

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW132
DA Number	1631/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING NINETY-THREE (93) UNITS AND ROAD CONSTRUCTION
Street Address	LOT 122 DP 11104 – NO. 4 ALAN STREET, BOX HILL
Applicant/Owner	BOX HILL INVESTMENT GROUP PTY LTD C/- EDMISTON JONES
Number of Submissions	NIL
Regional Development Criteria (Schedule 4A of the Act)	GENERAL DEVELOPMENT WITH A CIV OF OVER \$20 MILLION
List of All Relevant s79C(1)(a) Matters	- List all of the relevant environmental planning instruments: s79C(1)(a)(i) - State Environmental Planning Policy Growth Centres 2006 - State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy Infrastructure 2008 - State Environmental Planning Policy No 55 – Remediation of Land - 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 DCP 2014 - 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 - Environmental Planning and Assessment Act Regulation 2000
List all documents submitted with this report for the panel's consideration	NIL
Recommendation	APPROVAL SUBJECT TO CONDITIONS
Report by	DEVELOPMENT ASSESSMENT CO-ORDINATOR Robert Buckham

EXECUTIVE SUMMARY

The Development Application is for construction of a part six and part seven storey residential flat building containing 93 units and two levels of parking with 128 car parking spaces. The development is proposed on the portion of the site zoned R4 High Density Residential. The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).

The site is zoned part R3 and R4 and the development complies with the development standards contained within the SEPP Growth Centres in relation to height, floor space ratio and density.

The site is one of the first to be developed within this area of the Precinct and will form the basis of the redevelopment of the previous rural land. Currently the immediate area is characterized by single rural style dwellings, market gardens, plant nurseries and similar low scale activities. The context will change over the coming years as further development occurs in the Precinct.

The proposal includes a variation to the location of a DCP road located in the northern portion of the R4 zoned part of the site. The applicant proposes to relocate the road 6.5 metres to the north to be located partly within the R3 and R4 zones. The part of the site zoned R3 contains an above ground transmission easement negating any real development potential for this part of the site and that of adjoining neighbours. No objection has been raised by TransGrid, the authority of the transmission easement, or Council's Infrastructure team who will ultimately be charged with the care of the road. The relocation of the road is not considered to have any orderly development impacts and is therefore supported.

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

In the absence of the JRPP process the matter would be determined under Delegated Authority. The application is recommended for approval subject to conditions.

BACKGROUND**MANDATORY REQUIREMENTS**

Owner:	Singhota Super Pty Ltd	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	R3 Medium Density Residential and R4 High Density Residential	2.	<u>SEPP Sydney Region Growth Centres 2006</u> - Complies
Area:	Total site area: 9,190m ² R3 Portion: 4,030m ² R4 Portion: 5160m ²	3.	<u>SEPP 65 - Design Quality of Residential Flat Development</u> - Satisfactory
Existing Development:	Dwelling	4.	<u>SEPP Building Sustainability Index BASIX 2004</u> - Satisfactory
			<u>State Environmental Planning Policy No 55—Remediation of Land</u> - Satisfactory
			<u>SEPP Infrastructure 2007</u> - Satisfactory
			<u>Box Hill DCP</u> - Variation, see report
			<u>Section 94 Contribution</u> - \$835,534.48
			<u>Capital Investment Value:</u> \$29,000,000

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Not Required	1.	Capital Investment Value in Excess of \$20 million
2. Notice Adj Owners:	Yes, 14 days		
3. Number Advised:	20		
4. Submissions Received:	Nil		

HISTORY**19/06/2015**

Subject Development Application Lodged.

28/08/2015

Briefing of Joint Regional Planning Panel and site inspection.

02/10/2015

Letter sent to the applicant requesting amended plans and details addressing plan detail, earthworks, servicing, waste management, road construction, stormwater, and general engineering matters.

16/10/2015

Part additional information provided.

23/10/2015

Further part additional information received.

26/10/2015

Advice from TransGrid raising no objection to the proposal and relocated road.

16/11/2015

Amended Engineering Information received.

17/11/2015 Advice from Sydney Water received regarding servicing.

25/11/2015 Amended Architectural plans provided.

PROPOSAL

The Development Application is for construction of a part six and part seven storey residential flat building containing 93 units and two levels of parking with 128 car parking spaces. The development is proposed on the portion of the site zoned R4 High Density Residential. The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).

Vehicle access is provided via the existing Alan Street to the south and a new DCP road to the north. Full road width construction and dedication of the new road, and partial with reconstruction of Alan Street to a residential standard (rather than rural standard) is required.

The application provides a range of common areas including two function rooms (able to be used as one large room) on the first floor, two first floor common areas, gym on the second floor and a rooftop common area with a plunge pool. A landscape plan has been prepared and provides for a variety of species, ground covers, fencing and common open space embellishment including outdoor seating and barbeque areas.

ISSUES FOR CONSIDERATION

1. Compliance with Requirements of SEPP (Sydney Region Growth Centres) 2006

(i) Permissibility

The proposal is defined as a residential flat building:

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

Pursuant to the Land Use Table in Appendix 11 The Hills Growth Centre Precinct Plan, a residential flat building is permitted with consent within the R4 High Density Residential zone.

(ii) Development Standards

The following addresses the relevant principal development standards of the SEPP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum lot sizes for development	Residential flat building – 1,000m ²	5,160m ²	Yes
4.1B Residential Density	Minimum residential densities 30 dwelling per hectare	 194 dwellings per hectare	Yes
4.3 Height of buildings	21 metres	20.87m	Yes
4.4 Floor space ratio	2:1	1.9:1	Yes

(iii) Other Provisions

The proposal has been considered against the relevant provision of the SEPP. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation; and
- 6.1 Public utility infrastructure;

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses.

3. Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Flat Buildings

The required Design Verification Statement was prepared by Edmiston Jones Architects, who is a registered architect.

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

(i) Context

The site is one of the first to be developed within this area of the Precinct and will form the basis of the redevelopment of the previous rural land. Currently the immediate area is characterized by single rural style dwellings, market gardens, plant nurseries and similar low scale activities. The context will change over the coming years as further development occurs in the Precinct.

(ii) Scale

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The height generally ensures that the development responds to the desired future scale and character of the site.

The setbacks allow for landscape areas, entrances and deep-soil zones. The proposed setbacks have been developed to provide a satisfactory distance from adjoin dwellings, to form active street frontages and adequate open space areas for communal recreation spaces. The proposed development addresses matters such as privacy and open space matters.

(iii) Built Form

The design of the building elements are of a contemporary style with a number of elements being used to provide an architectural character. The ultimate form of development is achieved in the articulation of the elevations, the selection of colours and materials and high quality landscaped setting.

(iv) Density

The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 30 dwg/ha for the site.

(v) Resources, Energy and Water Efficiency

The design achieves good natural ventilation and the addition of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these

goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs. A BASIX certificate has been lodged. The energy rating of the residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

(vi) Landscape

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

(vii) Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access/circulation, apartment layouts, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities.

(viii) Safety and Security

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened. The basement car parks have been appropriately designed and appropriate conditions of consent can be imposed to further assist in the promotion of safety and security.

(ix) Social Dimensions

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. Council, on 9 September 2014, adopted The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings which introduced new development standards in relation to unit floor areas and mix. These controls aim to provide for an appropriate provision of unit types and sizes in the Shire. Compliance with the above standards is discussed later in this report and it is considered that the applicant has adequately addressed this issue.

(x) Aesthetics

An appropriate composition of building elements, material textures and colours has been used.

The relevant provisions of the Residential Flat Design Code are addressed below:

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Part 1 – Local Context – Primary Development Controls			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	FSR and Height Controls complaint and consistent.	Yes.
	Test heights against the proposed number of storeys and the minimum ceiling	Tested and reasonable all units achieve 3.1m floor to	Yes.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	heights for the desired building use.	ceiling heights.	
Building Depth	In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory daylighting and natural ventilation are to be achieved.	The plans detail an appropriate building depth of up to 21m.	Yes - appropriate solar access and cross ventilation are provided to all units.
Building Separation	<u>Up to 4 storeys</u> 12m between habitable rooms/balconies. 9m between habitable rooms/balconies and non-habitable rooms; 6m between non-habitable rooms. <u>Five to eight storeys/up to 25 metres</u> 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable rooms. Design and test building separation controls in plan and section. - Test building separation controls for daylight access to buildings and open spaces. - Building separation controls may be varied in response to site and context constraints. - Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily	6m setback provided to boundary to allow 12m minimum separation. 9m setback provided to boundary to allow 18m minimum provided between balconies.	Yes. Yes.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	achieved (see Daylight Access, Visual Privacy and Acoustic Privacy).		
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The proposal provides for a minimum 4.5m setbacks as required by the DCP.	Yes.
Side and rear setback	Relate side setback to existing streetscape patterns. Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones). Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.	DCP complaint side setbacks provided.	Yes.
Floor Space Ratio	Test the desired built form outcome against proposed floor space ratio to ensure consistency with: - Building height. - Building footprint. - The three dimensional building envelope. - Open space requirements.	Proposal complies with the FSR control (2:1) relating to the site.	Yes.
Part 2: Site Design			
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	The majority of open space is provided around the buildings. Deep soil zones equate to 28.4%.	Yes.
Open Space	The area of communal open space required should generally be at least 25-30% of the site area.	The development provides for a communal open space area of 19.4% of the site.	No however meets the minimum DCP requirement of 15% and the common open space areas are contiguous

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	The minimum recommended area of private open space for each apartment at ground level or similar space on a structure (i.e. podium, car park) is 25m ² .	Each unit at ground level is provided with a private open space area of at least 25m ² to 60m ² .	ensuring they are useable. Yes
Pedestrian Access	Identify the access requirement from the street or car parking area to the apartment entrance. Provide barrier free access to at least 20% of dwellings in the development.	Pedestrian access is provided from the street or car parking area to the apartment entrance. Entrance and access to the basement parking is achieved via the internal stairs and elevators.	Yes.
Vehicular Access	Generally limit the width of driveways to a maximum of 6m.	The maximum width of the driveway is 6m.	Yes.
	Locate vehicle entries away from main pedestrian entries and on secondary frontages.	Vehicular access is suitably separated from the pedestrian access.	Yes.
Part 3: Building Design			
Apartment Layout	Single aspect apartments should be limited to 8m from a window.	Single aspect units exceed 8m.	Yes - appropriate solar access and cross ventilation are provided to all units.
Apartment size	Minimum apartments sizes: 1 bedroom – 50m ² . 2 bedroom – 70m ² . 3 bedroom – 95m ² . Typology Table (page 69).	All units comply with the minimum apartment size requirements.	Yes- all units comply with page 69 requirements where a direct typology comparison can be made.
Apartment Mix	Provide a diversity of apartment types to cater for different household requirements.	The proposal provides for The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).	Yes.
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All balconies provide useable areas with a minimum depth of 2m.	Yes.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	Minimum 2.7m.	Yes.
Ground floor apartments	Optimise the number of ground floor apartments with separate entries and consider requiring an appropriate percentage of accessible units. Provide ground floor apartments with access to private open space (i.e. terrace, garden).	Appropriately designed ground floor apartments.	Yes.
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	There are a maximum of eight units per corridor	Yes.
Storage	In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates: - Studio – 6m ³ . - 1 bed – 6m ³ . - 2 bed – 8m ³ . - 3 bed+ - 10m ³ .	Separate storage areas in the basement car park and lobbies .	Yes.
Daylight Access	Living rooms and private open spaces for at least 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.	71% of the units receive a minimum of three hours direct sunlight between 9am and 3pm in mid-winter.	Yes.
Natural Ventilation	60% of residential units should achieve natural cross flow ventilation.	63% of units achieve cross flow ventilation.	Yes.
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	A satisfactory waste management plan was submitted with the application.	Yes.
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	The development will collect rainwater and stormwater and will be stored for re-use on the site.	Yes.

An assessment was also undertaken against the provisions of the newly introduced SEPP 65 – Design Quality of Residential Buildings amendment together with the new

Apartment Design Guide which replaced the Residential Flat Design Code. The new SEPP and associated guidelines are not applicable as the Development Application was lodged prior to its adoption. The changes are aimed at increasing the supply of well designed, affordable apartments, to introduce greater consistency in the adoption of basic design principles, and to encourage more innovative design. The proposal is considered satisfactory with respect to compliance with the amendment and Apartment Design Guide.

4. SEPP Infrastructure

The northern portion of the subject land (generally that part zoned R3 Medium Density Residential Zone) is traversed by an electrical transmission easement (ranging in width from 59.26m to 63.245m wide). The development application includes the following work within the southern perimeter of the electrical transmission easement:

- 6m wide (part width) road construction with timber bollards at 1.5m centres along the northern edge of the road;
- 3.5m wide undeveloped road verge/reserve north of the bollards; and
- Drainage infrastructure including a sediment basin.

Clause 45(1)(b)(i) of SEPP Infrastructure 2007 requires referral of the development application to TransGrid as the supply authority. It is noted that the applicant undertook preliminary discussions with TransGrid prior to lodgement. No objection was raised by TransGrid subject to a number of Conditions. These comments have been incorporated into the recommended conditions of consent (refer Condition 3)

Clause 104 (Traffic Generating Development) does not apply as the size and capacity of the development does not trigger the requirement for referral to the Roads and Maritime Services within Schedule 3 of the SEPP (ie. residential apartment building not exceeding 300 units).

5. Compliance with the Box Hill Development Control Plan

The proposal has been assessed against the provisions of The Box Hill Development Control Plan and the following addresses the relevant development controls of the DCP:

RFB controls (table 20)	Maximum 50% site cover	43%	Yes
	30% landscaped area	35%	Yes
	15% communal area	16.2%	Yes
	POS – 10m ² with 2.5m dimension	Provided	Yes
	Front setback – 6m/4.5m (first 3 storeys)	4.5m min, L3+ 6m (Alan St and New Road)	Yes
	Secondary Setbacks 6m	N/A	NA
	Side setback – 3m up to 3 storeys 6m above 3 storeys	L1 – 3m, J2 and above 6m+	Yes
	Rear setback – 6m	NA	NA
	Habitable room separation – 12m	12m	Yes
	Car parking – 1 space per	Required – 127	Yes

	dwelling plus 0.5 spaces per 3 or more bedroom Visitor – 1 per 5 units	Proposed – 128	
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a) Road Layout

The proposed east-west road shown on the Indicative Layout Plan is located wholly within the northern extremity of the R4-zoned land (i.e. immediately south of the R3-zoned land and the electrical transmission easement). The proposed development seeks for this road reserve to be relocated to partly within the R3-zoned land (9m wide) and partly within the R4-zoned land (7.5m) as detailed in the plans submitted with the development application (refer Attachment 8) .

The Indicative Layout Plan shows that a future road is proposed to traverse four properties (including the subject land) and is sited within the R4 High Density zoned portion of Lots 121, 122 and 122A, just south of the transmission line easement, and within the R3 zone of No. 32-34 Hynds Road.

The objectives of this section of the DCP are:

- a. To ensure development of the Precincts is undertaken in a co-ordinated manner consistent with the North West Sector Structure Plan and the Box Hill and Box Hill Industrial Indicative Layout Plan.*

The applicant in justifying the proposed variation to the Development Standards states that:-

The transmission easement restrictions do not allow any (or extremely limited) development within this easement corridor, hence no "medium density residential" development is actually allowed on the R3-zoned land, and only limited works are permitted within the easement area.

This results in a significant limitation on the developable area of land within the R4 High Residential Density zone and resultant yield for these properties. The proponent has consulted with TransGrid in the planning phase in relation to the location of part of this road within the (otherwise undevelopable) transmission easement and R3-zoned land (approx 8m wide), and will be subject to formal referral as part of this development application process.

The applicant has also consulted with the three adjoining/nearly landowners impacted by this variation for the road relocation. The relocation of the road north-ward by approximately 9 metres will maintain the intent of the proposed street network and block design within the Indicative Layout Plan (hence the objectives and controls of Section 2.4 of the DCP will be maintained).

Comment:

The proposed variation does not result in any orderly development impacts on adjoining properties. The application was notified to adjoining residents and no submissions were received. The relocation of the road does not result in any additional floor space being made available to the applicant as this part of the site, was still able to be utilised for the floor space ratio calculations. It is agreed that the R3 Medium Density portion of the site is constrained and unlikely to be developed. The existing easement is not proposed to be relocated, nor are there any provisions that would enable or fund its relocation or undergrounding.

The applicant has liaised with all affected neighbours, and has attempted to obtain formal agreement from the neighbours however has in part been unsuccessful for a number of reasons, however it is understood that there is no objection from all parties. In any event it is considered that the relocation of the road has no detrimental impacts on the affected owners for the reason discussed above.

6. The Hills Development Control Plan 2012 - Part B Section 5 Residential Flat Buildings

Under the provisions of Clause 1.3 of the North Kellyville Development Control Plan, The Hills Development Control Plan 2012 Part B Section 5 Residential Flat Buildings does not apply to the subject site. Nevertheless the proposal has been reviewed against Section 3.11 Unit Layout and Design as follows:

Unit Mix

The development complies with the control which states that no more than 25% of the dwelling yield is to comprise of one bedroom apartments and no less than 10% of the units comprise 3 or more bedrooms. The application includes 11 x 1 bed (11.8%), 52 x 2 bedroom (56%) and 30 x 3 bedroom units (32.2%).

Unit Size (Typology)

Of the 93 proposed units, 49 units (52%) fall under 'Type 1', 40 units (43%) fall under 'Type 2' and 4 units (5%) fall under 'Type 3' apartment sizes. The development does not conform to the unit size typology in the DCP. The DCP requires that Type 1 and 2 units do not exceed 30% of the total number of units.

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

Although the development does not meet the typology requirements of the DCP, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes where applicable. Clause 30A of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 (the table on page 69) of the Residential Flat Design Code.

The table below details the unit size of each unit, their DCP typology and compliance with page 69 of the Residential Flat Design Code as follows:

Unit No.	No. of Beds	Size (m ²)	DCP Typology
LG01	3	115	1
LG02	3	115	1
LG03	3	115	1
LG04	3	115	1
LG05	3	115	1
LG06	3	115	1
LG07	3	115	1
LG08	3	115	1
G01	3	115	1
G02	2	79	1
G03	2	79	1
G04	2	79	1
G05	2	79	1
101	3	101	1
102	2	87	1
103	2	94	2
104	2	94	2
105	3	117	1
106	1	52	1
107	2	83	1
108	2	77	1
109	3	101	1
110	1	50	1
111	1	52	1
112	2	76	1
113	2	89	1
114	1	53	1
115	3	120	2
116	2	76	1
117	2	76	1
118	2	76	1
119	2	77	1
201	3	101	1
202	2	88	1
203	2	94	2
204	2	94	2
205	3	117	1
206	1	52	1
207	2	83	1
208	2	77	1
209	3	101	1
210	1	50	1
211	1	52	1
212	2	76	1
213	2	89	1
214	1	53	1
215	3	120	2
216	2	76	1
217	2	76	1
218	2	76	1
219	2	77	1
301	3	101	1
302	2	88	1
303	2	94	2

304	2	94	2
305	3	117	1
306	2	80	1
307	2	83	1
308	2	77	1
309	3	101	1
310	1	50	1
311	1	52	1
312	2	76	1
313	2	89	1
314	1	53	1
315	3	120	2
316	2	76	1
317	2	76	1
318	2	76	1
319	2	77	1
401	3	125	2
402	3	113	1
403	3	118	1
404	3	118	1
405	3	118	1
406	3	118	1
407	3	115	1
408	2	75	1
409	2	118	3
410	2	118	3
411	2	109	2
412	3	118	2
413	2	89	1
414	2	89	1
415	3	134	2
416	2	84	1
417	2	92	2
418	3	108	1
419	2	105	3
420	3	120	2
421	3	117	1
422	3	119	1
423	3	115	1

All units exceed the SEPP rule-of-thumb minimum standards and also achieve compliance with the unit size standards set out in the table on page 69 where applicable. All units have efficient layouts. All single aspect units are wide and achieve good amenity. The proposal provides for a mix and range of apartment sizes with satisfactory depths that will assist in meeting the needs of future residents.

Amendment No. 2 of SEPP 65, introduced Clause 30A, which under subclause (1) states that a consent authority must not refuse consent to a development application for a residential flat development, on the basis of ceiling heights and apartment area, as long as the ceiling heights and apartment area meet the minimums stipulated in Part 3 of the RFDC.

The proposal complies with the intent of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. Subclause (2) states nothing in this clause permits the granting of consent to a Development Application if the consent authority is

satisfied that the proposed development does not demonstrate that adequate regard has been given to the design quality principles in Part 2 of the Policy.

The application has been assessed having regard to the design quality principles outlined in SEPP 65 and is considered satisfactory.

7. SEPP 55 - Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land, states:

"(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose."*

A preliminary investigation of the site has been undertaken and a Phase 1 Contamination Assessment Report prepared by Network Geotechnics accompanies the development application. In summary the report recommends that a targeted Stage 2 contamination assessment is required. Hence, this will be required to be undertaken to ensure the provisions of SEPP 55 can be met. A condition has been imposed in this regard (refer Condition No. 23).

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation (See Condition Nos. 19, 20, 21, 22, 28, 31, 32, 33, 34, 35, 50, 65, 73, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 89).

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation (See Condition Nos. 6, 7, 42 and 43).

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation (See Condition Nos. 8, 9, 10, 11, 12, 13, 14, 44, 45, 74 and 75)

NSW POLICE COMMENTS

The NSW Police have reviewed the Development Application and outlined a number of Crime Prevention Through Environmental Design (CPTED) recommendations to ensure that the site is appropriately protected (See Condition No. 17).

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, SEPP Sydney Region Growth Centres and the Box Hill Development Control Plan and is considered satisfactory.

Accordingly approval subject to conditions is recommended.

IMPACTS

Financial

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

The Hills Future Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
15-006	Site Plan	DA02	A	15/10/2015
15-006	Lower Floor Plan	DA03	A	15/10/2015
15-006	Ground Floor Plan	DA04	A	15/10/2015
15-006	First Floor Plan	DA05	B	25/11/2015
15-006	Second Floor Plan	DA06	B	25/11/2015
15-006	Third Floor Plan	DA07	B	25/11/2015
15-006	Fourth Floor Plan	DA08	-	17/06/2015
15-006	Fifth Floor Plan	DA09	-	17/06/2015
15-006	Roof Plan	DA10	-	17/06/2015
15-006	Elevations	DA12	-	17/06/2015
15-006	Sections	DA13	-	17/06/2015

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

2. External Finishes

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

3. Compliance with TransGrid Requirements

Compliance with the requirements of TransGrid as follows:

- i. No structures such as outdoor art and fitness stations are to be installed within TransGrid's easement, as TransGrid does not endorse nor encourage people to congregate on the easement and/or under the transmission lines.
- ii. All vegetation and landscaping proposed within TransGrid's easement should be kept to a minimum and must not exceed a mature height of 3 metres.

- iii. TransGrid's access to our easement must be maintained at all times, including during the construction period.
- iv. No mounds of earth or other materials may be formed or left on the easement above existing ground levels, even on a temporary basis, as doing so creates a hazard that effectively reduces the vertical clearances to the transmission lines.
- v. During construction, traffic control measures must be implemented to prevent vehicles colliding with TransGrid's high voltage transmission line.
- vi. Temporary fencing panels must be earthed and every second panel isolated from the next pair. Please contact TransGrid in the event of any uncertainty.
- vii. Height restrictors must be applied to cranes, back-hoes, elevated work platforms plus any other plant and equipment proposed to operate on the easement that is capable of exceeding the 4.2m height restriction.
- viii. All works will need to be carried out in accordance with the *NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006*. Please also refer to the accompanying *TransGrid Easement Guidelines for Third Party Development* and contact TransGrid in the event of any uncertainty.
- ix. TransGrid requests notification before construction work commences. This is to ensure a TransGrid Easement Officer can brief the developer and their contractor of the key high voltage transmission line safety issues before construction work commences.
- x. TransGrid requests formal notification for any further development on the subject land (including fencing, detention basin's or lighting etc) in order to assess and determine whether it complies within our easement restrictions. TransGrid's prior written consent is required for any proposed encroachment of our transmission line easement.

4. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

5. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

6. Tree Removal

Approval is granted for the removal of trees located within the proposed building footprint.

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

7. Planting Requirements

A Planting Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to Council's Sustainability Team for approval prior to landscaping works being undertaken. The plan must contain:

- Site boundaries and dimensions surveyed;
- North point, scale (1:200 desirable);
- Existing and proposed levels;

- All trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc)
- A schedule of proposed planting, including botanical name, common name, quantities, pot size, expected mature height and staking requirements.

All trees planted as part of the approved landscape plan are to be minimum 45 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

8. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted to and approved by Council must be implemented during the construction and/ or demolition phases of the development. The information submitted can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

9. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

10. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

11. Commencement of Domestic Waste Service

The building owner or agent acting for the owner must ensure to arrange the commencement of a domestic waste service with Council. The service is to be arranged no earlier than one week prior to occupancy and no later than one day after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

12. Construction of Bin Store

All work involving construction of the bin store must comply with the requirements provided below. The minimum required number of bins is 10 x 1100L bulk garbage bins and 24 x 240L recycling bins or 9 x 660L bulk recycling bins.

1. The bin store must be of adequate size to comfortably store and manoeuvre the minimum required number of bins.
2. The layout of the bin store must ensure that each bin is easily accessible and manoeuvrable in and out of the bin store with minimal or no manual handling of other bins.
3. The walls of the bin store must be constructed of brickwork.
4. The floor of the bin store must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
5. The bin store must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
6. The bin store must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. In some situations, the resident access door can double up as the waste servicing door provided that it meets the purpose of both doors.
7. All doors of the bin store, when fully opened, must be flush with the **outside wall** and must not block or obstruct the driveway or footway. All doors must be able to be fixed in position when fully opened.
8. The bin store must be adequately ventilated (mechanically). Ventilated bin stores should not be connected to the same ventilation system supplying air to the units.
9. The bin store must be provided with a hose tap, connected to a water supply, to facilitate bin washing. If the tap is located inside the bin store, it is not to conflict with the space designated for the placement of bins.
10. The bin store must be provided with an internal light (artificial).
11. The maximum grade acceptable for moving bins for collection purposes is 7% (5% for bulk bins). Under no circumstance are these grades to be exceeded. They are to allow safe manoeuvring and servicing of the full bins by waste collection operators.
12. The bin store must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
13. Finishes and colours of the bin store are to complement the design of the development.

Bin Measurements (mm)

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

13. Construction of Temporary Unwanted Bulky Goods Store

The abovementioned store must have a minimum floor area of 15m². If possible the store should be accessible from inside the main bin store, and open directly onto the loading dock.

14. On-Site Loading Requirements for Waste Collection

Vehicle access and loading facilities must be designed in accordance with AS 2890.2 for the standard Medium Rigid Vehicle (MRV). All manoeuvring areas of the garbage truck must have a minimum clear vertical clearance of 3.5m. Additional space should be provided for vehicle loading (rear of truck). Garbage trucks must be able to enter and leave the site in a forward direction to collect waste with minimal or no need for reversing.

15. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

16. Separate Application for Strata Subdivision

A separate application must be submitted for any proposed strata titled subdivision of the approved development.

17. NSW Police Requirements

The proposed development is to be undertaken in accordance with the recommendations of the NSW Police – Local Area Command comprising the following:-

- Ground level units to have upgraded security measures in place such as doors/ windows being alarmed, thickened glass and sensor lights.
- CCTV coverage is to be used to monitor all common areas, entry/exits points, letter boxes, cars, motor cycles and lifts etc.
- Use of height indicator stickers on entrance/exit doors are to be used.
- High quality letter boxes that meets AS ISO9001:2008 and only to be accessed via within the unit complex by residents.
- Lift from car park into the residential part of the building to be used with a fob or pin code etc.
- Entry into car park to be secured by a fob, remote/code access, camera etc.
- Ensure improved strength to security roller shutters/garage doors.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanism to be used.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- The underground car parking areas to be painted white to assist in reflecting light.
- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting entry/exit points from the building, car park and access/exit driveways etc.
- Use of anti-graffiti building materials.
- Vegetation to be kept trimmed at all times.
- High fencing during construction are to be used.
- Use of security sensor lights and a security company to monitor the site while construction is in progress.

18. Street Trees

Street trees must be provided for the section of new Road 1 within the site and Alan Street fronting the development site spaced between 7m and 10m apart 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. 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.

19. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

20. 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.

21. 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.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

23. Contamination Assessment and Validation

The recommendations of the Site Assessment and Report prepared by Network Geotechnics, referenced as G09/1765-A, dated 21 May 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

Prior to the Issue of a Construction Certificate a targeted Stage 2 Contamination Assessment should be undertaken. The targeted stage 2 contamination assessment should include 13 to 14 boreholes/ test pits to about 2m depth and sampling of soils at the surface and at 0.5m intervals. Laboratory testing should include heavy metals, hydrocarbons, asbestos and pesticides. Any remediation required shall not include burial or encapsulation of contaminated material on the site.

Upon completion of any necessary remediation works, a final validation report / certificate by a suitably qualified site auditor is to be provided to the satisfaction of Council's Manager – Environment and Health confirming that the site has been remediated and are suitable for the proposed use.

24. Section 94 Contribution – Box Hill Precinct

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:-

Facility Category	Residential - KCP <i>0.87 ha</i>
Open Space Land	\$ 157,664.49
Open Space Capital	\$ 243,782.52
Transport Land	\$ 16,269.88
Transport Capital	\$ 196,399.41
Water Management Land (SPC)	\$ -
Water Management Capital (SPC)	\$ -
Administration	\$ 6,309.30
Water Management Land (KCP)	\$ 60,930.66
Water Management Capital (KCP)	\$ 154,178.22
Total	\$ 835,534.48

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated annually. 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 No. 15.

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

25. Design Verification

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

26. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growths Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

27. Notice of Requirements

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

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

28. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

29. Protection of Internal Noise Levels

An acoustic statement is required to be submitted providing methods of noise attenuation (if any) prior to the issue of a Construction Certificate ensuring the following noise levels are achieved:

- a) 35 dB (A) in any bedroom between 10pm am 7am.
- b) 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.

30. 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.

31. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

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. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
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:

i. 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)
Proposed Road 1	Road Type: Street along Riparian Corridor DCP: Box Hill Precinct (Figures 25 and 31) 3.5m/ 2.5m/ 6m/ 4.5m (16.5m) (Verge/ Parking/ Carriageway/ Shared Verge) (m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)

The wider 4.5m verge must be located on the northern side of the Road 1 correlating with the cycleway and street trees required (Figure 31) at this location.

The wider 2.5m parking lane must be located on the southern side of the Road 1 correlating with the street trees required at this location.

Civil Siteworks Plan Sheet 1 DA4.01 Revision 4 dated 12/11/2015 prepared by Northrop must be amended to reduce the proposed road reserve to be 16.5m wide opposed to 17.5m, consequently reduce the verge on the southern side to 3.5 opposed to 4.5m.

As a result of narrowing the road reserve, the road location may require a shift of 1m to the south on Civil works plan ensuring alignment is consistent with the architectural plans.

Proposed excavation on eastern and western ends of the proposed road 1 must be retained by separate structures (walls and footings) constructed within the development site unless agreed to extending earth batters within the adjoining properties. The walls must be vertical, must be structurally designed masonry walls. No rock walls will be permitted.

Construction of such walls must be bonded for removal during the extension of the adjoining roads to the east and west.

The street drainage must be extended to the drainage system, to be constructed within the drainage easement created within Lot 2 DP 1160957.

ii. Partial Width Road Reconstruction

The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Alan Street	Road Type: Local Street DCP: Box Hill Precinct (Figures 21) 3.5m/ 11m /3.5m (18m) (Verge/ Carriageway / Verge) (m) Pavement Design: Access/ Local (Design Guidelines Section 3.12)

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 6m of road pavement. This new road pavement must transition into the existing road pavement opposite to provide for a total minimum carriageway width of 10m, which may require additional pavement reconstruction.

Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.

Civil Site Works Plan – Sheet 1 Drawing DA4.01 Revision 4 dated 12/11/2015 must be amended to address the above and to include street drainage in Alan Street.

iii. Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at both ends of proposed Road 1 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 both eastern and western end of proposed Road 1.

Design and construction of the cul-de-sac must comply with the requirements of TransGrid.

iv. 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.

v. Footpath Verge Formation

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

of the relevant service authority. All service pits and lids must match the finished surface level.

vi. Concrete Footpath

A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on northern side of Alan Street in accordance with the DCP and the above documents.

vii. Concrete Cycleway

A 2.5m wide concrete cycleway, including access ramps at all intersections, must be provided on the northern side of proposed Road 1 in accordance with the DCP and the above documents.

viii. 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.

ix. Integrated Stormwater Management

Stormwater Management (Quantity and Quality Control) measures are to be provided to comply with the objectives of the Water Sensitive Urban Design (WSUD) strategy outlined under the section 7.1 Integrated Stormwater Management of the Box Hill DCP.

Stormwater Management Report Reference W150008 CR01-A dated 12 November 2015 prepared by Northrop and the Concept Stormwater Management Plan Drawing DA3.01 Revision 4 dated 12/11/2015 are not to be used for construction. The detailed design must reflect a set of revised information to be approved by Council to ensure the following:

The amendments must include:

- a) Revised calculation and modelling including the area of Proposed road 1 in the estimation of the measures.
- b) Revised sizing of Rainwater tank and Onsite Stormwater Detention tank and temporary detention basins to the requirements of Watercycle Management studies referenced in the DCP
- c) Revised MUSIC modelling and associated treatment train to correctly represent the control measures consistent with the stormwater management report.
- d) Revised stormwater management plan to be consistent the items (a) to (c).
- e) Onsite Detention tank is to be designed to the requirement section 4.2.8 of the UPRCT OSD Handbook, and to be relocated at a location to facilitate public access for maintenance.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- Complete design calculations;
- Revised DRAINS model reflecting the amended drainage network;
- Revised MUSIC model to be compatible with final design detail;
- A maintenance schedule.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

The purpose of temporary basins 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 these basins/ rain gardens and all associated 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 regional basins are installed by Council. The bond amount must be confirmed with Council prior to payment.

The design of the basins must incorporate appropriate batter and stabilisation methods to be recommended by the geotechnical engineer in consultation with Council's Construction Engineer.

x. Stormwater Drainage – Pipe Extension

New kerb inlet pits must be provided in Alan Street fronting the site and the street drainage extended from the existing pit downstream. The pipe extension must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

xi. Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the NSW Office of Water (as well as Sydney Water, in the case of stormwater management land).

32. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of INSERT is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (INSERT) multiplied by the width of the road (INSERT).

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

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

33. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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

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

34. Security Bond Requirements

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

- a) Be in favour of The Hills Shire Council;

- b) 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);
- c) Have no expiry date;
- d) Reference the development application, condition and matter to which it relates;
- e) Be equal to the amount required to be paid in accordance with the relevant condition;
- f) 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.

35. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

PRIOR TO WORK COMMENCING ON THE SITE

36. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

37. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

38. Management of Building Sites – Builder's Details

The erection of suitable fencing or other measures to restrict public access to the site and building works, materials or equipment when the building work is not in progress or the site is otherwise unoccupied.

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

39. Consultation with Service Authorities

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

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

40. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

41. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

42. Protection of Existing Trees

The following activities are restricted within the Tree Protection zone of tree located on the neighbouring property:

- 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.

43. Trenching within Tree Protection Zone

Trenching for installation of proposed retaining wall within the Tree Protection Zone of trees located on neighbouring properties is to undertaken by hand and under the supervision of a project arborist.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

44. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

45. Discontinuation of Domestic Waste Service

Prior to the commencement of any demolition works, and where the site ceases to be occupied during works, the property owner or site manager must notify Council to discontinue the domestic waste service and to collect any garbage and recycling bins from any dwelling/ building that is to be demolished. Construction and/ or demolition workers are not permitted to use Council's domestic waste service for the disposal of any waste. Please telephone Council on (02) 9843 0310 for the discontinuation of waste services.

46. 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.

47. 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:

- a) The name, address and telephone number of the Principal Certifying Authority;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) 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.

48. 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.

49. 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.

50. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

DURING CONSTRUCTION

51. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

52. 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.

53. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 631005M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

54. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

55. Filtration Motor Noise

The sound pressure level of the swimming pool filter and pump equipment shall not exceed (at the boundary) a level greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997. If the noise of the filter causes a nuisance to the occupiers of adjacent dwellings, the swimming pool filter and pump shall be fully enclosed in an enclosure to attenuate noise emitted by the swimming pool equipment.

56. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences.

57. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled Swimming Pool Fencing Requirements is available from www.thehills.nsw.gov.au.

It should be noted that any steps, retaining walls, objects (for example – planter boxes, pump enclosures and the like) or level changes that would otherwise reduce the height of the barrier within a property shall not be located within 500mm of the barrier.

58. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

- (i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",
- and
- (ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and
- (iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

59. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

60. 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.

61. Further contamination assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

62. Rock Breaking Noise

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

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

63. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

64. 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.

65. Critical Stage Inspections – Engineering Works

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

66. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

67. Section 73 Certificate

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

Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Development and Plumbing section of the web site www.sydneywater.com.au and then refer to Water Servicing Co-ordinator under “Developing Your Land” or telephone 13 20 92 for assistance.

68. Provision of Electricity Services

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

69. Provision of Telecommunications Services

The submission of a compliance certificate from the relevant telecommunications provider, authorised under the Telecommunications Act confirming satisfactory arrangements have been made for the provision of, or relocation of, telecommunication services including telecommunications cables and associated infrastructure. This includes undergrounding of aerial telecommunications lines and cables where required by the relevant telecommunications carrier.

70. Design Verification Certificate

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

71. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

72. Registration of Swimming Pool/Spa

Prior to issue of an Occupation Certificate the swimming pool/spa is to be registered on the NSW state register of swimming pools and spas. To register the swimming pool/spa you are to log onto www.swimmingpoolregister.nsw.gov.au and follow the prompts. A copy of the registration certificate is to be submitted to the PCA to confirm the registration.

73. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

74. Final Inspection of Bin Store

Prior to an Occupation Certificate being issued, a final inspection of the bin store and management facilities must be arranged by the Principal Certifying Authority and must be undertaken by Council. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for waste collection by

Council. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

75. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and two original copies sent to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

76. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

77. Public Road Dedication

An Occupation Certificate must not be issued until the proposed public road has been dedicated at no cost to Council in accordance with the undertaking submitted relating to dedication of proposed road 1 annotated in the approved architectural drawings.

78. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

79. 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.

80. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- a) Works as executed plans prepared on a copy of the approved plans;
- b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- c) A certificate of structural adequacy from a suitably qualified structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

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

81. Pump System Certification

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

82. Water Sensitive Urban Design Certification

An Occupation 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 an Occupation Certificate:

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

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

83. 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.

84. 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.

85. Public Asset Creation Summary

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

86. 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.

87. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

88. 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.

89. Creation of Restrictions / Positive Covenants

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

i. Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication of proposed road 1.

ii. Easement – Temporary Public Access

A temporary public access easement must be created within the development over the temporary cul-de-sac turning head using the “temporary public access easement” terms included in the standard recitals.

iii. 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.

iv. 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.

v. Restriction – Rainwater Tanks

All residential lots must be burdened with a restriction using the “rainwater tanks” terms included in the standard recitals.

vi. Restriction – Bedroom Numbers

All lots that contain a new dwelling home/ attached dwelling must be burdened with a restriction using the “bedroom numbers” terms included in the standard recitals.

vii. Restriction/ Positive Covenant – Onsite Stormwater Detention

The subject site must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.

viii. Restriction/ Positive Covenant – Water Sensitive Urban Design

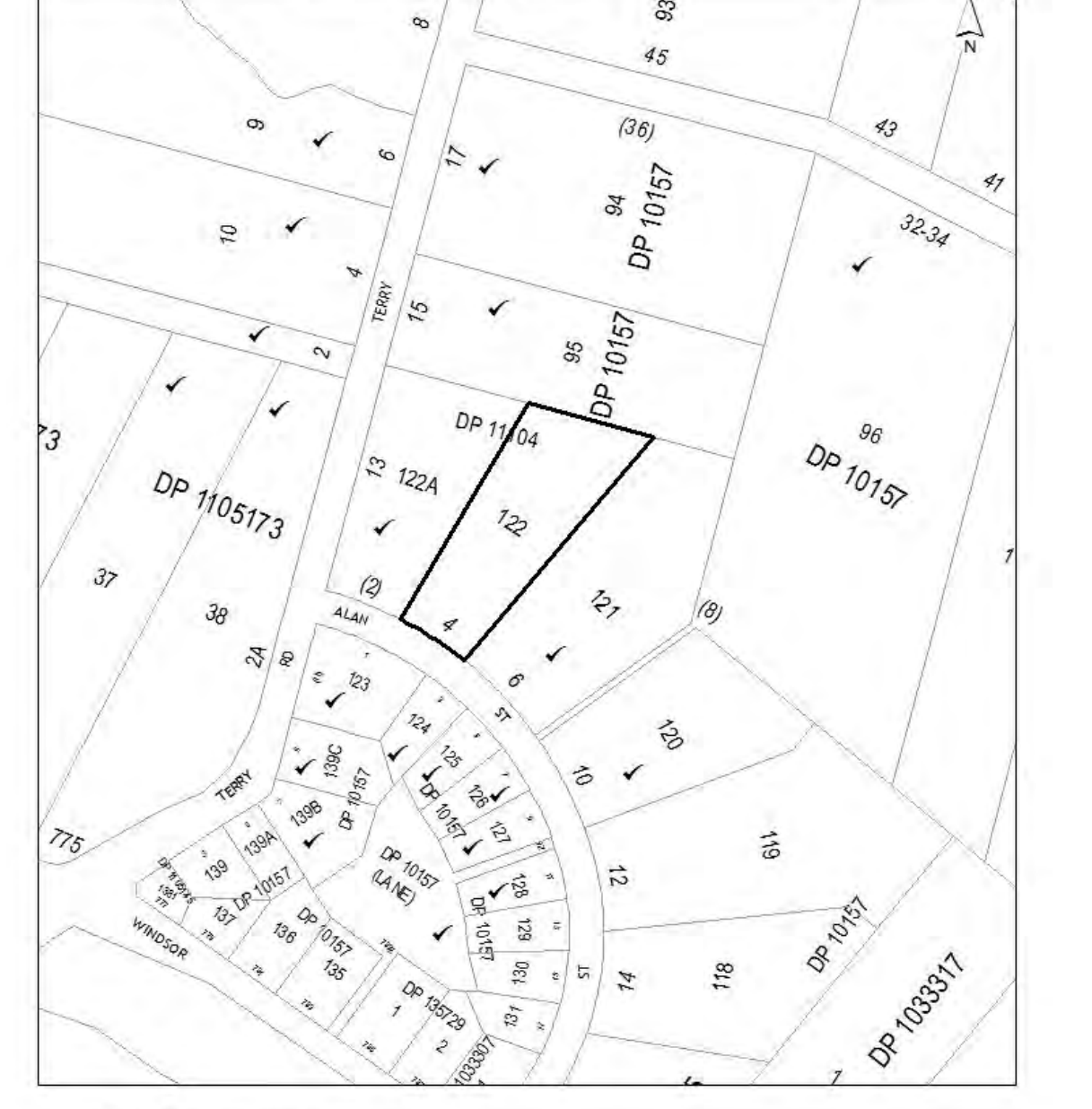
The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

ix. Positive Covenant – Stormwater Pump

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

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Zoning and DCP Road Layout Plan
5. Site Plan
6. Elevations
7. Sections
8. DCP Road Relocation Plan
9. Perspectives
10. Advice from TransGrid



✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

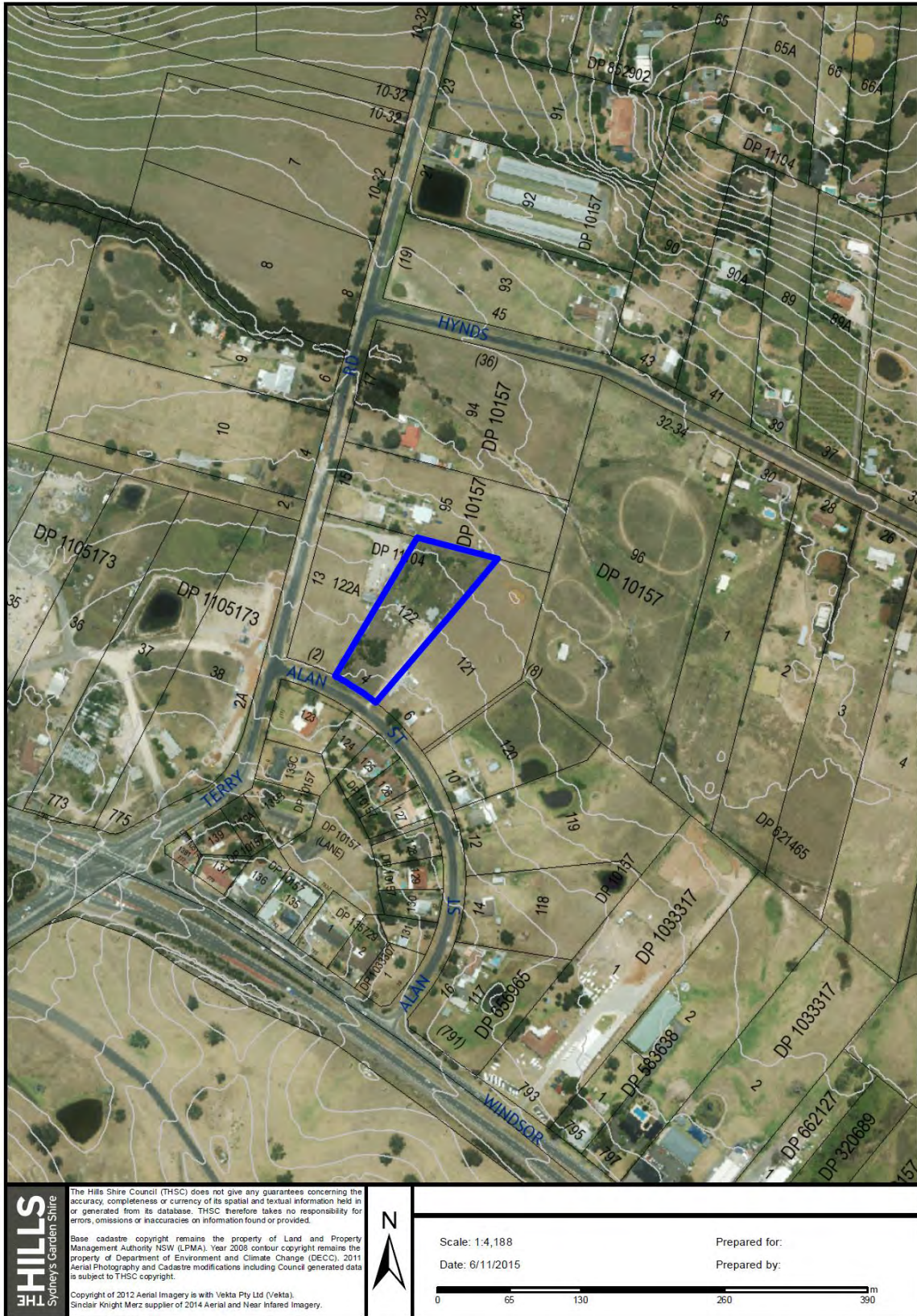

THE HILLS SHIRE COUNCIL

THE HILLS
Sydney's Garden Shire

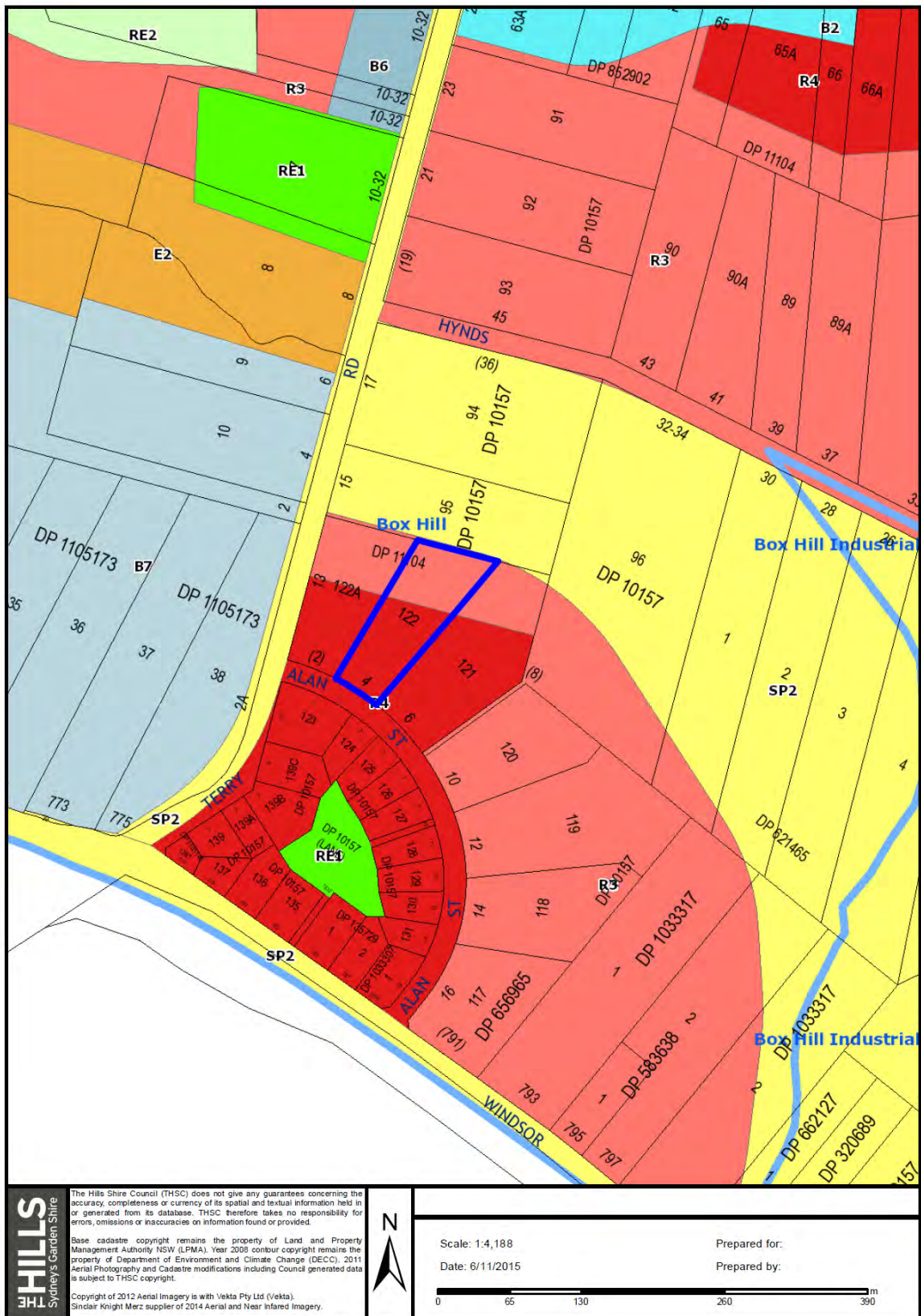
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

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

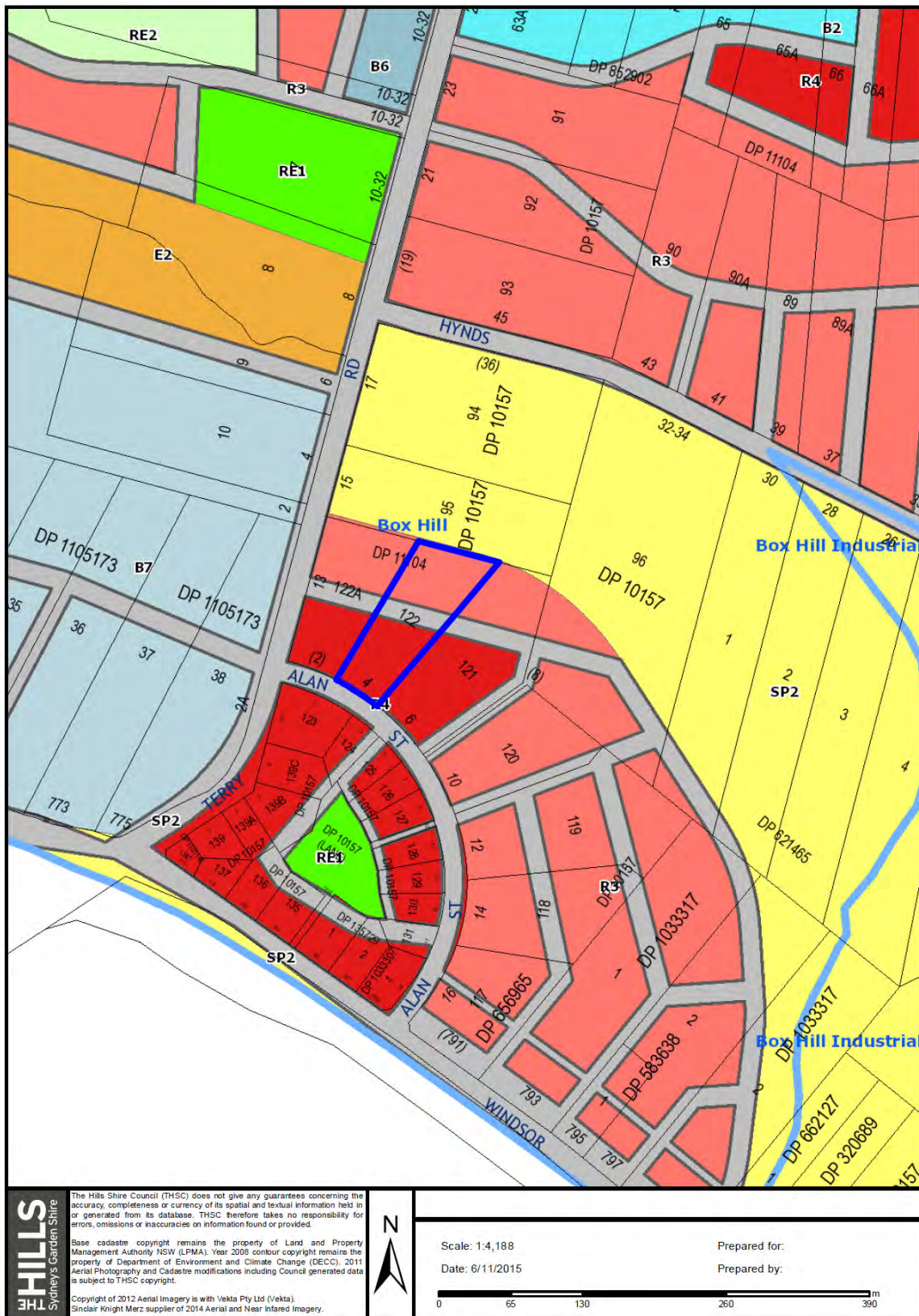
ATTACHMENT 2 – AERIAL PHOTOGRAPH



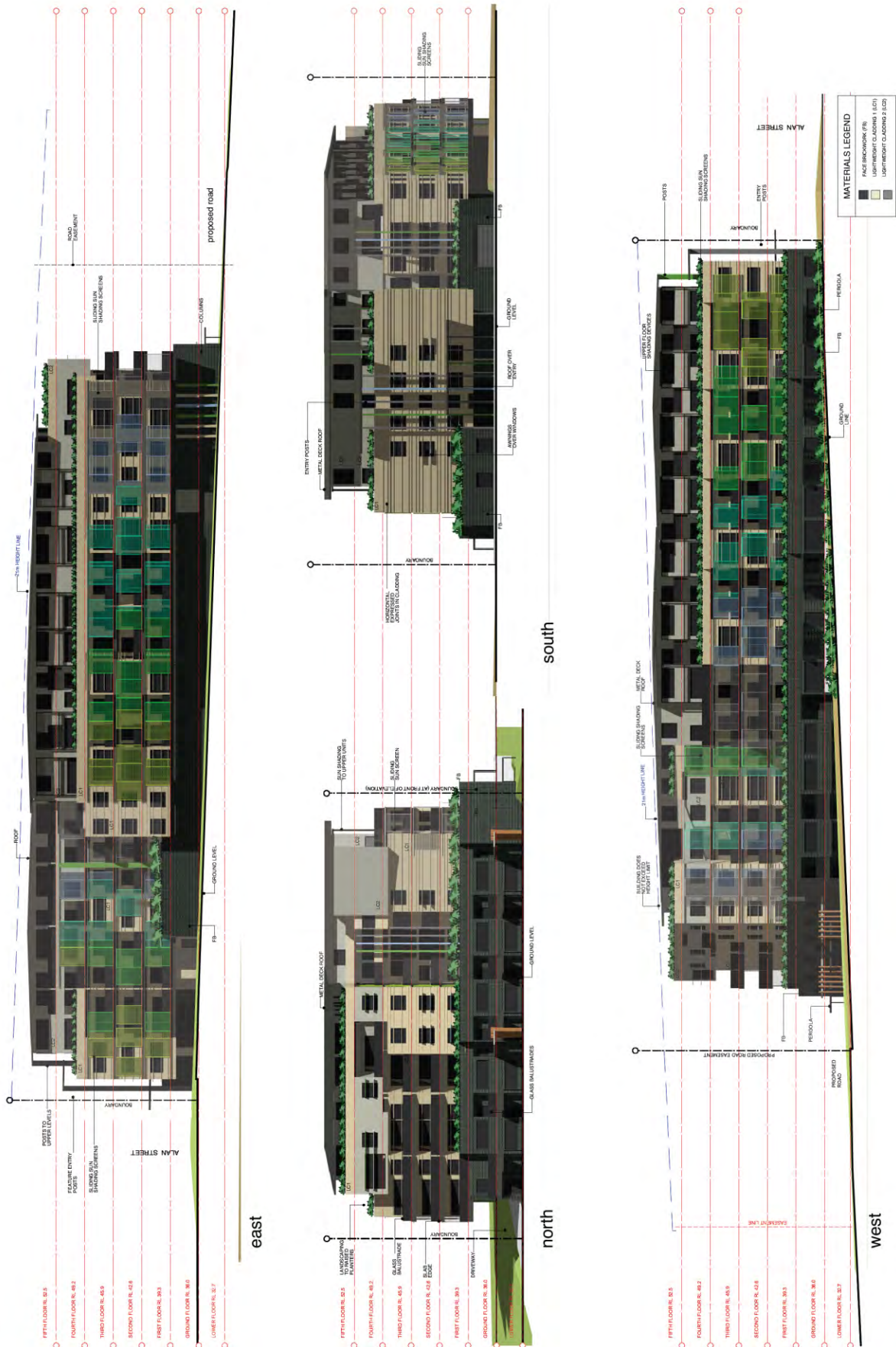
ATTACHMENT 3 – ZONING PLAN



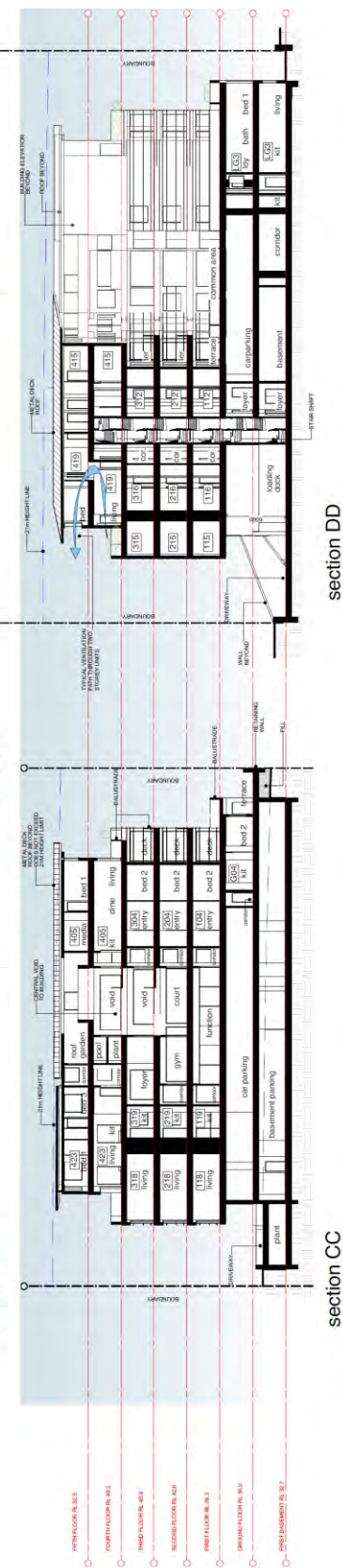
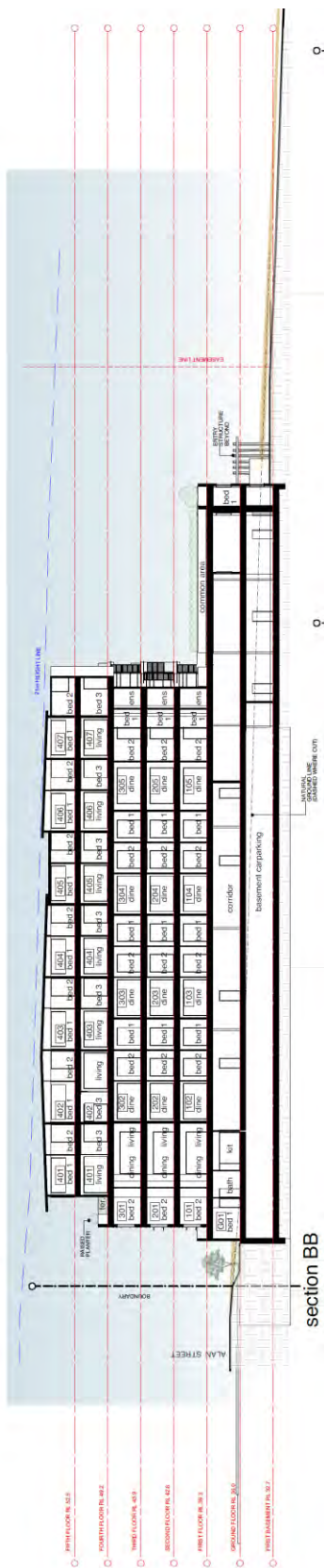
ATTACHMENT 4 – ZONING PLAN AND DCP ROAD LAYOUT



ATTACHMENT 6 – ELEVATIONS



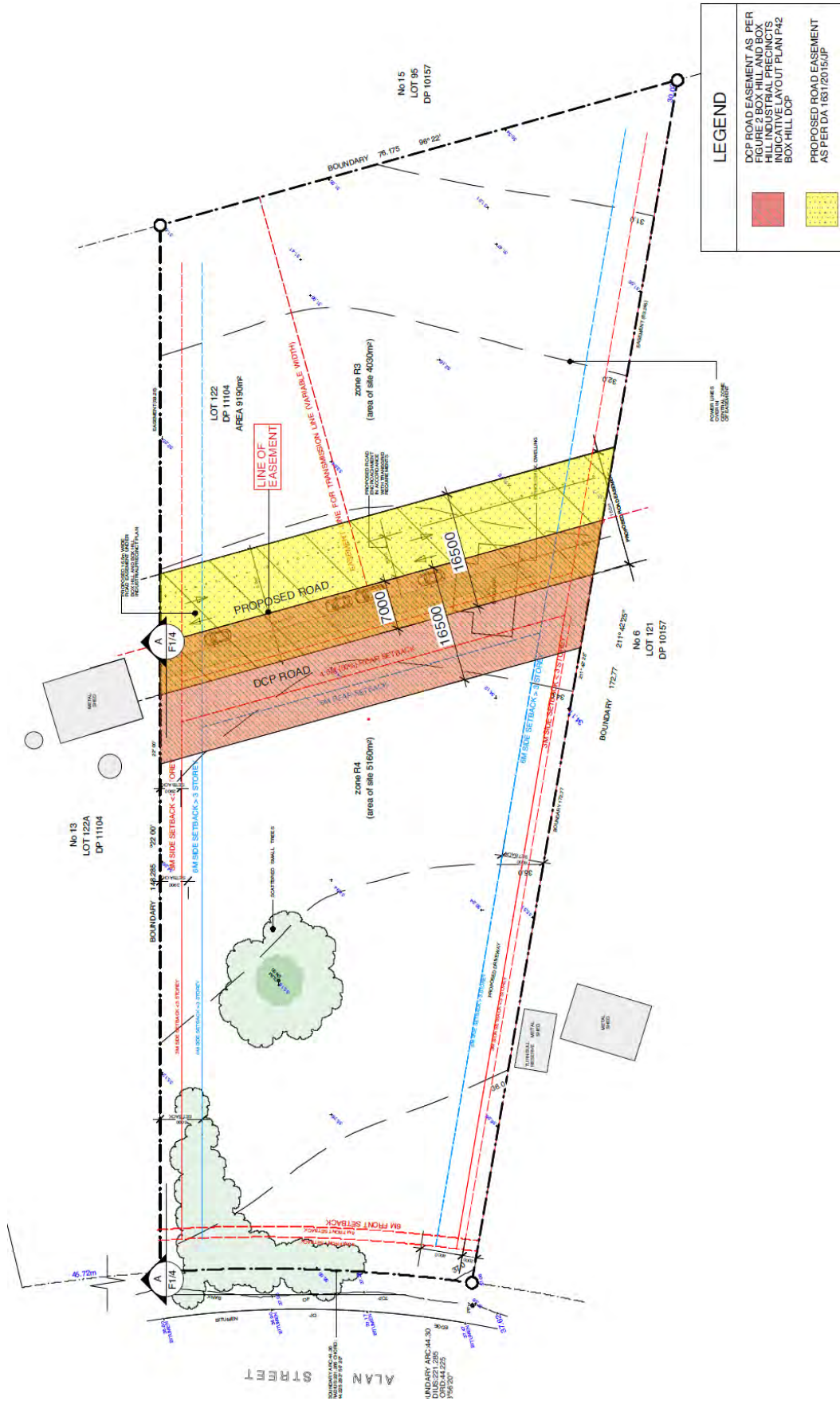
ATTACHMENT 7 – SECTIONS



section DD

section CC

ATTACHMENT 8 – DCP ROAD RELOCATION PLAN



ATTACHMENT 9 – PERSPECTIVES



view from south-west



view from south-east



view from north

ATTACHMENT 10 – ADVICE FROM TRANSGRID



Training, Logistics and Property
Telephone: (02) 9620 0104
Your Reference: DA 1631/2015/JP

ABN 19 622 755 774

26 October, 2015

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

WALLGROVE
200 Old Wallgrove Road
Eastern Creek
NSW 2766 Australia
PO Box 87
Horsley Park
NSW 2175 Australia
T (02) 9620 0777
www.transgrid.com.au

Attn: Robert Buckham

Dear Mr Buckham

Re: Development Application DA 1631/2015/JP – 4 Alan Street, Box Hill (Lot 122 in DP 11104)

We refer to The Hills Shire Council's referral of the abovementioned Development Application (DA) in accordance with regulation 45 of SEPP (Infrastructure) 2007. TransGrid notes that development will entail construction of 93 apartments and the formation of a road.

TransGrid owns and operates the NSW high voltage transmission line network, being State significant infrastructure. The subject land is restricted by TransGrid's 60.96 metre wide transmission line easement that accommodates the following infrastructure:

- Sydney West – Sydney North No2 330KV (Feeder 14, Structure 34 - 35)

Attached is a plan from the *TransGrid Asset Management Information System (TAMIS)* identifying the subject land along with our registered land interests.

TransGrid has reviewed the proposed development and determined that it is conditionally acceptable subject to the following provisions:

- 1) No structures such as outdoor art and fitness stations are to be installed within TransGrid's easement, as TransGrid does not endorse nor encourage people to congregate on the easement and/or under the transmission lines.
- 2) All vegetation and landscaping proposed within TransGrid's easement should be kept to a minimum and must not exceed a mature height of 3 metres.
- 3) TransGrid's access to our easement must be maintained at all times, including during the construction period.



TransGrid is a NSW statutory State-owned corporation
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- 4) No mounds of earth or other materials may be formed or left on the easement above existing ground levels, even on a temporary basis, as doing so creates a hazard that effectively reduces the vertical clearances to the transmission lines.
- 5) During construction, traffic control measures must be implemented to prevent vehicles colliding with TransGrid's high voltage transmission line.
- 6) Temporary fencing panels must be earthed and every second panel isolated from the next pair. Please contact TransGrid in the event of any uncertainty.
- 7) Height restrictors must be applied to cranes, back-hoes, elevated work platforms plus any other plant and equipment proposed to operate on the easement that is capable of exceeding the 4.2m height restriction.
- 8) All works will need to be carried out in accordance with the *NSW WorkCover 'Work Near Overhead Power Lines' Code of Practice 2006*. Please also refer to the accompanying *TransGrid Easement Guidelines for Third Party Development* and contact TransGrid in the event of any uncertainty.
- 9) TransGrid requests notification before construction work commences. This is to ensure a TransGrid Easement Officer can brief the developer and their contractor of the key high voltage transmission line safety issues before construction work commences.
- 10) TransGrid requests formal notification for any further development on the subject land (including fencing, detention basin's or lighting etc) in order to assess and determine whether it complies within our easement restrictions. TransGrid's prior written consent is required for any proposed encroachment of our transmission line easement.

Subject to the abovementioned provisions, this letter serves as TransGrid's conditional formal approval for (DA 1631/2015/JP).

Thank you for consulting with TransGrid in respect of this matter and should you have any queries, please feel free to contact the undersigned on (02) 9620 0104.

Yours sincerely



Skye Shanahan
Property Enquiries Coordinator | Training, Logistics and Property

Encl.

