

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2015SYW108
DA Number	1509/2015/JPZ
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	SUBDIVISION CREATING 460 RESIDENTIAL LOTS, EIGHT RESIDUE LOTS, TWO OPEN SPACE LOTS AND ONE STORMWATER MANAGEMENT LOT INCLUDING NEW ROAD AND DEMOLITION OVER EIGHT STAGES
Street Address	91A-103 BOUNDARY ROAD, BOX HILL NSW 2765
Applicant/ Owner	MOGUL STUD PTY LTD/ MOGUL STUD PTY LTD AND JUNDU PTY LTD
Number of Submissions	ONE
Regional Development Criteria (Schedule 4A of the Act)	GENERAL DEVELOPMENT WITH A CIV OVER \$20 MILLION
List of All Relevant s79C(1)(a) Matters	- List all of the relevant environmental planning instruments: s79C(1)(a)(i) SEPP (State and Regional Development) 2011 SEPP (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan SEPP 55 Remediation of Land SREP 20 Hawkesbury/ Nepean River - List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii) Nil - List any relevant development control plan: s79C(1)(a)(iii) Box Hill and Box Hill Industrial Precincts Development Control Plan - List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) Nil - List any coastal zone management plan: s79C(1)(a)(v) Nil - List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92,

	93, 94, 94A, 288 Nil
Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes, Condition 50 recommended below.
List all documents submitted with this report for the panel's consideration	Submissions
Recommendation	Approval
Report by	Subdivision Coordinator Benjamin Hawkins
Report date	15 September 2016

EXECUTIVE SUMMARY

The development application is for a subdivision creating 460 residential lots, eight residue lots, two open space lots and one stormwater management lot including the construction and dedication of new public roads. The development will be implemented over eight stages. The proposal relates to four lots known as Lot 11 DP 883323, Lot 75 DP 605776, Lot 12 DP 1009338 and Lot 51 DP 1006799, 91A-103 Boundary Road, Box Hill, within a larger land holding under the same ownership generally bound by Windsor Road to the south, Boundary Road to the west, Old Pitt Town Road to the north and the rear boundary of the properties facing Terry Road to the east.

The development application is preceded by an amendment to SEPP (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan that was made/ notified by the Department of Planning and Environment on 22 August 2016. The amendment is supposed to be accompanied by an amendment to the Box Hill and Box Hill Industrial Precincts Development Control Plan; however this has not occurred yet.

The development application complies with SEPP (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan but includes variations to the Box Hill and Box Hill Industrial Precincts Development Control Plan resulting from the discrepancy referred to earlier, as well as other variations relating to road formation, lot width and lot size for battle-axe lots. These variations are all minor in the context of the scale of the development and do not warrant further amendment or refusal of the application.

Development Consent 1327/2014/ZB approved bulk earthworks and creek rehabilitation over a portion of the larger land holding under the same ownership referred to earlier. Those works are underway, and the subdivision works proposed under this application sit on top.

The proposal is integrated development under Section 91 of the Environmental Planning and Assessment Act 1979 as it seeks to subdivide bushfire prone land and includes works within 40 metres of an identified natural watercourse. The Rural Fire Service and the Department of Primary Industries – Water have both issued their general terms of approval subject to conditions.

One submission was also received raising concern with possible flooding, nuisance stormwater and orderly development impacts on a property downstream. The concerns have been addressed in the report and it is recommended that the application be approved subject to the recommended conditions.

In the absence of the Joint Regional Planning Panel process, this matter would be determined by Council's Development Assessment Unit.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Jundu Pty Ltd and Mogul Stud Pty Ltd	1.	<u>Section 79C</u> – Satisfactory
Zoning:	R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure, E2 Environmental Conservation and B7 Business Park	2.	<u>SEPP (SRGC) 2006 Appendix 11</u> – Satisfactory
Area:	114.945ha	3.	<u>Box Hill and Box Hill Industrial Precincts DCP</u> – Variations sought, see report
Existing Development:	Vacant land/ creek rehabilitation and earthworks underway	4.	<u>SEPP 55</u> – Satisfactory
		5.	<u>SREP 20</u> – Satisfactory
		6.	<u>Section 94 Contribution</u> – \$14,010,000.00

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. Exhibition:	Yes, 30 days	1.	General development with a CIV over \$20 million
2. Notice Adj Owners:	Yes, 30 days		
3. Number Advised:	17		
4. Submissions Received:	1		

HISTORY

24/01/2014

Meeting held between Council staff and the applicant to discuss the planned relocation of a proposed collector road, known as Mt Carmel Drive, within the subject site. The applicant was advised that the proposed change required an amendment to SEPP (SRGC) 2006 Appendix 11 and that any development application reliant on this planned change must not be submitted until the SEPP amendment has been finalised.

06/02/2014

Meeting held between Council staff, the applicant and the Department of Planning and Environment to discuss the SEPP amendment.

10/04/2014

Department of Planning and Environment advised Council staff and the applicant that the SEPP amendment can be submitted

to/ assessed by the Department rather than Council.

02/05/2014	1327/2014/ZB lodged over the subject site for bulk earthworks and creek rehabilitation.
02/05/2014	1328/2014/ZB lodged over the subject site for road and bridge construction. Specifically, the section of Mt Carmel Drive between the subject site/ development and Windsor Road further south.
11/07/2014	The applicant requested and Council staff subsequently agreed that both 1327/2014/ZB and 1328/2014/ZB would be held in abeyance until such time as the SEPP amendment had progressed to the stage they could be considered.
11/11/2014	Pre-lodgement meeting held to discuss the subdivision of the part of the site/ development referred to by the applicant as Stage 1. The applicant was advised that the application should not be submitted until the SEPP amendment had progressed to the stage it could be considered.
23/12/2014	Court appeal lodged by the applicant against the deemed refusal of both 1327/2014/ZB and 1328/2014/ZB.
20/01/2015	915/2015/ZB lodged for the part of the site/ development referred to by the applicant as Stage 1.
03/02/2015	Pre-lodgement meeting held to discuss the subdivision of the part of the site/ development referred to by the applicant as Stage 2. The applicant was advised that the application should not be submitted until the SEPP amendment had progressed to the stage it could be considered.
10/02/2015	1328/2014/ZB for road and bridge construction refused by Council's Development Assessment Unit.
23/04/2015	Request for information sent to the applicant for 915/2015/ZB above seeking, amongst other things, that the application be withdrawn and resubmitted when the SEPP amendment had progressed to the stage it could be considered.
20/05/2015	Meeting held between Council staff and the applicant to discuss the above request for information.
29/05/2015	915/2015/ZB was withdrawn by the applicant.
01/06/2015	The subject development application 1509/2015/JPZ was lodged for both Stages 1 and 2. Stage 1 was unchanged from 915/2015/ZB above.
15/06/2015	Request for information sent to the applicant seeking, amongst other things, that the application be withdrawn and resubmitted when the SEPP amendment had progressed to the stage it could be considered.
23/06/2015	Subject development application advertised as nominated integrated development and notified to surrounding properties.
24/06/2015	1657/2015/ZB lodged over 15 to 17 Boundary Road and a

small part of the subject site for the development referred to by the applicant as Stage 3.

25/06/2015	The Joint Regional Planning Panel was briefed on the proposal.
01/07/2015	1327/2014/ZB for bulk earthworks and creek rehabilitation was approved by the Land and Environment Court subject to conditions agreed to by both parties. The approved works were unaffected by the SEPP amendment.
07/07/2015	Comments received from Sydney Water raising no objection to the proposal subject to conditions relating to the provision of water and sewer services.
17/07/2015	Comments received from Roads and Maritime Services raising no objection to the proposal.
24/07/2015	General terms of approval provided by the Department of Primary Industries – Water.
30/07/2015	General terms of approval provided by the Rural Fire Service.
30/07/2015	The Land and Environment Court dismissed an appeal against the refusal of 1328/2014/ZB for road and bridge construction.
11/08/2015	The applicant was again requested to withdraw the subject application following the above judgement.
17/08/2015	The SEPP amendment was submitted to the Department of Planning and Environment by the applicant.
21/08/2015	Comments received from Transgrid raising no objection to the proposal on the basis there are no works proposed in Stages 1 or 2 under or near their transmission line/ easement.
27/08/2015	Meeting held between Council staff and the applicant to discuss the outstanding request for information.
27/08/2015	The applicant filed an appeal (Section 56A appeal/ appeal proceedings) against the decision of the Land and Environment Court to dismiss their appeal against the refusal of 1328/2014/ZB for road and bridge construction.
21/10/2015	Meeting held between Council staff and the applicant to discuss the outstanding request for information and the Land and Environment Court judgement relating to 1328/2014/ZB.
04/11/2015	Letter sent to the applicant following the above meeting requesting that they respond to/ address the concerns raised in the outstanding request for information.
06/11/2015	The applicant provided a partial response to the outstanding request for information.
23/11/2015	800/2016/HB lodged for the use of the lots within Stages 2B and 2G as an exhibition village.
30/11/2015	The SEPP amendment was exhibited by the Department of Planning and Environment until 1 February 2016.

27/01/2016	The applicant provided further additional information, including an amended set of plans.
17/02/2016	Meeting held between Council staff and the applicant to discuss the amended set of plans.
26/02/2016	Council's formal submission to the SEPP amendment was forwarded to the Department of Planning and Environment following the Council meeting on 23 February 2016.
04/03/2016	Request for information sent to the applicant detailing required amendments to the subdivision plan, engineering plan, stormwater management strategy and traffic analysis of the revised intersections.
06/04/2016	Meeting held between Council staff and the applicant to discuss the required amendments to the subdivision plan, engineering plan, stormwater management strategy and traffic analysis of the revised intersections.
18/04/2016	Summary of matters discussed/ requiring action arising from the above meeting sent to the applicant.
18/04/2016	Transport for NSW sent a submission to the Department of Planning and Environment regarding the SEPP amendment, raising concern with the design and layout of the intersection between Mt Carmel Drive/ Windsor Road, the funding of this intersection and the width of the collector roads and their ability to provide for bus stops along the narrower/ kerbside lane.
29/04/2016	The Department of Planning and Environment requested Council staff comment on the submission from Transport for NSW.
16/05/2016	Response from Council staff to the submission from Transport for NSW sent to the Department of Planning and Environment. The one matter relevant to this application is the width of the collector roads and their ability to provide for bus stops along the narrower/ kerbside lane. The recommended approach to dealing with this matter from both Council staff and the applicant was to provide localised widening/ bus bays in place of a wider road/ altered road hierarchy, on the basis that the Precinct Planning Process was completed over three years ago.
30/06/2016	Amended subdivision plan, engineering plan and traffic analysis of the revised intersections provided.
05/07/2016	Feedback on the amended information provided to the applicant.
06/07/2016	Amended stormwater management strategy provided.
06/07/2016	The Department of Primary Industries – Water advised they have no objection to the amended plans and that their previous general terms of approval should apply.
11/07/2016	Amended subdivision plan provided.

14/07/2016	The Land and Environment Court, by consent of the parties, discontinued the appeal proceedings relating to the refusal of 1328/2014/ZB for road and bridge construction.
15/07/2016	Further to the previous letter on 26 February 2016 above, a separate letter was sent to the Department of Planning and Environment by Council staff providing additional development controls relating to the Windsor Road/ Box Hill Inn Village Centre south of the subject site adjacent to Windsor Road.
28/07/2016	Meeting held between Council staff, the applicant, the Department of Planning and Environment and the Roads and Maritime Services to discuss the SEPP amendment and the submission from Transport for NSW relating to the same referred to earlier.
28/07/2016	The applicant filed a notice of motion with the Land and Environment Court seeking to set aside the discontinuance and have the appeal proceedings relating to the refusal of 1328/2014/ZB for road and bridge construction resumed/ reopened.
29/07/2016	The Rural Fire Service advised they have no objection to the amended plans and that their previous general terms of approval should apply.
01/08/2016	Amended subdivision plan provided.
04/08/2016	Updated comments received from Sydney Water raising no objection to the proposal subject to conditions relating to the planned relocation of the existing sewer main along Killarney Chain of Ponds within the subject site shown on the amended engineering plans.
18/08/2016	The Joint Regional Planning Panel was briefed on the proposal for a second time, which included a site visit.
22/08/2016	The SEPP amendment was made/ notified by the Department of Planning and Environment. The SEPP amendment is supposed to be accompanied by a DCP amendment however this has not occurred because the Department of Planning and Environment was unable to get the mapping data for the existing DCP from the consultants which they engaged to prepare the original DCP. As it stands the SEPP and the DCP do not match.
25/08/2016	The Land and Environment Court dismissed the motion relating to the refusal of 1328/2014/ZB for road and bridge construction. Now that the SEPP amendment has been made/ notified the applicant should lodge a new development application for the section of Mt Carmel Drive south of Stage 2 in this plan extending to (and including) the intersection at Windsor Road/ Mt Carmel Drive.

BACKGROUND

The subject site is known as Lot 11 DP 883323, Lot 75 DP 605776, Lot 12 DP 1009338 and Lot 51 DP 1006799, 91A-103 Boundary Road, Box Hill, and forms part of a larger land

holding under the same ownership generally bound by Windsor Road to the south, Boundary Road to the west, Old Pitt Town Road to the north and the rear boundary of the properties facing Terry Road to the east. The total site area is 114.945 hectares and is located within the Box Hill and Box Hill Industrial Precincts release area, so State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan (SEPP) applies. Two of these four lots, Lot 75 DP 605776 and Lot 51 DP 1006799, are also the subject of a separate subdivision approved under 1657/2015/ZB which is currently under construction. With respect to those two lots, the current application further subdivides proposed residue lots 3142 and 3143 created by that preceding plan/ subdivision.

The application has been amended from when it was first lodged. The original application did not include Lot 11 DP 883323 at the northern end of the site. The addition of this land to the application is solely linked to providing for the full width (rather than partial width) construction of the proposed road along a section of the northern boundary, and has no bearing on that lot or the properties surrounding it otherwise. The vast majority of that existing lot is to be contained within a residue lot which will be the subject of one or more separate development applications later. The proposal was also amended to include an additional 12 residential lots, five residue lots, two open space lots and one stormwater management lot. The number of stages was also increased from six to eight. The proposal is outlined in more detail later.

The development application is preceded by an amendment to the SEPP that was made/ notified by the Department of Planning and Environment on 22 August 2016. The SEPP amendment relates to the larger land holding under the same ownership referred to earlier. The landowner requested that the SEPP be amended to relocate Mt Carmel Drive on the basis that the gazetted location of the road was “unworkable” due to a number of factors including sight distance, elevation differences (it sits underneath a transmission line) and the large amounts of cut and fill required. The change to the location of Mt Carmel Drive affected other aspects of the plan however, and the SEPP amendment included:

- Amending the location of land identified as SP2 Infrastructure for Mt Carmel Drive and the two village centres along its alignment, “Mt Carmel Village” and “Windsor Road/ Box Hill Inn Village”, to ensure these centres remain along Mt Carmel Drive; and realign a number of public open space and water management areas in response to the proposed new location of Mt Carmel Drive.
- Amending height of buildings, floor space ratio, lot size and residential density maps in association with the proposed amendments to the land zoning map (to ensure continuity between land uses and development controls).
- Amending the location of land identified for acquisition associated with Mt Carmel Drive, water management and public open space areas.
- Amending the location of Mt Carmel Drive as it passes through areas mapped as native vegetation retention and riparian protection.

The SEPP amendment is supposed to be accompanied by an amendment to the Box Hill and Box Hill Industrial Precincts Development Control Plan (DCP); however this has not occurred because the Department of Planning and Environment was unable to get the mapping data for the existing DCP from the consultants which they engaged to prepare the original DCP. As it stands the SEPP and the DCP do not match.

The applicant was advised on multiple occasions that the application should not be submitted until the SEPP amendment had progressed to the stage it could be considered. Despite this advice, the application was lodged before the SEPP amendment had even been submitted to the Department of Planning and Environment. The statement of

environmental effects noted that the SEPP amendment was “likely to proceed” and that the application had been submitted “concurrently”.

A separate development application pursuant to 1328/2014/ZB was also lodged by the applicant over the subject site for road, bridge and intersection works. Specifically, the application sought approval for the section of Mt Carmel Drive which connects the southern edge of Stage 2 in this plan with Windsor Road further south, including the intersection of Windsor Road/ Mt Carmel Drive. That application was refused by Council’s Development Assessment Unit on 10 February 2015. An appeal to the Land and Environment Court against that refusal was dismissed on 30 July 2015 on the basis that the subject development application had been lodged prematurely, prior to the requisite amendment to the SEPP being “imminent” or “certain”. The applicant subsequently filed a Section 56A appeal/ appeal proceedings against that decision which was discontinued by consent of the parties. The applicant then filed a notice of motion seeking to set aside the orders and have the appeal proceedings resumed/ reopened; a motion that was only recently dismissed, on the basis that it was not appropriate to reopen the appeal proceedings on the basis of an error made. Now that the SEPP amendment has been made/ notified the applicant should lodge a new development application for the section of Mt Carmel Drive south of Stage 2 in this plan. The Court proceedings relating to that matter justify the decision of Council staff to insist that the SEPP amendment occur before this development application could be considered.

Lastly, 1327/2014/ZB approved bulk earthworks and creek rehabilitation over a portion of the larger land holding under the same ownership referred to earlier. Those works are underway, and the subdivision works proposed under this application sit on top. A plan showing the approved bulk earthworks and creek rehabilitation is included as Attachment 10. The vast majority of the site is subject to the biodiversity certification order as shown in Attachment 7. Most of the vegetation removal required to facilitate this subdivision has already occurred under 1327/2014/ZB.

PROPOSAL

The development application is for a subdivision creating 460 residential lots, eight residue lots, two open space lots and one stormwater management lot including new road and demolition over eight stages.

The breakdown between the eight stages is described below:

- Stage 1 subdivides Lot 11 DP 883323, Lot 12 DP 1009338 and residue lots 3142 and 3143 approved under 1657/2015/ZB (as amended) to create 189 residential lots numbered 1001 to 1189, one open space lot numbered 1190, one stormwater management lot numbered 1191 and six residue lots numbered 1192 to 1197. Lots 1190 and 1191 are zoned RE1 and SP2 and will be acquired by Council for open space and stormwater management purposes respectively under a separate process.
- Stage 2A subdivides residue lots 1195 and 1195 created in Stage 1 to create two residential lots numbered 201 and 202, eight residue lots numbered 203 to 207 and 209 to 211 and one open space lot numbered 208. Lot 208 is zoned RE1 and will be acquired by Council for open space purposes under a separate process.
- Stage 2B subdivides residue lot 203 created in Stage 2A to create 113 residential lots numbered 2101 to 2113 and one residue lot numbered 2114.
- Stage 2C subdivides residue lot 205 created in Stage 2A to create 63 residential lots numbered 2201 to 2263.
- Stage 2D subdivides residue lot 204 created in Stage 2A to create 44 residential lots numbered 2302 to 2345 and one residue lot numbered 2346.

- Stage 2E subdivides residue lot 207 created in Stage 2A to create 19 residential lots numbered 2401 to 2419.
- Stage 2F subdivides residue lot 206 created in Stage 2A to create 11 residential lots numbered 2501 to 2511.
- Stage 2G subdivides residue lot 2114 created in Stage 2B to create 19 residential lots numbered 2601 to 2619.

The subdivision plan is included as Attachment 9.

In addition to the subdivision of land, the proposal also includes the construction and dedication of the 21 new roads and two roundabouts shown on the plan, a culvert/ creek crossing over Killarney Chain of Ponds linking the Stage 1 area to the Stage 2 area, services, earthworks, retaining walls, tree removal and stormwater management facilities (a combination of permanent and temporary measures) to address stormwater runoff from the development site both in the short to medium term and into the future as adjoining land is developed, generally in line with the stormwater management strategy approved with the original Precinct Planning Process and referenced in the DCP.

Access to the development site will be provided to/ from Boundary Road via the proposed collector road included in Stage 1. The continuation of this road further south-east via a culvert/ creek crossing over Killarney Chain of Ponds is included in Stage 2. Eventually, as adjoining lands are developed additional accesses will be provided as per the DCP/ Indicative Layout Plan.

The 460 residential lots are all larger than 300 square metres and can/ are being created as vacant lots, the development of which will be the subject of separate applications. For this same reason the applicant was not supported by, and does not require, a Building Envelope Plan or a Public Domain Plan.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (State and Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and Schedule 4A of the Environmental Planning and Assessment Act 1979 provides the following referral requirements to a Joint Regional Planning Panel (JRPP): General development that has a capital investment value of more than \$20 million. The development application has a capital investment value of \$30,127,822.00 thereby requiring referral to, and determination by, the JRPP. In accordance with this requirement the application has been referred to the JRPP for determination.

2. Compliance with SEPP (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan

General Aims

The aims of the SEPP are:

- *to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan for the Box Hill and Box Hill Industrial Precincts,*
- *to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity,*
- *to guide the bulk and scale of future development within the Precincts,*

- *to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Precincts,*
- *to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites,*
- *to identify land within the Precincts that is proposed to be brought into public ownership for the purposes of roads, parks, drainage and schools.*

The proposed development is considered satisfactory with respect to the aims of the SEPP.

Zoning

The subject site is zoned R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure, E2 Environmental Conservation and B7 Business Park as shown in Attachment 3.

The objectives for each of the five zones are considered below:

R2 Low Density Residential:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The proposed development is consistent with the first zone objective in that it creates 460 new residential lots which will eventually accommodate low density residential development (dwellings), providing housing opportunities for the community. The actual development of these lots will be the subject of separate applications, at which time the other three zone objectives relating to other additional permitted uses would become relevant.

RE1 Public Recreation:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The proposal seeks to create the two larger planned parks within their own lots, which can then be acquired by Council under a separate process. One of these lots is included in Stage 1 and the other in Stage 2. The other smaller parks within the development site are contained to the larger residue lots and can/ will be created in later applications. The works proposed within the two larger planned parks include some of the stormwater management facilities (a combination of permanent and temporary measures) to address stormwater runoff from the development site both in the short to medium term and into the future as adjoining land is developed, generally in line with the stormwater

management strategy approved with the original Precinct Planning Process and referenced in the DCP. The final design and layout of this infrastructure, particularly the permanent basins/ raingardens, will be determined at the Construction Certificate stage subject to the conditions recommended below.

SP2 Infrastructure:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Similar to the parks discussed earlier, the proposal seeks to create a separate lot containing the stormwater management zoned land in Stage 1, which can then be acquired by Council under a separate process. The works proposed within this stormwater management zoned land include a portion of the permanent basin planned here, along with a temporary swale to direct runoff towards that basin/ away from the adjoining properties downstream (south-west). The final design and layout of this infrastructure, particularly the permanent basins/ raingardens, will be determined at the Construction Certificate stage subject to the conditions recommended below.

The only other SP2 zoned land relates to the extension of Mt Carmel Drive south of Stage 2 extending to Windsor Road. This section of road is not included in the scope of this development application, and the land to which it relates is contained to the larger residue lot here.

E2 Environmental Conservation:

- *To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.*
- *To prevent development that could destroy, damage or otherwise have an adverse effect on those values.*

The E2 zoned land is contained to the residue lots and will be retained by the developer, as intended by the SEPP. The E2 zoned land relates to Killarney Chain of Ponds and its riparian corridor as it passes through the subject site, along with a small area of existing native vegetation on the western edge of the planned park created in Stage 2. 1327/2014/ZB approved creek rehabilitation works within this E2 zoned land. Those works are underway, and the subdivision works proposed under this application sit adjacent to those works. The subdivision works are located clear of the E2 zoned land, complying with both zone objectives above, with the exception of stormwater outlets and the treatment of road edges, noting that the creek corridor is framed by these roads on both sides.

A plan showing the previously approved creek rehabilitation works within the E2 zoned land is included as Attachment 10.

B7 Business Park:

- *To provide a range of office and light industrial uses.*
- *To encourage employment opportunities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

A small portion of the residue lot created in Stage 2 south of Killarney Chain of Ponds is zoned B7. There are no works proposed in this area. The development of this residue lot in

conjunction with the remaining B7 zoned land will be the subject of separate applications later.

Density

Clause 4.1B establishes the minimum density applying to the site in conjunction with the associated residential density map. The minimum density applying to the site/development area is 15 dwellings per hectare as shown in Attachment 4. The development provides for a density of 15.85 dwellings per hectare complying with Clause 4.1B.

Lot Size

There is no lot size map that applies to this land. Rather, Clause 4.1A establishes that the minimum lot size for a dwelling house where the minimum density is 15 dwellings per hectare is 300m². Smaller lot sizes are permitted by Clauses 4.1AA, 4.1AC and 4.1AD however these are not relevant here as there are no lots proposed smaller than 300m².

Native Vegetation and Riparian Protection Areas

The site contains land mapped as riparian protection area, existing native vegetation and native vegetation retention area as shown in Attachment 5. These areas match the extent of the land zoned E2 Environmental Conservation and relates to the Killarney Chain of Ponds and its riparian corridor as it passes through the subject site, along with a small area of existing native vegetation on the western edge of the planned park created in Stage 2. With respect to the land mapped as riparian protection area and native vegetation retention area Clause 6.2 states:

Development consent under this clause is not to be granted unless the consent authority is satisfied of the following in relation to the disturbance of native vegetation:

- *that there is no reasonable alternative available to the disturbance of the native vegetation,*
- *that as little native vegetation as possible will be disturbed,*
- *that the disturbance of the native vegetation will not increase salinity,*
- *that native vegetation disturbed for the purposes of construction will be reinstated where possible on completion of construction,*
- *that the loss of remnant native vegetation caused by the disturbance will be compensated by revegetation on or near the land to avoid any net loss of remnant native vegetation,*
- *that no more than 0.5 hectares of native vegetation will be cleared unless the clearing is essential for a previously permitted use of the land.*

The proposal complies with the above considerations. 1327/2014/ZB approved creek rehabilitation works within this mapped area. Those works are underway, and the subdivision works proposed under this application sit adjacent to those works. The subdivision works are located clear of the mapped areas, with the exception of stormwater outlets and the treatment of road edges, noting that the creek corridor is framed by these roads on both sides.

With respect to the land mapped existing native vegetation Clause 6.3 states:

The consent authority must not grant development consent for development on land to which this clause applies unless it is satisfied that the proposed development will not result in the clearing of any existing native vegetation (within the meaning of the relevant

biodiversity measures under Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995).

The proposal complies with the above in that no works are proposed within the area mapped as existing native vegetation.

Clause 6.4 also relates to the development of land zoned E2 and includes the following objectives:

- *to ensure the rehabilitation and revegetation of land within Zone E2 Environmental Conservation (other than any such land owned by a public authority),*
- *to ensure that land within that Zone is managed and conserved in a holistic and sensitive manner.*

To achieve these objectives, this clause goes on to state:

Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless the consent authority has considered a vegetation management plan that relates to the land to which this clause applies that is within Zone E2 Environmental Conservation, and that addresses, to the satisfaction of the consent authority, the following matters:

- *the environmental values of the land,*
- *methods to be used to revegetate and rehabilitate the land,*
- *weed control,*
- *the monitoring and ongoing management of the land,*
- *other measures:*
 - *to control threats to the health of any remnant riparian vegetation on the land, and*
 - *to increase species diversification and riparian vegetation cover on the land, and*
 - *to improve the land's resistance to future weed colonisation, and*

Despite any other provision of this Precinct Plan, the consent authority must not grant development consent for subdivision of land to which this clause applies or any other development on that land unless the consent authority is satisfied that:

- *appropriate arrangements have been made for the revegetation and rehabilitation of the land to which this clause applies that is within Zone E2 Environmental Conservation, and*
- *those arrangements:*
 - *provide for the ongoing monitoring and management of that land, and*
 - *will take effect before, or simultaneously with, the proposed subdivision or development concerned, and*
 - *are appropriate when considered in conjunction with any vegetation management plan prepared in accordance with paragraph (a).*

With respect to this need for a Vegetation Management Plan, 1327/2014/ZB approved creek rehabilitation works within this E2 zoned land. That approval included a VMP. That VMP needs to be complied with during construction and with respect to the ongoing use and management of the land, as per this clause/ that separate approval. Condition 62(n) has been recommended below requiring the creation of a restriction and a positive covenant over the E2 zoned land/ section of Killarney Chain of Ponds that is the subject of the approved VMP, as part of the final plan of subdivision which creates the residue lot that contains this land.

Heritage

Clause 5.10 requires that the consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The site is located adjacent to a State heritage item known as Box Hill House as shown in Attachment 6. Despite the property containing Box Hill House being located adjacent to the Stage 2 area, the actual location of the heritage item and its identified curtilage is further east sufficiently clear of the subject site, as shown in the figure from the DCP included below:



Figure 70 Precinct Plan Control Area for Box Hill House

The lots adjacent to this boundary included in Stage 2D finish approximately 40m from the eastern side boundary; with residue lot 2346 in that stage providing a further buffer. On this basis, the proposal is considered to have no discernible impact on Box Hill House.

Separately, an Aboriginal Heritage Impact Permit has previously been issued by the Office of Environment and Heritage for the site more broadly. Condition 4 has been recommended below to ensure compliance with the requirements of that existing permit, which mostly relates to/ was obtained by the applicant as part of the previously approved bulk earthworks and creek rehabilitation works already underway on site.

Services

Clause 6.1 states that development consent must not be granted for development unless the consent authority is satisfied that any public utility infrastructure (water, sewer and electricity) essential for the development are available or that adequate arrangements have been made to service the development. Suitable arrangements for the delivery and upgrade of utility infrastructure services have been formalised with water, sewer and electricity infrastructure either existing or able to be provided to this part of the precinct.

3. Compliance with SEPP 55 Remediation of Land

Clause 7 states that the consent authority must not consent to the carrying out of any development on land unless:

- *it has considered 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, and*
- *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The development application was accompanied by a Stage 2 detailed environmental assessment by DLA Environmental which concluded that the site is suitable for the intended land use in its current state. Council's Environmental Health team have reviewed this report and concur with this conclusion subject to recommended conditions, which have been included below.

4. Compliance with SREP 20 Hawkesbury/ Nepean River

As per Clause 3, the aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The proposal relates to works along and within Killarney Chain of Ponds as it passes through the site, eventually draining to the Hawkesbury-Nepean River system. As discussed in this report, the proposal is generally consistent with the requirements of the SEPP and DCP relating to environmental protection, specifically with respect to waterways. On this basis it is considered that the proposal will not have a detrimental impact upon the health of the Hawkesbury-Nepean River system.

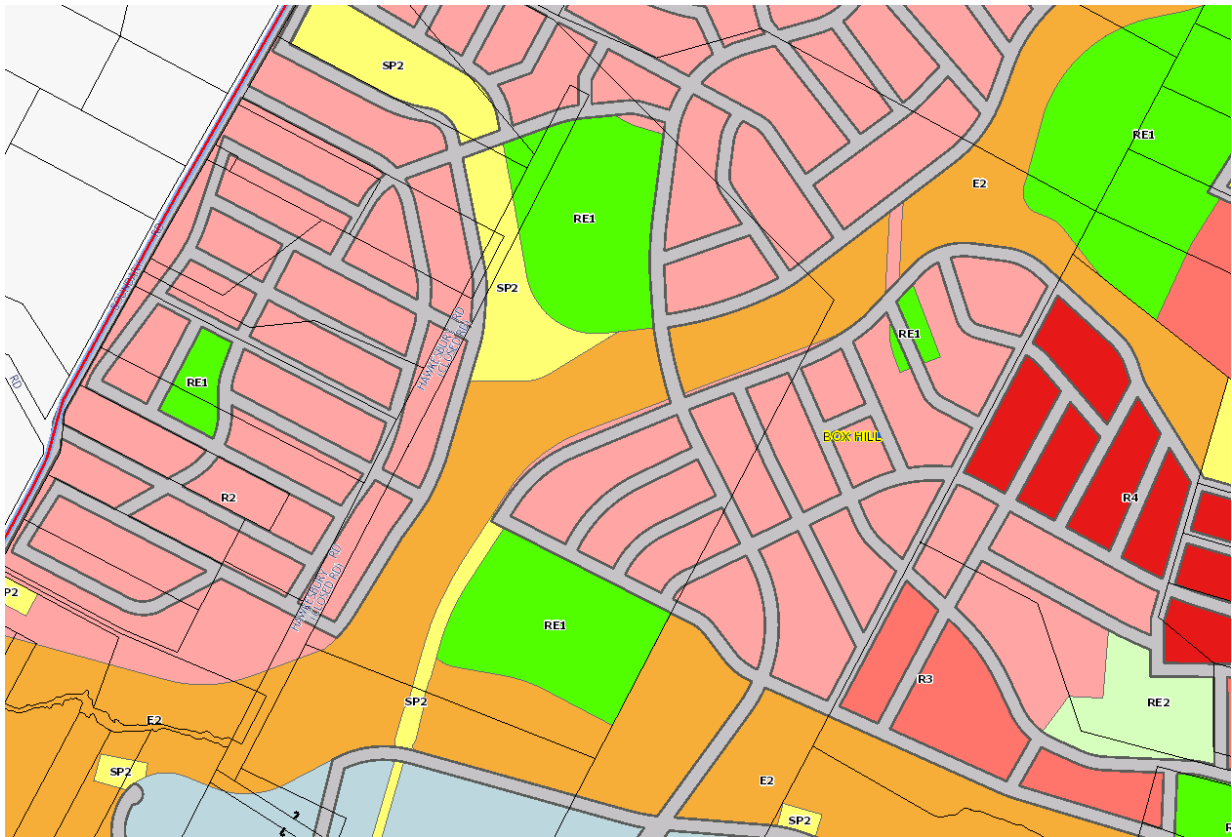
5. Compliance with Box Hill and Box Hill Industrial Precincts Development Control Plan

SEPP Amendment Discrepancy and Road Layout

The DCP applies to the site and the development. As discussed earlier in the report the development application is preceded by an amendment to the SEPP that was made/ notified by the Department of Planning and Environment on 22 August 2016. The SEPP amendment is supposed to be accompanied by an amendment to the DCP however this has not occurred because the Department of Planning and Environment was unable to get the mapping data for the existing DCP from the consultants which they engaged to prepare the original DCP. As it stands the SEPP and the DCP do not match.

The discrepancies mostly relate to the mapping/ figures included in the DCP, including the pre-planned road layout (refer to Attachment 8) and the specific detail relating to the two village centres along the length of Mt Carmel Drive, both of which are outside of the scope of this proposal. An example of this discrepancy relates to the location of Mt Carmel Drive at the southern end of Stage 2, which has been moved to the western side of the planned

park (shown green/ RE1) as part of the SEPP amendment; however the DCP still has this road east of the park. The location of the creek/ culvert crossing is also incorrect, as are the roads around the various parks:



In light of this discrepancy, the fact the proposed road layout more broadly differs from that outlined in Section 3.3.1/ Figure 14 of the DCP is noted however is considered acceptable on the basis that the planned change to the DCP will remove this discrepancy. On merit the proposed road layout also satisfies each of the objectives listed under Section 3.3.1 of the DCP relating to the street network and road design more broadly.

Section 2.4 of the DCP identifies the different sub-precincts within the release area and the “fixed roads” that frame them as shown below:

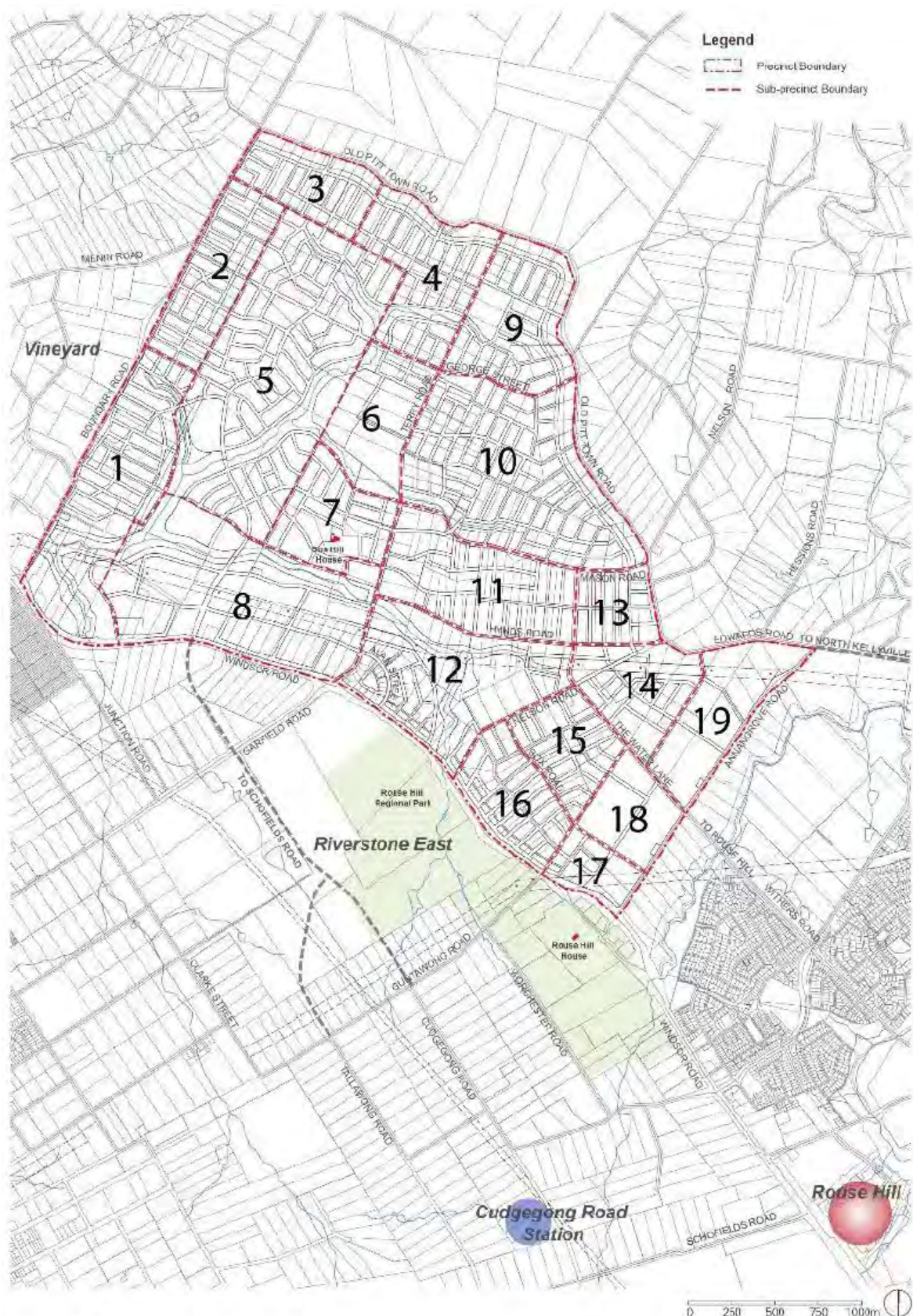


Figure 4 Sub precincts

Section 2.4 of the DCP lists the heads of consideration required to be addressed when a variation to the street network is proposed, dealing with both street network and neighbourhood block design. The proposed road layout is considered appropriate on the basis it provides a permeable and grid-pattern road network with connections within and

through the sub-precinct, does not affect the orderly development of adjoining lands, provides appropriate block lengths and addresses solar orientation by minimising north facing lots except where expressly necessary, such as along the collector road (Road 101) in Stage 1.

Road Hierarchy/ Formation and Bus Stops

The road hierarchy (types) proposed generally accord with the DCP insofar as the proposal provides for two collector roads, one dissecting the site north-south (Mt Carmel Drive) and one dissecting the site east-west (Road 101/ Road 211), local roads otherwise and perimeter roads along the creek corridor and adjacent to the planned parks, where the DCP identifies a shared path/ cycleway.

The applicant originally sought to provide for a reduced carriageway width and a reduced footpath verge for the local roads identified adjacent to the creek corridor and the planned parks. They also sought to provide for a reduced footpath verge along the collector roads where they sat adjacent to the creek corridor. These changes were not supported on the basis that the wider carriageways prevalent throughout the release area were in response to the higher densities planned and the need for good streetscape outcomes, built form separation and additional on-street car parking. With the amendments made to the proposal by the applicant through the assessment, the collector roads now comply with the DCP and the carriageway widths provided throughout comply. The applicant has been permitted to reduce the footpath verge width from 3.5m to 1m for those local roads adjacent to the planned parks, on the basis that what is being provided meets the principles of the DCP with respect to road hierarchy, road function, and parking availability in a way that limits the amount of land/ road being dedicated, accounting for the large expanse of E2 zoned land/ creek corridor within the subject site (as can be seen above). On this basis the variation is considered reasonable in this instance only, and does not set a precedent that would apply to the remainder of the precinct more broadly, noting the same merit considerations will not always apply.

The only other variation included relates to the localised widening of the road carriageway along the collector roads in order to provide for a sufficiently wide kerbside lane at bus stops, in response to the submission from Transport for NSW to the SEPP amendment referred to earlier. Section 3.4 of the DCP requires that bus stops be provided on-street and not within indented bays. Transport for NSW originally wanted the carriageway width/ road reserve widened from 11.6m to 13m for the full length of these roads (resulting in 3m wide kerbside lanes, rather than the 2.3m wide lines provided for by the DCP collector road type), however localised widening at the actual bus stop location was agreed upon by Council staff, the Department of Planning and Environment and Transport for NSW on the basis that the change had nothing to do with the SEPP amendment and ought to have been raised/ considered with the original Precinct Planning Process that was completed over three years ago. The location of the two bus stops within the development reflects Section 3.4/ Figure 30 from the DCP, excepting of course the changes to the alignment of Mt Carmel Drive already discussed. As per the DCP, the final location and extent of these bus stops will need to be finalised and agreed upon by the Local Traffic Committee and is included in Condition 25(f) recommended below.

Subdivision Standards

The proposed development has been assessed against the relevant development standards included in the DCP and the following variations have been identified:

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Lot Frontage Section 3.1.2/ Table 7	9m	Lot 1042 – 5.3m Lot 2088 – 7.3m Lot 2263 – 6.7m	No No No

DEVELOPMENT STANDARD	DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Lot Size (Battle-axe Lots) Section 3.1.3	500m ²	Lot 1113 – 300m ² Lot 1114 – 300m ² Lot 1115 – 375m ² Lot 2019 – 370m ²	No No No No

All other lots comply with the DCP with respect to lot frontage and lot size for battle-axe lots. All of the proposed lots comply with the controls relating to density (3.1.1), lot size, mix, shape, orientation and distribution (3.1.2), shared driveway widths (3.1.3), corner lots (3.1.4) and residue lots (3.5) too.

With respect to the three instances/ lots where the minimum frontage is not provided, Section 3.1.2 provides the following objectives:

- *To establish a clear urban structure that promotes a 'sense of neighbourhood' and encourages walking and cycling.*
- *To efficiently utilise land and achieve the target dwelling yield for the relevant Precinct.*
- *To emphasise the natural attributes of the site and reinforce neighbourhood identity through the placement of visible key landmark features, such as parks, squares and landmark buildings.*
- *To optimise outlook and proximity to public and community facilities, parks and public transport with increased residential density.*
- *To encourage variety in dwelling size, type and design to promote housing choice and create attractive streetscapes with distinctive characters.*
- *To accommodate a mix of lot sizes and dwelling types across a precinct.*
- *To establish minimum lot dimensions for different residential dwelling types.*

In all three cases, the lots are located on the outside of a bend and are irregular in shape, with the width increasing from front to back such that the width at the rear of the lot is well in excess of the minimum required 9m, as is the average width. These lots are all larger too. In this context the three lots comply with the fifth objective above and are considered appropriate.

With respect to the four battle-axe shaped lots that do not provide for the minimum required area of 500m² called for by the DCP, Section 3.1.3 provides the following objectives:

- *To limit battle-axe lots to certain circumstances.*
- *To ensure that where a battle-axe lot without public road or open space frontage is provided, their amenity and the amenity of neighbouring lots is not compromised by their location.*
- *To enable battle-axe shaped lots or shared driveway access to lots fronting access denied roads.*

The need to provide for a larger area is typically linked to the fact that battle-axe lots share a common boundary on at least three sides with the principal private open space (rear yard) of the conventional lots adjacent. In both cases the lots are part of larger row

of lots that are side by side, which means conventional side building setbacks could be used as part of the future built form without having privacy or overshadowing impacts on neighbouring lots. Similar to the narrow lots discussed earlier in the report, these battle-axe shaped lots are located on the outside of bends in the road network. The non-compliances could be removed by removing lots and extending these roads to provide a direct frontage to the lots, however this would likely result in the density dropping below the minimum required by the SEPP as discussed earlier. In this context the four lots comply with the second objective above and are considered appropriate.

Stormwater Management

The proposal seeks approval for stormwater management facilities (a combination of permanent and temporary measures) to address stormwater runoff from the development site both in the short to medium term and into the future as adjoining land is developed, generally in line with the stormwater management strategy approved with the original Precinct Planning Process and referenced in Section 7.1 of the DCP. The final design and layout of this infrastructure, particularly the permanent basins/ raingardens within the land marked for acquisition by Council for recreation or stormwater management will be determined at the Construction Certificate stage subject to the conditions recommended below, see Condition 25(t).

The flood affected parts of the site are in the process of being filled as part of the works approved by 1327/2014/ZB generally in accordance with Section 7.1/ Figure 51 from the DCP. All of the residential lots and public roads are located at or above the maximum flood level associated with the 100 year design storm.

The site is still affected by the Probable Maximum Flood (PMF). The roads have been designed to continually grade upwards and away from the creek corridor, in line with Section 7.1/ Figure 50 from the DCP included below:

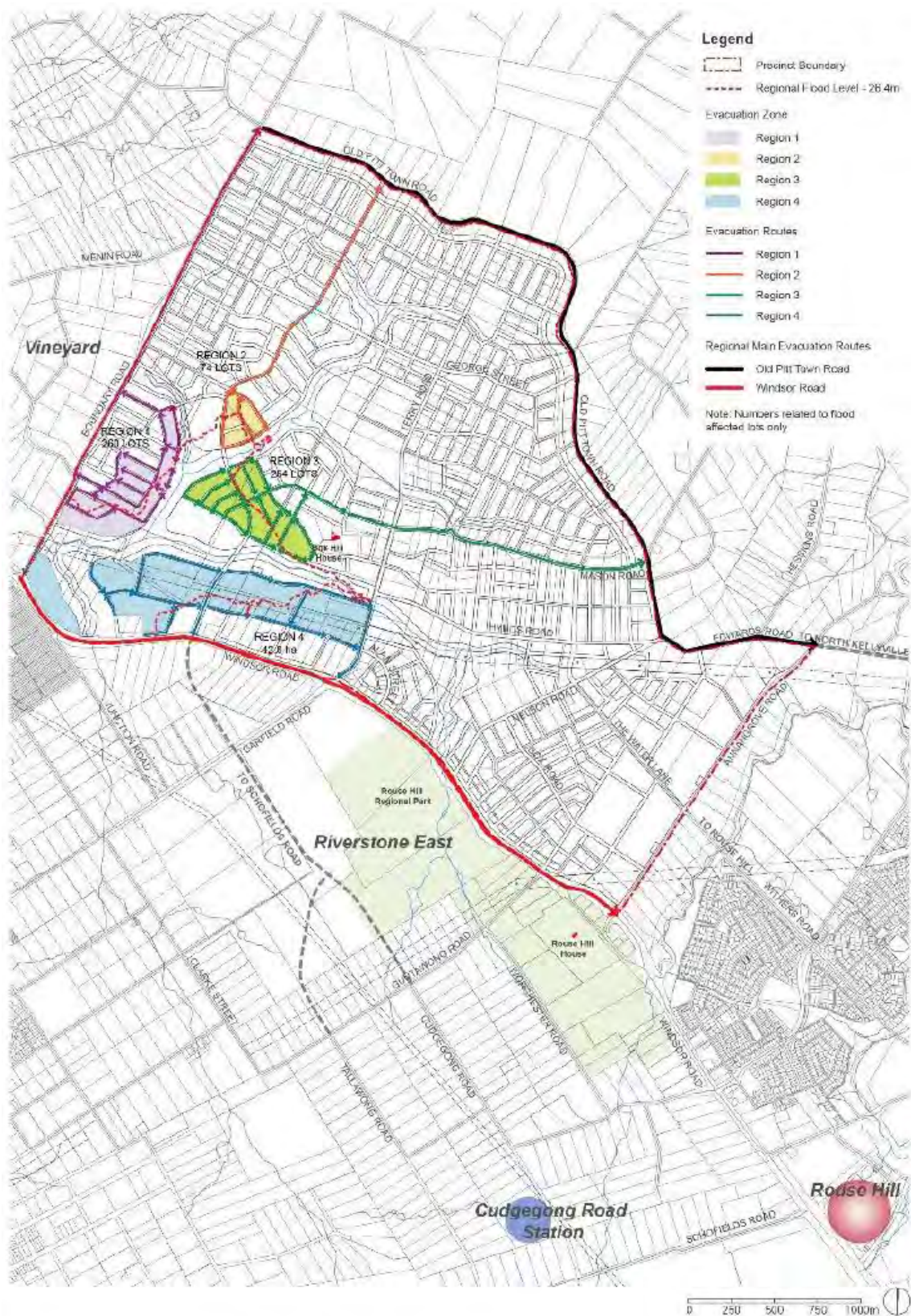


Figure 50 Evacuation plan for regional PMF event

Heritage

Both Aboriginal and European heritage are relevant considerations for this site and development as identified in Sections 7.1 and 7.2 of the DCP. As discussed earlier, the site

is located adjacent to a State heritage item however the works are sufficiently clear of Box Hill House. Also, an Aboriginal Heritage Impact Permit has previously been issued by the Office of Environment and Heritage for the site more broadly.

Contamination and Salinity

The development application was accompanied by a Stage 2 detailed environmental assessment by DLA Environmental which concluded that the site is suitable for the intended land use in its current state. Council's Environmental Health team have reviewed this report and concur with this conclusion subject to recommended conditions, which have been included below. The proposal complies with Section 7.5 of the DCP relating to this matter.

The development application was also accompanied by a soil salinity and aggressivity assessment by DLA Environmental which identified two samples in Stage 1 of highly sodic with low cation exchange capacity (relatively stable in the presence of water) and moderately saline soils. The report also identifies two samples in Stage 2 that were mildly aggressive to concrete. Council's Environmental Health team have reviewed this report and concur with the recommendations included in the same, so long as the mandatory building requirements for residential development (dwelling and landscaped areas) included under Section 7.9 of the DCP are complied with during. This matter is addressed in the recommended conditions below; refer to Conditions 25(b) and 61(o).

Riparian Corridors and Environmental Conservation Areas

Section 7.11 of the DCP includes objectives and controls aimed at ensuring the protection and enhancement of the riparian corridors and environmental conservation areas within the precinct. These relate to Killarney Chain of Ponds and its associated riparian corridor and relate to the same areas mapped as riparian protection area, existing native vegetation and native vegetation retention area by the SEPP discussed earlier.

1327/2014/ZB approved creek rehabilitation works within this riparian corridor. Those works are underway, and the subdivision works proposed under this application sit adjacent to those works. The subdivision works are located clear of the riparian corridor, with the exception of stormwater outlets and the treatment of road edges, noting that the creek corridor is framed by these roads on both sides.

1327/2014/ZB included a VMP. That VMP needs to be complied with during construction and with respect to the ongoing use and management of the land, as per the SEPP and that separate approval. Condition 62(n) has been recommended below requiring the creation of a restriction and a positive covenant over the E2 zoned land/ section of Killarney Chain of Ponds that is the subject of the approved VMP, as part of the final plan of subdivision which creates the residue lot that contains this land.

Odour

Section 7.13 includes the following guidance relating to odour:

Odour is legislated by the Protection of the Environment Operations Act 1997 and managed by the NSW Government. Currently the only methods of controlling odour impacts are applying buffers around odour generating activities and Industry Best Management Practices.

Prior to the commencement of this DCP the Precincts were mostly zoned for rural purposes. The Precincts, and nearby rural areas, contain a number of existing rural uses that have the potential to generate odour and other associated impacts that may affect the amenity of nearby urban areas.

While these activities may cease operation at some point in the future (such as when the land is rezoned and developed for urban purposes) the timing of cessation of odour generating land uses is not known nor able to be controlled by Council or the Department of Planning and Infrastructure. Developers and buyers of property within the Precincts should be aware that their property may be subject to odour impacts from these uses for an indeterminate period of time.

Where land is affected by an odour buffer or adjacent to odour generating activities Council will consider whether the type of development in this area is appropriate and will also consider the need for the applicant to provide additional supporting information with the Development Application.

South-west of this site is a former chicken egg farm at 27 to 33 Boundary Road. That property and previous use may have posed an odour problem for this site and development. However, that farm is closed and there is a recent development approval in place for the demolition of the existing structures present on that site. A separate development application has also been lodged with Council for the subdivision of that property to create residential lots. On this basis, it is considered unlikely that the former chicken egg farm will pose any serious odour problems for the planned residential lots in this subdivision.

6. Issues Raised in Submission

The application was exhibited as nominated integrated development. One submission was received raising concern with perceived nuisance stormwater and flooding impacts downstream of the development:

ISSUE/ OBJECTION	COMMENT	OUTCOME
I am concerned that the development proposal will impact on the amount of runoff ultimately entering Killarney Chain of Ponds and subsequently impact on the amount of high water and flooding affecting my property during and following periods of high rain. I am concerned that the development has the potential to cause significant impact that would negatively influence the value of my property and my ability to utilise my property, if there is any effect on the volume of water reaching Killarney Chain of Ponds where it borders my property. I wish to register my opposition to the proposed development if there is any chance it will increase the amount of water flow or build up on our property at any time, or if there is any perceived negative effect on	The proposal seeks approval for stormwater management facilities (a combination of permanent and temporary measures) to address stormwater runoff from the development site both in the short to medium term and into the future as adjoining land is developed, generally in line with the stormwater management strategy approved with the original Precinct Planning Process and referenced in Section 7.1 of the DCP. The final design and layout of this infrastructure will be determined at the Construction Certificate stage subject to the conditions recommended below, see Condition 25(t). The works will not preclude the eventual/ orderly development of adjoining lands in accordance with the SEPP and the DCP, particularly with respect to flood levels and extents.	Issue addressed.

ISSUE/ OBJECTION	COMMENT	OUTCOME
either the value of our property or our ability to utilise it. I would like to urge council to conduct appropriate investigations and research to ensure there is no negative long or short term impact on my property as a result of development.		
On a side note, in light of probable loss of habitat and food plants, would it be possible for plantings of native local species rather than exotic species in the landscaping of the proposed development.	The landscaping proposed as part of the subdivision works is limited to the revegetation within the creek corridor covered by the Vegetation Management Plan associated with the previous bulk earthworks and creek rehabilitation approval over the site (1327/2014/ZB) and the street trees within the subdivision. The revegetation within the creek corridor covered by the Vegetation Management Plan is obviously predicated on the use of native, locally endemic plants and trees. With respect to street tree planting, this will need to comply with the Council's street tree master plan, as recommended in Condition 7 below.	Issue addressed.

EXTERNAL REFERRALS/ COMMENTS

Rural Fire Service

The site is mapped as bushfire prone land. The Rural Fire Service has provided a bushfire safety authority/ their general terms of approval subject to conditions relating to asset protection zones, access and services. Refer to recommended Condition 3 below.

Department of Primary Industries – Water

The Department of Primary Industries – Water has provided their general terms of approval subject to conditions relating to works in and near Killarney Chain of Ponds mostly relating to stormwater connections from the roads and stormwater basins/ raingardens, noting the establishment of the riparian corridor here is dealt with under the previous creek rehabilitation approval pursuant to 1327/2014/ZB. Refer to recommended Condition 3 below.

Office of Environment and Heritage

An Aboriginal Heritage Impact Permit has previously been issued by the Office of Environment and Heritage for the site more broadly. Condition 4 has been recommended below to ensure compliance with the requirements of that existing permit, which mostly relates to/ was obtained by the applicant as part of the previously approved bulk earthworks and creek rehabilitation works already underway on site.

Roads and Maritime Services

Roads and Maritime Services have raised no objection to the proposal. Roads and Maritime Services will have a key role in any future application for the extension of Mt Carmel Drive further south towards Windsor Road, including the intersection of Windsor Road/ Mt Carmel Drive. Roads and Maritime Services consented to the relocation of this road/ intersection as part of the SEPP amendment process described earlier. Refer to recommended Condition 3 below.

Sydney Water

Sydney Water has raised no objection to the proposal subject to conditions relating to the diversion/ reconstruction of the existing sewer main along Killarney Chain of Ponds proposed by the applicant. Refer to recommended Condition 3 below.

Transgrid

Transgrid were consulted with respect to the works near their transmission line/ easement towards the southern end of the site closer to Windsor Road and south of Killarney Chain of Ponds. Comments were received from Transgrid raising no objection to the proposal on the basis there are no works proposed under or near their transmission line/ easement.

CONCLUSION

The development application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act 1979 and the Land and Environment Court criteria for the assessment of impacts on neighbouring properties and is considered satisfactory with respect to the same. The proposal complies with State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan and the variations sought to the Box Hill and Box Hill Industrial Precincts Development Control Plan are minor in nature and worthy of support. The issues raised in the submission have been considered and do not warrant further amendment or refusal of the application.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future – Community Strategic Plan

The social and environmental impacts have been identified and addressed in the report. The proposal offers a reasonable design that does not comprise the character of the locality and the Shire as a whole.

RECOMMENDATION

It is recommended that the development application be approved subject to the following conditions:

GENERAL MATTERS

1. Approved Amended Plan

The development must be carried out in accordance with the approved plans and other supporting documentation listed below:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
X11295-DA-1-1	Subdivision Plan (Aerial Photo)	Calibre	1	17	25/07/2016
X11295-DA-1-1	Subdivision Plan (Site Plan)	Calibre	2	17	25/07/2016
X11295-DA-1-1	Subdivision Plan (Master Plan)	Calibre	3	17	25/07/2016
X11295-DA-1-1	Subdivision Plan (Building Envelope Plan)	Calibre	4	17	25/07/2016
X11295-DA-2-1	Subdivision Plan (Aerial Photo)	Calibre	1	12	08/07/2016
X11295-DA-2-1	Subdivision Plan (Site Plan)	Calibre	2	12	08/07/2016
X11295-DA-2-2	Subdivision Plan (Master Plan)	Calibre	3	12	08/07/2016
X11295-DA-2-2	Subdivision Plan (Building Envelope Plan)	Calibre	4	12	08/07/2016
X11295-DA-2-A	Subdivision Plan (Stage 2A)	Calibre	5	12	08/07/2016
X11295-DA-2-B	Subdivision Plan (Stage 2B)	Calibre	6	12	08/07/2016
X11295-DA-2-C	Subdivision Plan (Stage 2C)	Calibre	7	12	08/07/2016
X11295-DA-2-D	Subdivision Plan (Stage 2D)	Calibre	8	12	08/07/2016
X11295-DA-2-E	Subdivision Plan (Stage 2E)	Calibre	9	12	08/07/2016
X11295-DA-2-F	Subdivision Plan (Stage 2F)	Calibre	10	12	08/07/2016
X11295-DA-2-G	Subdivision Plan (Stage 2G)	Calibre	11	12	08/07/2016

The following amendments/ additional requirements apply:

- The western boundary of lot 1001 adjacent to Boundary Road needs to be moved west to account for the widening associated with the eventual/ future upgrade of Boundary Road as per the Boundary Road Strategic Concept Design Study prepared by AECOM dated 26/02/2013. An amended plan for the subdivision block containing lots 1001 to 1006 between Boundary Road, Road 101 and Road 102 must be submitted to Council's Manager – Subdivision and Development Certification for approval before a Construction Certificate can be issued.

- X11295-DA-1-1 Sheet 1 refers to 187 residential lots in the lot summary rather than 189 residential lots.
- The temporary turning head shown on X11295-DA-1-1 Sheet 1 fronting lot 1192 is not required. Road 108 continues further south here.
- The stormwater basin footprints shown within the park/ open space lots are indicative only and subject to the detailed design of the subdivision works in accordance with this consent.
- The 6m wide ROW on X11295-DA-1-1 Sheet 3 must be included as part of lot 1116.
- X11295-DA-2-1 Sheets 1 and 2 refer to 105 residential lots in Stage 2B and 27 residential lots in Stage 2G rather than 113 and 19 residential lots respectively.
- The 19.6m wide and variable ROW over the extension of Mt Carmel Drive south of Stage 2A can only be included on the final plan if that road connecting Stage 2A to Windsor Road further south has been approved and constructed.
- The western boundary of lot 208 needs to align with the western boundary of lot 201 on either side of Road 201 so that the eastern edge of Mt Carmel Drive here is the same on either side of the intersection.
- Stage 2A subdivides/ relates to lots 1195 and 1196 created in Stage 1 contrary to the title block/ plan description.
- The reference to the temporary exhibition village car park over lot 2114 on X11295-DA-2-B Sheet 6 is to be removed.
- X11295-DA-2-B Sheet 6 refers to a lot range of 2101 to 2113 rather than 2001 to 2113 in the lot summary.

No work is to be undertaken before a Construction Certificate has been issued.

2. Construction Certificate

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

3. Compliance with NSW Department of Primary Industries – Water/ NSW Rural Fire Service/ NSW Roads and Maritime Services/ Sydney Water Requirements

Compliance with the requirements of the NSW Department of Primary Industries – Water throughout all stages of the subdivision as outlined in their letter dated 21/07/2015 Ref 10 ERM2015/0549 attached to this consent as Appendix A.

Compliance with the requirements of the NSW Rural Fire Service throughout all stages of the subdivision as outlined in their letter dated 30/07/2015 Ref D15/1689 attached to this consent as Appendix B.

Compliance with the requirements of the NSW Roads and Maritime Services throughout all stages of the subdivision as outlined in their letter dated 14/07/2015 Ref SYD15/00807 (A9675949) attached to this consent as Appendix C.

Compliance with the requirements of Sydney Water throughout all stages of the subdivision as outlined in their letter dated 28/07/2016 attached to this consent as Appendix D.

4. Compliance with Office of Environment and Heritage/ AHIP

Compliance with the requirements of the AHIP number/ reference C0001068 dated 22/05/2015 issued by OEH throughout all stages of the development.

5. Subdivision Certificate Preliminary Review

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

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

6. Approved Street Naming

Street naming must comply with Council's approved street names map; which will be finalised by the time street name signs need to be installed and the roads dedicated to the public.

7. Street Trees

Street trees must be provided for the new roads within the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council, including the Box Hill Street Tree Masterplan. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

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

8. Process for Council Endorsement of Legal Documentation

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

9. Water Sensitive Urban Design Handover Process

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

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

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

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

- The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council. For example, the consultation draft document entitled Managing Urban Stormwater: Urban Design prepared by the SMCMA

and the then NSW DECCW suggests that the developer maintain WSUD elements within a subdivision until a given proportion of the dwellings on the lots created, say 80%, are erected and occupied.

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

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

10. 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.

11. Protection of Public Infrastructure

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 a Subdivision Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

12. Transmission Line/ Easement

No works under this consent are to be carried out under, or near, the Sydney West to Sydney North No. 2 330kV Transmission Line (Feeder 14, Structure Span 37/ 38) that traverses Lot 12 DP 1009338 south of Stage 2 within a 60.96 metre wide easement without written consent from Transgrid.

13. Tree Removal

Approval is granted for the removal of trees required for the engineering works. All other trees are to remain and are to be protected during works. Suitable replacement trees are to be planted upon completion of construction.

14. Planting Requirements

All trees planted as part of the approved streetscape plan are to be minimum 100 litre pot size.

15. Salinity Requirements

The recommendations of the Soil Salinity and Aggressivity Assessment prepared by DLA Environmental Pty Ltd referenced as DL3146_S001908 dated August 2014 and submitted as part of the Development Application are to be implemented as part of this approval.

16. Contamination Assessment and Site Remediation

The recommendations of the Stage 2 – Detailed Environmental Site Assessment prepared by DLA Environmental Pty Ltd referenced as DL3146_S001779 dated July 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- A further round of groundwater sampling is to be undertaken during earthworks to evaluate increases or decreases in concentrations of Copper, Zinc, Nickel and Cadmium and whether additional risk management should be incorporated.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

17. Bulk Earthworks

Site fill and compaction results/ certification associated with the bulk earthworks approved by 1327/2014/ZB and which sit under the subdivision works approved by this consent must be provided, or confirmation that they can be provided if those works are still underway, before a Construction Certificate can be issued.

18. Security Bond Requirements

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

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

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

19. Controlled Activity Authority – NSW Department of Primary Industries - Water

A copy of the Controlled Activity Authority must be submitted before a Construction Certificate is issued.

20. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

21. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;

- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and
- A maintenance program.

22. Requirements for Creek Crossing/ Culvert – Mt Carmel Drive

The applicant is responsible for the design and construction of the creek crossing/ culvert over Killarney Chain of Ponds included in Stage 2A (Mt Carmel Drive).

Prior to the issuing of a Construction Certificate, the applicant must submit to Council for approval detailed design plans and specifications for the creek crossing/ culvert prepared by a suitably qualified structural engineer with demonstrated experience and knowledge of creek crossing/ culvert design and construction. The design must be accompanied by certification from the design engineer confirming that the design complies with:

- Any requirements of DPIW;
- All relevant or applicable RMS road bridge design standards;
- All relevant or applicable Australian Standards;
- Council's Design Guidelines Subdivisions/ Developments;
- Council's Works Specifications Subdivisions/ Developments;
- Any other relevant design or construction considerations.

The design engineer must nominate all necessary critical stage inspections. These inspections are to be carried out by a suitably qualified structural engineer with demonstrated experience and knowledge of creek crossing/ culvert design and construction as the creek crossing/ culvert construction progresses, with a copy of the results submitted to Council as soon as practicable after the inspection. Additionally, Council, as the PCA for this project, must be notified of any upcoming inspections a minimum of 24 hours beforehand.

An operations and maintenance plan must be prepared for the creek crossing/ culvert. The operations and maintenance plan must include:

- The location and type of the creek crossing/ culvert, including details of its operation and design;
- The method and frequency of any necessary inspections;
- The method and frequency of any necessary maintenance actions;
- Estimated life-cycle costs;
- Site access details, including access limitations etc;
- Description of optimum maintenance methods and alternatives, including equipment and personnel requirements;
- A work method statement; and
- A standard inspection and maintenance form.

The proposed creek crossing/ culvert must be transferred into Council ownership at the end of the project. The following is required in order to facilitate this handover process:

- The operations and maintenance plan for the creek crossing/ culvert (above) is submitted to Council for review/ revision and subsequent approval.
- Council staff inspects the creek crossing/ culvert.

- A whole of life assessment is provided for the creek crossing/ culvert and documentation is provided to confirm the expenses nominated.
- WAE drawings and all required as-built structural engineering certifications and inspection results are provided to Council.

If Council determines that the creek crossing/ culvert is not complying with the conditions of this approval, Council may request that alterations be made to the creek crossing/ culvert prior to transfer.

23. Works on Adjoining Land

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

24. Construction Management Plan

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

- Timing of the works.
- Staging of the works.
- Dilapidation reporting for nearby public infrastructure.
- Parking for construction traffic within and around the site during construction.
- Construction access to/ from Boundary Road, noting that the RMS has previously refused construction access to/ from Windsor Road, specifically in relation to truck movements associated with the earthworks/ importation of fill.

25. 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" as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

a) Earthworks/ Creek Rehabilitation

Earthworks and creek rehabilitation in the creek corridor must be carried out in accordance with 1327/2014/ZB.

The Vegetation Management Plan approved by 1327/2014/ZB must be complied with for the full duration of the subdivision works. No works are to occur within the land mapped as riparian protection area or native vegetation retention area by the SEPP without it first being demonstrated that these works are consistent with the previous approval/ approved Vegetation Management Plan. No works approved under this consent are permitted within the land mapped existing native vegetation by the SEPP, without exception.

b) Full Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Mt Carmel Drive	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Road 101 (1)	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Road 102	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 103	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)

Road 104	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 105	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 106 (1)	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 106 (2)	Road Type: DCP Local Street (amended) 3.5m/ 11m/ 1m (15.5m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 107	Road Type: DCP Local Street (amended) 3.5m/ 11m/ 1m (15.5m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 108 (1)	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 108 (2)	Road Type: DCP Local Street (amended) 3.5m/ 11m/ 1m (15.5m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 108 (3)	Road Type: DCP Perimeter Road Riparian Corridor/ Park (amended) 3.5m/ 8.5m/ 3.5m (15.5m) Pavement Design:

	Access/ Local (Design Guidelines Section 3.12)
Road 109	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Laneway 1	Road Type: DCP Laneway (amended) 3.5m/ 6m/ variable (variable) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 201	Road Type: DCP Perimeter Road Riparian Corridor/ Park 3.5m/ 8.5m/ 4.5m (16.5m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 202	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 203	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 204	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 205	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 206	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m)

	Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 207	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 208	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 209	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)
Road 211	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.
- Kerb returns are not required at the two intersections between Laneway 1 and Road 108 (1). Instead, vehicular/ driveway crossings are to be used here.
- The wider 4.5m verge must be located on the eastern side of Mt Carmel Drive between the two roundabouts linking Stages 1 and 2 and on the north-western side of Mt Carmel Drive between Roads 201 and 211 in Stage 2, correlating with the shared path required at this location.
- Road 101 (1) relates to the section of this road east of the rear boundary of 45 Boundary Road. The section adjacent to the southern boundary of 45 Boundary Road requires partial width construction, detailed below.
- The wider 4.5m verge must be located on the northern side of Road 101 correlating with the shared path required at this location.
- Road 106 (1) relates to the section of this road north of Road 107. Road 106 (2) relates to the portion of this road adjacent to the planned park south of Road 107. The reduced (1m) verge must be located on the same side as the park.
- With respect to Road 107, the reduced (1m) verge must be located on the same side as the park.

- Road 106 (1) relates to the section of this road north of Road 107. Road 106 (2) relates to the portion of this road adjacent to the planned park. The reduced (1m) verge must be located on the same side as the park.
- Road 108 (1) relates to the section of this road between Roads 101 and 107, as well as the section between Road 101 and the creek corridor/ residue lot 1196.
- Road 108 (2) relates to the section of this road between Road 107 and the creek corridor/ residue lot 1196. The reduced (1m) verge must be located on the same side as the park.
- Road 108 (3) relates to the section of this road adjacent/ parallel to the creek corridor/ residue lot 1196.
- The wider 4.5m verge must be located on the southern side of Road 201 correlating with the shared path required at this location.
- The wider 4.5m verge must be located on the northern side of Road 211 correlating with the shared path required at this location.
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway. The only exception to this is the roads based on the perimeter road along riparian corridors/ parks street type from the DCP, in which case the crown is offset to define the 2.5m wide parking lane on the high side of the road/ on the same side as the residential lots.
- For the roads based on the perimeter road along riparian corridors/ parks street type from the DCP, no parking signs must also be installed along the side of the road facing the riparian corridor/ park (Roads 108 (3) and 201).
- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- The verge along the south-eastern edge of Road 108 (3), the north-western edge of Mt Carmel Drive and the southern edge of Road 201 adjacent to the creek corridor must incorporate a reverse cross fall of 4% falling away from the kerb. The level difference between the creek corridor and the road in each case needs to be addressed via a design/ stabilised batter informed by a geotechnical engineer. This interface/ batter needs to reflect the works approved under 1327/2014/ZB relating to filling and creek rehabilitation here and not affect the flood storage provided by the same.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

c) Partial Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Road 101 (2)	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- Road 101 (2) relates to the section of this road adjacent to the southern boundary of 45 Boundary Road. Within the 9.8m wide formation the 3.5m wide verge and 6m of road pavement (minimum) must be provided. The remaining 0.3m is to be used to address the level difference here, with a temporary retaining wall.
- The wider 4.5m verge must be located on the northern side of Road 101 correlating with the shared path required at this location.
- The longitudinal grading of Road 101 (approaching Boundary Road) must consider the eventual reconstruction of Boundary Road generally in accordance with the Boundary Road Strategic Concept Design Plan Study prepared by AECOM for the Department of Planning dated 26/02/2013, unless Council has finalised a detailed concept for the longitudinal grading of Boundary Road by the time the detailed design is being prepared. Contact Council's Construction Engineer to discuss the progress of this detailed concept prior to finalising the detailed design.
- The intersection between Boundary Road/ Road 101 must ensure adequate sight distance in both directions in Boundary Road, based on the signposted 80km/h speed limit. The intersection treatment must be finalised with the detailed design. The detailed design must be accompanied by a design statement/ certification from the design engineer confirming the required sight distance has been provided and that the design complies with Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections.
- Where partial width construction exists opposite, the completed road must comply with the overall requirements outlined in the table above.
- Any requirements relating to partial width road construction from the relevant section of Council's DCP must also be complied with.

d) Creek Crossing/ Culvert – Mt Carmel Drive

The alignment, width and formation of the creek crossing/ culvert over Killarney Chain of Ponds between Stages 1 and 2 must be provided for generally in accordance with the concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3).

The following additional/ specific requirements apply:

- Design to be substantially in accordance with the principles set out in the publications Australian Standard Bridge Design Part 1: Scope and General Principles (AS 5100.1-2004 (Incorporating Amendment No.1)), and Austroads Guide to Bridge Technology Part 4: Design Procurement and Concept Design.
- Minimum freeboard to the underside of the bridge structure is to be in accordance with the requirements of the abovementioned publications, having regard to carriageway cross-falls.
- Bridge clear opening to be a minimum of 50% of the overall width of the riparian corridor, measured from toe of abutments, and allowing for bridge pier widths.
- Piers are to be designed to be streamlined in the direction of flow. Other than in unavoidable circumstances, no piers are to be constructed so as to obstruct the primary waterway area (between low banks).
- Bridges are to be low energy style structures, minimising afflux at the design flood (100 year ARI post-development case).
- Allowance for blockage is to be in accordance with the requirements of the publication Australian Rainfall and Runoff Revision Project 11: Blockage of Hydraulic Structures - Blockage Guidelines (February 2015).
- Consideration may be made for the construction of "relief" culverts through each abutment to account for the allowance of blockage in the bridge design.
- Hydraulic modelling is to be undertaken to determine the two dimensional (2D) flow behaviour for channel forming flows (consider the 2 year and 5 year ARI floods) and

the design flood (100 year ARI) to enable the design of any bed, bank and abutment scour protection works.

e) Intersection Design – Mt Carmel Drive Roundabouts

Both roundabouts must be provided for generally in accordance with the concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3) and the traffic statement prepared by Positive Traffic dated 25/05/2016.

f) Bus Stops/ Bays – Collector Roads

Bus stops/ bays are to be provided on the collector roads generally in accordance with the concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3). The bus bay/ kerbside lane must be locally widened by 0.7m to provide the required carriageway width, at the expense of the footpath verge adjacent. Where a bus stop/ bay is located on both sides of a collector road, the standard formation is altered to:

Bus Bay/ Stop	Road Type: DCP Collector Road (amended) 2.8m/ 13m/ 3.8m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
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The concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3) has two bus stops/ bays shown. On Road 101 fronting lots 1032 and 1033 and on Mt Carmel Drive opposite lots 2401, 2402 and 2403. The final location of these bus stops must be confirmed, in writing, by Council's Manager – Subdivision and Development Certification before the detailed design is finalised.

g) Sewer Main Relocation

The relocation of the existing sewer main referenced on the concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3) must be approved, in writing, by Sydney Water before a Construction Certificate can be issued. The Sydney Water approved relocation/ diversion, where included, needs to be clearly shown on the detailed design.

This matter may impact upon the location and extent of the basins (both temporary and permanent) also shown on concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3), as identified by Sydney Water in their comments attached to this consent/ referred to earlier.

h) Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the end of all roads that will be extended into adjoining properties if/ when they are developed. The cul-de-sac must have a diameter of 19m measured from the edge pavement.

A temporary turning head is required at the southern end of Roads 102, 103, 104, 105 and 106 in Stage 1, at the eastern end of Road 201 in Stage 2A, at the eastern end of Road 203 in Stage 2B, at the eastern end of Roads 209 and 211 in Stage 2C and at the eastern end of Roads 201 and 207 in Stage 2D, extending into the proposed lots adjacent where the required width exceeds the road reserve/ width.

i) Street Names Signs

Street name signs and posts are required in accordance with the above documents and Council's Standard Drawing 37. Details for all signage and line-marking must be submitted to Council for checking prior to works commencing.

j) Concrete Footpath

A 1.2 wide concrete footpath, including access ramps at all intersections, must be provided on one side of all local streets in accordance with the DCP and the above documents.

With respect to Roads 106 (2), 107 and 108 (2) specifically, the footpath must be provided within the wider verge opposite the planned park.

With respect to Road 108 (3) specifically, a 1.2 wide concrete footpath, including access ramps at all intersections, must be provided on the south-eastern side adjacent to the creek corridor, in place of the shared path that would otherwise go here, noting the amendments to the road layout disconnect this shared path from the rest of the planned shared path network.

A 1.5 wide concrete footpath, including access ramps at all intersections, must be provided on the western side of Mt Carmel Drive between the two roundabouts linking Stages 1 and 2, on the north-western side of Mt Carmel Drive between Roads 201 and 211 in Stage 2 and on the southern side of Roads 101 and 211 in accordance with the DCP and the above documents.

k) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the eastern side of Mt Carmel Drive between the two roundabouts linking Stages 1 and 2, on the north-western side of Mt Carmel Drive between Roads 201 and 211 in Stage 2, on the northern side of Road 101, on the southern side of Road 201 and on the northern side of Road 211 in accordance with the DCP and the above documents.

The marked cycleway/ shared path crossing in Mt Carmel Drive north of Road 201 shown on the concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3) needs to be provided south of Road 201, so that the crossing is located in line with the cycleway/ shared path on the southern side of Road 201.

l) Gutter Crossings

Gutter crossings to each of the proposed new lots are required. Laybacks are not required where lots front roll kerb.

m) 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.

n) Access Handle Driveway Construction

A 5m wide (minimum) reinforced concrete driveway over the shared access handle of proposed lots 1112 to 1116 is required in accordance with the above documents and Council's driveway specifications.

o) Service Conduits

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

p) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3).

Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

q) Stormwater Drainage – Temporary Works

Tail out drains over adjoining properties are required to be provided, where necessary, of sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets.

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

r) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the Department of Primary Industries – Water.

s) Inter-allotment Stormwater Drainage

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

t) Stormwater Drainage – Temporary Management (Box Hill)

The temporary stormwater management measures described below are to be provided in accordance with the concept plan prepared by Calibre (Stage 1 Revision 4/ Stage 2 Revision 3) and the stormwater management strategy also prepared by Calibre (Stage 1 Revision 3/ Stage 2 Revision 2).

The temporary stormwater management measures referred to above include:

- Low flow diversion lines (Stages 1 and 2).
- Gross pollutant traps (Stages 1 and 2).
- A temporary low flow diversion line linking Road 101 to Road 108 via lot 1192 (Stage 1).
- A temporary swale along the southern and western boundary of lots 1190 and 1193 (Stage 1).
- Sediment Basin 1/ Future Basin 5B (Stage 1).
- Interim Basin 1 (Stage 1).
- Interim Basin 2/ Future Basin 5C (Stage 1).
- Stage 2 Bioretention/ Basin (Stage 2).

The purpose of the temporary stormwater management measures is to ensure there is no impact downstream between the pre-development and post development conditions, both with respect to the volume and quality of runoff, for a range of storm events. The cost of removing the temporary stormwater management measures and all associated re-work to pits and pipes must be determined at the detailed design stage, with a bond for 150% of the cost of these works submitted to ensure this occurs when the permanent stormwater management measures/ network further downstream is constructed and runoff from the subject site is/ can be connected to the same via the development of the intermediary properties downstream. The bond amount must be confirmed with Council prior to payment.

Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.

As these measures are primarily located within the planned parks, as well as the stormwater management land intended to be acquired by Council under a separate process, the detailed design will need to be finalised in consultation with Council's Infrastructure Group via Council's Construction Engineer.

PRIOR TO WORK COMMENCING ON THE SITE

26. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where

amendments to the plan are required post approval, they must be submitted to Council for further approval prior to 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.

27. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal 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 subdivision work is being carried out and must be removed upon completion.

28. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

29. Sediment and Erosion Control

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

30. Service Authority Consultation – Subdivision Works

Before subdivision works commence:

- Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the relocation, undergrounding and provision of electrical services for the non-residue lots created by the subdivision.
- Documentary evidence must be submitted confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.
- Consultation with the relevant telecommunications provider regarding the installation of telecommunication pits and pipes is required. The design and construction of these works must comply with current NBN standards, where applicable. Development within the area affected by the publically announced rollout maps by NBN must be registered with NBN via their website.

31. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970-2009 Protection of Trees on Development Sites. At a minimum a 1.8m high chain-wire fence is to be erected at least three metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

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

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm. A sign is to be erected indicating the trees are protected.

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

DURING CONSTRUCTION

32. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

33. Critical Stage Inspections – Subdivision Works

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

34. Subdivision Earthworks – Lot Topsoil

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

35. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be notified immediately.

36. National Parks and Wildlife Act 1974

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

37. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the NSW Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the NSW Office of Environment and Heritage.

38. Working Hours

All work must be restricted to between the hours of 7.00am and 5.00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

39. Tree Removal and Fauna Protection

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

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

40. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

41. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/ or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager – Environment and Health is

to be notified and a site contamination investigation is to be carried out in accordance with State Environmental Planning Policy 55 – Remediation of Land.

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

42. Dust Control

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

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

PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

43. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:

Stage 1

Stage 1	Purpose: Subdivision	Purpose: Credit	No. of Lots: 195	No. of Credits: 1	Total S\$4
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 1,294,990.52	\$ 6,640.98	\$ 1,288,349.54
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 1,626,809.66	\$ 8,342.61	\$ 1,618,467.05
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 125,526.00	\$ 643.72	\$ 124,882.27
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 1,074,059.92	\$ 5,508.00	\$ 1,068,551.92
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 477,443.81	\$ 2,448.43	\$ 474,995.38
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 1,200,378.02	\$ 6,155.78	\$ 1,194,222.23
Administration	\$ 260.47	\$ 260.47	\$ 50,792.07	\$ 260.47	\$ 50,531.60
Total	\$ 30,000.00	\$ 30,000.00	\$ 5,850,000.00	\$ 30,000.00	\$ 5,820,000.00

Stage 2A

Stage 2A	Purpose: Subdivision	Purpose: Credit	No. of Lots: 10	No. of Credits: 2	Total S\$4
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 66,409.77	\$ 13,281.95	\$ 53,127.82
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 83,426.14	\$ 16,685.23	\$ 66,740.91
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 6,437.23	\$ 1,287.45	\$ 5,149.78
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 55,080.00	\$ 11,016.00	\$ 44,064.00
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 24,484.30	\$ 4,896.86	\$ 19,587.44
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 61,557.85	\$ 12,311.57	\$ 49,246.28
Administration	\$ 260.47	\$ 260.47	\$ 2,604.72	\$ 520.94	\$ 2,083.78
Total	\$ 30,000.00	\$ 30,000.00	\$ 300,000.00	\$ 60,000.00	\$ 240,000.00

Stage 2B

Stage 2B	Purpose: Subdivision	Purpose: Credit	No. of Lots: 114	No. of Credits: 1	Total S\$4
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 757,071.38	\$ 6,640.98	\$ 750,430.40
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 951,057.95	\$ 8,342.61	\$ 942,715.34
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 73,384.43	\$ 643.72	\$ 72,740.71
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 627,911.96	\$ 5,508.00	\$ 622,403.96
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 279,121.00	\$ 2,448.43	\$ 276,672.57
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 701,759.46	\$ 6,155.78	\$ 695,603.67
Administration	\$ 260.47	\$ 260.47	\$ 29,693.83	\$ 260.47	\$ 29,433.36
Total	\$ 30,000.00	\$ 30,000.00	\$ 3,420,000.00	\$ 30,000.00	\$ 3,390,000.00

Stage 2C

Stage 2C	Purpose: Subdivision	Purpose: Credit	No. of Lots: 63	No. of Credits: 1	Total S\$4
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 418,381.55	\$ 6,640.98	\$ 411,740.57
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 525,584.66	\$ 8,342.61	\$ 517,242.05
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 40,554.55	\$ 643.72	\$ 39,910.83
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 347,003.98	\$ 5,508.00	\$ 341,495.98
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 154,251.08	\$ 2,448.43	\$ 151,802.65
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 387,814.44	\$ 6,155.78	\$ 381,658.65
Administration	\$ 260.47	\$ 260.47	\$ 16,409.75	\$ 260.47	\$ 16,149.28
Total	\$ 30,000.00	\$ 30,000.00	\$ 1,890,000.00	\$ 30,000.00	\$ 1,860,000.00

Stage 2D

Stage 2D	Purpose: Subdivision	Purpose: Credit	No. of Lots: 45	No. of Credits: 1	Total S94
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 298,843.97	\$ 6,640.98	\$ 292,202.99
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 375,417.61	\$ 8,342.61	\$ 367,075.00
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 28,967.54	\$ 643.72	\$ 28,323.81
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 247,859.98	\$ 5,508.00	\$ 242,351.98
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 110,179.34	\$ 2,448.43	\$ 107,730.91
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 277,010.31	\$ 6,155.78	\$ 270,854.53
Administration	\$ 260.47	\$ 260.47	\$ 11,721.25	\$ 260.47	\$ 11,460.78
Total	\$ 30,000.00	\$ 30,000.00	\$ 1,350,000.00	\$ 30,000.00	\$ 1,320,000.00

Stage 2E

Stage 2E	Purpose: Subdivision	Purpose: Credit	No. of Lots: 19	No. of Credits: 1	Total S94
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 126,178.56	\$ 6,640.98	\$ 119,537.59
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 158,509.66	\$ 8,342.61	\$ 150,167.05
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 12,230.74	\$ 643.72	\$ 11,587.02
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 104,651.99	\$ 5,508.00	\$ 99,143.99
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 46,520.17	\$ 2,448.43	\$ 44,071.74
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 116,959.91	\$ 6,155.78	\$ 110,804.12
Administration	\$ 260.47	\$ 260.47	\$ 4,948.97	\$ 260.47	\$ 4,688.50
Total	\$ 30,000.00	\$ 30,000.00	\$ 570,000.00	\$ 30,000.00	\$ 540,000.00

Stage 2F

Stage 2F	Purpose: Subdivision	Purpose: Credit	No. of Lots: 11	No. of Credits: 1	Total S94
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 73,050.75	\$ 6,640.98	\$ 66,409.77
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 91,768.75	\$ 8,342.61	\$ 83,426.14
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 7,080.95	\$ 643.72	\$ 6,437.23
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 60,588.00	\$ 5,508.00	\$ 55,080.00
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 26,932.73	\$ 2,448.43	\$ 24,484.30
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 67,713.63	\$ 6,155.78	\$ 61,557.85
Administration	\$ 260.47	\$ 260.47	\$ 2,865.19	\$ 260.47	\$ 2,604.72
Total	\$ 30,000.00	\$ 30,000.00	\$ 330,000.00	\$ 30,000.00	\$ 300,000.00

Stage 2G

Stage 2G	Purpose: Subdivision	Purpose: Credit	No. of Lots: 19	No. of Credits: 1	Total S94
Open Space - Land	\$ 6,640.98	\$ 6,640.98	\$ 126,178.56	\$ 6,640.98	\$ 119,537.59
Open Space - Capital	\$ 8,342.61	\$ 8,342.61	\$ 158,509.66	\$ 8,342.61	\$ 150,167.05
Transport Facilities - Land	\$ 643.72	\$ 643.72	\$ 12,230.74	\$ 643.72	\$ 11,587.02
Transport Facilities - Capital	\$ 5,508.00	\$ 5,508.00	\$ 104,651.99	\$ 5,508.00	\$ 99,143.99
Water Management - Land (KCP)	\$ 2,448.43	\$ 2,448.43	\$ 46,520.17	\$ 2,448.43	\$ 44,071.74
Water Management - Capital (KCP)	\$ 6,155.78	\$ 6,155.78	\$ 116,959.91	\$ 6,155.78	\$ 110,804.12
Administration	\$ 260.47	\$ 260.47	\$ 4,948.97	\$ 260.47	\$ 4,688.50
Total	\$ 30,000.00	\$ 30,000.00	\$ 570,000.00	\$ 30,000.00	\$ 540,000.00

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0268. Payment must be made by cheque or credit/ debit card. Cash payments will not be accepted.

This condition has been imposed in accordance with Contributions Plan 15.

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

44. Staging Requirements

The follow staging requirements apply:

- A Subdivision Certificate cannot be issued for Stage 1 before a Subdivision Certificate for Stage 3 (approved by 1657/2015/ZB).
- A Subdivision Certificate cannot be issued for Stage 2A before a Subdivision Certificate for Stage 1.
- A Subdivision Certificate cannot be issued for Stages 2B, 2C, 2D, 2E and 2F before a Subdivision Certificate for Stage 2A.
- A Subdivision Certificate cannot be issued for Stage 2G before a Subdivision Certificate for Stage 2B.

45. Completion of Subdivision Works

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent.

46. Compliance with NSW Rural Fire Service Requirements

A report/ letter from a qualified bushfire consultant must be submitted confirming that the requirements of the NSW Rural Fire Service have been complied with.

47. Compliance with NSW Department of Primary Industries – Water Requirements

A letter from the NSW Department of Primary Industries – Water must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

48. Compliance with Sydney Water Requirements

A letter from Sydney Water must be submitted confirming the works have been completed to their satisfaction.

49. Compliance with NSW Office of Environment and Heritage Requirements

A letter from the NSW Office of Environment and Heritage must be submitted confirming that the works have been completed to their satisfaction.

50. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

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

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

<http://www.gcc.nsw.gov.au/sic-69.html>

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

51. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

52. Performance/ Maintenance Security Bond

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

53. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

54. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

55. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the 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.

56. Provision of Telecommunication Services

Submission of a telecommunications infrastructure provisioning confirmation certificate issued by the relevant telecommunications provider authorised under the Telecommunications Act, or a design compliance certificate and an as-built compliance certificate from the company engaged to design and construct the pit and pipe infrastructure, confirming satisfactory arrangements have been made for the provision, or relocation, of telecommunication services including telecommunications cables and associated infrastructure. This must include the under-grounding of the existing telecommunication 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.

57. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

58. Site/ Lot Classification Report

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

59. Stormwater CCTV Recording

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

60. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

61. Final Plan and Section 88B Instrument

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

a) Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication included with the development application.

b) Easement – Temporary Public Access

A temporary public access easement must be created over the temporary cul-de-sac turning heads, where they extend beyond the road reserve into the lots on one or both sides, using the "temporary public access easement" terms included in the standard recitals.

c) Easement – Public Stormwater Drainage

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

d) Easement – Private Stormwater Drainage

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

e) Easement – Temporary Public Stormwater Drainage/ Outlet

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

f) Easement – Right of Access/ Easement for Services

A right of access/ easement for services must be created over the access handle of proposed lots 1113 to 1116.

g) Positive Covenant – Maintenance/ Repair of Shared Driveway

A positive covenant must be placed on the title of proposed lots 1113 to 1116 to ensure the maintenance/ repair of the shared driveway using the "maintenance/ repair of shared access" terms included in the standard recitals.

h) Easement – Repairs/ Zero Lot Line Dwellings

A 900mm wide (minimum) easement for repairs is required over those lots that have easements identified on the approved plan using the "zero lot line dwellings" terms included in the standard recitals.

i) Restriction – Restricted Access

Lot 1001 must be burdened with a restriction precluding access to Boundary Road using the "restricted access" terms included in the standard recitals.

Lot 2511 must be burdened with a restriction precluding access to Mt Carmel Drive (due to the roundabout here) using the "restricted access" terms included in the standard recitals.

j) Restriction – Rainwater Tanks

All residential lots must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals. The required tank size is 3,000 litres as per the DCP.

k) Covenant – Waste Collection/ Bin Presentation

Lots 1108 to 1121 must be burdened with a positive covenant requiring that bins are presented to Road 108 for collection rather than the laneway using the "waste collection/ bin presentation" terms included in the standard recitals.

Lots 2004 to 2006 must be burdened with a positive covenant requiring that bins are presented to Road 204 fronting lot 2006 for collection using the "waste collection/ bin presentation" terms included in the standard recitals.

l) Restriction/ Covenant – Temporary Stormwater Management (Box Hill)

Lots 1190, 1192, 1193 and 208 must be burdened with a restriction and a positive covenant that refers to the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

m) Covenant – Asset Protection Zone

All residential and residue lots must be burdened with a positive covenant using the "bushfire requirements/ asset protection zone" terms included in the standard recitals. Lots required to be managed as an asset protection zone require a positive covenant.

n) Restriction/ Covenant – Vegetation Management Plan

Lot 209 must be burdened with a restriction and a positive covenant using the “vegetation management plan/ restricted development area” terms included in the standard recitals. The VMP required to be cited in the restriction/ covenant is that approved with 1327/2014/ZB.

o) Restriction – Salinity

All residential lots must be burdened with a restriction requiring that structures in contact with soils are designed in accordance with AS 2159-1995 Piling – Design and Installation.

62. Security Bond – Temporary Turning Head

A \$20,000.00 security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

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

63. Construction Certification of Creek Crossing/ Culvert

A certificate of structural adequacy prepared by a suitably qualified and practicing structural engineer must be submitted with the WAE plans certifying that the creek crossing/ culvert has been built in accordance with the approved design. An itemised list detailing the quantity, length and tendered cost of each creek crossing/ culvert component and associated works must also be submitted, along with a maintenance schedule.

64. Water Sensitive Urban Design Certification

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

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



Department of
Primary Industries
Office of Water

Contact: Gina Potter
Phone: 02 8838 7566
Fax: 02 8838 7554
Email: Gina.Potter@dpi.nsw.gov.au
Our ref: 10 ERM2015/0549
Our file:
Your ref: DA2015/1509/JPZ

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

BATCH NO:
TIME:

24 JUL 2015

Attention: Andrew Brooks

21 July 2015

THE HILLS SHIRE COUNCIL

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA2015/1509/JPZ

Description of proposed activity: Subdivision creating 448 residential lots and three residue lots including new road and demolition over 3 stages

Site location: 93-103 Boundary Road Box Hill

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the subject property. Attached, please find the Office of Water's General Terms of Approval (GTA) for works requiring a controlled activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 91A (3) of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a 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 Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | e
water.enquiries@dpi.nsw.gov.au | ABN 72 189 919 072
Template Ref: CAA04, Version 1.1 – June 2015

- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Application forms for the controlled activity approval are available from the undersigned or from the Office of Water's website:

www.water.nsw.gov.au [Water licensing](#) > [Approvals](#) > Controlled activities

The Office of Water requests that Council provide a copy of this letter to the applicant.

The Office of Water also requests that Council provides the Office of Water with a copy of the determination for this development application as required under section 91A (6) of the EPA Act.

Yours Sincerely



Gina Potter
Water Regulation Officer
NSW Department of Primary Industries
Office of Water
Water Regulatory Operations, WR Operations - Hunter, Sydney & South Coast

General Terms of Approval

for work requiring a controlled activity approval
under s91 of the Water Management Act 2000

Number	Condition	File No:
Site Address:	93-103 Boundary Road Box Hill	
DA Number:	DA2015/1509/JPZ	
LGA:	The Hills Shire Council	
Plans, standards and guidelines		
1	These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to DA2015/1509/JPZ and provided by Council: (i) Site plan, map and/or surveys Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified DPI Water (formerly the NSW Office of Water) must be notified to determine if any variations to these GTA will be required.	
2	Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from DPI Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.	
3	The consent holder must prepare or commission the preparation of: (i) Vegetation Management Plan (ii) Erosion and Sediment Control Plan (iii) Soil and Water Management Plan	
4	All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with DPI Water's guidelines located at www.water.nsw.gov.au/ Water-Licensing/Approvals. (i) Vegetation Management Plans (ii) Riparian Corridors (iii) In-stream works (iv) Outlet structures (v) Watercourse crossings	
5	The consent holder must (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to DPI Water.	
Rehabilitation and maintenance		
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the DPI Water.	
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the DPI Water.	

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | t e

water.enquiries@dpi.nsw.gov.au | ABN 72 189 919 072

Template Ref: CAA04 Version 1.1 – June 2015

Number	Condition	File No:
Reporting requirements		
8	The consent holder must use a suitably qualified person to monitor the progress, completion, performance of works, rehabilitation and maintenance and report to DPI Water as required.	
Security deposits		
9	The consent holder must provide a security deposit (bank guarantee or cash bond) - equal to the sum of the cost of complying with the obligations under any approval - to DPI Water as and when required.	
Access-ways		
10	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.	
11	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by DPI Water.	
Bridge, causeway, culverts, and crossing		
12	The consent holder must ensure that the construction of any bridge, causeway, culvert or crossing does not result in erosion, obstruction of flow, destabilisation or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by DPI Water.	
13	The consent holder must ensure that any bridge, causeway, culvert or crossing does not obstruct water flow and direction, is the same width as the river or sufficiently wide to maintain water circulation, with no significant water level difference between either side of the structure other than in accordance with a plan approved by DPI Water.	
Disposal		
14	The consent holder must ensure that no materials or cleared vegetation that may (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by DPI Water.	
Drainage and Stormwater		
15	The consent holder is to ensure that all drainage works (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by DPI Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by DPI Water.	
16	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by DPI Water.	
Erosion control		
17	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by DPI Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.	
Excavation		
18	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by DPI Water.	
19	N/A	
Maintaining river		

www.water.nsw.gov.au

Macquarie Tower, 10 Valentine Avenue, Parramatta NSW 2150 | Locked Bag 5123, Parramatta NSW 2124 | water.enquiries@dpi.nsw.gov.au | ABN 72 189 919 072

Template Ref: CAA04 Version 1.1 – June 2015

Number	Condition	File No:
20	The consent holder must ensure that (i) river diversion, realignment or alteration does not result from any controlled activity work and (ii) bank control or protection works maintain the existing river hydraulic and geomorphic functions, and (iii) bed control structures do not result in river degradation other than in accordance with a plan approved by DPI Water.	
21	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by DPI Water.	
River bed and bank protection		
22	N/A	
23	The consent holder must establish a riparian corridor along the watercourses on site in accordance with a plan approved by DPI Water.	
END OF CONDITIONS		

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water.enquiries@dpi.nsw.gov.au | ABN 72 189 919 072

Template Ref: CAA04 Version 1.1 – June 2015

APPENDIX B

All communications to be addressed to:

Headquarters
15 Carter Street
Lidcombe NSW 2141

Headquarters
Locked Bag 17
Granville NSW 2142

Telephone: 1300 NSW RFS
e-mail: csc@rfs.nsw.gov.au

Facsimile: 8741 5433



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

Your Ref: 1509/2015/JPZ
Our Ref: D15/1689
DA15062697410 GB

ATTENTION: Ben Hawkins

30 July 2015

Dear Sir/Madam

Integrated Development for 11//1009338, 75//605776, 83//599307, 29a & 14a//39159 12//1009338 49 & 50//1006798 51//1006799 93-103 Boundary Road Box Hill NSW 2765

I refer to your letter dated 18 June 2015 seeking general terms of approval for the above Integrated Development in accordance with Section 91 of the 'Environmental Planning and Assessment Act 1979'.

This response is to be deemed a bush fire safety authority as required under section 100B of the 'Rural Fires Act 1997' and is issued subject to the following numbered conditions:

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of subdivision certificate and in perpetuity, Stage 1 and Stage 2 lands including the Residual Lots, but excluding the riparian corridor, shall be managed as an inner protection area (IPA) as outlined within Appendices 2 & 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building. To achieve this, the following conditions shall apply:

ID:97410/91017/5

Page 1 of 2

2. Water, electricity and gas supplies shall comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area. To achieve this, the following conditions shall apply:

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

General Advice – consent authority to note

Any future development application lodged within this subdivision under section 79BA of the 'Environmental Planning & Assessment Act 1979' may be subject to requirements as set out in 'Planning for Bush Fire Protection 2006'.

Due to the discrepancy between 'Planning for Bush Fire Protection 2006' and the Australian Standard AS3959 'Construction of buildings in bushfire prone areas', dwellings located on the perimeter of the site will require an alternate solution in determining the bushfire attack level (BAL).

For any queries regarding this correspondence please contact Garth Bladwell on 1300 NSW RFS.

Yours sincerely



Jason Maslen

A/Team Leader, Development Assessment and Planning

The RFS has made getting information easier. For general information on 'Planning for Bush Fire Protection, 2006', visit the RFS web page at www.rfs.nsw.gov.au and search under 'Planning for Bush Fire Protection, 2006'.

APPENDIX C



14 July 2015

Our Ref: SYD15/00807 (A9675949)
Your Ref: 1509/2015/JPZ

The General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC 1630

Attention: Ben Hawkins

**PROPOSED SUBDIVISION STAGE 1&2 MT CARMEL
93-103 BOUNDARY ROAD, BOX HILL**

Dear Sir/Madam,

Reference is made to Council's email dated 26 June 2015, regarding the abovementioned application which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with *State Environmental Planning Policy (Infrastructure) 2007*.

Roads and Maritime has reviewed the subject application and raises no objection to the proposed subdivision at 93-103 Boundary Road, Box Hill provided it is in accordance with the Box Hill Indicative Layout Plan (ILP).

Any inquiries can be directed to Jana Jegathesan by telephone on 8849 2313 or by email at development.sydney@rms.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A Malloch'.

Angela Malloch
Senior Land Use Planner
Network and Safety Management

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973 Parramatta NSW 2150 | www.rms.nsw.gov.au | 131 782



28 July 2016

Benjamin Hawkins
Subdivision Coordinator
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

RE: 1509/2015/JPZ – Subdivision at 93 Boundary Road, Box Hill

Dear Mr Hawkins,

Thank you for notifying Sydney Water of the amended plans for the address listed above. We have reviewed the application and provide the following comments for your consideration.

- The proposed deviation near Road 108 on Dwg 101 has not been agreed on by Sydney Water. The developer is to look at reshaping detention basins to avoid deviating sewer.
- The proposed deviation near Mt Carmel Road is agreed 'in principle' with Sydney Water; There is likely to be additional protection / deviation works on the existing sewer that is not shown on drawings,

Sydney Water E-Planning

Sydney Water has an email address for planning authorities to submit statutory or strategic planning documents for review. This email address is urbangrowth@sydneywater.com.au.

Further advice and requirements for this proposal are at attachment 1. If you require any further information, please contact Manwella Hawell of Urban Growth Strategy on 02 8849 4354 or e-mail manwella.hawell@sydneywater.com.au.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Greg Joblin", with a long horizontal line extending to the right.

Greg Joblin
Manager, Growth Strategy

Attachment 1

Sydney Water Servicing

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

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

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

Building Plan Approval

You must have your building plans stamped and approved before any construction is commenced. Approval is needed because construction/building works may affect Sydney Water's assets (e.g. Water, sewer and stormwater mains).

For further assistance please telephone 13 20 92 or refer to the Building over or next to assets page on the Sydney Water website (see Plumbing, building and developing then Building over or next to assets).

ATTACHMENTS

1. Locality Plan (1 Page)
2. Aerial View (1 Page)
3. SEPP Zoning Map (1 Page)
4. SEPP Residential Density Map (1 Page)
5. SEPP Native Vegetation and Riparian Protection Map (1 Page)
6. SEPP Heritage Map (1 Page)
7. Biodiversity Certification Map (1 Page)
8. DCP Road Layout (1 Page)
9. Subdivision Plan (15 Pages)
10. Approved Bulk Earthworks and Creek Rehabilitation Works (1327/2014/ZB) (8 Pages)

ATTACHMENT 1 – LOCALITY PLAN



- SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

ONE OTHER NOTIFICATION OFF MAP
(HILLS DISTRICT HISTORICAL SOCIETY)

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

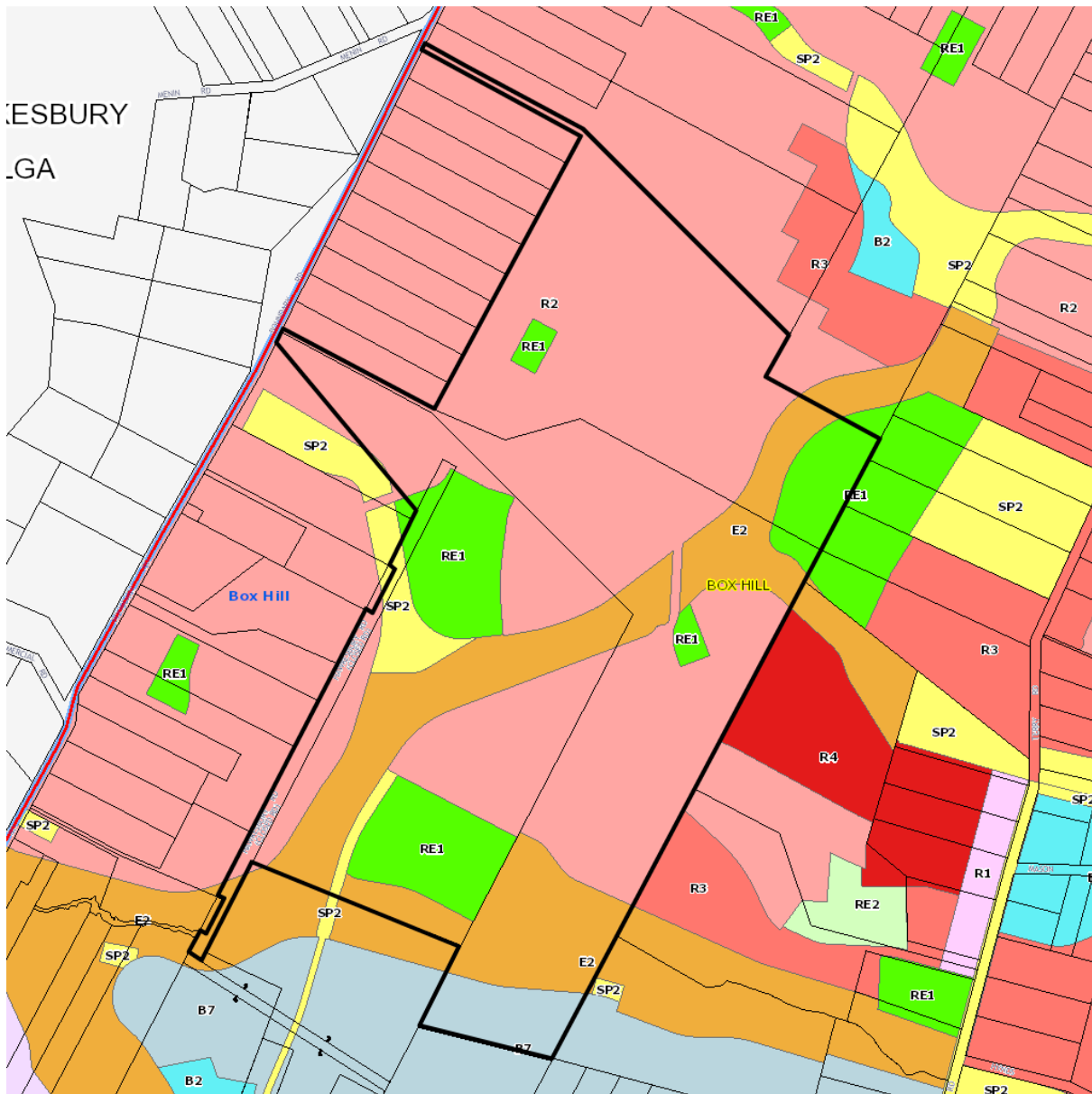
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LP1). CADASTRE UPDATE (INCLUDING COUNCIL GENERATED DATA) IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL VIEW



Subject Site: Black Outline

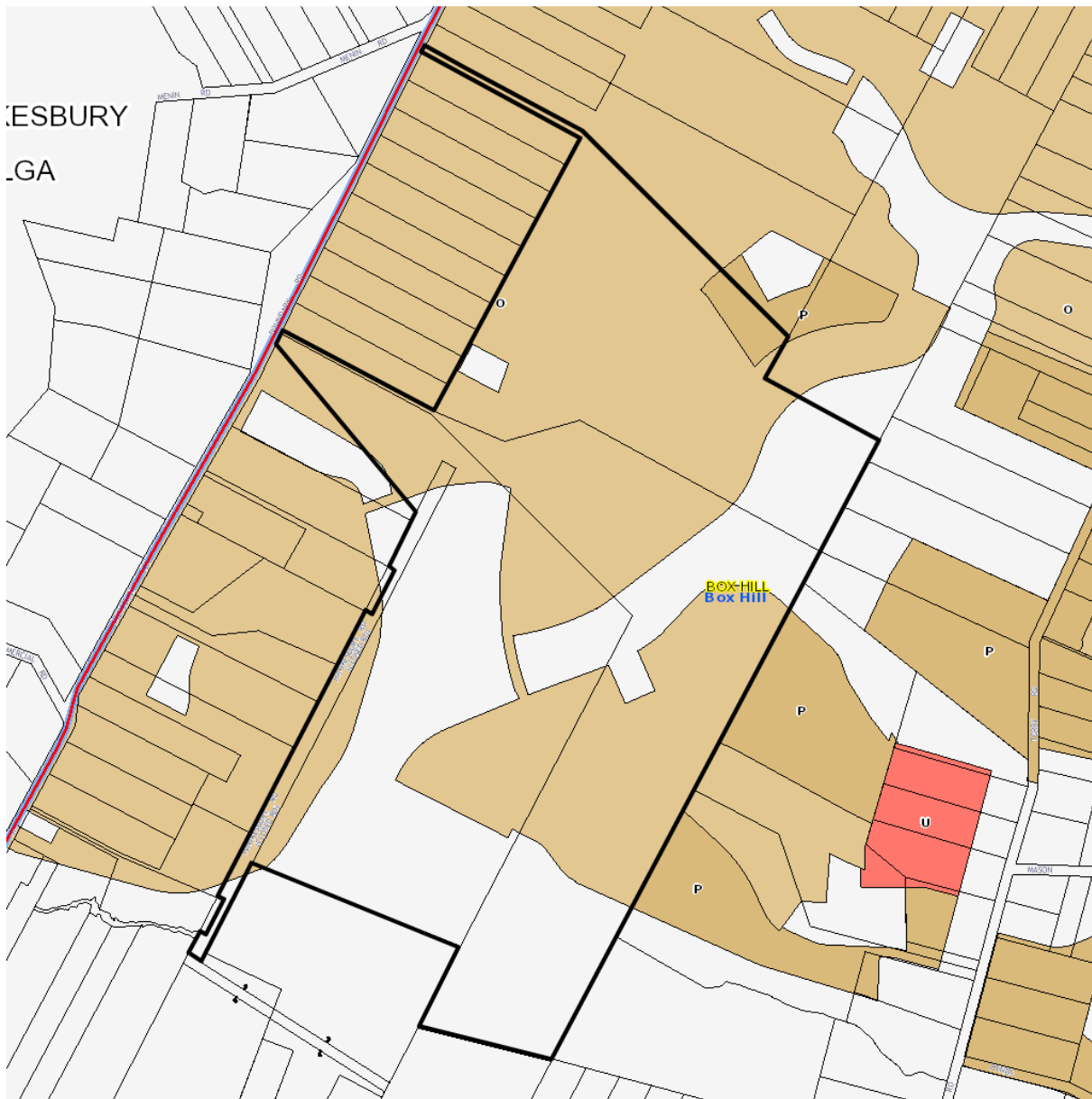
ATTACHMENT 3 – SEPP ZONING MAP



Subject Site: Black Outline

R2 Low Density Residential: Pink
RE1 Public Recreation: Green
SP2 Infrastructure: Yellow
E2 Environmental Conservation: Brown
B7 Business Park: Grey

ATTACHMENT 4 – SEPP RESIDENTIAL DENSITY MAP



Subject Site: Black Outline

O (15 Dwellings/ Hectare): Light Brown

P (18 Dwellings/ Hectare): Dark Brown

ATTACHMENT 5 – SEPP NATIVE VEGETATION AND RIPARIAN PROTECTION MAP



Subject Site: Black Outline

Riparian Protection Area: Black Hatched

Existing Native Vegetation: Light Green

Native Vegetation Retention Area: Dark Green

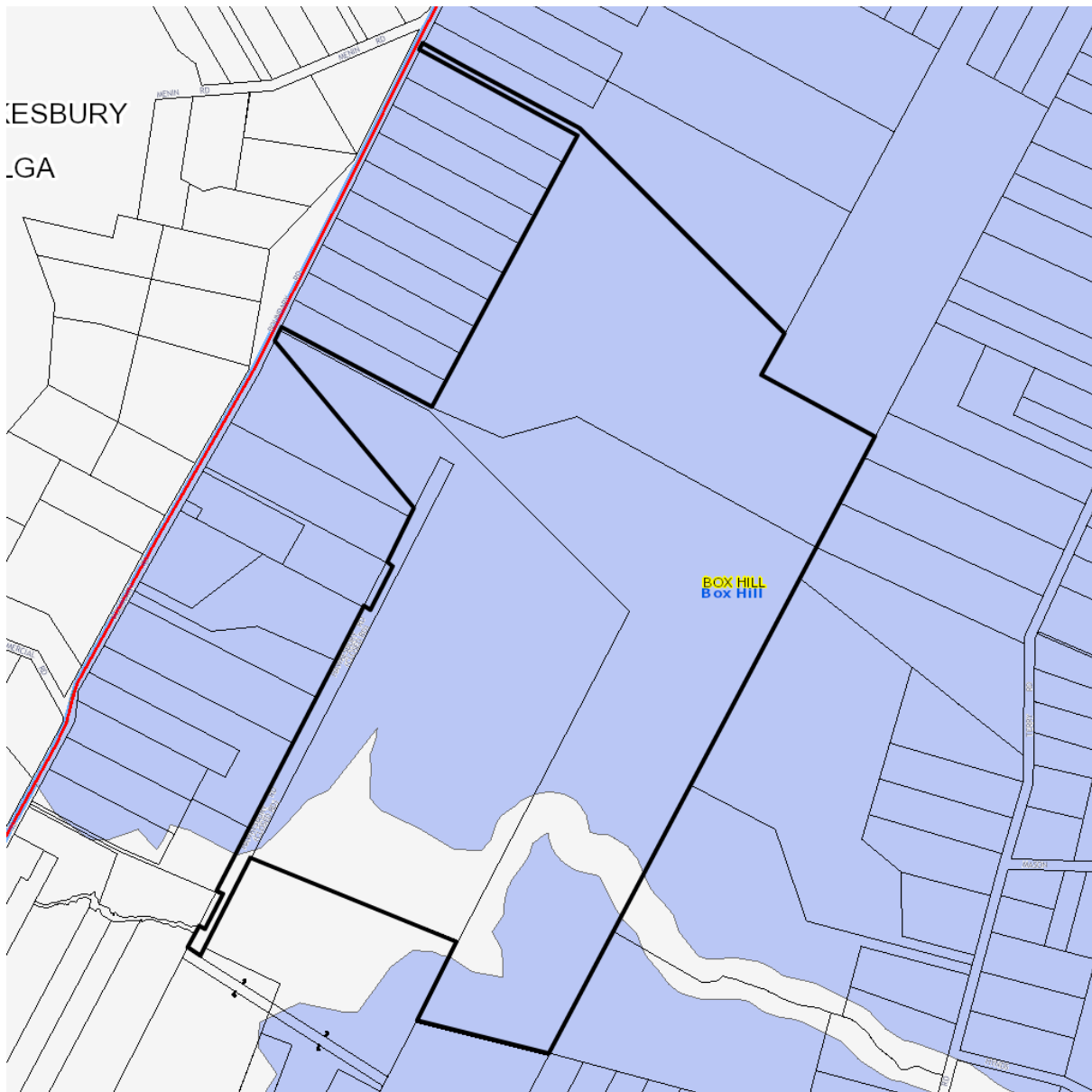
ATTACHMENT 6 – SEPP HERITAGE MAP



Subject Site: Black Outline

Box Hill House/ 10 Terry Road: Brown

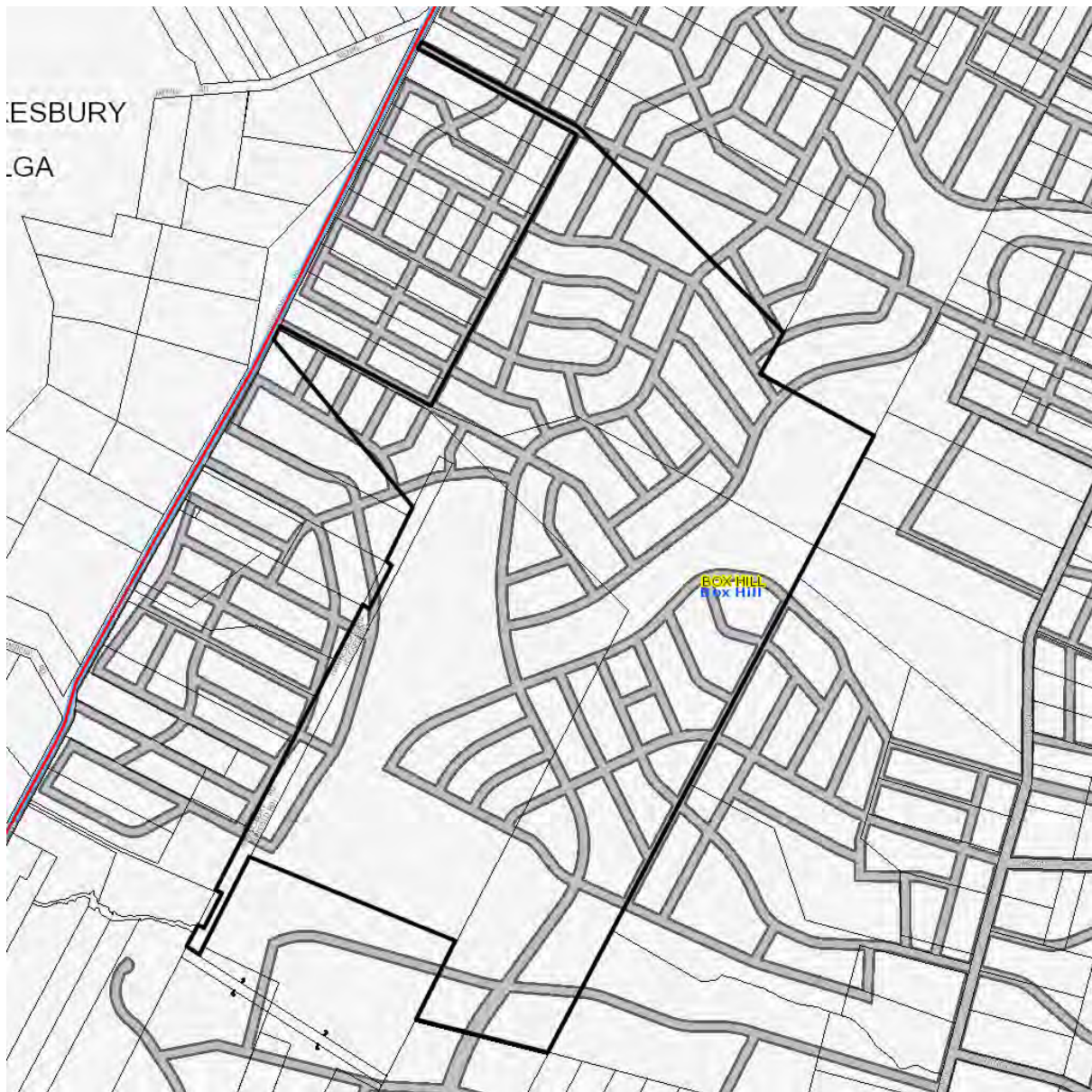
ATTACHMENT 7 – BIODIVERSITY CERTIFICATION MAP



Subject Site: Black Outline

Biodiversity Certification Order/ Certified Land: Blue

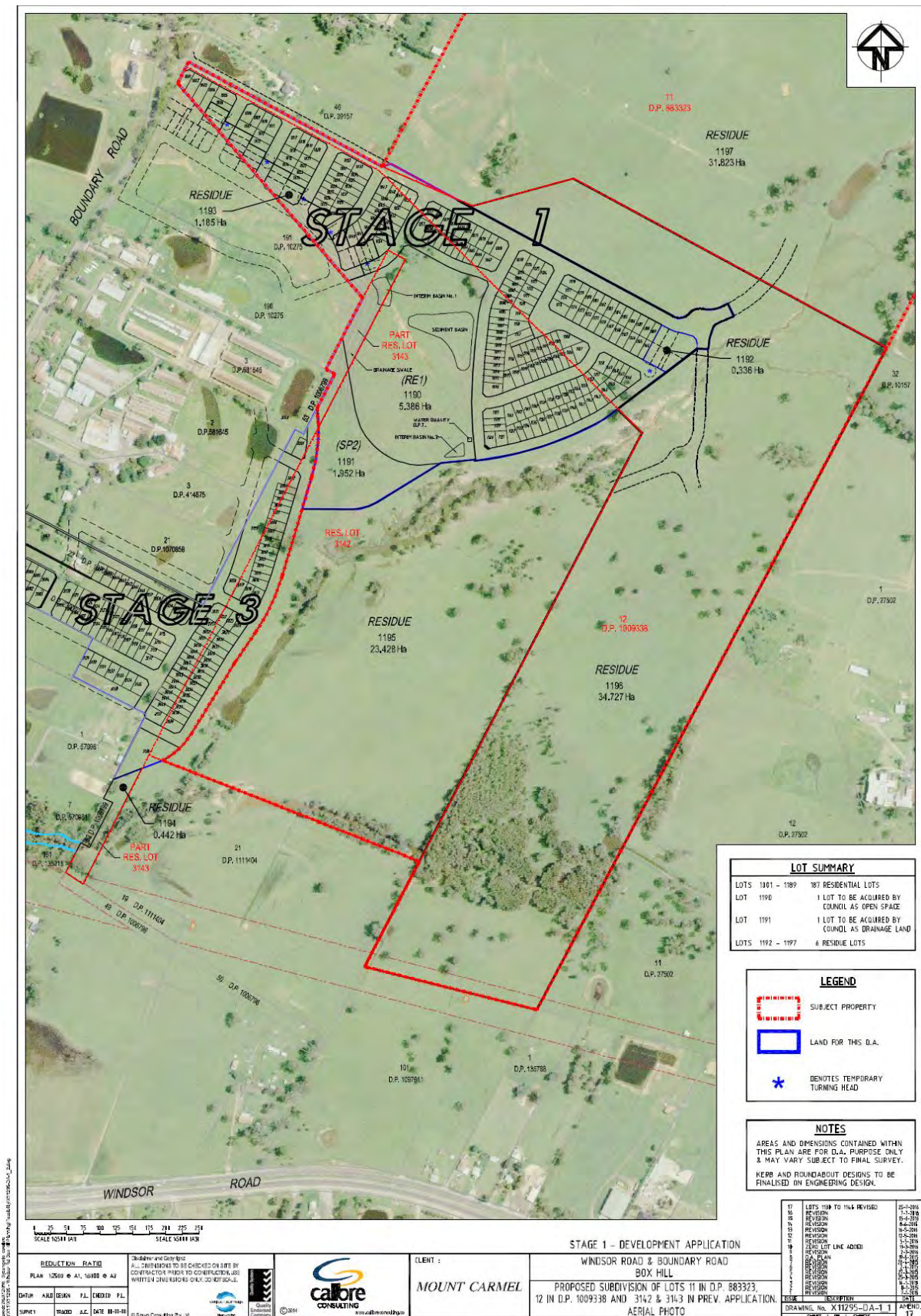
ATTACHMENT 8 – DCP ROAD LAYOUT

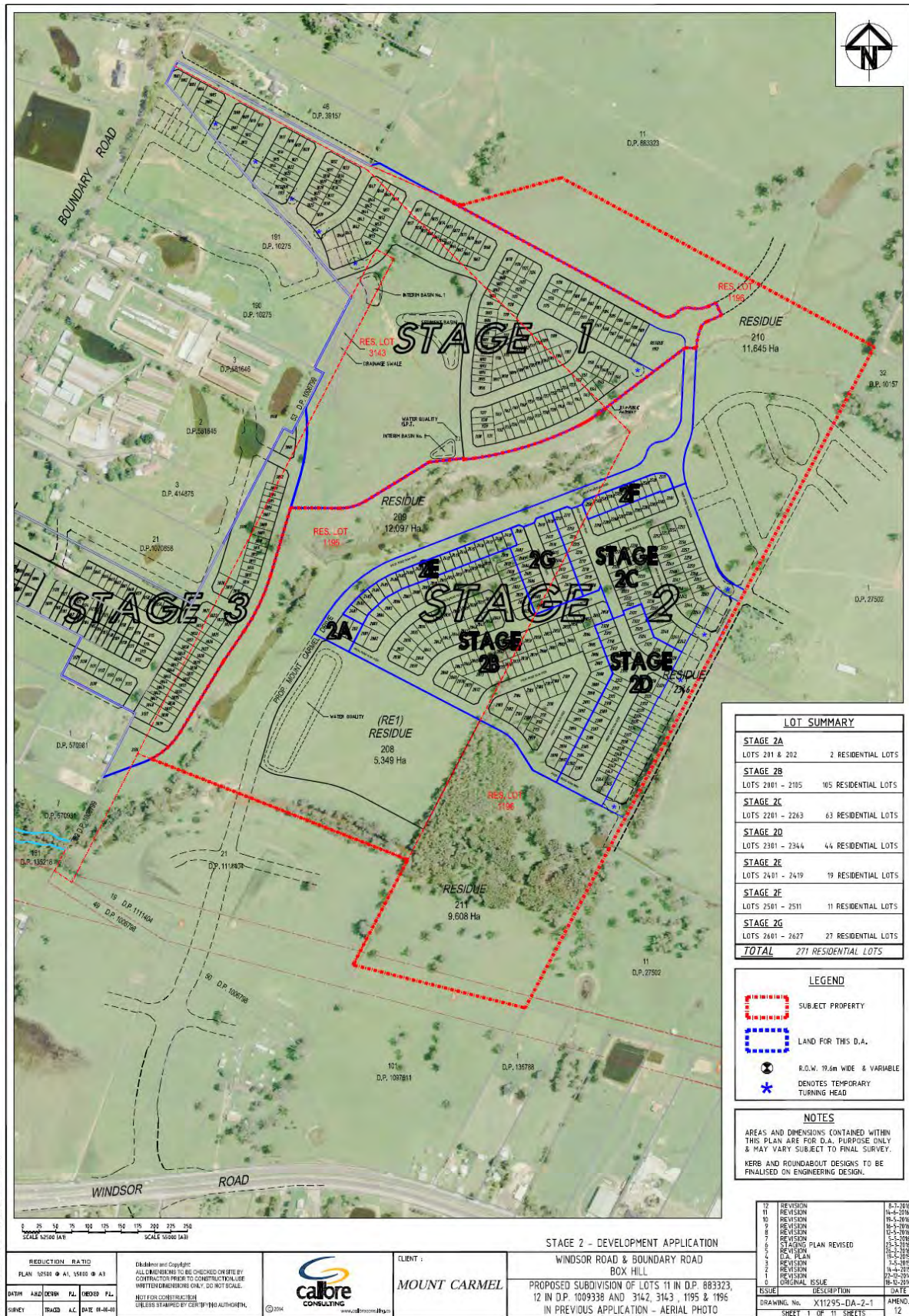


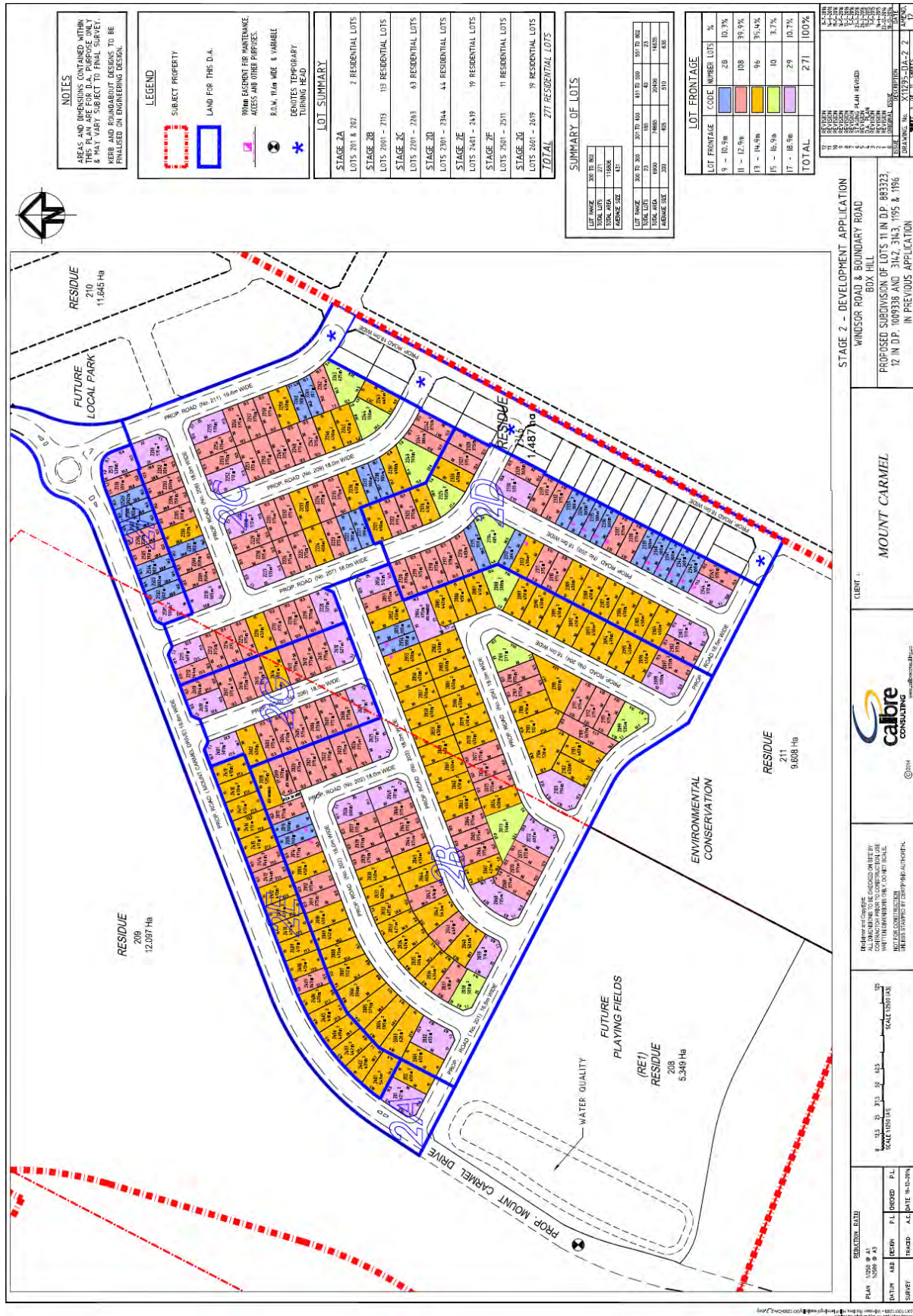
Subject Site: Black Outline

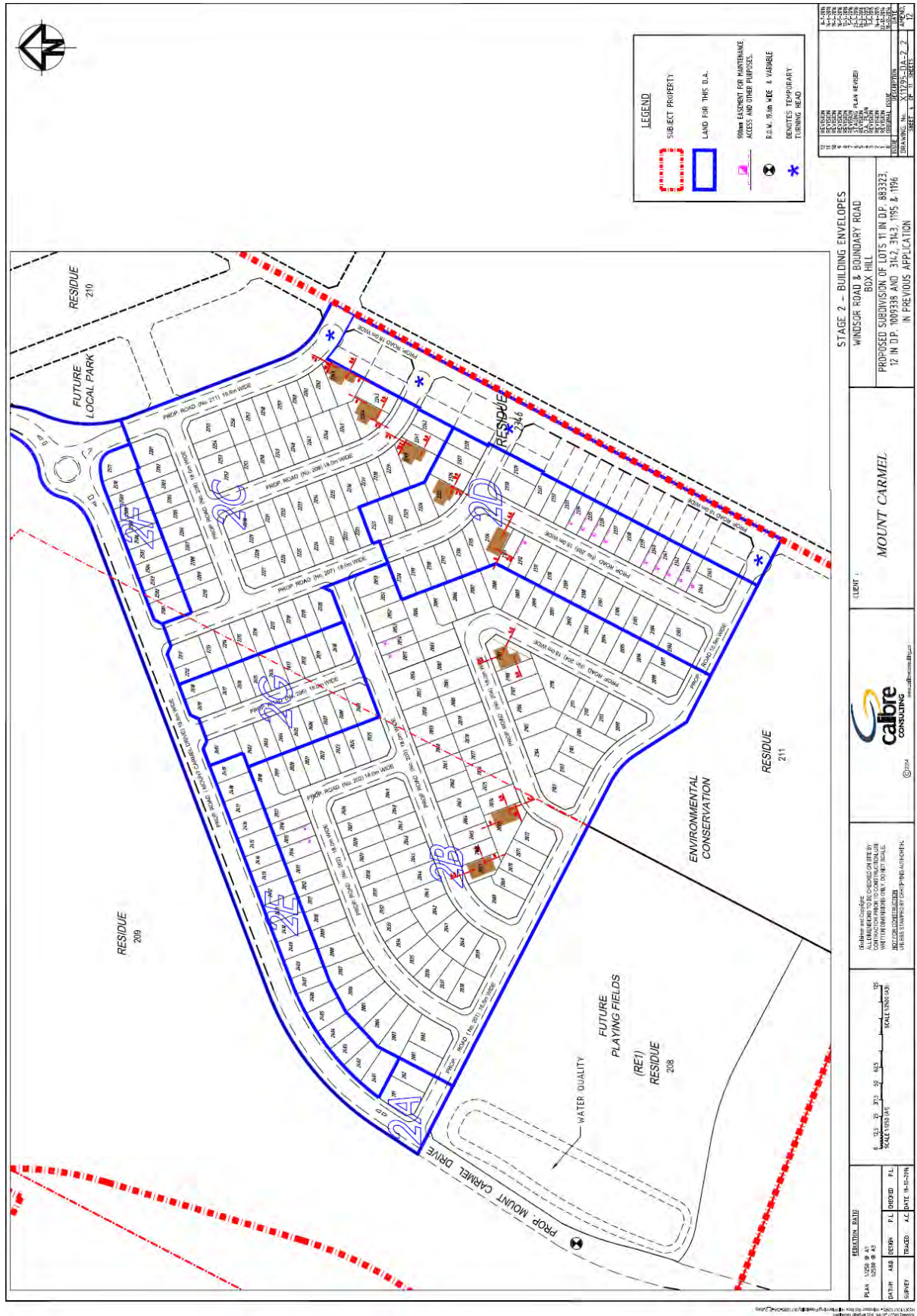
DCP Road Layout: Grey

ATTACHMENT 9 – SUBDIVISION PLAN

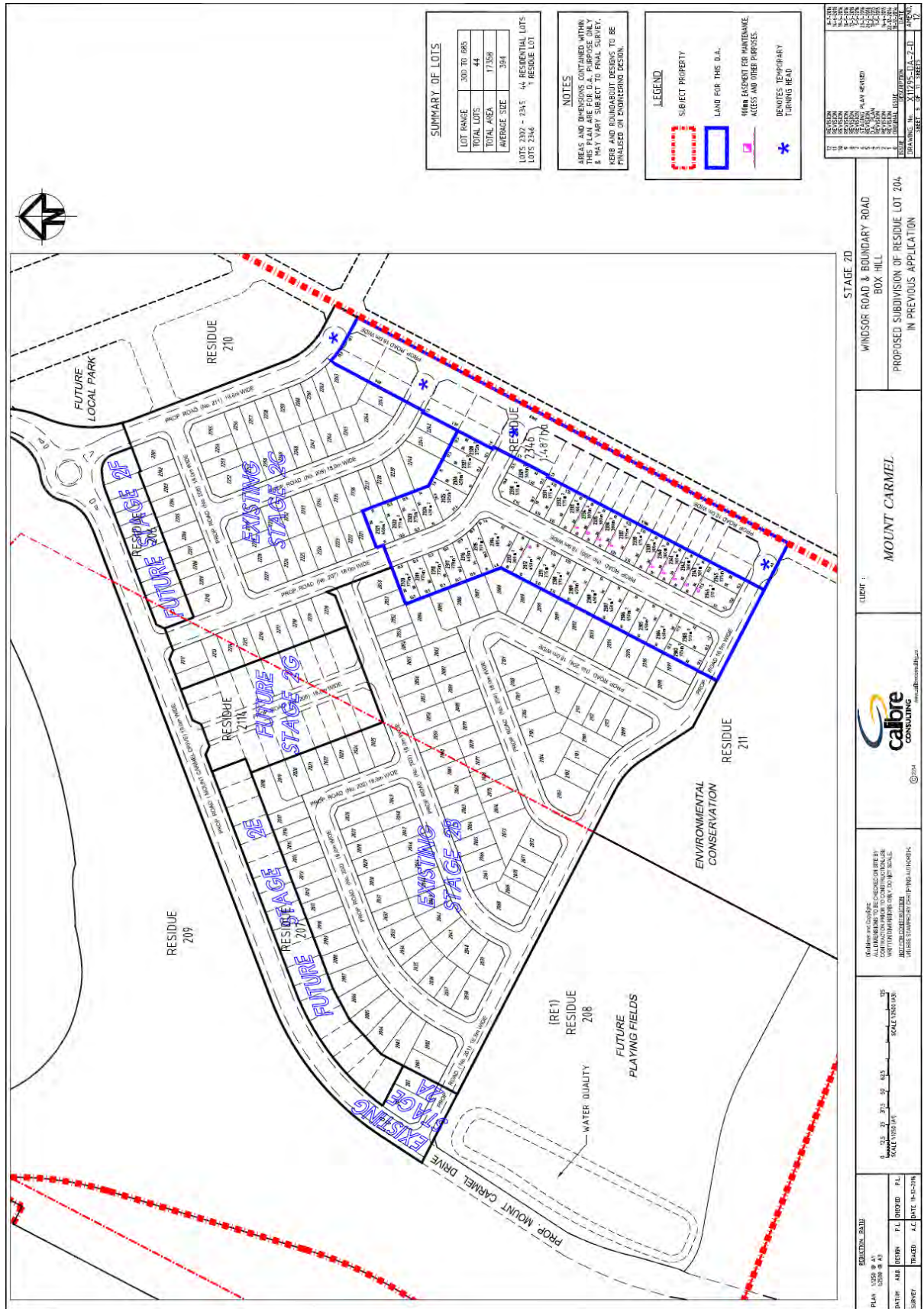


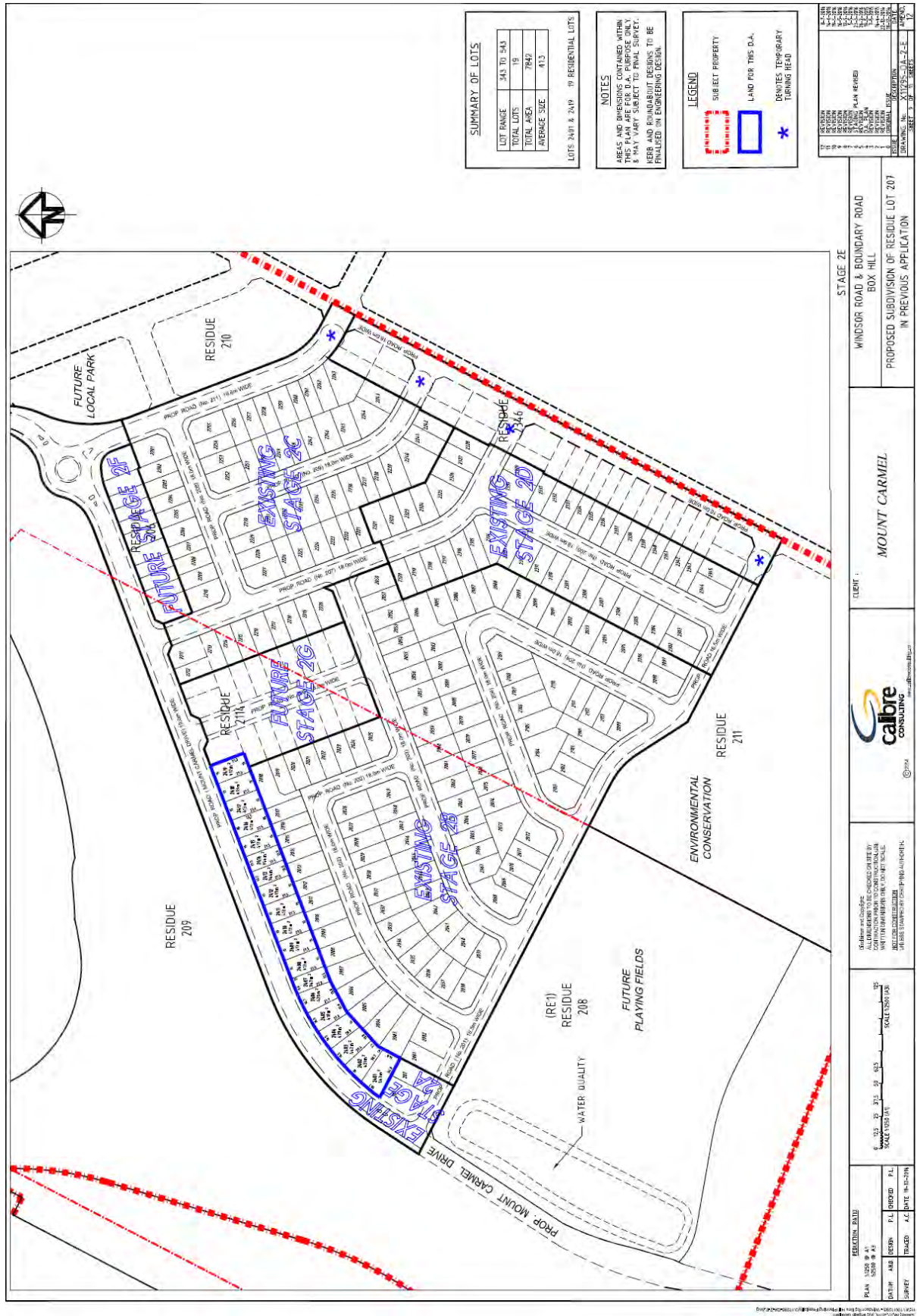




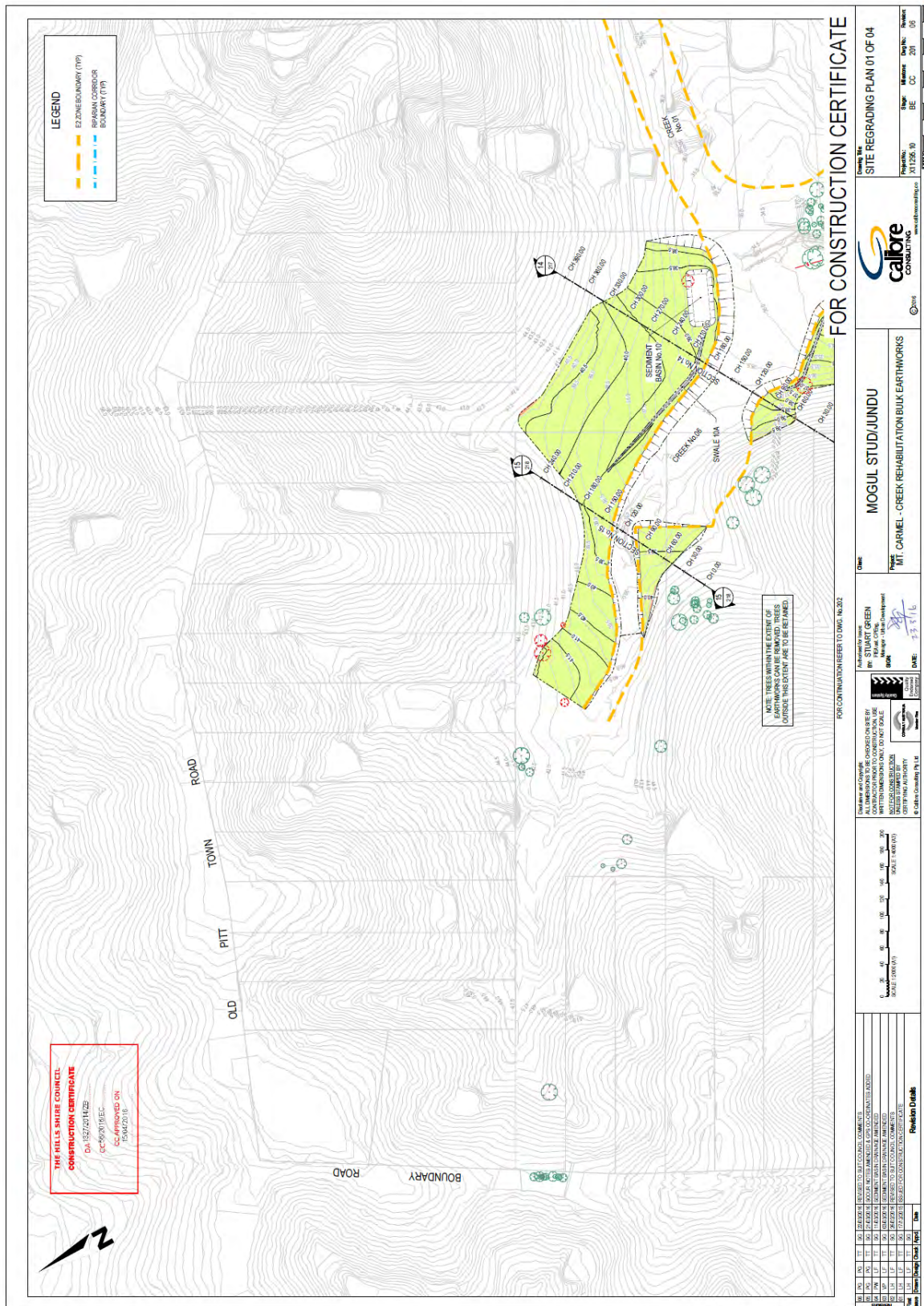


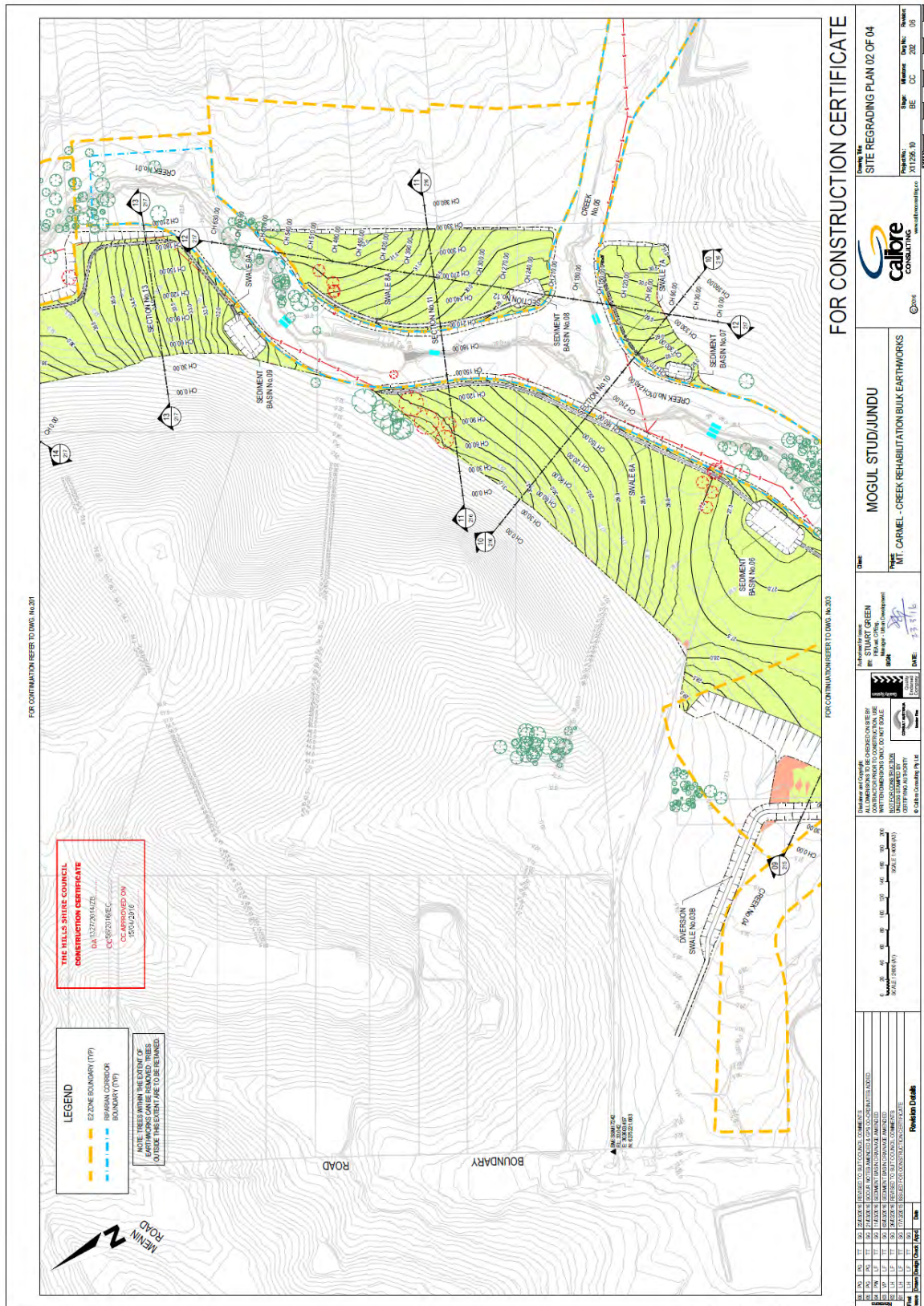






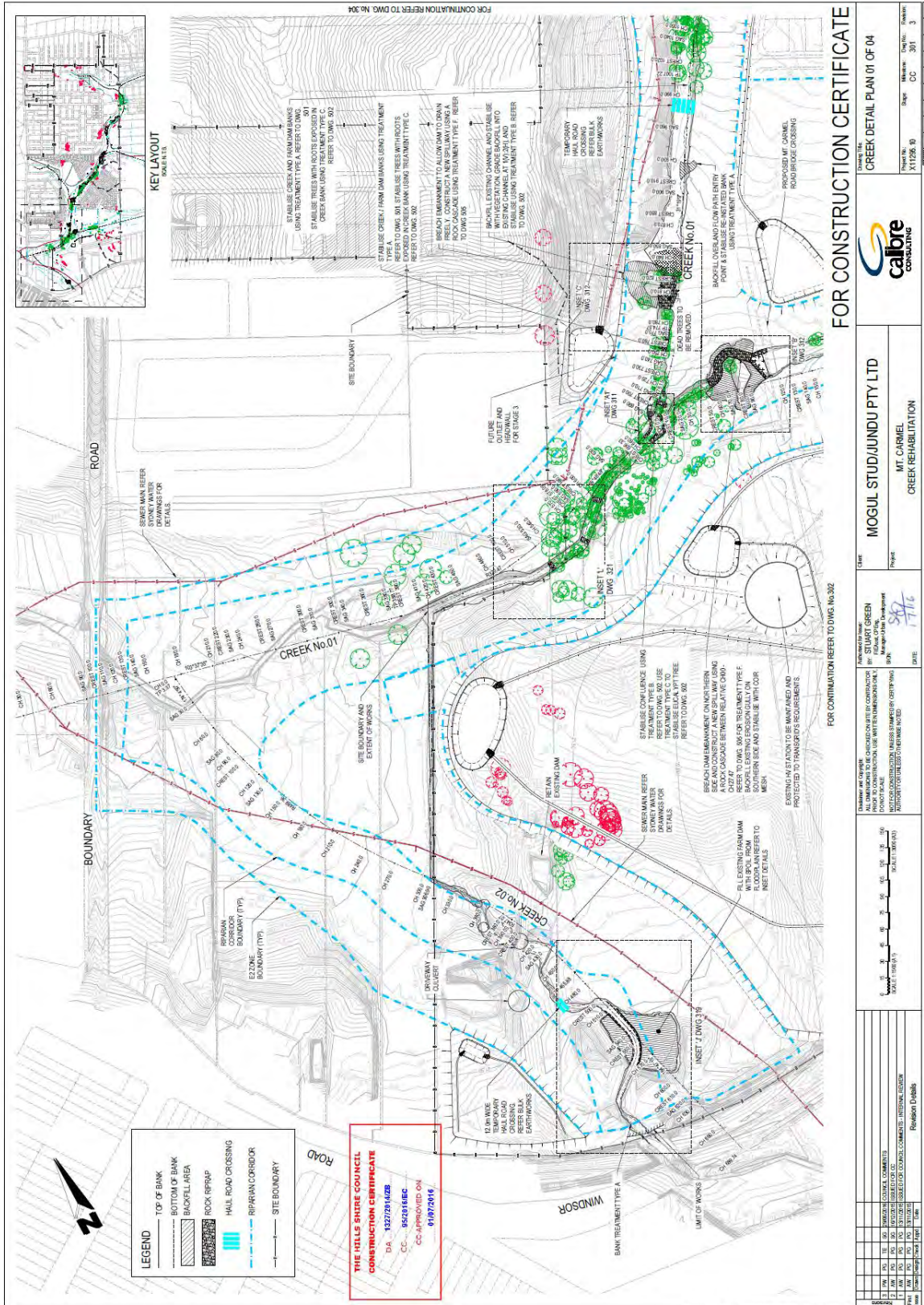
ATTACHMENT 10 – APPROVED BULK EARTHWORKS AND CREEK REHABILITATION WORKS (1327/2014/ZB)

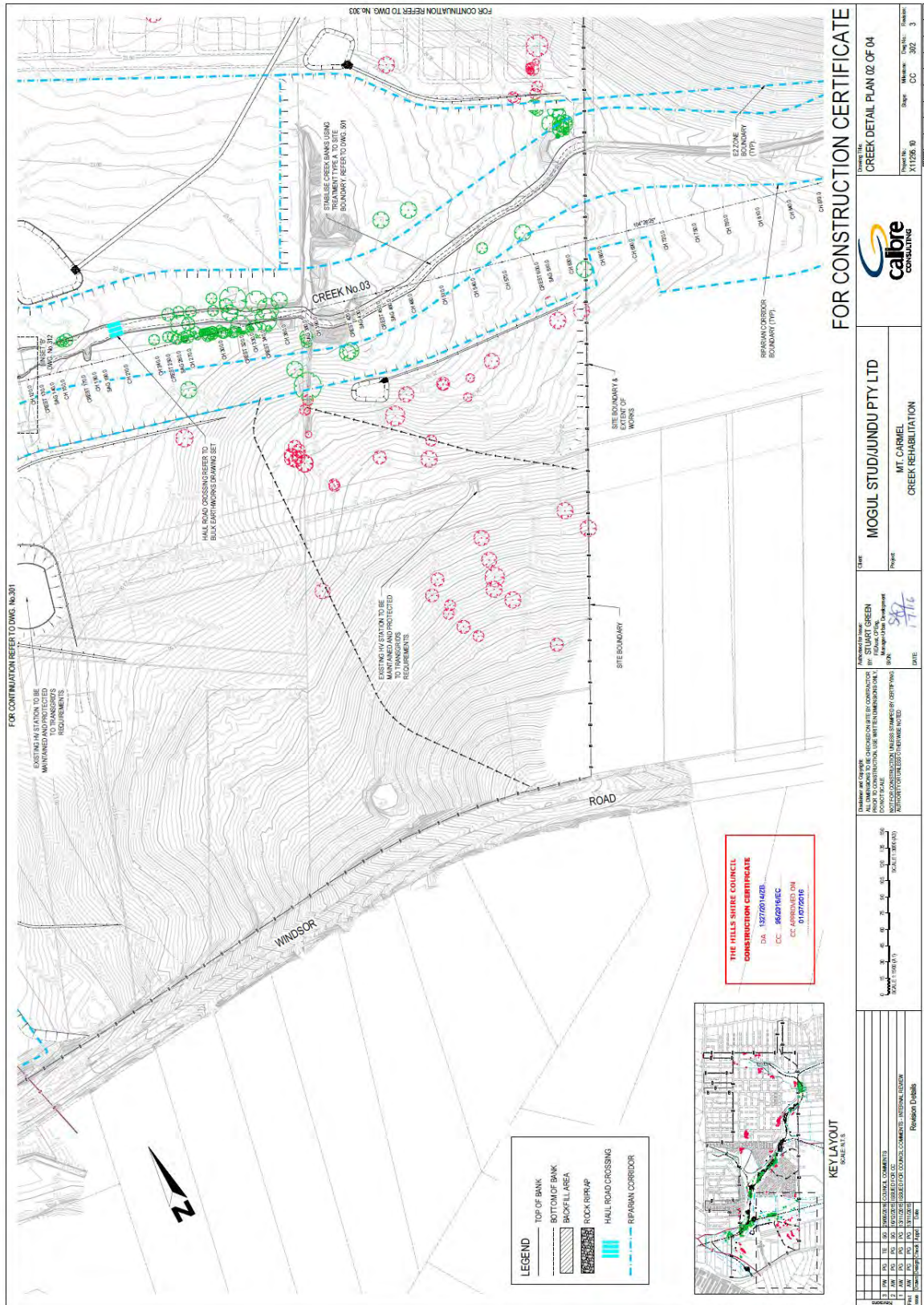












FOR CONSTRUCTION CERTIFICATE

MOGUL STUD/JUNDO PTY LTD MT. CARMEL CREEK REHABILITATION		calbre CONSULTING		CREEK DETAIL PLAN 02 OF 04	
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