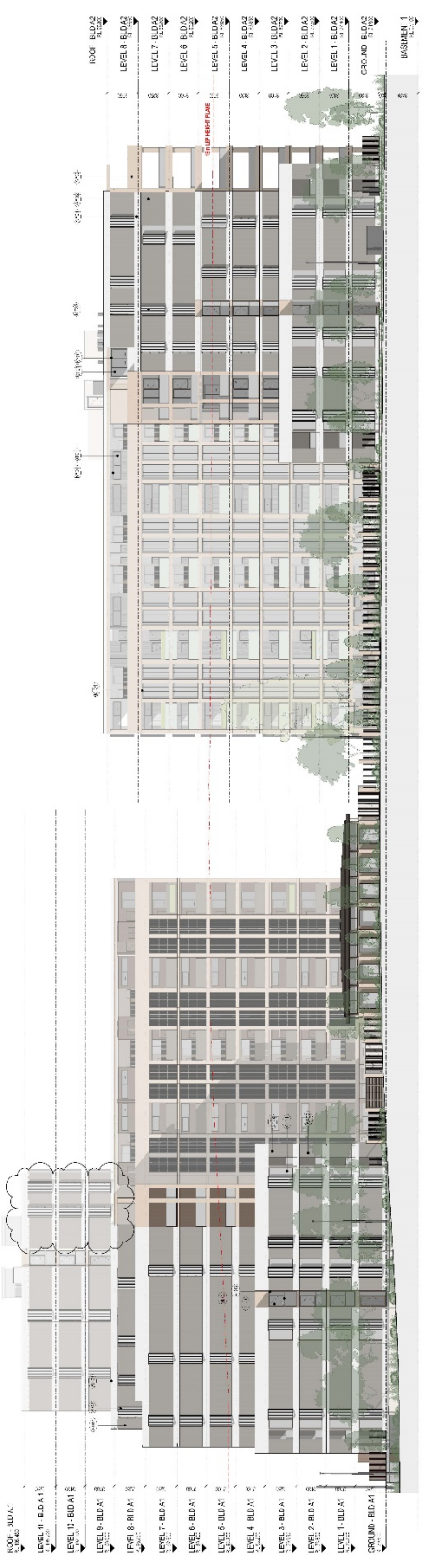
Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory law and other rights including copyright and intellectual property in this document. The recipient indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or copies of the document, or other reports without the permission of Rothelowman Property Pty Ltd. Under no circumstances is what is in the document be deemed as advice or constitute a binding offer of the licence to use this document. ABN: 78 005 783 697

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

ATTACHMENT I – ELEVATIONS



Elevation 1 - A.1/A.2 North



Elevation 2 - A.1/A.2 South

DEVELOPMENT APPLICATION

LEGEND

The Orchards - Stage 5

Elevations

218063

JC

1 : 200

DA02.01

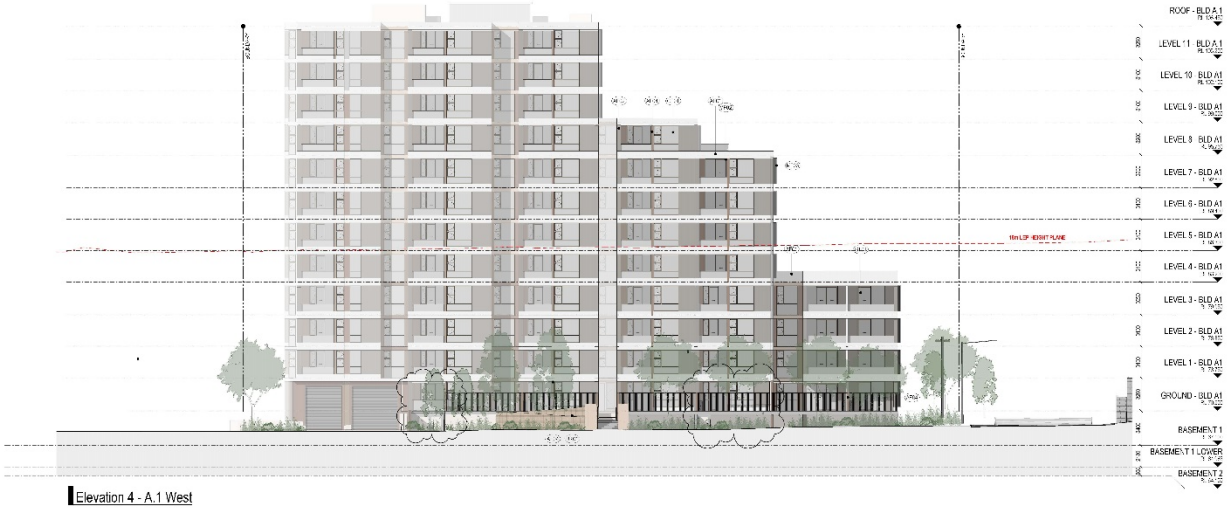
D

rothelowman

Melbourne, Sydney
www.rothelowman.com.au

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

Elevation 3 - A.1 East



Elevation 4 - A.1 West

DEVELOPMENT APPLICATION

Revisions			
A	16.07.2024	DA ISSUE	JC
B	16.12.2024	RESPONSE TO DAP	JC
C	26.06.2025	RFI RESPONSE	JC
D	16.04.2026	COUNCIL ISSUE	JC

LEGEND

[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]

Project: **The Orchards - Stage 5** Drawing: **Elevations** Project No: **218063** Author: **JC** Scale @ A1: **1 : 200** Drawing No: **DA02.02** **D**

134 FAIRWAY DRIVE, BONSAI ST, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyrights, statutory moral and other rights including copyright and intellectual property rights in respect of this document. The recipient hereby indemnifies Rothelowman Property Pty Ltd against all claims resulting from use of this document for any purpose other than its intended use, unauthorised reproduction of the document or the provision of this document to any person other than the recipient. Under no circumstances may a copy of this document be deemed a sale or a transfer of title to the recipient of this document. ABN 79 005 798 997

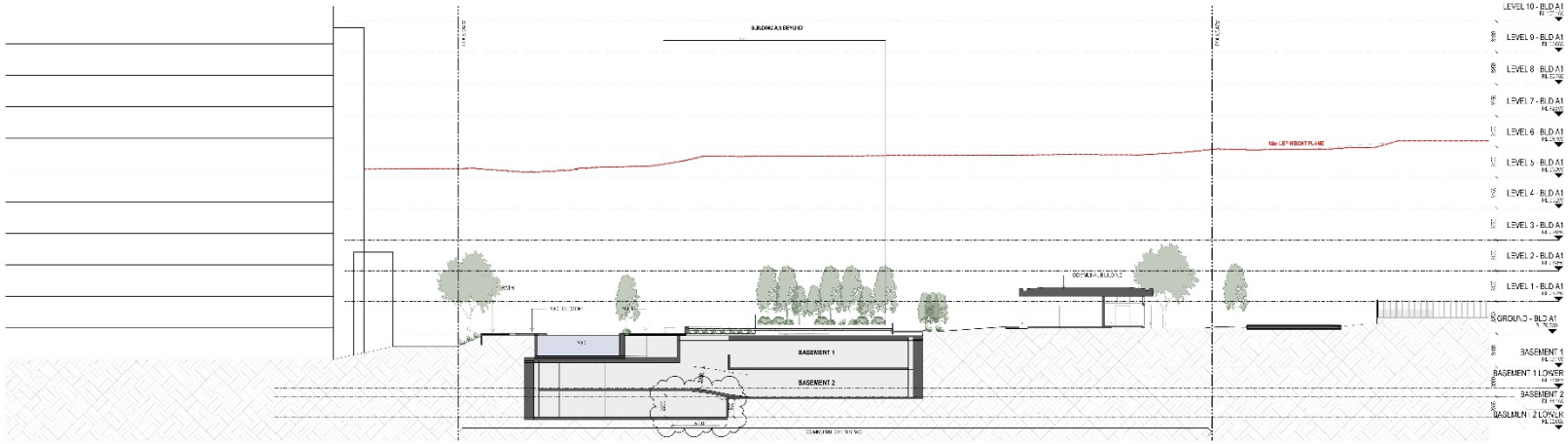
rothelowman

Brisbane, Melbourne, Sydney
www.rothelowman.com.au

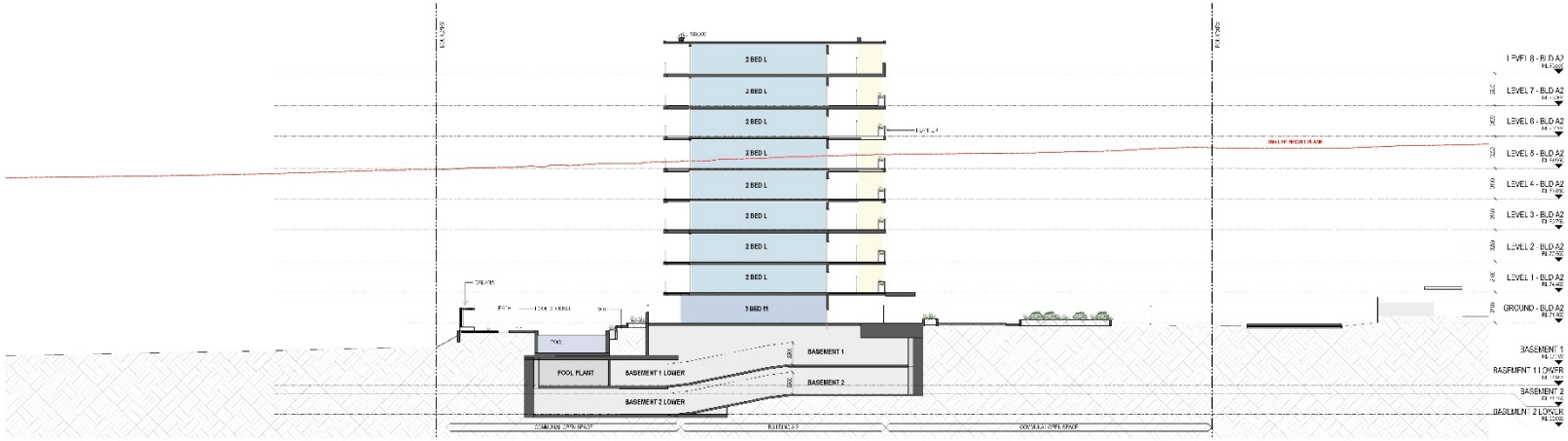
Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

ATTACHMENT J – SECTIONS

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



Section 03 - Landscape Link



Section 04 - Internal Ramp

DEVELOPMENT APPLICATION

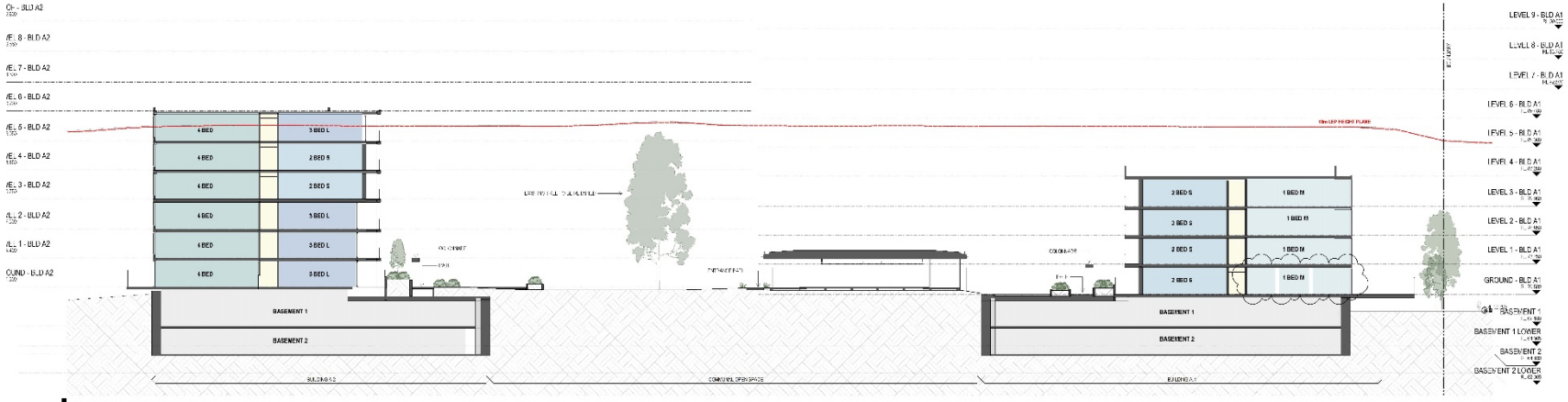
Revision			
A	16.07.2024	DA ISSUE	JC
B	16.12.2024	RESPONSE TO DAP	JC
C	28.02.2025	RFI RESPONSE	JC
D	16.04.2025	COUNCIL ISSUE	JC

Project: The Orchards - Stage 5
Drawing: Sections
Project No: 218063
Author: JC
Scale @ A1: 1 : 200
Drawing No: DA03.02
D

rothelowman
Brisbane, Melbourne, Sydney
www.rothelowman.com.au

Disclaimer: Roth le Lowman Property Pty Ltd retains all copyright, statutory moral and other rights including copyright and intellectual property rights in respect of this document. To the extent permitted by law Roth le Lowman Property Pty Ltd cannot be held liable for any loss or damage resulting from use of this document for any purpose other than for which it was provided. Unauthorised reproduction of the document in whole or in part is prohibited. The permission of Roth le Lowman Property Pty Ltd. Under no circumstances shall a version of this document be deemed a sale or conveyance of the intellectual property in this document. ABN 79 005 798 997

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025



Section 07 - Courtyard Section

DEVELOPMENT APPLICATION

Revisions			
A	16.07.2024	DA ISSUE	JC
B	16.10.2024	RESPONSE TO DAP	JC
C	16.04.2025	COUNCIL ISSUE	JC

12/04/2025 10:13:30 AM

Project: **The Orchards - Stage 5**

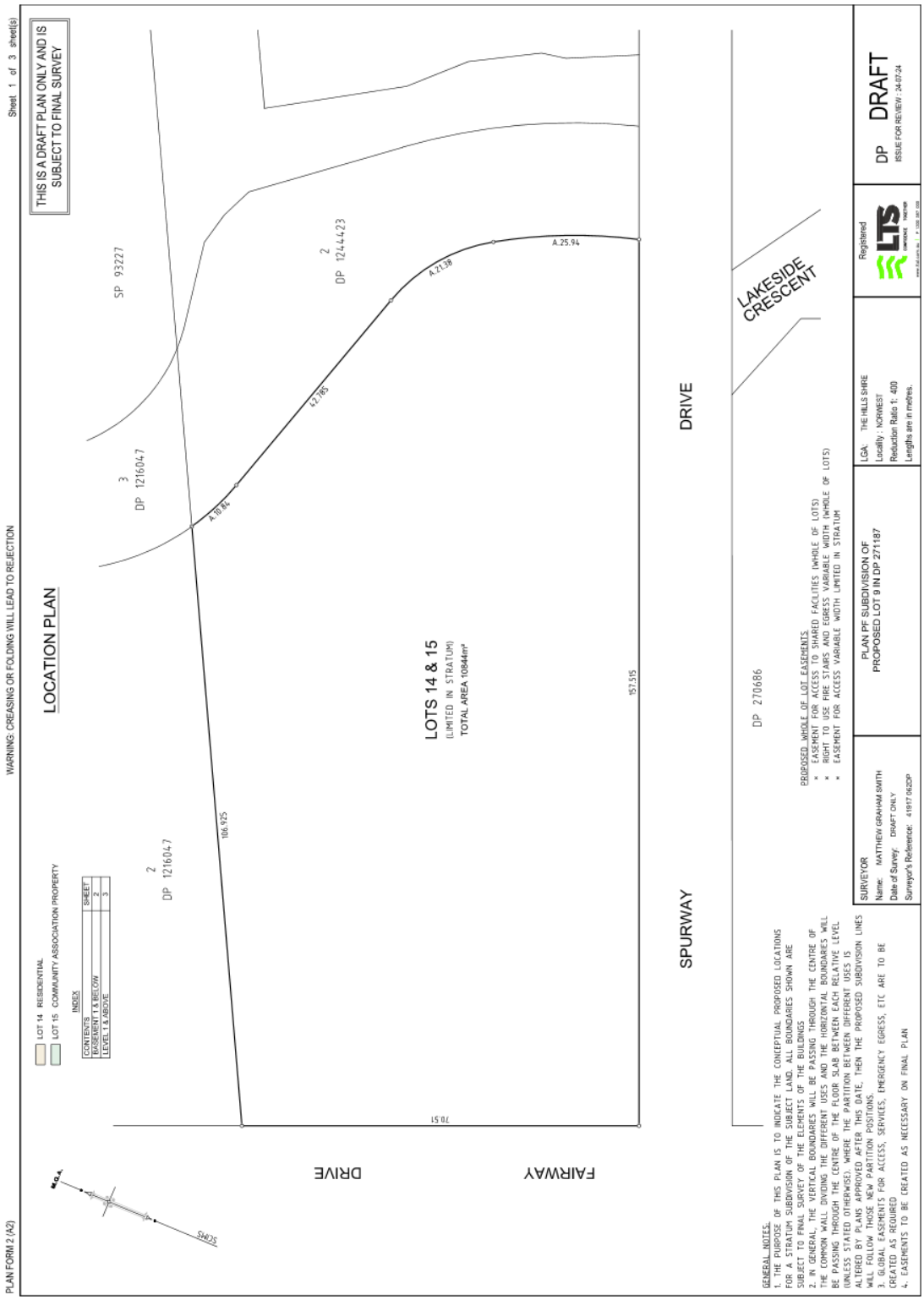
Drawing: **Sections**

Project No: **218063** Author: **GT** Scale @ A1: **1 : 200** Drawing No: **DA03.05** **C**

134 FLORENCE DRIVE, NORTH ST, NSW

Disclaimer: Rothelowman Property Pty Ltd retains all copyright, statutory moral and other rights including copyright and intellectual property rights in respect of this document. To the extent permitted by law, Rothelowman Property Pty Ltd shall not be liable for any loss or damage resulting from use of this document for any purpose other than for which it was provided. Unauthorised use of this document or any part of this document in any other project without the permission of Rothelowman Property Pty Ltd is prohibited. Under no circumstances may a copy of this document be used as a substitute for a contract of sale or lease. ABN 79 005 798 997

rothelowman
Brisbane, Melbourne, Sydney
www.rothelowman.com.au


PLAN FORM 2 (A2)
WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION
Sheet 1 of 3 sheet(s)
THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO FINAL SURVEY
LOCATION PLAN
LOT 14 RESIDENTIAL
LOT 15 COMMUNITY ASSOCIATION PROPERTY
INDEX
CONTENTS
SHEET
LEVEL 1 & BELOW
2
LEVEL 1 A ABOVE
3
M.G.A.
SCHMS
2
DP 1216047
3
DP 1216047
SP 93227
2
DP 1244423
106.925
A.19.84
42.185
A.21.38
A.25.94
70.51
157.515
LOTS 14 & 15
(LIMITED IN STRATUM)
TOTAL AREA 10844m²
DRIVE
FAIRWAY
SPURWAY
DRIVE
DP 270686
LAKESIDE CRESCENT
PROPOSED WHOLE OF LOT EASEMENTS
x EASEMENT FOR ACCESS TO SHARED FACILITIES (WHOLE OF LOTS)
x RIGHT TO USE FIRE STAIRS AND EGRESS VARIABLE WIDTH (WHOLE OF LOTS)
x EASEMENT FOR ACCESS VARIABLE WIDTH LIMITED IN STRATUM
GENERAL NOTES:
1. THE PURPOSE OF THIS PLAN IS TO INDICATE THE CONCEPTUAL PROPOSED LOCATIONS FOR A STRATUM SUBDIVISION OF THE SUBJECT LAND. ALL BOUNDARIES SHOWN ARE SUBJECT TO FINAL SURVEY OF THE ELEMENTS OF THE BUILDINGS
2. IN GENERAL, THE VERTICAL BOUNDARIES WILL BE PASSING THROUGH THE CENTRE OF THE COMMON WALL DIVIDING THE DIFFERENT USES AND THE HORIZONTAL BOUNDARIES WILL BE PASSING THROUGH THE CENTRE OF THE FLOOR SLAB BETWEEN EACH RELATIVE LEVEL (UNLESS STATED OTHERWISE). WHERE THE PARTITION BETWEEN DIFFERENT USES IS ALTERED BY PLANS APPROVED AFTER THIS DATE, THEN THE PROPOSED SUBDIVISION LINES WILL FOLLOW THOSE NEW PARTITION POSITIONS.
3. GLOBAL EASEMENTS FOR ACCESS, SERVICES, EMERGENCY EGRESS, ETC ARE TO BE CREATED AS REQUIRED
4. EASEMENTS TO BE CREATED AS NECESSARY ON FINAL PLAN
SURVEYOR
Name: MATTHEW GRAHAM SMITH
Date of Survey: DRAFT ONLY
Surveyor's Reference: 41917 DS2DP
PLAN PF SUBDIVISION OF
PROPOSED LOT 9 IN DP 271187
LGA: THE HILLS SHIRE
Locality: NORWEST
Reduction Ratio 1: 400
Lengths are in metres.
Registered
LTS
DP DRAFT
ISSUE FOR REVIEW: 24-07-24

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

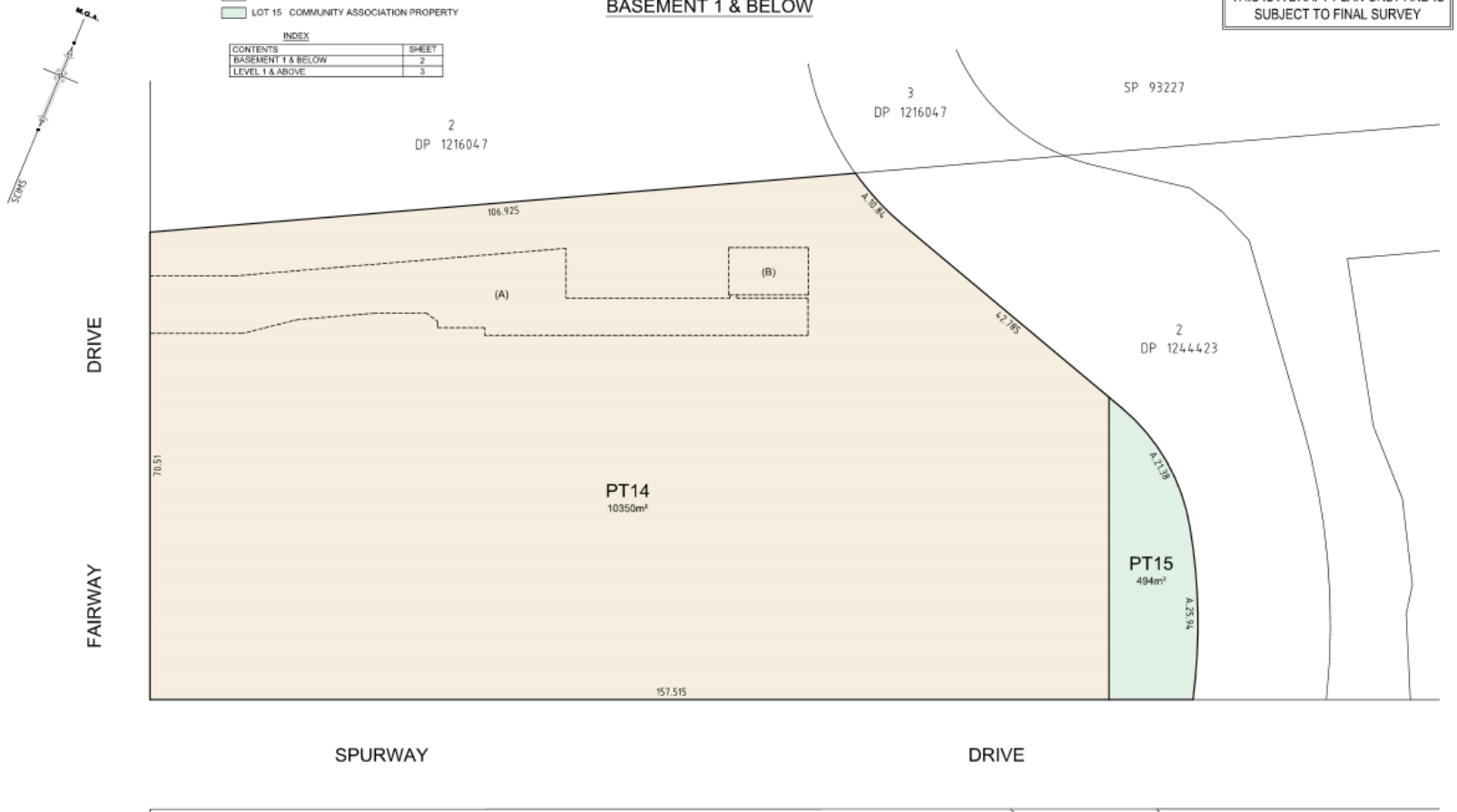
LOT 14 RESIDENTIAL
LOT 15 COMMUNITY ASSOCIATION PROPERTY

INDEX

CONTENTS	SHEET
BASEMENT 1 & BELOW	2
LEVEL 1 & ABOVE	3

BASEMENT 1 & BELOW

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO FINAL SURVEY



GENERAL NOTES:
1. THE PURPOSE OF THIS PLAN IS TO INDICATE THE CONCEPTUAL PROPOSED LOCATIONS FOR A STRATUM SUBDIVISION OF THE SUBJECT LAND. ALL BOUNDARIES SHOWN ARE SUBJECT TO FINAL SURVEY OF THE ELEMENTS OF THE BUILDINGS
2. IN GENERAL, THE VERTICAL BOUNDARIES WILL BE PASSING THROUGH THE CENTRE OF THE COMMON WALL DIVIDING THE DIFFERENT USES AND THE HORIZONTAL BOUNDARIES WILL BE PASSING THROUGH THE CENTRE OF THE FLOOR SLAB BETWEEN EACH RELATIVE LEVEL (UNLESS STATED OTHERWISE). WHERE THE PARTITION BETWEEN DIFFERENT USES IS ALTERED BY PLANS APPROVED AFTER THIS DATE, THEN THE PROPOSED SUBDIVISION LINES WILL FOLLOW THOSE NEW PARTITION POSITIONS.
3. GLOBAL EASEMENTS FOR ACCESS, SERVICES, EMERGENCY EGRESS, ETC ARE TO BE CREATED AS REQUIRED
4. EASEMENTS TO BE CREATED AS NECESSARY ON FINAL PLAN

THIS PLAN HAS BEEN PREPARED FROM ARCHITECTURAL PLANS BY ROTHE LOWMAN, PROJECT No. 218063 DRAWING No. : TP01.02 P19 RECEIVED 21-08-2023

PROPOSED EASEMENTS:
(A) EASEMENT FOR ACCESS VARIABLE WIDTH (LIMITED IN STRATUM)
(B) EASEMENT FOR POOL EQUIPMENT 12.05 WIDE (LIMITED IN STRATUM)

SURVEYOR	PLAN PF SUBDIVISION OF PROPOSED LOT 9 IN DP 271187	LGA: THE HILLS SHIRE	Registered	DP DRAFT
Name: MATTHEW GRAHAM SMITH		Locality : NORWEST	LTS CONFIDENCE TOGETHER	ISSUE FOR REVIEW : 24-07-24
Date of Survey: DRAFT ONLY		Reduction Ratio 1: 400	www.lts.com.au | P 1300 587 028	
Surveyor's Reference: 41917 062DP		Lengths are in metres.		

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

PLAN FORM 2 (A2)

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

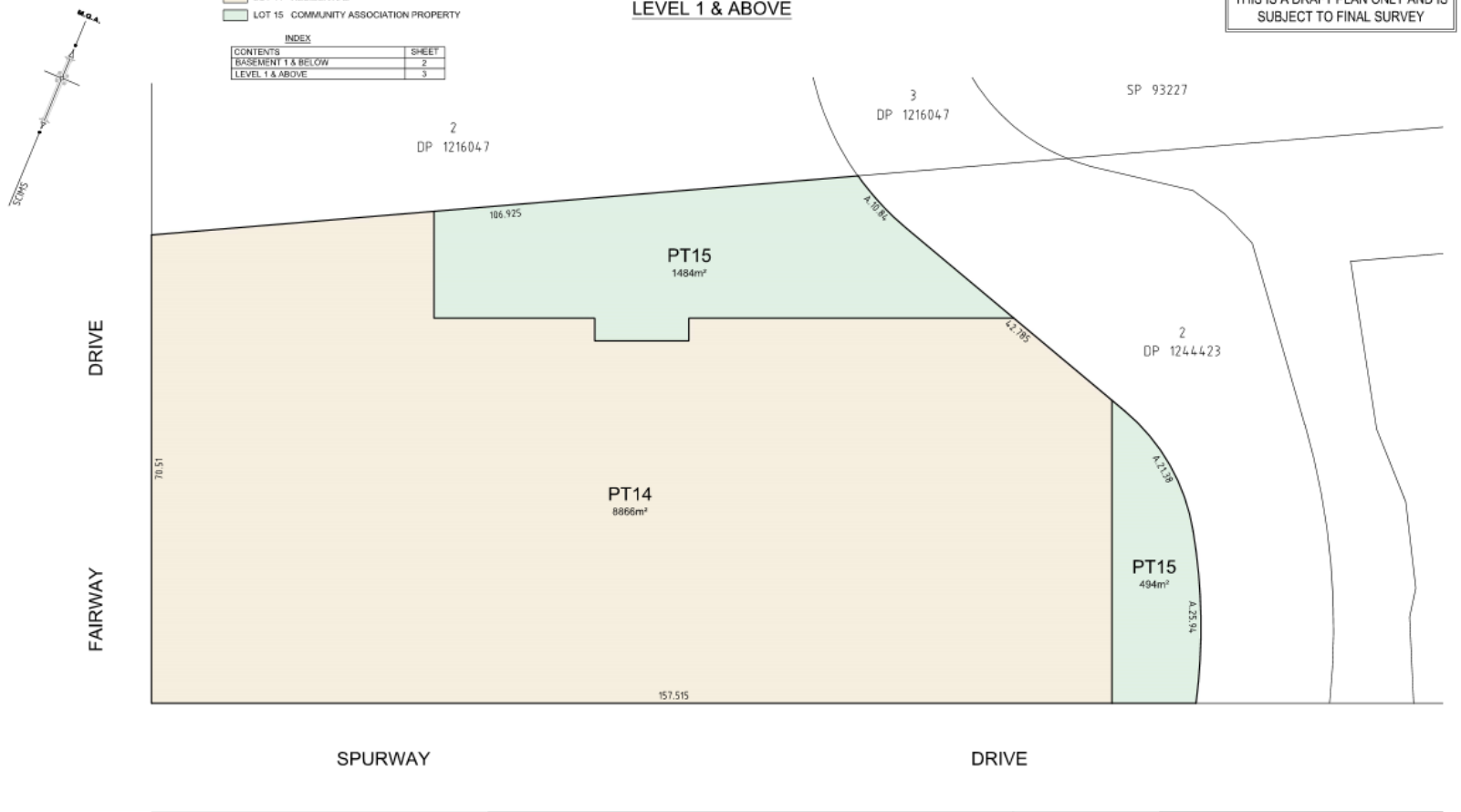
LOT 14 RESIDENTIAL
LOT 15 COMMUNITY ASSOCIATION PROPERTY

INDEX

CONTENTS	SHEET
BASEMENT 1 & BELOW	2
LEVEL 1 & ABOVE	3

LEVEL 1 & ABOVE

THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO FINAL SURVEY



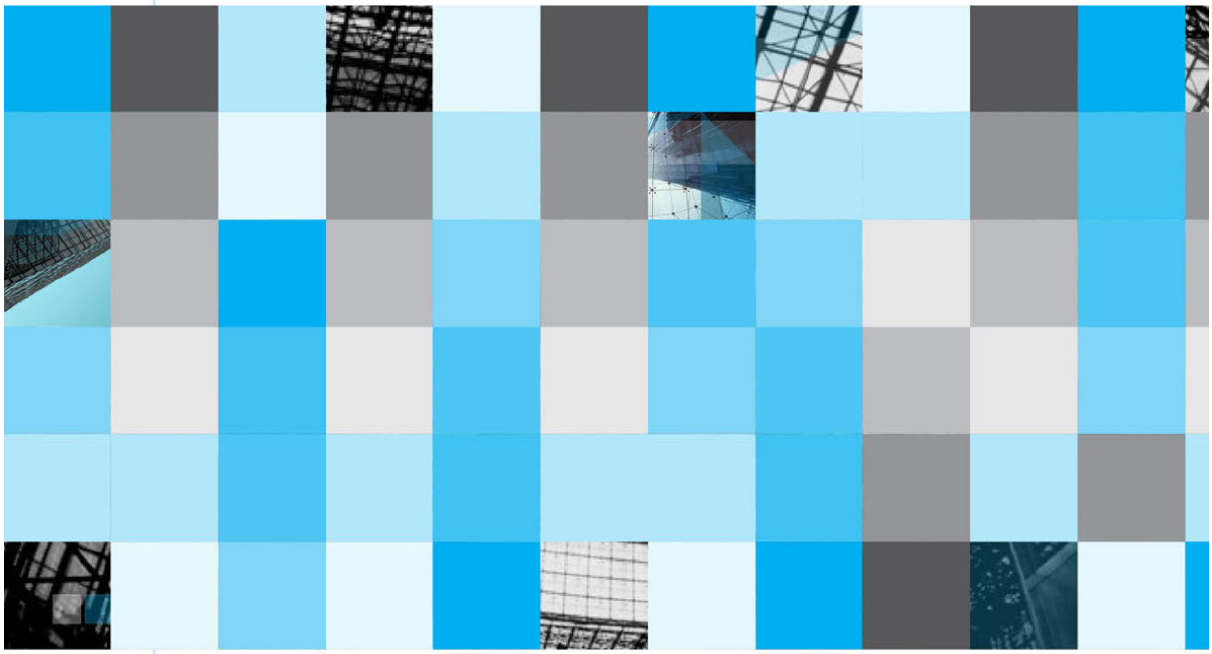
GENERAL NOTES:

1. THE PURPOSE OF THIS PLAN IS TO INDICATE THE CONCEPTUAL PROPOSED LOCATIONS FOR A STRATUM SUBDIVISION OF THE SUBJECT LAND. ALL BOUNDARIES SHOWN ARE SUBJECT TO FINAL SURVEY OF THE ELEMENTS OF THE BUILDINGS
2. IN GENERAL, THE VERTICAL BOUNDARIES WILL BE PASSING THROUGH THE CENTRE OF THE COMMON WALL DIVIDING THE DIFFERENT USES AND THE HORIZONTAL BOUNDARIES WILL BE PASSING THROUGH THE CENTRE OF THE FLOOR SLAB BETWEEN EACH RELATIVE LEVEL (UNLESS STATED OTHERWISE). WHERE THE PARTITION BETWEEN DIFFERENT USES IS ALTERED BY PLANS APPROVED AFTER THIS DATE, THEN THE PROPOSED SUBDIVISION LINES WILL FOLLOW THOSE NEW PARTITION POSITIONS.
3. GLOBAL EASEMENTS FOR ACCESS, SERVICES, EMERGENCY EGRESS, ETC ARE TO BE CREATED AS REQUIRED
4. EASEMENTS TO BE CREATED AS NECESSARY ON FINAL PLAN

THIS PLAN HAS BEEN PREPARED FROM ARCHITECTURAL PLANS BY ROTHE LOWMAN, PROJECT No. 218063 DRAWING No. : TP01.03 P24 RECEIVED 21-08-2023

SURVEYOR	PLAN PF SUBDIVISION OF PROPOSED LOT 9 IN DP 271187	LGA: THE HILLS SHIRE	Registered	DP DRAFT
Name: MATTHEW GRAHAM SMITH		Locality : NORWEST	LTS CONFIDENCE TOGETHER	ISSUE FOR REVIEW : 24-07-24
Date of Survey: DRAFT ONLY		Reduction Ratio 1: 400	www.ltsl.com.au | P 1300 587 028	
Surveyor's Reference: 41917 062DP		Lengths are in metres.		

SUTHERLAND
&ASSOCIATES
PLANNING



104 Fairway Drive, Norwest

Preliminary Construction Management Plan

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Preliminary Construction Management Plan

104 FAIRWAY DRIVE, NORWEST

March 2025

NOTE: This document is Copyright. Apart from any fair dealings for the purposes of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced in whole or in part, without the written permission of Sutherland & Associates Planning, PO Box 6332, Baulkham Hills BC NSW 2153

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

CONTENTS

1.0 INTRODUCTION 4

2.0 PROJECT OVERVIEW 5

2.1 Site Description and Surrounding Development 5

2.2 Proposed Development 5

3.0 CONSTRUCTION MANAGEMENT 6

3.1 Project Objectives & Targets 6

3.2 Hours of Work 6

3.3 Development Consent 6

3.4 Legislation & Relevant Guidelines 6

3.5 Site Management 7

3.5.1 Project office and Site Amenities 7

3.5.2 Temporary services 7

3.5.3 Protection of Public Assets 7

3.5.4 Site Security & Hoardings 7

3.5.5 Access 7

3.5.6 Anticipated Workforce 9

3.6 Environmental Management 9

3.6.1 Dilapidation Survey 9

3.6.2 Noise and Vibration Management 9

3.6.3 Dust Management 10

3.6.4 Stormwater and Sediment Control 10

3.6.5 Waste Management 11

3.6.6 Waste Minimisation 11

3.7 Project Risk Management 11

3.7.1 Workplace Health and Safety 11

3.7.2 Environmental Management 11

3.7.3 Emergency Management 12

3.7.4 Quality Management 12

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

1.0 INTRODUCTION

This Preliminary Construction Management Plan (PCMP) outlines the demolition, excavation and building process for the proposed development and how the builder and contractors will manage potential impacts caused by the demolition, excavation and building works.

This PCMP is to be adjusted as required by the builder/contractor during the progress of works. Where this plan conflicts with the requirements of the builder/contractors Safe Work Method Statements (SWMS) or Work Health and Safety (WHS) Policy then the SWMS's and WHS and their safety and environmental obligations of the builder/contractors shall override this CEMP.

The PCMP includes a description of the project, outlines the process and addresses mitigation measures relating to the potential impacts of construction on the environment and the public, including noise and vibration, air pollution, water pollution, waste and recycling measures and traffic management.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

2.0 PROJECT OVERVIEW

2.1 Site Description and Surrounding Development

The site is known as 104 Fairway Drive, Norwest and legally described as Lot 4 in DP 271187.

The subject site is identified as Stage 5 within the Concept development consent. The subdivided Stage 5 site has a total area of 10,845 square metres which is exclusive of the Spurway Drive extension and Strangers Creek Reserve widening, and will form Lot 14 and 15 of the community lot subdivision. The site has a frontage to Fairway Drive to the west, Spurway Drive to the south and adjoins Strangers Creek to the east.

The site is relatively level with a gentle slope from west to east towards Strangers Creek and contains a limited number of significant trees as described in the Arborist Report. The site is currently occupied by an existing display suite at the western end of the site which faces Fairway Drive and is surrounded by introduced landscaping consistent with The Orchards theme for the development.

Work sheds are also currently located at the eastern end of the site. The specific location for the new display suite is occupied by lawn and some trees.

Figure 1:

Subject site

2.2 Proposed Development

On 15 August 2024, Development Application 237/2025/JP was lodged for Stage 5 of The Orchards development for a residential flat building development containing 209 units and Community Title Subdivision.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

3.0 CONSTRUCTION MANAGEMENT

3.1 Project Objectives & Targets

1. The objectives of this PCMP are to identify the risks and establish obligations and controls in order to manage construction traffic and construction activities during the staged completion of the works and to maintain access or provide alternative temporary means of access to areas impacted by the Development works

2. Maintain certification to ISO 9001, 14001, AS 4801, and other certification schemes

3. Provide products and services efficiently that are technically innovative, defect free and on time.

4. Provide the best possible outcome with the least risk (to us and our client) (including "Consultative approach in all our dealings with customers, employees and suppliers to provide the best possible value and return for the resources expended")

5. Satisfy the agreed contractual and commercial requirements

6. Provision of product and management services which optimise the development potential and all life performance of our customer assets

7. Meet and address the Arboricultural objectives as outlined in the Arboricultural Impact Assessment

8. Minimise the impacts of Dust and Noise on the surrounding community throughout the construction period.

3.2 Hours of Work

Works will be carried out in strict accordance with the Development Consent with 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.

No construction plant or machinery are permitted to warm up plant prior to the above commencement times.

No float or plant deliveries are to occur outside of the standard working hours unless written consent is received from

Transport for NSW and all local neighbours and Hills Shire Council are notified in writing prior to the delivery.

3.3 Development Consent

All conditions of the Development Consent will be complied with during construction of the development.

3.4 Legislation & Relevant Guidelines

Key legislation and guidelines relating to civil works for the project:

- Work Health and Safety Act 2011
- Work Health and Safety Regulation 2017
- Protection of the Environment Operations Act 1997
- Managing Noise and Preventing Hearing Loss at Work Code of Practice 2011
- Excavation and Demolition codes of practice

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

- Managing risks of plant in the workplace code of practice

3.5 Site Management

3.5.1 Project office and Site Amenities

The builders office will be established onsite. All facilities will at a minimum adhere to the Workcover Code of Practice for "Managing the Work Environment and Facilities" and will be located within the construction zones. Work force numbers should not exceed 300 workers at the peak.

3.5.2 Temporary services

Temporary services shall be provided for such as power, water and sewer. These shall be installed by qualified tradesmen.

3.5.3 Protection of Public Assets

The builder will undertake a full public and private asset dilapidation report in accordance with the conditions of consent. All local assets will be identified and protected prior to construction commencement.

Sydney Water Assets are located in the footpath along the frontage on Spurway Drive.

3.5.4 Site Security & Hoardings

Site security / traffic controllers will be posted at the site access gates to check deliveries and allow vehicles to enter and leave safely. As with any project which interfaces with the general public and/or a surrounding road network, securing the construction site will be an important consideration. To minimise any potential incidents, it is proposed to develop a strategy based on the following points

3.5.5 Access

Access to the site will be finalised by the appointed builder in collaboration with Council.

Access to the site during construction is intended to be provided to and from Spurway Drive and via on-street work zones in adjacent to the construction activity as illustrated in Figure 2 below.

Approach Route 1 via Fairway Drive to the north of the site is intended to form the primary site access until such time as access to and from Spurway Drive and Windsor Road is made available, following which Approach Route 2 is intended to be utilised as well as a Departure Route via Spurway Drive.

A waiting zone is indicated on Spurway Drive to the east of the site, whilst two loading zones are intended in Spurway Drive adjacent to the site.

Vehicles presenting to the site must be booked-in in advance of the deliver by at least 24 hrs to ensure congestion at the access gates in managed and minimised.

The entry gate will be monitored by Traffic Controllers who will facilitate safe movement of vehicles in accordance with the approved traffic control plan

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

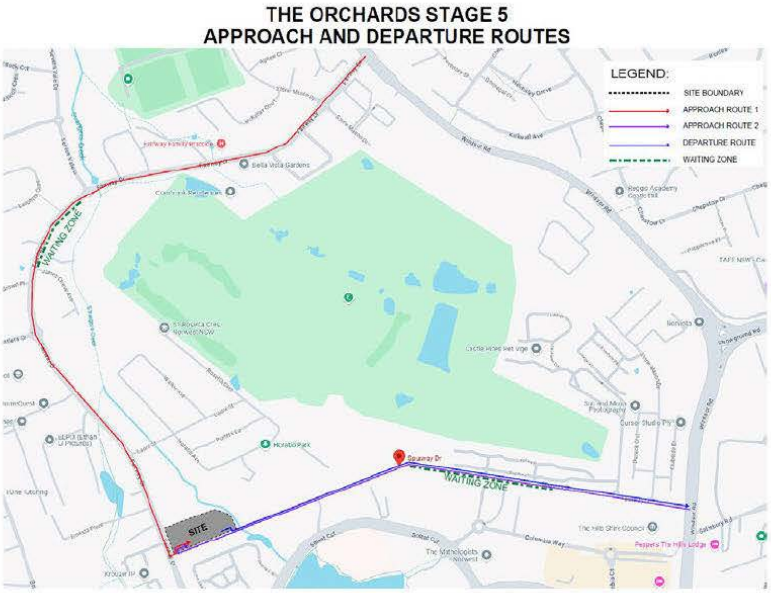


Figure 2:

Intended approach and departure routes

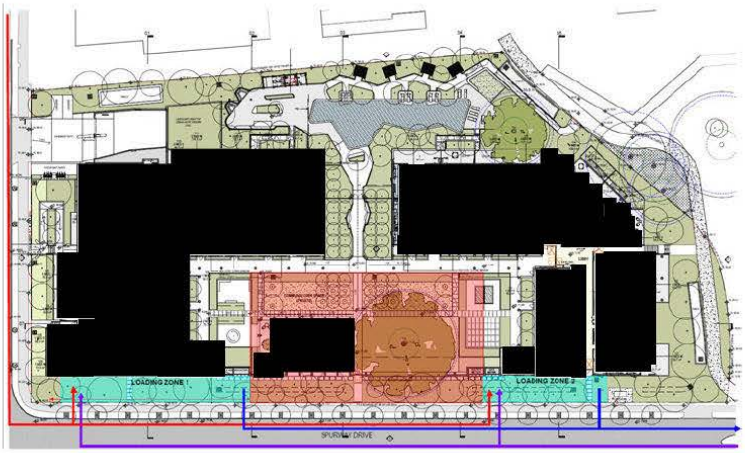


Figure 3:

Intended work zones

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

3.5.6 Anticipated Workforce

It is estimated that there will be a maximum workforce of 250 on site as peak, with the following breakdown of workers using public transport:

Works Phase	Workers Total (approx.)	% workers using public transport	Workers travelling by public transport
Bulk excavation	35	25%	9
Structure	180	40%	72
Fitout and finishes	250	60%	150

3.6 Environmental Management

3.6.1 Dilapidation Survey

A dilapidation survey of the surrounding roads and neighbouring properties sharing a boundary with the site will be undertaken.

The following items will be incorporated in the Dilapidation Survey consisting generally of written test and photographs as follows:

- Access areas;
- Internal and external conditions of existing neighbouring properties; and
- Council footpaths and roads adjoining.

3.6.2 Noise and Vibration Management

The noise management will be in accordance with all relevant authorities and legislations. All plant will be regularly maintained and log books kept ensuring that there are no excess noise emissions. Where it is practical, electric machinery will be used in lieu of mechanical devices.

All Subcontractors will be solely responsible for managing noise and vibration in accordance with their project specific Management Plans. Any works outside of the approved working hours in the Development Approval will be subject to relevant authority approvals. All neighbouring and adjacent properties surrounding the project will be given sufficient notification of all approved proposed after hours works prior to the works commencing.

There may be potential vibration generated form the works during the demolition and excavation stages dependent on the ground conditions however, the vibrations will be monitored closely.

To minimise the noise & vibration impacts on the community resulting from driving heavy vehicles:

- Drivers should reduce speed to reduce instances and severity of compression braking, including when approaching speed humps or raised zebra crossings.
- Limit any excessive or unnecessary use of horns, in particular outside of working hours.
- Vehicle movements are to be scheduled outside peak hours where possible, other than necessary deliveries.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The following control measures will be put in place to minimise the impacts of noise:

- limit the hours during which site activities likely to create high levels of noise
- establish effective channels of communication between Westbourne and surrounding neighbours
- Site manager is responsible for noise related matters
- monitor typical levels of noise during critical periods and at sensitive locations
- Any works outside of standard hours must be undertaken in accordance with a General Noise and Vibration Impact Statement approval.

3.6.3 Dust Management

Dust control measures will be implemented as required in accordance with all necessary legislations and authorities. Dust Management will be most critical during the excavation phase of the project, with the Subcontractors for these trades specifically planning with the requirements for dust suppression within their project specific management plans.

Potential measures to be employed will include but is not limited to the following:

- Site Perimeter – A plywood sheeted hoarding in line with the Hoarding Requirements from Council to be provided in all areas where external works are occurring;
- Demolition – All trucks removing materials from site to be loaded whilst inside the site perimeter, with loads covered before exiting;
- Excavation – Water down working surfaces as required, minimise stock piling of material and maintain stabilised access roads and site entrance driveways; and
- Construction – Maintain frequent housekeeping to minimise the likelihood of windblown dust.

The utilisation of a wheel wash bay during the construction phase may be required to prevent the likelihood of spoil, dust or loose contaminated material from being deposited onto public ways. Daily inspections and cleaning will be undertaken to ensure public ways are maintained appropriately.

3.6.4 Stormwater and Sediment Control

A stormwater and sediment control plan will be developed and will be implemented prior to works commencing. This will ensure stormwater runoff from the project does not enter through to adjoining properties, and that all water that enters the Council stormwater system does not contain silt or other contaminants. A wheel washing bay will be set up if required to also control the contamination and level of dust on public RMS roads in accordance with the Protection of the Environmental Operations Act 1997.

During the commencement of the demolition stage, screens and bunding around the perimeter of the site will be installed to prevent potential stormwater runoff. Sediment traps are to be installed at all outfall drains by the use of fabric-covered filters. These are to be inspected and cleaned daily.

All drains in the vicinity of the site which may be affected by run-off from the site are to be inspected regularly to assess the level, if any, of sedimentation as a result of run-off from the site and to determine the level of protection if required.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

3.6.5 Waste Management

The following waste management procedures will be implemented during construction:

- All litter and waste are to be contained on site and disposed in a responsible manner and in accordance with legislations and authorities;
- Waste generation is to be minimised;
- Rubbish bins for use by persons working on the site are to be placed around the site in easily accessible locations;
- Skip bins are to be provided onsite for the storage of construction waste. Skips are to be collected at regular intervals as required;
- All demolition waste from the site will be disposed and recycled in accordance with local laws and permit requirements.

3.6.6 Waste Minimisation

To minimise the accumulation of offcuts of materials onsite, where practical, materials will be measured and cut offsite. Where practical, standard sized materials and products will be used in the construction of the development.

3.7 Project Risk Management

The initial Project Risk Assessment is developed in the lead-up to project commencement and is then updated and maintained throughout the life of the Project.

This process covers the following key areas:

- Occupational Health and Safety;
- Environmental Management;
- Emergency Management; and
- Quality Management

3.7.1 Workplace Health and Safety

A project Health and Safety Management Plan will also be developed for this project to assure the health, safety and wellbeing of all personnel including workers, as well as members of the public.

The Health and Safety Management Plan will cover aspects such as electrical, fire, manual handling, hazardous substances and dangerous goods.

All inspections, observations and audits will be undertaken and monthly reports will be developed outlining OHS statistics including injury and incidents.

3.7.2 Environmental Management

An Environmental Management Plan will be developed by the appointed builder to assure protection of the environment in accordance with requirements of the relevant authorities.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The Environmental Management Plan will cover issues such as stormwater, noise, dust control, hazardous materials, contaminated soil and waste management. It also documents the target of waste to be recycled.

Subcontractors will also be required to develop and submit a specific Environmental Management Plan where it is determined they have the potential to impact negatively on the environment.

3.7.3 Emergency Management

A site specific Emergency Management Plan will be developed for the site outlining the procedures to be followed in the event of an emergency. Evacuation plans with emergency contact details will be posted in relevant locations around the site.

3.7.4 Quality Management

A project specific Quality Management Plan will be developed for this project to meet the requirement of ISO 9001 (Quality Management Systems) to identify key project specific quality requirements and risks.

All visitors and construction workers are to be inducted prior to entering the site. Inductions include a project overview, information on site specific safety issues and evacuation procedures.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

Residential Development - Stage 5
The Orchards, 104 Fairway Drive Norwest
Clause 4.6 Request

Prepared on behalf of Sekisui House
April 2025

Table Of Contents

1 INTRODUCTION 1

1.1 Stage 5 Overview 1

1.2 Concept Plan 1

1.3 Stage 3 Development Consent Parking Standards 3

1.4 Spurway Drive Setback 3

1.5 Legal Framework 4

2 PROPOSED VARIATIONS 6

2.1 Overview 6

2.2 Height of Building variation 6

2.3 Floor space Ratio variation 10

2.4 Residential development yield on certain land 13

3 CLAUSE 4.6 ASSESSMENT 16

3.1 Are the planning controls development standards? 16

3.2 Assessment against the purpose/object of the standard 16

3.3 Is compliance consistent with the requirements of Cl 4.6? 19

3.4 Is compliance unreasonable or unnecessary in the circumstances? 20

3.5 Are there sufficient grounds to justify contravention? 21

3.6 Is the request well founded? 25

4 CONCLUSION 26

APPENDIX 1 PARKING REPORT

APPENDIX 2 TRANSPORT ADVICE

APPENDIX 3 PARKING & CAR SHARE ANALYSIS

1 Introduction

This report has been prepared to supplement the Statement of Environmental Effects (SEE) for the proposed residential development in Stage 5 of The Orchards at 47 Spurway Drive, Baulkham Hills to specifically request variations to development standards under Clause 4.6 of The Hills Local Environmental Plan 2019 (THLEP 2019).

Referenced attachments to this report include the Parking Report (GTA), Transport Advice (Cattell and Cooper), and Parking and Car Share: Analysis and Recommendations (Phillip Boyle and Associates as well as the Design Report from RotheLowman Architects submitted with the development application.

For completeness, this assessment includes consideration of the proposed departure to the building setback to Spurway Drive, within Section 3.3, Part C Section 7 – Residential Flat Building of The Hills DCP 2012 to the extent of the effects of building heights on neighbouring properties.

Details of the development proposal are contained within the SEE.

1.1 STAGE 5 OVERVIEW

The application represents the fifth stage of the approved Concept Plan known as The Orchards which is the subject of a staged development applications for 1,300 dwellings, with a mix of 1, 2, 3 and 4 bedroom apartments with associated car parking, new streets, communal amenities, publicly accessible parks and landscaping.

The proposed Stage 5 development includes two 3 to 12 storey buildings and a separate communal pavilion, with 23,903.4 m2 of gross floor area utilised for 209 apartments in a mix of 1, 2, 3 and 4 bedrooms.

It contains basement car parking spaces for 303 vehicles accessed from Spurway Fairway Drive with on-site loading and waste collection, as well as communal facilities, landscaped private and communal open spaces which includes an existing publicly accessible pedestrian / cycle path adjoining Strangers Creek.

1.2 CONCEPT PLAN

The Orchards Concept Plan was granted staged development consent on 11 April 2018 (736/2017/JP) and provides the framework, building heights, parking rates and apartment types for the coordinated development of 1,300 dwellings and the construction of subsequent phases of development with staged applications.

The masterplan prepared for the site informing the Concept Plan was arrived after consultations that derived the design strategies for the site, streets, setbacks,

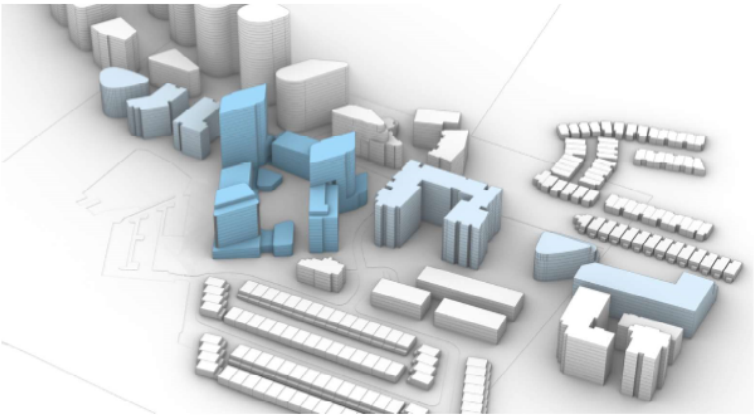
Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

building heights and amenity. These were adopted to optimise a better planning and design outcome for the site and form the basis of this clause 4.6 variation request.

The consent authority, The Sydney Central City Planning Panel concluded as follows.

> *The Panel has considered the applicant's request to vary the development standards contained in The Hills Local Environment Plan 2012 Clause 4.3 relating to height of buildings, Clause 4.4 Floor Space Ratio and Clause 7.10 Residential Development Yield on Certain Land. The Panel considers compliance with the standards would be unreasonable and unnecessary in the circumstances of this case as the variations provide a better design outcome through provision of additional and improved open space, greater retention of significant trees and provides better building relationships to adjoining properties, and will not result in development inconsistent with this locality. The development as designed remains consistent with the underlying intent of the standard and the objectives of the zone.*
>
> *The Panel is therefore satisfied that the Applicant's clause 4.6 variation requests have adequately addressed the matters required to be demonstrated in clause 4.6 of the The Hills LEP 2012 and that the proposed development will be in the public interest because it is consistent with the objectives of the relevant controls and the objectives for development within the R4 zone in which the development is proposed to be carried out. For the above reasons, the Panel is satisfied that the variations from the LEP development standards are in the public interest.*

A modification (Mod B) was consequently approved to re-distribute approved heights to create tower forms in Stage 4 while reducing the street wall height onto Spurway Drive.



The modified Concept Plan in revised future planned context with Stage 5 shown at right

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

This was in response to providing improved solar access to adjoining existing developments, significant changes to the site's southern context resulting from The Greens rezoning opposite Spurway Drive as well as other planning and design objectives.

While the Mod B for Stage 4 has no direct bearing on the development of Stage 5, the variations were considered to be consistent with the essence of the original Concept Plan determination particularly in "*providing better building relationships to adjoining properties, and will not result in development inconsistent with this locality".*

The proposed variations are reflected in a modification application to the Concept Plan as it applies to Stage 5 (Mod D) lodged with this development application, which aims to further adjust massing and building heights to respond to the major change in planned context to the north of the site and thereby improve amenity outcomes in general.

1.3 STAGE 3 DEVELOPMENT CONSENT PARKING STANDARDS

During the consideration the Stage 3 development application (DA 46/2018/JP), the Sydney Central City Planning Panel sought and received a request to further vary the LEP parking standards as *"the Panel believes there is capacity to further reduce private vehicular use and that this would be an appropriate outcome given proximity to Norwest Metro station which is likely to be operational prior to occupation of these buildings."*

As a consequence, the Panel upheld an amended clause 4.6 request to adopt a lower parking rate for 2 bedroom apartments and a visitor parking rate of 1 space per 10 residential dwellings that is reflected in this request.

1.4 SPURWAY DRIVE SETBACK

Since the potential effects of the variation to building height are related to the building setback to Spurway Drive, this report also addresses this development control within Section 3.3, Part C Section 7 – Residential Flat Building of The Hills DCP 2012.

Under the Concept development consent, setbacks to Spurway Drive are subject to assessment for each stage of development. The masterplan proposed a 6m setback to Spurway Drive, in lieu of the 10m DCP standard, in the context of a setback strategy for the masterplanned site.

In particular, the increased setback to the north of the site will provide a greater building separation from existing residential apartments to the north of the site.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The adopted setback will have minimal impact to the solar access of adjacent existing townhouses as a result of the narrow frontages which are also stepped back from Spurway Drive, as well as retain an appropriate streetscape character with generous landscaping. It should also be noted that the effect of the adopted setback is mitigated by the widening of the street as originally prescribed in the DCP from 15.5m to 16.5m .

It is therefore considered that the proposed 6m setback to Spurway Drive will meet the DCP's objectives of the under 3.3. Setbacks:

(i) To provide an open streetscape with substantial areas for landscaping and screen planting.

(ii) To minimise overshadowing of adjoining properties.

(iii) To protect privacy and amenity of any adjoining land uses in accordance with Council's ESD objective 7.

(iv) *To ensure developments are compatible with the character of surrounding housing areas in respect of the quantity and quality of open space.*

1.5 LEGAL FRAMEWORK

This request has been prepared under Clause 4.6 of THLEP 2019 to justify the departures from development standards for height of building and floor space ratio within clauses 4.3 and 4.4 respectively as well as the apartment size and parking development standards within clause 7.10.

This request aims to meets the objectives of clause 4.6(1) of RLEP 2014, being

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances,

and demonstrate for the purpose of clause 4.6 (3) *that*:

(a) compliance with the development standards is unreasonable or unnecessary in the circumstance, and

(b) there are sufficient environmental planning grounds to justify contravening the development standards.

Case law *(such as Winten V North Sydney Council, Wehbe V Pittwater Council (2007) NSW LEC 827, Four2five V Ashfield Council etc*) provides guidance when considering an exception to development standards as follows:

- Is the planning control in question a development standard?
- What is the underlying object or purpose of the standard?
- Is non-compliance with the standard consistent with the aims of Cl 4.6?
- Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

- Are there sufficient environmental planning grounds (specific to the site and particular to the circumstances of the proposed development) to justify contravening the development standard?
- Is the request well founded whereby Preston J (*Wehbe V Pittwater Counci)* provided five potential ways in which this may be established as follows
    1. *the objectives of the development standard are achieved notwithstanding non-compliance with the standard;*
    2. *Is the underlying objective or purpose of the standard not relevant to the development;*
    3. *Would the underlying objective or purpose be defeated or thwarted were compliance required;*
    4. *The standard has been virtually abandoned or destroyed by the consent authority's own actions in granting consents departing from the standard*
    5. *The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary.*

More recent case law (*Micaul Holdings v Randwick City Council, Moskovich v Waverley Council and Initial Action Pty Ltd v Woollahra Municipal Council for example*) has also established that:

- the written request has to adequately address everything necessary in clause 4.6(3), rather than the consent authority being "satisfied directly";
- the consent authority must be personally satisfied that development will be "consistent with" the objectives of the zone and the development standard;
- being "consistent with" objectives is not a requirement to "achieve" them but may be "compatible" with them or "capable of existing together in harmony";
- establishing that "compliance with the standard is unreasonable or unnecessary" may also require that the objectives of the standard may not be achieved or would be thwarted by a complying development;
- clarification that while it may be desirable, it is not a requirement to achieve a better environmental planning outcome in *Initial Action Initial Action Pty Ltd v Woollahra Municipal Councill [2018] NSWLEC 118*.

Amendments to environmental planning instruments commenced 1 November now require under Clause 4.6(3) that the applicant and consent authority consider the same matters when seeking and determining a variation. The consent authority must then be satisfied that the applicant has demonstrated that matters referred to in that clause.

Further, the consent authority no longer needs to be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the standard and the zone; and the Secretary's concurrence is no longer required. (*Department of Planning and Environment published advice.*)

This written request reflects the new requirements of the Act.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

2 Proposed Variations

2.1 OVERVIEW

The development of Stage 5 is required to respond to a change to the immediate context of the site as result of the rezoning of adjoining land to the immediate north for higher density development known as "Moda", which included greater building mass and increased building heights from 4 storeys to 7-12 storeys.

As explained in greater detail below, the contextual change in density and building heights require a design response to accommodate its additional impacts from shadowing as well as improve building relationships and visual cohesion while preserving impact mitigation to townhouses south to the site.

These factors gave rise to a simultaneous request to modify the Concept Plan development consent building heights to allow the re-massing proposed in this development application.

The Stage 5 development application also reflects the variations to standards permitted by the Concept Plan consent and subsequent development consents. Accordingly, this request under clause 4.6 seeks to vary the prescribed development standards within THLEP 2019 relating to:

- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio; and
- Clause 7.10 - Residential development yield on certain land.

The following describes the specific development standards that are contravened by the development proposal and the nature and extent of the variations.

2.2 HEIGHT OF BUILDING VARIATION

The Height of Buildings development standard is contained in Clause 4.3(2) of The Hills LEP 2019 which states:

> *(2) The height of a building on any land is not to exceed the maximum height shown for the land on Height of Building Map.*

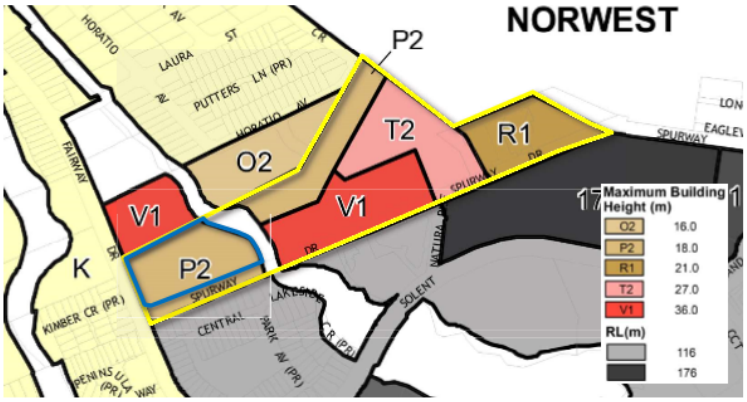
The site is subject to height of buildings development standards of 18 metres under clause 4.3 (category P2 on the LEP HOB Map).

The proposed heights generally exceed the height limit as a result of the original masterplan design strategies which included opportunities to improve apartment amenity, perceived massing and solar access to the public domain and development to the south.

The proposed heights generally exceed the height limit to accord with the original Concept Plan development consent which included the adjustments to building heights across the whole site result from allowances for changes in topography, lift

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

overruns and the floor-to-ceiling heights required under the ADG.



Extract of THLEP HOB Map with Concept Plan & Stage 5 outline in yellow & blue

The varied heights allowed a more considered response to site conditions including the retention of vegetation and the creation of public access ways and a linear park through re-massing the permitted floor area.

Heights were further varied by three tower forms in Stage 4 from re-massing lower buildings onto Spurway Drive and elsewhere to improve solar amenity and the streetscape while better responding to the significantly changed future built form context from "The Greens" rezoning south of Spurway Drive.

The approved height of building variations as stated in the Concept Plan Planning Report to the Sydney Central City Planning Panel (736/2017/JP 11 Apr 2018) ranged in the order of 20% to 140% and across the stage 5 site as shown in the table at page 10.

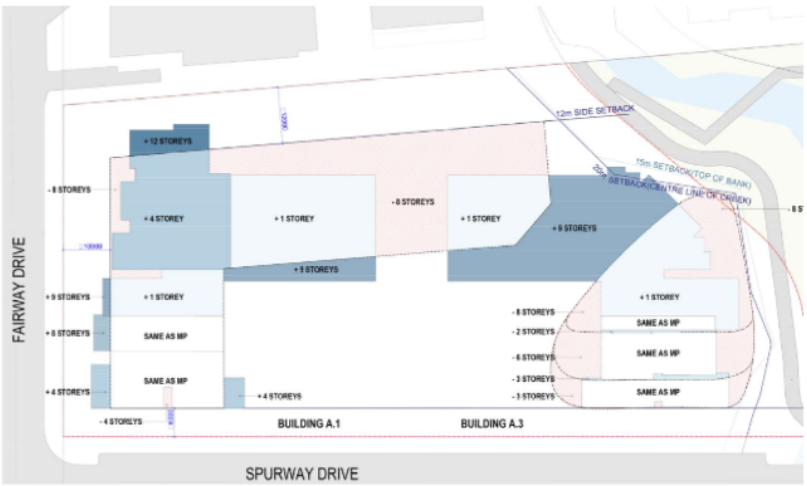
The Stage 5 development design is required to respond to a significant change to the immediate context as result of the rezoning of the adjoining site to the immediate north for the higher density development "Moda" which included greater building mass and increased building heights from 4 storeys to 7-12 storeys from which additional shadowing is required to be absorbed on site and building relationships improved.

The proposed Concept Plan modification consists of the re-distribution of Stage 5 building heights to form two buildings separately addressing Spurway and Fairway Drives that vary from 3 to 12 storeys in height, preserving midwinter solar access to the adjoining townhouses to the south and embellished with extensive landscaping.

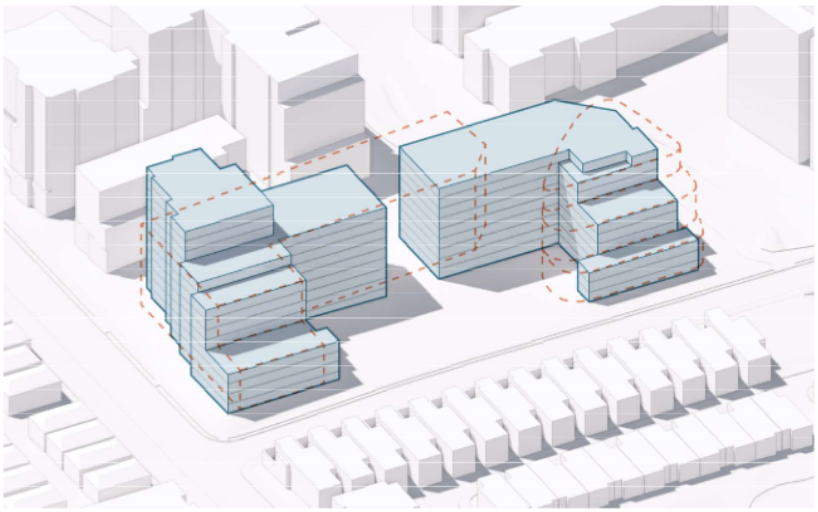
The adjustments are summarised in the following diagram noting that building envelope forms are detailed in this development application.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

A Design Report prepared by Rothelowman provides the design rationale and principles for the adjusted built form and scale having particular regard to built and approved physical and landscape context, site permeability and open space, urban form analysis and shadowing impacts.



Proposed increases and decreases to approved building heights in storeys. (RotheLowman)

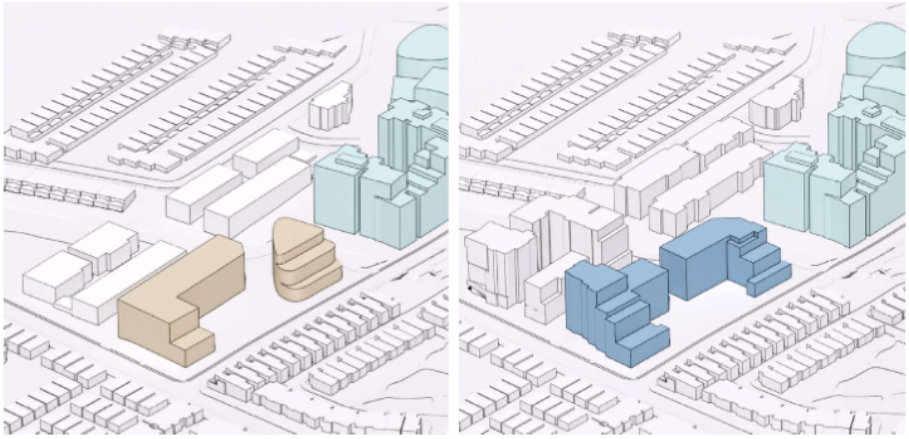


Diagrams above and below showing comparisons of the building envelopes from the approved and proposed buildings heights with adjoining contexts (L and R below respectively). (RotheLowman)

The improved effect of the building height and massing adjustments is represented in the general massing diagram above which superimposes envelopes formed from the

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

approved and adjusted building heights. A direct comparison of the originally approved and proposed modified envelopes is provided further below.



The resultant building heights are shown in the following diagram. These form the basis of the proposed variation to building heights under clause 4.6 as shown on the submitted development application plans.

Height of Building Variation Plan with Masterplan building references (RotheLowman)

The variations to building height above existing ground level applying to Stage 5 are shown on the submitted plans and summarised in the following table and compared with those originally approved. Note that the originally approved building heights included a 4m allowance for lift overrun and allowed for terrain adjustments which still apply.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

Approved and Proposed Stage 5 Height of Building variations comparison

Building	Height standard	Approved Maximum Height	Proposed Maximum Height
Building A.1	P2 – 18m	29.8 m	41 m (lift overrun) 38 m (roof top)
Building A.2	P2 – 18m	Removed	4.7 m
Building A.3	P2 – 18m	30.7 m	32.2 m (lift overrun) 29.2 m (roof top)

Extract of Spurway Drive (above) and Fairway Drive (below) elevation showing building height relationships. (RotheLowman)

2.3 FLOOR SPACE RATIO VARIATION

The Floor Space Ratio development standard is contained in Clause 4.4(2) of The Hills LEP 2019 which states:

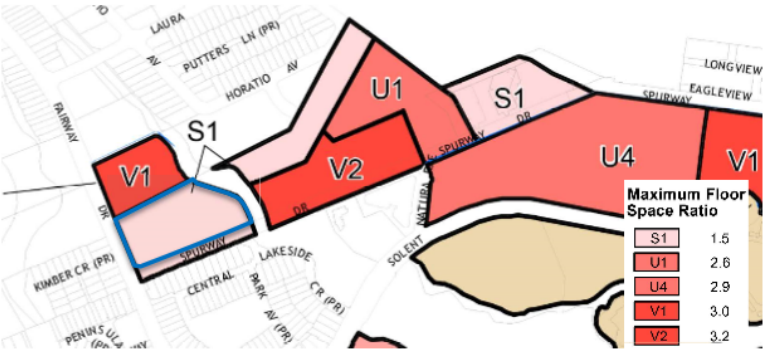
> (2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

The technical permissible gross floor area (GFA) of the DA site under the current LEP FSR map as applied to the subdivision for Stage 5 which excludes the dedicated street Spurway Drive and part of the Stranger Creek Reserve, is 16,267.5m2.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

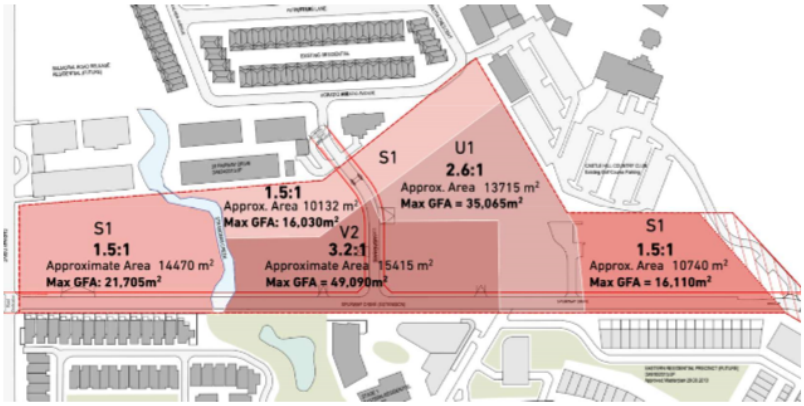
However, this reflects a 'net subsequent FSR' of 2.2:1 as it does not take account of

- the land set aside for streets and reserves in the Concept Plan which have been subsequently subdivided for dedication; and
- an amendment to the LEP FSR Maps subsequent to the Concept Plan that widened the Strangers Creek reservation.



Extract from Floor Space Ratio Map including Incentive FSRs Source: THLEP 2019

Both of these factors reduced the size of the 'lot' the GFA is calculated from under the FSR permitted by the LEP at the time of DA determination rather than the original Concept Plan. The 'gross FSR' applied to the Concept Plan as determined is shown in the plan extracts below.



Extract of Concept Plan MP-000-009 FSR Analysis (Turner)

In addition, the Concept Plan distributed the permitted GFA 138,000 m2 across the stages to best respond to the site's context and to achieve a number of public benefits including the linear park and widened Strangers Creek Reserve.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The proposal has a GFA of 23,903.4 m2. This is marginally above the Concept Plan GFA of 21,453 m2 anticipated in the concept plan approval for this stage (referred to as buildings A1 to A3 in plan MP-000-009 as below) as a result of carry-over of unused GFA from previous stages, particular Stage 4 where density was reduced in response to design concerns.

FSR calculation - Allowable FSR & GFA		**FSR calculation - Proposed GFA**	
S1 (FSR 1.5 : 1)		A1 Proposed GFA area	12,852 m^2
Approximate Site Area	35,342 m^2	A2 Proposed GFA area	3,784 m^2
Max. Allowable GFA	53,845 m^2	A3 Proposed GFA area	4,817 m^2
		B1a Proposed GFA area	20,223 m^2
U1 (FSR 2.6 : 1)		B1b Proposed GFA area	12,449 m^2
Approximate Site Area	13,715 m^2	C1 Proposed GFA area	34,911 m^2
Max. Allowable GFA	35.065 m^2	C2 Proposed GFA area	18,404 m^2
		C3 Proposed GFA area	8,092 m^2
V2 (FSR 3.2 : 1)		C4 Proposed GFA area	1,378 m^2
Approximate Site Area	15,415 m^2	D1 Proposed GFA area	7,090 m^2
Max. Allowable GFA	49.090 m^2	D2 Proposed GFA area	7,162 m^2
		D3 Proposed GFA area	6,838 m^2
Total Max. Allowable GFA	**138,000m^2**	**Total Proposed GFA**	**138,000m^2**

Extract of Concept Plan MP-000-009 FSR Analysis (Turner)

Surveyors LTS Lockley were commissioned to measure the GFA from the architectural floor plans as approved and built (as relevant) to verify that development would not exceed that approved under the Concept Plan which had reflected the application of the planning provisions prior to subdivision.

Approved Concept Plan and DA GFA m2 (source LTS Lockley)

Concept Plan Stage	Bld.	Concept Plan GFA	Stage total GFA	Approved DA GFA	Difference
Stage 1	D1	7,090			
	D2	7,162	14,252	12,205	- 2,047
Stage 2	D3	6,838	6,838	6,166	- 672
Stage 3	B1a	20,223			
	B1b	12,449	32,672	31,773	- 899
Stage 4	C1	34,911			
	C2	18,404			
	C3	8,092			
	C4	1,378	62,785	61,338	- 1,447
Stage 5 (proposed)	A1	12,852			
	A2	3,748			
	A2	4,817	21,453	23,903.4	2,450.4
Total		138,000	138,000	135,385.4	- 2,615.6

The surveyor's analysis demonstrated that while the proposed Stage 5 is greater than that anticipated in the Concept Plan, the resultant GFA for the Concept Plan as

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

completed after stage 5 will be 2,615.6 m2 less than the permitted GFA for the complete site.

2.4 RESIDENTIAL DEVELOPMENT YIELD ON CERTAIN LAND

Clause 7.10 of the THLEP 2019 includes requirements specific to the subject site. The clause enables the consent authority to grant consent to the erection of residential flat buildings with a maximum of 1,300 dwellings across the site. However, if development will result in more than 600 dwellings, the development must provide a prescribed mix of apartment typologies and parking.

The standards contravened under clause 7.10 consist of the range of apartment type sizes under 5(c) and the rate of car parking provision under 5(d) of the clause.

2.4.1 Apartment Sizes

As anticipated in the concept development consent, there are minor variations to apartment type sizes within some prescribed ranges.

For this stage, 6 of 32 Type 2, 1 bedroom and 6 of 17 Type 2, 3 bedroom apartments have minimum size ranges 2 m2 and 3m2 less respectively than the range specified for these categories under clause 7.10 of the LEP. These apartment types have average areas of 71m2 and 125 m2 which are 6 m2 and 5 m2 above the averages anticipated in the approved Concept Plan and above the minimum range. All other types have average sizes consistent or greater than the Concept Plan anticipated averages.

Table comparing LEP controls and Stage 5 apartment type sizes

Apartment type	LEP m2	DA min	DA max	Concept av. guide	Stage 5 av. m2	Units	Totals	%
Type 1 – 1 Bed	50-65	58	60.5	55	58	13		
Type 1 – 2 Bed	70-90	79.5	89.2	79	84	55		
Type 1 – 3+ Bed	95-120	-	-	110	-	0		
Sub Total							68	32.5%
Type 2 – 1 Bed	65-75	63.2	75.5	65	71	32		
Type 2 – 2 Bed	90-110	100	107	88	105	12		
Type 2 – 3+ Bed	120-135	117	130.3	120	125	17		
Sub Total							61	29%
Type 3 – 1 Bed	75 +	75.5	75.9	75	75.6	7		
Type 3 – 2 Bed	110 +	111.5	113.2	102	113	48		
Type 3 – 3 Bed	135 +	134.5	149.8	130	150	14		
Type 3 – 4 Bed	135 +	183.8	216.5	185	205	11		
Sub Total							80	
Total						209	209	

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The variations do not lead to an increase in dwelling yield but allow floor space to be reallocated within type categories to better match local housing needs. A wide variety of apartments types is maintained while all remain well above the ADG minimums and are more than satisfactory in terms of utility and amenity.

The table above shows the average type sizes highlighting a comprehensive range that caters to a broad ambit of single to larger family households.

While minor variations are sought to two type category sizes, most apartments within those types are within the respective ranges while the amount of apartment Types remain generally consistent with the LEP ratio requirements with only a minor variation to the 30% maximum for Type 1 apartments.

2.4.2 Parking

Under clause 7.10 of the THLEP 2019, development must also provide a prescribed range of car parking as follows.

- *for each 1 bedroom dwelling—1 car parking space, and*
- *for each 2 or more bedroom dwelling—2 car parking spaces, and*
- *for every 5 dwellings—2 car parking spaces, in addition to the car parking spaces required for the individual dwelling.*

The car parking details are set out in the SEE and the Traffic Report and, as anticipated in the Concept and the then Stage 2 (now 3) DA determination, there is a variation to the LEP parking requirements to reflect the site's access to future high levels of transport choice and mass transit services whereby the following rates have been adopted:

- for each 1 bedroom dwelling—1 car parking space, and
- for each 2 bedroom dwelling—1.25 car parking spaces, and
- for each 3 or more bedroom dwelling—2 car parking spaces, and
- for every 10 dwellings—1 car parking space, in addition to the car parking spaces required for the individual dwelling.

The original rates of parking adopted for the Concept Plan development consent resulted from a clause 4.6 variation request that was informed by a study "*Parking and Car Share: Analysis and Recommendations*" prepared by Phillip Boyle and Associates. (Refer to Appendices.)

The study made a number of recommendations to reduce car dependency including reducing the prescribed parking rates from 2 parking spaces for 2 bedroom apartments to an average of 1.5, and a halving of the visitor parking rate from a very high 2 spaces per 5 apartments to 1 space.

At the prompting of the Planning Panel in the determination for Stage 3, GTA undertook an assessment of the rates taking into account car ownership, vehicle based mode share and travel mode behaviour in a Parking Report which is supported by a Transport Advice prepared by Cattel Cooper. (Refer to Appendices)

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The assessment acknowledges existing high car ownership, requirements for car ownership because of ongoing limitations in accessibility, the need for transition over time, and potential underutilization of visitor parking and misuse by residents.

The Report concludes that the proposed parking rates for residents are suited to likely demand which include personal social and economic needs as well as commuting purposes and recommended:

- a further moderation of parking for two bedroom apartments to an average of 1.35 spaces; and
- reducing visitor parking to 1 space per 10 apartments in line with current provision in localities with similar public transport accessibility that will emerge at Norwest.

The Sydney Central City Planning Panel upheld these recommendations and which has been further adjusted to 1.25 spaces for 2 bedrooms to take account of the moderately reduced demand for this apartment type after the opening of the Metro.

The Traffic Report notes that the proposed development makes provision for 303 resident and visitor spaces (excluding a car wash only bay), thereby satisfying the previously approved variations to the statutory minimum car parking requirements.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

3 Clause 4.6 Assessment

3.1 ARE THE PLANNING CONTROLS DEVELOPMENT STANDARDS?

The planning controls in Clauses 4.3, 4.4 and 7.10 relating to maximum building height, floor space ratio, minimum apartments sizes and parking are development standards under the definition within the *Environmental Planning and Assessment Act 1979* as follows *(EP&A Act, Part 1 Section 4. Definitions)*

> ***development standards*** *means provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development, including, ….*
>
> *(a) the area, shape or frontage of any land, the dimensions of any land, buildings or works, or the distance of any land, building or work from any specified point …*
>
> *(c) the character, location, siting, bulk, scale, shape, size, height, density, design or external appearance of a building or work,*
>
> *(d) the cubic content or floor space of a building,*
>
> *(e) the intensity or density of the use of any land, building or work, ….*
>
> *(g) the provision of facilities for the standing, movement, parking, servicing, manoeuvring, loading or unloading of vehicles,…..*

3.2 ASSESSMENT AGAINST THE PURPOSE/OBJECT OF THE STANDARD

3.2.1 Height of Building

The design strategies within the originally approved Concept Plan reasoned substantial variations to the height standard which in turn allowed for:

- better distribution, site coverage and massing of floor area in order to create a larger setback on the northern boundary for linear open space accessible by the public; and
- improved shadowing, and privacy impacts on adjoining properties and open space areas, as well as overall visual amenity, given the then planned future context of the site.

The objectives of the Height of Building standards under clause 4.3 of THLEP 2102 are considered to be satisfied by the adjusted height variations as follows.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

Clause 4.3 Height of Building Objectives

Objective	Response
(a) to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape,	The revised variations better responds to significant changes in the built form context to the north of the site, while the streetscape is preserved with generous setbacks and mid-winter sunlight.
(b) to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.	The limited impact of shadowing on neighbouring development to the south is maintained and planned open space areas on Spurway Drive will provide a landscaped setting to the buildings appropriate to the low rise context to the south of the site.

Clause 7.10 of THLEP 2012 under which development of the site for 1,300 dwellings is permitted also has a relevant objective as follows.

Relevant Clause 7.10 'Residential development yield on certain land' Objective

Objective	Response
(c) to provide opportunities for suitable housing density that is compatible with existing development and the future character of the surrounding area,	The proposed adjustment to the approved height variations will result in development that is a more compatible with the character of the surrounding area and provided for improved apartment separation and solar access on site while preserving solar access to townhouses south of the site and providing a coherent composition of building forms when viewed from the public domain.

Accordingly, the objectives of the height standard are better served by minimising "*the impact of overshadowing, visual impact, and loss of privacy"*, while ensuring *"the height of buildings is compatible with that of"* the 'Moda' development and the overall streetscapes and wider public domain.

The objectives of the zone and clause 7.10 as they are effected by the height, are also better served mainly by maintaining responsiveness and compatibility with changes to the physical context from subsequent rezonings on adjoining properties while minimising impacts and optimising public benefits from development.

Further, as demonstrated by the reasoning for the original approved height variations, adherence to the standards would defeat or thwart the purpose and objectives the zone and standards.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

3.2.2 Floor Space Ratio

The objectives of the floor space ratio development standard under clause 4.4 are:

(a) *to establish a maximum floor space ratio to enable appropriate development density to be achieved, and*

(b) *to ensure that development intensity reflects its locality.*

The objectives of the floor space ratio controls are clearly met by the proposed development as it implements the Concept Plan that complies in total with the THLEP 2019 FSR standard which provides for 1300 dwellings as anticipated in the LEP.

The exception to the FSR standard for Stage 5 simply represents the FSR applied to a net site area for the stage which excludes dedicated streets, as well as the altered distribution of floor space across the site in accordance with the masterplan design strategies in order to achieve improved planning and design outcomes.

Therefore, the development proposal will not lead to the contravention of the development density anticipated by the THLEP 2019 when considered for the whole Concept Plan site which in turn, reflects the locality's proximity to a wide range of jobs, services, recreational and mass transport opportunities.

Accordingly, the objectives of the FSR standard will be achieved by maintaining the overall floor space permitted for the masterplan site which represents "*an appropriate development density*" with an "*intensity that reflects its locality*".

Clause 4.4 Floor Space Ratio Objectives

Objective	Response
(a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,	The revised bulk and scale derived from the adjusted height variations will ensure better compatibility with the scale and character of existing and future surrounding development especially adjacent on Spurway Drive.
(b) to provide for a built form that is compatible with the role of town and major centres.	Overall site FSR remains compliant with the LEP standards and compatible with role of the Norwest Centre.

3.2.3 Residential development yield

The objectives of the residential development yield development standards under clause 7.10 are:

(a) *to ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets,*

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

(b) to ensure that development for residential flat buildings does not place an unreasonable burden on the provision of services, facilities and infrastructure in the area to which this clause applies,

(c) to provide opportunities for suitable housing density that is compatible with existing development and the future character of the surrounding area,

(d) to promote development that accommodates the needs of larger households, being a likely future residential use.

Objectives (b) and (c) of these provisions are satisfied in that the 1300 dwellings maximum is not being breached, thereby ensuring that the density remains compatible with existing development and future character of the surrounding area as well as available services, facilities and infrastructure.

The mix of dwelling sizes remains substantially as prescribed with only minor variance to some apartment sizes thereby ensuring suitable housing choice for different demographics, living needs and household budgets as well as for larger households as set out in objectives (a) and (d).

The variance to parking standards are also compatible with objective (b) in particular as a suitable variety of housing choice is being provided while appropriately responding to the area's significantly improved public transport infrastructure by discouraging excessive car ownership and visitation in an area of future high public transport accessibility.

3.3 IS COMPLIANCE CONSISTENT WITH THE REQUIREMENTS OF CL 4.6?

The aims of Clause 4.6 are:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

When the development is tested against the underlying objectives of the standard, compliance would not be inconsistent with the aims of the clause because the proposed height is a reflection of a considered design strategy for the entire development parcel that in turn is a response to the characteristics of the site and its context.

It is considered that the variation requested for the proposed modification will provide the better planning and design outcome by responding to the objectives of the zone and height standards as well as the existing and changed planned future context to Stage 5.

In particular, it is considered that the variation will achieve the following.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

- Improve mid-winter shadowing and privacy of the north facing apartments near the northern site boundary while preserving solar access to the townhouses to the south of the site.
- More thoughtfully respond to the changed physical context to that originally planned to the north of the site, by utilising building separations, configurations and heights more compatible with adjoining built forms.
- Create greater harmony and coherency with the form and scale of adjoining developments and help moderate the perception of scale from the public domain when viewed from the street as well as the locality and adjoining buildings.
- Refine the prescribed apartment typology sizes to better meet demographic dwelling demand and local purchaser needs to ensure variety of suitable housing choice.
- Improve travel demand management through reduced parking provision to encourage less car use and better utilisation of the community investment in metro rail infrastructure and associated transport improvements but which still meets the ownership needs of residents.
- Provide parking that adequately meets the social needs of residents in a transforming locality while better implementing metropolitan planning strategies aimed at improving transport management and sustainability.
- Enhance the local and district public domains and transport networks through the reduction of contribution to road congestion and better environments for pedestrians and associated activities including public transport use.

3.4 IS COMPLIANCE UNREASONABLE OR UNNECESSARY IN THE CIRCUMSTANCES?

Strict compliance with the relevant provisions of THLEP 2019 is considered unreasonable and unnecessary in the circumstances of the case as it would impede the considered implementation of the LEP and the objectives of the standards which would otherwise be generally thwarted.

Compliance would also impede the achieving of a better planning and design outcomes for the site as represented by the masterplan strategies as well as responding to a changed future planned context to maintain compatibility with surrounding areas, local needs for suitable housing, and metropolitan planning objectives in managing travel demand.

Further, strict compliance with the HOB, FSR and cl.11 standards wound tend to defeat the stated objectives of those standards while unnecessarily and

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

unreasonably diminishing the planning and design outcomes outlined in Section 3.3 above and justified in Section 3.5 following.

3.5 ARE THERE SUFFICIENT GROUNDS TO JUSTIFY CONTRAVENTION?

3.5.1 Building Height

As discussed above, the adjusted contraventions of the building height standard for Stage 5 responds to the analysis in the Design Report prepared by Rothelowman architects.

The design of the Stage 5 development required a response to the change in physical context at the site boundary to the north comprising residential apartments with increased height from four up to 12 storeys.

An appropriate response is also required to preserve the restraint on development on the southern boundary to maintain solar access to the adjoining townhouses south of the site.

In the reconsideration of the massing for Stage 5 to respond the changed context, RotheLowman reviewed the design strategies prepared by Turner to inform the original Concept Plan as approved.

RotheLowman responses are set out in the Concept Plan Modification Design Report and summarised below with reference to Figure 10 on the next page.

Site Strategy

1. The Proposal has been designed to respond to the conditions of Strangers Creek and the riparian corridor
2. Building A.3 marks the termination of the linear park and takes inspiration from its location next to Strangers Creek

Road Strategy

3. Enhanced pedestrian connectivity with public path adjacent to Strangers Creek connecting to Spurway Drive within the site
4. Communal connection into the site from the Strangers Creek pedestrian bridge to the lagoon pool and amenities

Setback Strategy

5. Building stepping to the south follows approved concept plan setbacks as building form and height have been refined to minimise overshadowing to adjacent development

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

6. Variations to setbacks have been carefully considered to ensure placement of building footprints allow the retention and protection of existing significant trees.

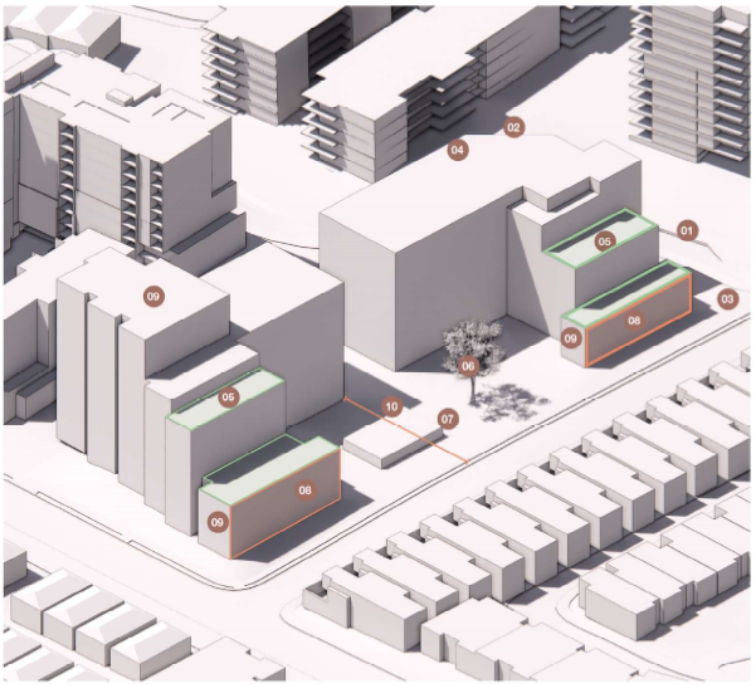


Figure 10: Extract from RotheLowman concept plan modification design report

Building Envelope Strategy

7. Distribution of building forms have been adjusted to provide open space opportunities on the ground plane

8. The extent of building interfacing with Spurway Drive has been adjusted to minimise the visual impact of the development through a reduction in bulk and scale adjacent to existing low rise residential.

Building Height Strategy

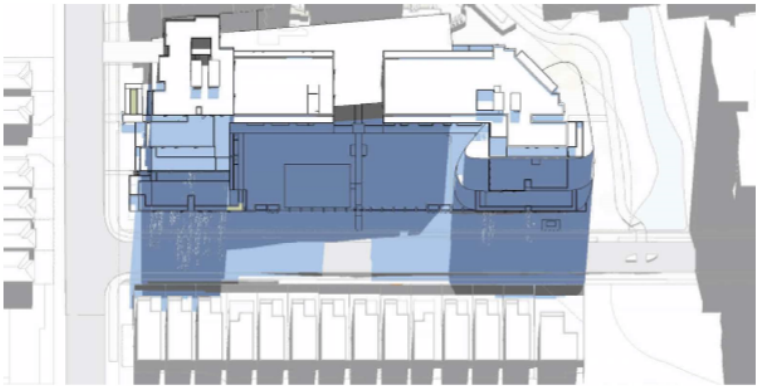
9. Minimise adverse impacts on adjacent and adjoining properties by locating lower heights adjacent to existing low rise development and concentrating height adjacent to high density development

10. Increased setbacks adjacent to the existing low rise dwellings to the south have been provided to assist in minimising the perceived scale of the proposal

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The likely impact arising from the proposed modification concerns the different relationship with the buildings north of the Stage 5 site, the maintenance of solar access south of the site and the overall visual effect of the resultant re-massing when viewed from the public domain and adjoining developments.

It has been demonstrated by RotheLowman that the net effect of changes to mid-winter overshadowing will maintain the approved outcome for the adjoining townhouses south of Spurway Drive.



Extract of shadow analysis showing existing and proposed shadowing (dark and light blue respectively (RotheLowman)

3.5.2 FSR

The contravention of the FSR standard as applied to the Stage 5 site is a result of applying a net site area which exclude the Spurway Drive extension and widened Strangers Creek reserve the as well as the considered redistribution of building mass under the approved Concept Plan to achieve a better planning and design outcome for the entire parcel.

These benefits are demonstrated in the design strategies for the approved Concept Plan coupled with the proposed re-massing to improve solar access, building relationships and visual impacts having regard to the changed built form outcome on the neighbouring property.

While the proposed GFA is marginally above that anticipated in the Concept Plan approval for this stage, it is as a result of carry-over of unused GFA from previous stages, particular Stage 4 where density was reduced in response to design concerns.

Since the overall gross floor area within Concept Plan will not be breached and the dwelling cap is maintained, no more development or anticipated adverse impacts will occur than anticipated by THLEP2019 and accordingly, there is clearly sufficient grounds to justify the localised contravention of the FSR standard.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

3.5.3 Apartment Sizes

The contravention of the residential yield standards is minor in nature and reflects the result of well-considered demographic and community assessments and local needs.

Importantly, since no more dwellings or anticipated adverse impacts will occur than anticipated by THLEP 2019, there is clearly sufficient grounds to justify the contravention of the development yield standards for apartment sizes to ensure apartment sizes are suitable for local needs in accordance with the objectives of the standard.

In particular, the resultant apartment sizes are well in excess of ADG minimum standards and provide over nine bedroom and size typologies to ensure future residents represent a mix of demographic characteristic that reflects the wider community while ensuring satisfaction of local housing needs.

3.5.4 Parking

An assessment of the parking rates undertaken by GTA consultants for the Concept Plan took into account car ownership, vehicle based mode share and travel mode behaviour influences.

The assessment acknowledges existing high car ownership, requirements for car ownership because of ongoing limitations in accessibility, the need for transition over time, and potential underutilization of visitor parking and misuse by residents.

In addition to the parking assessment, transport advice provided by Cattell Cooper suggests that "*prevailing car ownership rates provide a good basis for determining residential parking requirements. (Brodie and Longworth, 2010). This ensures residents' vehicles are accommodated on site but avoids over-provision. It also allows for a reduction in vehicle ownership in the longer term and a repurposing of car parking (for example, into storage areas, electric vehicle charging or car share spaces)*".

The Transport Advice provides greater understanding to the treatment of resident and visitor parking to discourage car use in favour of alternative modes of travel, and supports the GTA recommendations. (Refer Transport Advice in the Appendices)

In particular, the Transport advice provides additional analysis of the nature of visitor parking as meeting destination demand which has a more direct and significant influence on non-car modal choice and travel behaviour in general. It also highlights the need and inevitability for the active management of on-street parking by Council.

The Parking Report compares Norwest to locations with a similar level and nature of accessibility by public transport and notes that these have in place visitor parking rates lower then RMS minimums and comparable to 1 per 10 apartments as proposed.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

The Transport Advice concludes, "*expected vehicle ownership provides a reasonable basis from which to determine residents' parking requirements, meeting residents' needs and minimising the risk of increased car ownership". "Conversely, restricting visitor parking offers an opportunity to encourage the use of non-car transport options, recognising the change in transport provision."*

It is noted that literature highlights the importance of applying a range of tools to influence transport choice including the better integration with land uses and the better provision for pedestrian movements over cars with a more supportive public domain for non-car modes of travel. The effect of managing parking supply will be limited without corresponding improvements and these will take time to implement.

Accordingly, the contravention of parking rates is well supported and justified by technical analysis as well as State government planning policy, strategy and guidance.

3.6 IS THE REQUEST WELL FOUNDED?

This request under clause 4.6 of THLEP 2019 is considered to be well founded for the following reasons.

- The proposed development remains consistent with the objectives, nature and intent of THLEP 2019 and the concept plan staged development consent in which the subject land is included.
- The development and variations as proposed is based on a well-reasoned concept design and re-massing strategy responding to existing and future planned context of the site to achieve better planning and design outcomes appropriate the site as well as its location and context.
- The variation to height of buildings will allow greater building separation and a more harmonious relationship with adjoining development, and is consistent with the Concept Plan Modification which allowed variations for improved apartment amenity and appropriate responses to changed contexts as well as accommodating site conditions.
- The height variation is supported by shadow analysis demonstrating maintained mid-winter solar access to the adjoining public domain and existing developments while achieving better improved amenity for the proposed Stage 5 apartments.
- The variation to floor space ratio is a technicality being the result of the net effect of the DA boundary and does not alter the compliance of the overall Concept Plan to the accumulated FSR as well as the cap on the number of dwellings permitted by THLEP.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

- The variation to apartment sizes comprises are minor in nature while all apartments remain well above the ADG minimums and a variety of types that respond to local needs reflected in the LEP provisions.
- The variation to parking provisions better reflects metropolitan planning policy for accessibility to mass public transport and is well supported by technical analysis to achieve improved sustainability through travel demand management.
- The proposed development is wholly consistent with the underlying objectives of the development standards which would be thwarted by strict compliance.
- The proposed variations do not add significantly to the overall impact to adjoining land uses and activities but rather improve planning outcomes in this regard.
- The non-compliances do not result in any additional adverse environmental impacts on the amenity of the surrounding area in general.
- Strict compliance with the controls in the circumstance would result in unnecessary planning and design limitations and consequently, a diminished urban outcome.

4 Conclusion

The proposed exceptions to the development standards contained in The Hills Local Environment Plan 2019 Clause 4.3 Height of Buildings, Clause 4.4 Floor Space Ratio and Clause 7.10 Residential Development Yield on Certain Land will result in a better planning and design outcome as set-out in the justification in Section 3.5

The exceptions will not result in development inconsistent with the locality. The development as designed remains consistent with the underlying intent of the standard and the objectives of the respective zone.

It is concluded from the design strategies and assessments within and referenced in this report, that the proposed contraventions to the development standards as described, do not undermine or frustrate the underlying objectives to those standards. Further, it is considered that to varying degrees, the objectives of the standards may be defeated without the flexibility being employed in this request.

The non-compliances do not give rise to any significant additional adverse environmental impacts but provides for a better urban planning and design outcome as demonstrated by a well-reasoned concept design strategy and appropriate responses to existing and planned future contexts of the site as well as metropolitan planning objectives.

It is therefore considered that strict compliance with the height of building, floor space and residential development yield development standards is unreasonable

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

and unnecessary in the circumstances and that that there are sufficient environmental planning grounds to justify contravening the development standards as proposed.

It is also considered appropriate to provide the required flexibility in applying the development standards to achieve better outcomes for and from development as proposed for The Orchards site by allowing the requested variations in this particular circumstance.

Accordingly, the consent authority should find that it is able to support the requested exception to development standards under clause 4.6 of The Hills LEP 2019.

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

ATTACHMENT N – GENERAL TERMS OF APPROVAL DPIE-WATER

Department of Planning and Environment

NSW GOVERNMENT

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

Our ref: IDAS-2025-10145
Your ref: 237/2025/JP

27 March 2025

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-2025-10145 - Integrated Development Referral – General Terms of Approval**
Dev Ref: **237/2025/JP**
Description: **Community title subdivision and staged construction of two residential flat buildings containing 209 apartments served by 2 levels of basement and a separate communal building.**
Location: **Lot 4, DP271187, 104 FAIRWAY DRIVE NORWEST 2153**

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.

ADDITIONAL COMMENTS

- Applicant should seek input from WaterNSW as to whether a Water Access Licence would be required to extract groundwater during basement excavation and construction.

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

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

General Terms of Approval

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

Reference Number:	IDAS-2025-10145
Issue date of GTA:	27 March 2025
Type of Approval:	Controlled Activity
Location of work/activity:	Lot 4, DP271187, 104 FAIRWAY DRIVE NORWEST 2153
Waterfront Land:	Strangers Creek
DA Number:	237/2025/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-G004	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 237/2025/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-G005	A. The application for a controlled activity approval must include the following plan(s): - Site plans - Detailed civil construction plans - Erosion and sediment control plans - Construction detailed drainage plans - Construction stormwater drainage outlet plan - Construction detailed basin design plans - Construction detailed bulk earthworks plans 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

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

General Terms of Approval

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

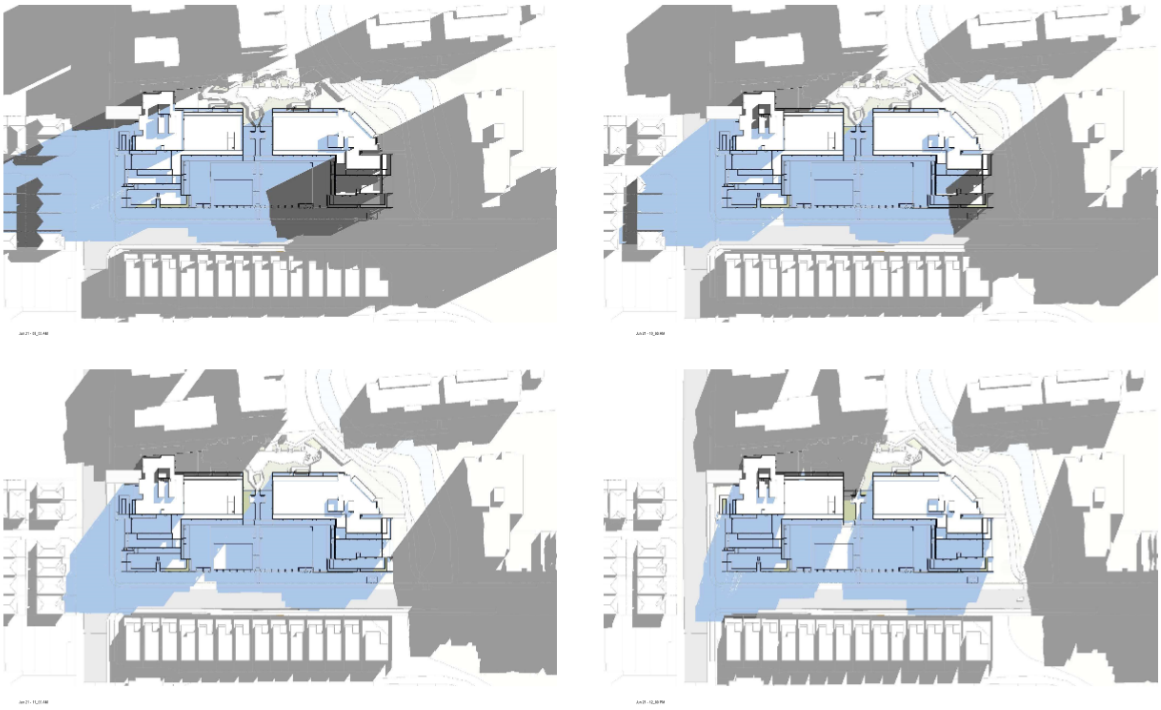
SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by Department of Planning and Environment-Water for integrated development associated with IDAS-2025-10145 as provided by Council:

- Statement of Environmental Effects, prepared by Dowling Urban, dated July 2024
- Civil Engineering Plans, Ref. 1610311, prepared by Northrop, dated 05/08/2024
- Demoliton, Site and Architectural Plans, Ref. 218063, prepared by rothelowman, Rev. B, dated 18/12/2024

Document Set ID: 21920480
Version: 11, Version Date: 03/06/2025

ATTACHMENT O – SHADOW DIAGRAMS



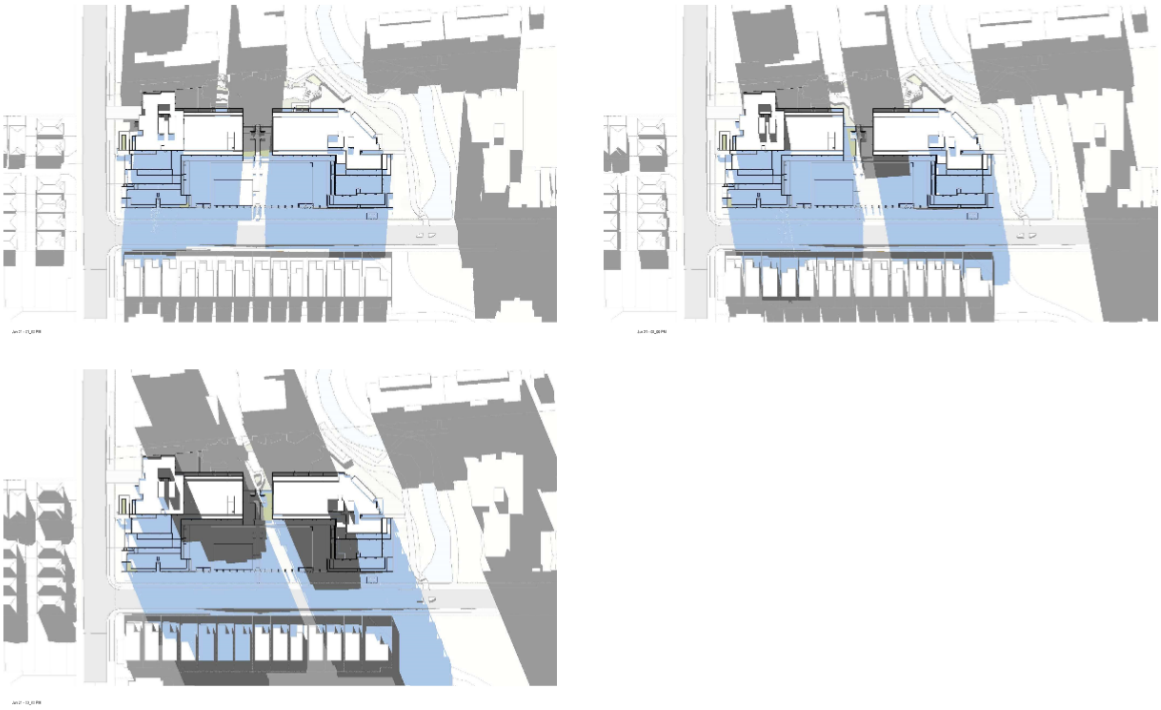
DEVELOPMENT APPLICATION

Revision			
A	26.07.2024	DA ISSUE	JC
B	18.11.2024	RESPONSE TO DAP	JC

SHADOW CAST BY PROPOSED BUILDING
SHADOW CAST BY EXISTING BUILDINGS
SHADOW CAST BY NEW LISTED HERITAGE VILLAGE

Project: The Orchards - Stage 5
Drawing: Shadow Studies with Existing Buildings
Project No: 218063
Author: AC
Scale @ A1: 1 : 500
Drawing No.: DA05.21
B

rothelowman
Brisbane. Melbourne. Sydney
www.rothelowman.com.au



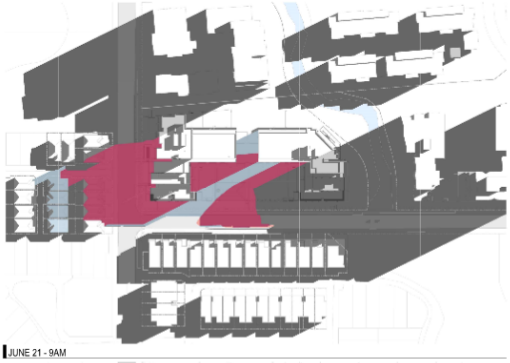
DEVELOPMENT APPLICATION

Revision			
A	26.07.2024	DA ISSUE	JC
B	18.11.2024	RESPONSE TO DAP	JC

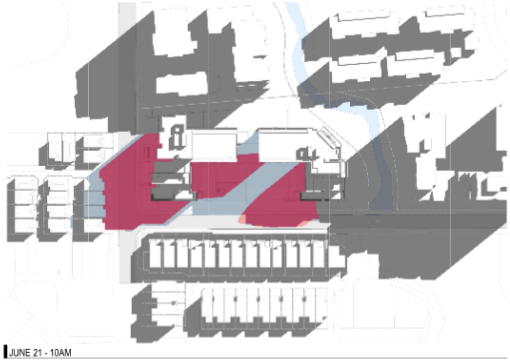
SHADOW CAST BY PROPOSED BUILDING
SHADOW CAST BY EXISTING BUILDINGS
SHADOW CAST BY NEW LISTED HERITAGE VILLAGE

Project: The Orchards - Stage 5
Drawing: Shadow Studies with Existing Buildings
Project No: 218063
Author: AC
Scale @ A1: 1 : 500
Drawing No.: DA05.22
B

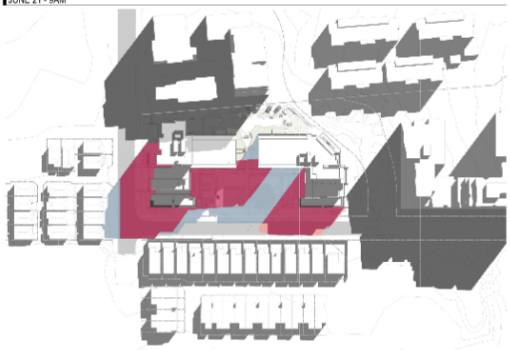
rothelowman
Brisbane. Melbourne. Sydney
www.rothelowman.com.au



JUNE 21 - 9AM



JUNE 21 - 10AM



JUNE 21 - 11AM

JUNE 21 - 12PM

DEVELOPMENT APPLICATION

Revision		
A	26.07.2024 DA ISSUE	JC
B	16.11.2024 RFI RESPONSE / S213AP	JC

APPROVED MASSING (MASON STREET)
PROPOSED SHADOW (AT 9:00 BETWEEN APPROVED MASSING SHADOW)
PROPOSED SHADOW REFLECTOR PRISM APPROVED MATERIAL COLOUR
CUT FEET EXISTING & MODERN

Project: The Orchards - Stage 5
15a FAIRWAY DRIVE, NORWEST, NSW

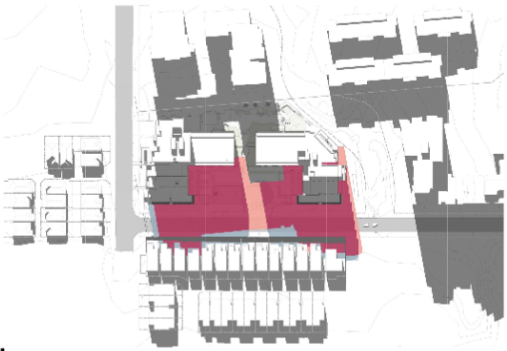
Drawing: Shadow Plans with Approved Concept Plan

Project No.: 218063 | Author: JC | Scale @ A1: 1 : 1000 | Drawing No.: DA05.23 | B

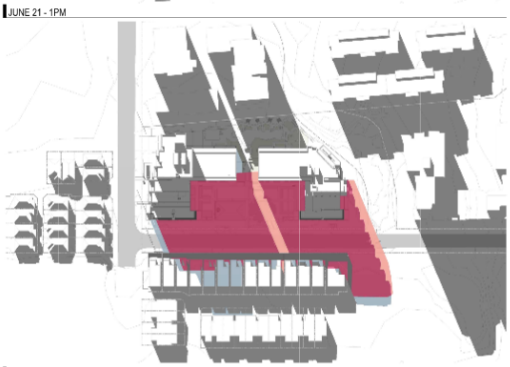
Disclaimer: Rothe Lowman Property Pty. Ltd. retains all current rights, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or re-use of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstances shall transfer of the document be deemed a sale or constitute a transfer of the license to use this document. ABN 79 000 783 607

rothelowman
Brisbane, Melbourne, Sydney
www.rothelowman.com.au

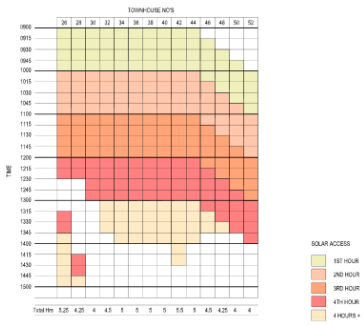
JUNE 21 - 1PM



JUNE 21 - 2PM



JUNE 21 - 3PM



SOLAR ANALYSIS OF TOWNHOUSES

DEVELOPMENT APPLICATION

Revision		
A	26.07.2024 DA ISSUE	JC
B	16.11.2024 RFI RESPONSE / S213AP	JC

APPROVED MASSING (MASON STREET)
PROPOSED SHADOW (AT 9:00 BETWEEN APPROVED MASSING SHADOW)
PROPOSED SHADOW REFLECTOR PRISM APPROVED MATERIAL COLOUR
CUT FEET EXISTING & MODERN

Project: The Orchards - Stage 5
15a FAIRWAY DRIVE, NORWEST, NSW

Drawing: Shadow Plans with Approved Concept Plan

Project No.: 218063 | Author: JC | Scale @ A1: As indicated | Drawing No.: DA05.24 | B

Disclaimer: Rothe Lowman Property Pty. Ltd. retains all current rights, statutory law and other rights including copyright and intellectual property rights in respect of this document. The recipient indemnifies Rothe Lowman Property Pty. Ltd. against all claims resulting from use of this document for any purpose other than its intended use, unauthorised changes or re-use of the document on other projects without the permission of Rothe Lowman Property Pty. Ltd. Under no circumstances shall transfer of the document be deemed a sale or constitute a transfer of the license to use this document. ABN 79 000 783 607

rothelowman
Brisbane, Melbourne, Sydney
www.rothelowman.com.au