

JOINT REGIONAL PLANNING PANEL (Sydney West)

JRPP No	2015SYW208
DA Number	846/2016/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF A RESIDENTIAL FLAT BUILDING CONTAINING 121 UNITS AND ROAD CONSTRUCTION
Street Address	LOT 122A DP 11104 – NO. 13 TERRY ROAD, BOX HILL
Applicant/Owner	IDRAFT GROUP (NSW) PTY LTD / WSDC BOX HILL PRIMITUS DEVELOPMENT PTY LTD
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 (Sydney Region Growth Centres) 2006. - State Environmental Planning Policy (State and Regional Development) 2011. - State Environmental Planning Policy No 55 — Remediation of Land. - State Environmental Planning Policy No 65 — Design Quality of Residential Apartment Development. • 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. - THDCP 2012 Part C Section 1 – Parking. - THDCP 2012 Part C Section 3 – Landscaping. • 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) e.g. Regs 92, 93, 94, 94A, 288 Environmental Planning and Assessment Act Regulation 2000.

Does the DA require Special Infrastructure Contributions conditions (s94EF)?	Yes, condition recommended.
List all documents submitted with this report for the panel's consideration	Nil
Recommendation	Approval
Report by	Development Assessment Coordinator Robert Buckham
Report date	E-Determination

Summary of S.79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report?	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing structures and construction of a part 4 storey part 7 storey Residential Flat Building containing 121 units comprising of 13 x 1 bedroom units, 94 x 2 bedroom units and 14 x 3 bedroom units and basement parking for 152 cars.

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 floor space ratio and minimum density.

The subject site has a height limit of 21m and the proposal exceeds the height limit by a maximum of 800mm or 1.68%. The application is accompanied by a Clause 4.6 variation to the height control. The variation to the height is limited to roof forms and lift overruns at the western ends of the buildings and is due to the slope of the land. The increased height will have no impact upon the solar access on surrounding lots or the amenity of the area.

The site is located adjacent to a similar proposal at No. 4 Alan Street which was approved by the Joint Regional Planning Panel on 16 December 2015 which was the first residential flat building to be approved in the Precinct. Currently the immediate area is characterised by single rural style dwellings, market gardens, plant nurseries and similar low scale activities, however recent activity related to a number of approved subdivisions has occurred. 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 sites. The same variation was considered for the adjoining site and therefore to ensure continuity of the alignment of the road a variation is also warranted for this application. 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.

Minor private open space area and setback variations are proposed. In conjunction with the landscaping, a reasonable streetscape is provided and impacts of the built form are minimised. There will be no unreasonable loss of privacy or amenity as a result of the variation. The variations are reasonable and can be 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.	Section 79C (EP&A Act) - Satisfactory
Zoning:	R3 Medium Density Residential and R4 High Density Residential	2.	SEPP Sydney Region Growth Centres 2006 - Variation, see report
Area:	Total site area: 9,194m ² R3 Portion: 3,749m ² R4 Portion: 5,445m ²	3.	SEPP 65 - Design Quality of Residential Apartment Development - Satisfactory
Existing Development:	Outbuilding	4.	SEPP Building Sustainability Index BASIX 2004 - Satisfactory
		5.	State Environmental Planning Policy No 55—Remediation of Land - Satisfactory
		6.	SEPP Infrastructure 2007 - Satisfactory
		7.	Box Hill DCP - Variation, see report
		8.	Section 94 Contribution - \$3,279,587.45
		9.	Capital Investment Value: \$31,492,108

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:	12		
4. Submissions Received:	Nil		

HISTORY**30/11/2015**

Subject Development Application Lodged.

16/02/2016

Briefing of Joint Regional Planning Panel and site inspection.

02/03/2016

Letter sent to the applicant requesting additional information in relation to common open space, fencing, tree impact, waste management, road construction, stormwater, and general engineering matters.

29/03/2016

Additional information submitted.

22/04/2016

Correspondence sent to the applicant in relation to the additional land required for road works. The applicant was advised that although SEPP Growth Centre 2006 and subsequently adopted Contribution Plan 15 identifies the land required for the upgrade of Terry Road fronting the site, the required land take was informed by the precinct planning undertaken by the Department of Planning.

As part of our Council's obligation to provide for elements of these Contribution Item works, Council's Infrastructure Team commissioned the preparation of further modelling and concept designs for intersections throughout the precinct. This modelling and design work identified a number of issues including:

- *The intersections were originally modelled with two lanes of travel in each direction, with no allowance for slip/ turn lanes, which will be required for some of these intersections to operate at a minimum level of service based on the modelled traffic volumes.*
- *The initial intersection layouts did not consider the swept turn paths for design service vehicles expected to use them.*
- *The initial planning did not include any form of control at the intersection of Terry Road/ Alan Street. Traffic signals will be required for this intersection to operate at a minimum level of service based on the modelled traffic volumes.*

The new updated intersection layouts require additional land take above that required by the SEPP. This additional land take encroached onto the development site and needed to be considered in the assessment of the application. The applicant was requested to amend their plans to include additional road widening, specifically widening in Alan Street fronting the site approaching the intersection. The intersection design was forwarded to the applicant.

29/04/2016	The applicant submitted an indicative plan detailing the impact on the submitted design to quantify the impacts and identify any areas of non-compliance for discussion.
10/05/2016	Further plan submitted for discussion with Council staff which moved the proposed intersection design to the south to lessen the impact on the development site. The minor realignment was supported in principle subject to detailed design plans being reviewed.
16/06/2015	Amended plans and details submitted. The amendments included a minor relocation of the proposed building works towards the transmission easement and were therefore re-referred to Transgrid for assessment.
29/06/2016	Request for information from Transgrid in relation to "3D DXF file" for assessment of the development in relation to clearances to the high voltage transmission lines.
03/08/2016	Amended file forwarded to Transgrid for assessment.
09/08/2016	Correspondence sent to the applicant requesting additional engineering information.
01/09/2016	Further engineering information submitted.
15/09/2016	Meeting held between the Applicant and Council staff in relation to outstanding engineering matters.
16/09/2016	Further information sent to the applicant in relation outstanding engineering matters.
29/09/2016	Additional Information submitted
29/09/2016	Concurrence provided by Transgrid.
17/10/2016	Additional information requested in relation outstanding engineering matters.
18/10/2016	Additional information submitted.

PROPOSAL

The Development Application is for the demolition of existing structures and construction of a part 4 storey part 7 storey Residential Flat Building containing 121 units comprising of 13 x 1 bedroom units, 94 x 2 bedroom units and 14 x 3 bedroom units and basement parking for 152 cars.

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 common open space area between the buildings at ground level and a rooftop common area on the smaller 4 storey building. A landscape plan has been prepared and provides for a variety of species, ground covers, fencing and common open space embellishment including play areas, 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	5,445m ²	Yes
4.1B Residential Density	Minimum residential densities 30 dwelling per hectare	 222 dwellings per hectare	Yes
4.3 Height of buildings	21 metres	21.8m	No – see comments below.
4.4 Floor space ratio	2:1	1.97:1	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.

(iv) Variation to Height

Clause 4.6 Exceptions to Development Standards states as follows:

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

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if:
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4.*

SEPP Sydney Region Growth Centres 2006 limits the height of development to 21m and the maximum height of the development is 21.8m.

The applicant has submitted a Clause 4.6 Variation (refer to Attachment 11) and is summarised as follows:

- The proposal is in close proximity to the future Box Hill Town Centre and the extent of non-compliance represents an appropriate higher density on the site as the extent of variation still only enables achievement of a 1.97:1 FSR that is less than the maximum permitted FSR.*
- The portion of the building that exceeds the height control does not contain any floor space. This assists with demonstrating that the proposal is not an over development of the site, also noting that the proposal has an FSR of 1.97:1 which is less than the 2:1 FSR permitted for the site.*
- The site is large and the impacts arising from overshadowing, visual impact and loss of privacy are manageable within the site, and have no significant impact on adjoining properties or open space areas given that the development is contained within its own street-block meaning shadows cast by the proposal fall on the street with the exception of the adjoining development to the south and the extent of overshadowing is not unreasonable for density envisaged of this scale within the precinct;*
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the uneven topography is the key driver of the height variation rather than a desired to achieve greater yield on the site;*
- The proposal has no impact on heritage or other views; and*
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Box Hill Precinct.*

The height objectives of the SEPP are:

- a) to establish the maximum height of buildings on land within the Box Hill Precinct or Box Hill Industrial Precinct,*
- b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
- c) to facilitate higher density development in and around commercial centres and major transport routes.*

The height of the development is satisfactory given that it is appropriately separated from any adjoining development and the shadow impact is reasonable. This separation will reduce the potential for overlooking and any adverse privacy impacts. The proposal

responds to the existing topography of the site within its context. The development incorporates a variety of finishes/colours and will result in an appropriate urban outcome. The non-compliances do not result in any adverse amenity impacts and will not result in a detrimental impact on the streetscape. Accordingly, the proposed height is considered satisfactory and can be supported in this instance.

In accordance with the Departments Circular PS 08-003 the Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument.

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

The required Design Verification Statement was prepared by Idraft Architects.

The Development Application has been assessed against the relevant design quality principles contained within the SEPP 65 as follows:

(i) Context and Neighbourhood Character

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. The site is located adjacent to a similar proposal at No. 4 Alan Street, approved by the Joint Regional Planning Panel on 16 December 2015 which was the first residential flat building to be approved in the Precinct. Currently the immediate area is characterised by single rural style dwellings, market gardens, plant nurseries and similar low scale activities, however recent activity related to a number of approved subdivisions has occurred. The context will change over the coming years as further development occurs in the Precinct.

(ii) Built Form and Scale

The height of the development overall is acceptable in terms of solar access and residential amenity impacts. The height of the development is consistent with the desired future scale and character of the site.

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 the high quality landscaped setting.

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) Density

The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 30 dwg/ha for the site. A density of 222 dwg/ha is proposed.

(iv) Sustainability

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.

(v) 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.

(vi) 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.

(vii) Safety

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.

(viii) Housing Diversity and Social Interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. 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 mix. Although these controls do not apply to the site, it is noted 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 13 x 1 bed (10.7%), 94 x 2 bedroom (77.6%) and 14 x 3 bedroom units (11.5%).

(ix) Aesthetics

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

The relevant provisions of the Apartment Design Code are addressed below:

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site with 50% of the area to achieve a minimum of 50% direct sunlight for 2 hours at midwinter.	1361.25m ² required and 1,133m ² or 20.8% proposed. The non-compliance is supported given the Box Hill DCP requires a maximum of 15% of the site area. The applicant has provided an amount of open space between the SEPP and DCP rate.

Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes, 21.4%.
Separation	For habitable rooms, 12m up to 4 storeys, 18m between 5 and 8 storeys.	Yes, 12.2m separation provided between building on the subject site. The building (7 storey component) adjacent to the eastern boundary has a setback of 9m. Balconies on level 4 encroach by up to 3m, and 800mm on Level 4. Privacy screens are provided to ensure that privacy is protected.
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes, provided.
Car Parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	Not Applicable - Not located within a metropolitan sub-regional centre. The proposed 152 car parking spaces meet the minimum DCP requirement of 152 spaces required.
Designing the Building		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	Yes, 71%.
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	Yes, 71%.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.	Yes, 2.7m.

	If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	
Apartment size	Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	Yes, all units exceed the criteria
Apartment layout	Habitable rooms are limited to a maximum depth of (2.5 x the ceiling height). In open plan layouts the maximum habitable room depth is 8m from a window.	Yes, provided.
Balcony area	The primary balcony is to be: Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.	Yes, all balconies provide the required area.
Storage	Storage is to be provided as follows: Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³ At least 50% of the required storage is to be located within the apartment.	Yes, provided.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes, 13 x 1 bedroom units. 94 x 2 bedroom units. 14 x 3 bedroom units.

The proposal is considered satisfactory with respect to compliance with SEPP 65 and the 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 being incorporated into the recommended conditions of consent (refer Condition 10)

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	34.6%	Yes
	30% landscaped area	32%	Yes
	15% communal area	20.7%	Yes
	POS – 10m ² with 2.5m dimension	All units comply with the exception of four 1 bedroom units which have 8m ²	No refer comments below
	Front setback – 6m/4.5m (first 3 storeys	4.5m min, L3+ 6m (Terry Road, Alan Street and New Road)	No refer comments below
	Side setback – 3m up to 3 storeys 6m above 3 storeys	L1 – 3m, L2 and above 6m+	Yes
	Rear setback – 6m	NA	NA
	Habitable room separation – 12m	12m	Yes
	Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom Visitor – 1 per 5 units	Required – 152 Proposed – 152	Yes

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.

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 Control 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 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 is consistent with that approved for the adjoining property at No. 4 Alan Street. It is maintained that the 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.

b) Private Open Space

The DCP requires that a minimum 10m² of private open space is provided for each unit. All units comply with the exception of four 1 bedroom units which have a private open space area of between 8m² and 9m².

In addition, the ADG requires that a 1 bedroom unit have a private area of 8m² with a minimum depth of 2m, however if the units are located at ground level a private open space area of 15m² with a minimum depth of 3m is required.

The applicant has submitted the following as justification:

All but four apartments have principal private open space greater than 10m². Whilst the private open space is less than 10m² or 15m², these units comply with the requirements of the ADG.

Comment:

The DCP contains the following objectives:

- a. *To establish a high quality residential environment where all dwellings have a good level of amenity.*
- b. *To encourage a variety of housing forms within residential areas.*
- c. *To ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.*

The proposed apartments (010, 018, 026 and 053) have a northerly aspect and provide a reasonable level of amenity for future residents. The units have direct access from the living areas to the balcony and receive a satisfactory level of solar access.

The proposed variation to the private open space area is satisfactory and can be supported.

c) Setbacks

The DCP requires a 6m front setback, however balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys and for a maximum of 50% of the façade length. Due to the site layout and road frontages, all elevations of the buildings are considered to be front setbacks. On all frontages a number of balconies on level 3 and above are located in the 6m setback zone and a number of balconies on the four storey building (Building C) also exceed the articulation zone setback and have a setback of approximately 3 metres. The setback exceedances are shown at Attachment 7, fourth floor plan, with the upper level 6m setback variations shown in orange and those balconies that exceed the 4.5m articulation zone setback shown in red.

The applicant has submitted the following as justification:

Whilst the proposed design results in an encroachment of a number of balconies, the extent of the encroachment is limited to a relatively small section of the total façade length and the design of the façade presents a rhythmic form and articulated façade and does not result in any adverse environmental impacts.

Comment:

The DCP contains the following objectives:

- a. *To establish a high quality residential environment where all dwellings have a good level of amenity.*
- b. *To encourage a variety of housing forms within residential areas.*
- c. *To ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.*

The proposed variations are considered minor and will not result in an adverse impact on streetscape. The proposed external design and articulation provided for the apartments is appropriate for the modern character of the area.

The proposed setbacks are considered satisfactory given the minor nature and are supported.

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

Under the provisions of Clause 1.3 of the Box Hill 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 13 x 1 bed (10.7%), 94 x 2 bedroom (77.6%) and 14 x 3 bedroom units (11.5%).

Unit Size (Typology)

All of the units fall under 'Type 1' apartment size category. 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

Whilst the development does not conform to the unit mix and size typology requirement in The Hills DCP, the proposal complies with Clause 30(1)(b) of SEPP 65 in terms of minimum internal apartment areas. A development cannot be refused on apartment sizes if compliance is achieved. The development does provide for a satisfactory mix and size of units to meet the future needs of residents.

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 STS GeoEnvironmental accompanies the development application. In summary the report recommends that soil sampling be undertaken to classify the soils appropriate for off site disposal. 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. 62).

SUBDIVISION ENGINEERING COMMENTS

As part of our Council's obligation to provide for elements of Contribution Item works such as road and intersection upgrades throughout the precinct, Council's Infrastructure Team commissioned the preparation of further modelling and concept designs for intersections throughout the precinct. This modelling and design work identified a number of issues including:

- *The intersections were originally modelled with two lanes of travel in each direction, with no allowance for slip/ turn lanes, which will be required for some of these intersections to operate at a minimum level of service based on the modelled traffic volumes.*
- *The initial intersection layouts did not consider the swept turn paths for design service vehicles expected to use them.*
- *The initial planning did not include any form of control at the intersection of Terry Road/ Alan Street. Traffic signals will be required for this intersection to operate at a minimum level of service based on the modelled traffic volumes.*

The new updated intersection layouts require additional land take above that required by the SEPP. This additional land take encroached onto the development site and needed to be considered in the assessment of the application. The applicant was requested to amend their plans to include additional road widening, specifically widening in Alan Street fronting the site approaching the intersection. The intersection design has been incorporated into the design by the applicant.

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions of consent are included in the recommendation.

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. 30).

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.

The variations the SEPP Height control and the DCP variations proposed to road layout, private open space and setbacks are addressed in the report and are 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
28305	Site Plan	DA0101	C	02/06/2016
28305	Basement Level 2	DA0201	D	18/10/2016
28305	Basement Level 1	DA0202	D	18/10/2016
28305	Ground Floor Plan	DA0203	C	02/06/2016
28305	Level 1	DA0204	C	02/06/2016
28305	Level 2	DA0205	C	02/06/2016
28305	Level 3	DA0206	C	02/06/2016
28305	Level 4	DA0207	C	02/06/2016
28305	Level 5	DA0208	C	02/06/2016
28305	Level 6	DA0209	C	02/06/2016

28305	Level Roof	DA0210	C	02/06/2016
28305	Elevations Sheet 1	DA0211	C	02/06/2016
28305	Elevations Sheet 2	DA0212	C	02/06/2016
DA-L101	Landscape Plan Ground	-	B	23/03/2016
DA-L102	Landscape Plan Level 4	-	B	23/03/2016
DA-L103	Landscape Plan Level 4	-	B	23/03/2016
28305	Subdivision Plan	DA0102	D	18/10/2016

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. Property Numbering

The responsibility for property numbering is vested solely in Council. Council's Land Information Section is to be issued with amended unit numbering plans prior to the issue of a construction certificate.

Unit numbering must comply with NSW Addressing policy and must not be repeated throughout the site whether quoting Block A, B or C as a prefix.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lift/lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

4. Australia Post Mail Box Requirements

Australia post requires there be one (1) single group of cluster mail boxes. Should more than one (1) cluster be required, contact Australia Post for their approval. The number of mail boxes be provided is to be equal to the number of flats/units/townhouses/villas etc. plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

5. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

6. Final Occupation Certificate

Prior to occupation/use of a building resulting from a change of use, it is necessary to obtain an Occupation Certificate from Council subject to the requirements under Clause 109H(2) of the EP&A Act 1979 being satisfied.

7. 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.

8. 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.

9. Demolition Notification

Both Council and any adjoining properties must be notified in writing five days before demolition works commence.

10. Compliance with Transgrid Requirements

Compliance with the requirements of TransGrid as follows:

- i. Circular upright timber bollards must be implemented along the edge of the road corridor that partially encroaches into our easement corridor, as this will prevent unauthorised vehicles from entering. The timber bollards must have a minimum diameter of 200mm, and the circular upright supports are to be 750mm above and below ground. The upright supports are to be set at 1.5-metre centres, and please contact TransGrid in the event of any uncertainty.
- ii. 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.
- iii. All vegetation and landscaping proposed within TransGrid's easement should be kept to a minimum and must not exceed a mature height of 4 metres (preferably species of no greater height than 3 metres). No plantings are permitted within 30 metres of the transmission towers.
- iv. TransGrid's access to our easement must be maintained at all times, including during the construction period. TransGrid operates 40 tonne heavy vehicles and equipment for easement and infrastructure maintenance. Therefore, driveways and hardstand areas must be capable of withstanding the weight of this plant.
- v. No truck parking is permitted within TransGrid's easement corridor at any time.
- vi. 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. The storing of pallets or other materials is also prohibited.
- vii. During construction, traffic control measures must be implemented to prevent vehicles colliding with TransGrid's high voltage transmission line. Temporary fencing is to be earthed and every second panel isolated. No works are permitted within 30 metres of a TransGrid transmission tower.
- viii. Temporary metallic fencing panels must be earthed and every second panel isolated from the next pair by a duly qualified electrician. Please contact TransGrid in the event of any uncertainty..
- ix. 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.
- x. 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.
- xi. 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.
- xii. TransGrid requests formal notification of any amendments and/or modifications to the proposed development site. This would include any future proposals for lighting as this has not been reviewed as part of this application.

11. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented during the construction and demolition phases of the development, except where amended by other conditions of consent. 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.

12. Management of Construction and 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.

13. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing 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.

14. Commencement of Domestic Waste Service

The property owner or agent acting for the owner must arrange the commencement of a domestic waste service with Council. The service is to be arranged before one week of 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.

15. Construction of Garbage Bay

All work involving construction of the garbage bay must comply with the requirements below. Storage facility must be provided for a minimum of 14 x 1100L garbage bins and 22 x 660L recycling bins.

- i. The areas must be of adequate size to comfortably store and manoeuvre the minimum required number of bins.
- ii. The layout of the areas must ensure that each bin is easily accessible and manoeuvrable in and out of the area with minimal or no manual handling of other bins.
- iii. The walls of the areas must be constructed of brickwork.

- iv. The floor of the areas must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
- v. The areas 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.
- vi. The areas must have a suitable resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door should be outside of the truck loading bay area.
- vii. All doors of the areas, when fully opened, must be flush with the **outside wall** and must not block or obstruct vehicle access or footways. All doors must be able to be fixed in position when fully opened.
- viii. The areas must be adequately ventilated (mechanically). Ventilation should not be connected to the same ventilation system supplying air to the units.
- ix. The areas must be provided with a hose tap, connected to a water supply, to facilitate bin washing. If the tap is located inside the areas, it is not to conflict with the space designated for the placement of bins.
- x. The areas must be provided with an internal light (artificial).
- xi. 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.
- xii. The areas 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.
- xiii. Finishes and colours of the areas must complement the design of the development.

16. Access and Loading for Waste Collection

Vehicle access and loading must be designed and constructed in accordance with the Australian standard (AS2890.2-2002) for the standard 8.8m long MRV. Trucks must enter and leave the site in a forward direction. All truck manoeuvring areas must have a clear vertical clearance of no less than 3.5m. Loading bays must allow additional space for access and loading. The bay should be clearly line marked. Appropriate safety measures and caution signage must be implemented regarding waste collection arrangements.

17. Bulky Goods Area

A separate room or caged area must be provided for the interim storage and management of unwanted bulky goods. The area shall be located adjacent to or near the MRV loading bay. The minimum floor area required is 10 cubic metres. It is recommended that additional room is allowed for if possible.

18. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved plan of subdivision prepared by Idraft Architects Pty Ltd. Job No. 28305 Drawing DA 0102 Revision D dated 18/10/2016 and other supporting documentation including, but not limited to, the undertaking annotated on the plan relating to the dedication of Road 1, Road widening at the intersection of Terry Road and Alan Street.

The subdivision plan must be amended to include the road widening relating to splay corner required at the intersection of Road 1 and Terry Road.

19. Separate Application for Strata Subdivision

The strata title subdivision of the development is not included. A separate development application or complying development certificate application is required.

20. Subdivision Certificate Preliminary Review

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

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

21. Proposed Street Naming

A written application for street naming must be submitted to Council for approval, along with the applicable fee as per Council's Schedule of Fees and Charges. The street names proposed must comply with requirements of the NSW Geographical Names Board and Council.

The application must nominate three suggested names per street, in order of preference, and the source of the names proposed.

22. 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. 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.

23. Recycled Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

24. 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.

25. Road Opening Permit

Should the subdivision/ development necessitate the installation or upgrading of utility services or any other works on Council land beyond the immediate road frontage of the development site and these works are not covered by a Construction Certificate issued by Council under this consent then a separate road opening permit must be applied for and the works inspected by Council's Maintenance Services team.

The contractor is responsible for instructing sub-contractors or service authority providers of this requirement. Contact Council's Construction Engineer if it is unclear whether a separate road opening permit is required.

26. 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.

27. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- The driveways design must be revised to be consistent with the amended design profiles of the Road 1 and final Alan Street.
- The driveways design must ensure the design compliance of Table 3.2 of the Australian Standards to facilitate Heavy Rigid Vehicles servicing the waste collection.
- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

28. Gutter and Footpath Crossing Application

Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.

29. Excavation/ Anchoring Near Boundaries

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

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

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

30. Compliance with NSW Police Force Requirements

The following conditions are required by the NSW Police or as otherwise agreed by NSW Police and Council in writing:-

Surveillance:

- CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.
- Paint the basement white to reflect light.
- Vegetation to be kept trimmed at all times.
- Installation of a security intercom system is required to access the residential parts of the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.

Lighting:

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.

Environmental Maintenance:

- Use of anti-graffiti building materials.
- High fencing during construction is to be used.
- Use of security sensor lights and a security company to monitor the site during construction phase are required.

Access Control:

- Ground level units are required to have upgraded security measures in place such as doors/ windows being alarmed, thickened glass and sensor lights.
- High quality letter boxes that meet AS ISO9001:2008 are required and are 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 is required.
- Entry into car park to be secured by a fob, remote/code access and camera are required.
- Ensure improved strength to security roller shutters/garage doors is used.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanism are to be used.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- External doors that can be used to enter the car park or into the complex are required to have a plate installed to the door.
- Devices are to be fitted to enable windows to be locked at 12.5cm when the devices are engaged.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

31. 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.

32. 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.

33. 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 Growth 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

34. Section 94 Contribution

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

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 Bedroom Units: 13	No. of 2 Bedroom Units: 94	No. of 3 Bedroom Units: 14	Total S94
Open Space - Land	\$ 5,625.33	\$ 5,956.24	\$ 6,640.98	\$ 73,129.29	\$ 559,886.13	\$ 92,973.76	\$ 725,989.19
Open Space - Capital	\$ 7,066.72	\$ 7,482.42	\$ 8,342.61	\$ 91,867.42	\$ 703,347.06	\$ 116,796.58	\$ 912,011.06
Transport Facilities - Land	\$ 545.27	\$ 577.35	\$ 643.72	\$ 7,088.57	\$ 54,270.90	\$ 9,012.06	\$ 70,371.53
Transport Facilities - Capital	\$ 4,665.63	\$ 4,940.07	\$ 5,508.00	\$ 60,653.14	\$ 464,366.66	\$ 77,111.99	\$ 602,131.79
Water Management - Land (KCP)	\$ 2,073.98	\$ 2,195.97	\$ 2,448.43	\$ 26,961.69	\$ 206,421.61	\$ 34,278.03	\$ 267,661.33
Water Management - Capital (KCP)	\$ 5,214.34	\$ 5,521.07	\$ 6,155.78	\$ 67,786.37	\$ 518,980.25	\$ 86,180.97	\$ 672,947.60
Administration	\$ 220.64	\$ 233.62	\$ 260.47	\$ 2,868.34	\$ 21,960.00	\$ 3,646.60	\$ 28,474.94
Total	\$ 25,411.91	\$ 26,906.73	\$ 30,000.00	\$ 330,354.83	\$ 2,529,232.62	\$ 420,000.00	\$ 3,279,587.45

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

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

This condition has been imposed in accordance with Contributions Plan 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.

35. Acoustic design considerations

Units shall be designed to provide an internal noise level of:

- $L_{Aeq, 15 \text{ minutes}}$ 35 dB(A) in any bedroom between 10pm and 7am; and
- $L_{Aeq, 15 \text{ minutes}}$ 40 dB(A) anywhere else in the building (other than kitchen, bathroom or hallway) at any time.

Mechanical plant shall be acoustically treated so as not to exceed the ambient background noise level measured at the boundary by more than 5 dB.

36. 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.

37. 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.

38. Separate Approval for WIK/ MPB Agreement

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

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

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

39. Engineering Works and Design

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

Engineering works can be classified as either "subdivision works" or "building works" as categorised below:

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

The following engineering works are required:

a) 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
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: 5x10 ⁵ Access/ Local (Design Guidelines Section 3.12)

A set of Civil Engineering Plans including Cover Sheet Drawing UMB 15201.CIV.DA Drawing 00 Issue D dated 28/09/2016 and associated drawings submitted with the application are considered concept only.

The Road 1 Longitudinal Section (Refer to Drawing No. 7) must be revised to be consistent with the Council's Final Terry Road design profile that is currently progressing.

The amendment must ensure that the ultimate street drainage is directed to Terry Road and provides the minimum road gradient of 0.7% to avoid sag point fronting the development site. Should this redesign require amendment to the road profile across the property to the east 4 Alan Street pursuant to the approved DA 1631/2016/JP, this must be consulted with the development prior to submit construction certificate application details.

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 and the . Civil

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.

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

Except where a modified kerb treatment is required (such as for roadside bio-retention swales) roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

Should the construction works at the eastern end of the site requires earth works retention by walls, the walls and the footings must be constructed within the development site unless agreed to extending earth batters within the adjoining property 4 Alan Street. The walls must be vertical and to 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.

The interim street drainage must be extended to the temporary detention required to be built as part of the subject application.

b) 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 (total width 18m and variable at the road widening) (Verge/ Carriageway / Verge) (m) Pavement Design: 5x10 ⁵ Access/ Local (Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The realignment of Alan Street at the intersection must be within the approved road widening area, and to be consistent with the Council's Final Terry Road design that is currently progressing.

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 construction 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.

Except where a modified kerb treatment is required (such as for roadside bio-retention swales) roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

New kerb inlet pits must be provided in Alan Street fronting the site and the street drainage extended to Terry Road. The pipe extension must be located under the new kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

The cap proposed street drainage pipe extension on the eastern side of the property on Alan Street frontage must be amended to provide a new kerb inlet pit instead unless a pit/connection is extended in this vicinity as part of the adjoining development DA 1631/2015/JP.

c) Terry Road Frontage

Design levels across Terry Road frontage must be consistent with the final Terry Road design being carried out by Council. If any retaining structures required to be provided, it must be located within the site.

d) Temporary Turning Heads

A temporary cul-de-sac turning head must be provided at the eastern end 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.

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

e) 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.

f) Footpath Verge Formation

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

g) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on northern side of Alan Street and southern side of proposed Road 1 in accordance with the DCP and the above documents.

h) Concrete Cycleway/ Shared Path

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.

i) 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.

j) 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.

k) Service Conduits

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

l) Stormwater Drainage – Temporary Works

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

m) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Department of Primary Industries – Water (even where the receiving waterbody is not a natural watercourse) as well as Sydney Water, in the case of stormwater management land.

n) Integrated Site Stormwater Management

Stormwater Drainage – Temporary Management (Box Hill)

Temporary stormwater management in the form of Bio-Retention area must be provided on the northern part of the development site. The OSD Basin area shown on the Stormwater Concept plan prepared by Umbrella Civil Consulting Engineers Project No. UMB15201.SW.DA Drawing No. 105 Issue E must be redesigned to incorporate the elements relating to OSD controls and water quality treatment.

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

All model parameters and data outputs are to be provided.

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

Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of Rainwater tank (21.6kL), and Treatment devices including EnviroPod 200 (SFEP USE 2011B) and ten numbers of 690mm PSorb (MCC) are to be located generally in accordance with the Stormwater Concept Plan (Ground Level) Project No. UMB15201.SW.DA Drawing No. 104 Issue E and the MUSIC model 06358-15201 dated 19/09/2016 submitted with the application.

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

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

All model parameters and data outputs are to be provided.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

40. Sediment and Erosion Control Plan

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

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

41. Stormwater Pump/ Basement Car Park Requirements

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

42. 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 \$83,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side 280m multiplied by the half width of the road 3.5m.

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

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

43. 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.

44. Security Bond Requirements

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

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

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

PRIOR TO WORK COMMENCING ON THE SITE

45. Principal Certifying Authority

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

46. 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.

47. 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.

48. 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.

49. 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).

50. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance 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).

51. 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 from the site 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. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. 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.

52. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

53. Erection of Signage – Supervision of Work

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

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

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

54. 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.

55. 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.

56. 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:

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

57. Service Authority Consultation – Subdivision Works

Before subdivision works commence:

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

DURING CONSTRUCTION

58. 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.

59. 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. 674075M are to 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.

60. 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.

61. 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.

62. Classification and disposal of fill

Prior to bulk excavation works commencing, soil is to be sampled and classified as excavated natural material/virgin excavated natural material or as the relevant category of waste prior to reuse or disposal (as appropriate).

63. 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.

64. Critical Stage Inspections – Subdivision Works

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

65. Working Hours

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

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. 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.

72. Final Inspection of Garbage Bay

Prior to an Occupation Certificate being issued, a final inspection of the garbage bay must be undertaken by Council. This is to ensure compliance with Council's design specifications (as specified in other conditions of this consent) and that necessary arrangements are in place for waste collection by Council.

73. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and submitted 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.

74. Completion of Subdivision Works

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

75. 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.

76. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

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

77. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed new public Road 1 and the road widening have been dedicated in accordance with approved subdivision plan.

78. 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.

79. 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.

80. 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.

81. 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.

82. Public Asset Creation Summary

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

83. 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.

84. 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.

85. 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.

86. Adjoining Property Dilapidation Report Post Construction

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

87. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council a copy of the strata certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days.

88. 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:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- 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.

89. 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:

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

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

90. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/ road widening have been dedicated in accordance with the undertaking submitted relating to dedication INSERT.

91. Final Plan and Section 88B Instrument

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

a) Dedication – New Road

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

b) Dedication – Road Widening

The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to dedication road widening at the intersection of Terry Road and Alan Street.

c) Easement – Temporary Public Access

A temporary public access easement must be created within proposed vacant lot over the temporary cul-de-sac turning head using the "temporary public access easement" terms included in the standard recitals.

d) Easement – Temporary Public Stormwater Drainage/ Outlet

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

e) Restriction – Restricted Access

The vacant lot proposed to the north of Road 1 must be burdened with a restriction precluding access to Terry Road using the "restricted access" terms included in the standard recitals.

f) Restriction – Residue Lots

The vacant lot must be burdened with a restriction using the "residue lots" terms included in the standard recitals.

g) 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.

h) Restriction/ Covenant – Water Sensitive Urban Design

The development lot (southern side) must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

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

The vacant lot (northern side) must be burdened with a restriction and a positive covenant that refers to the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

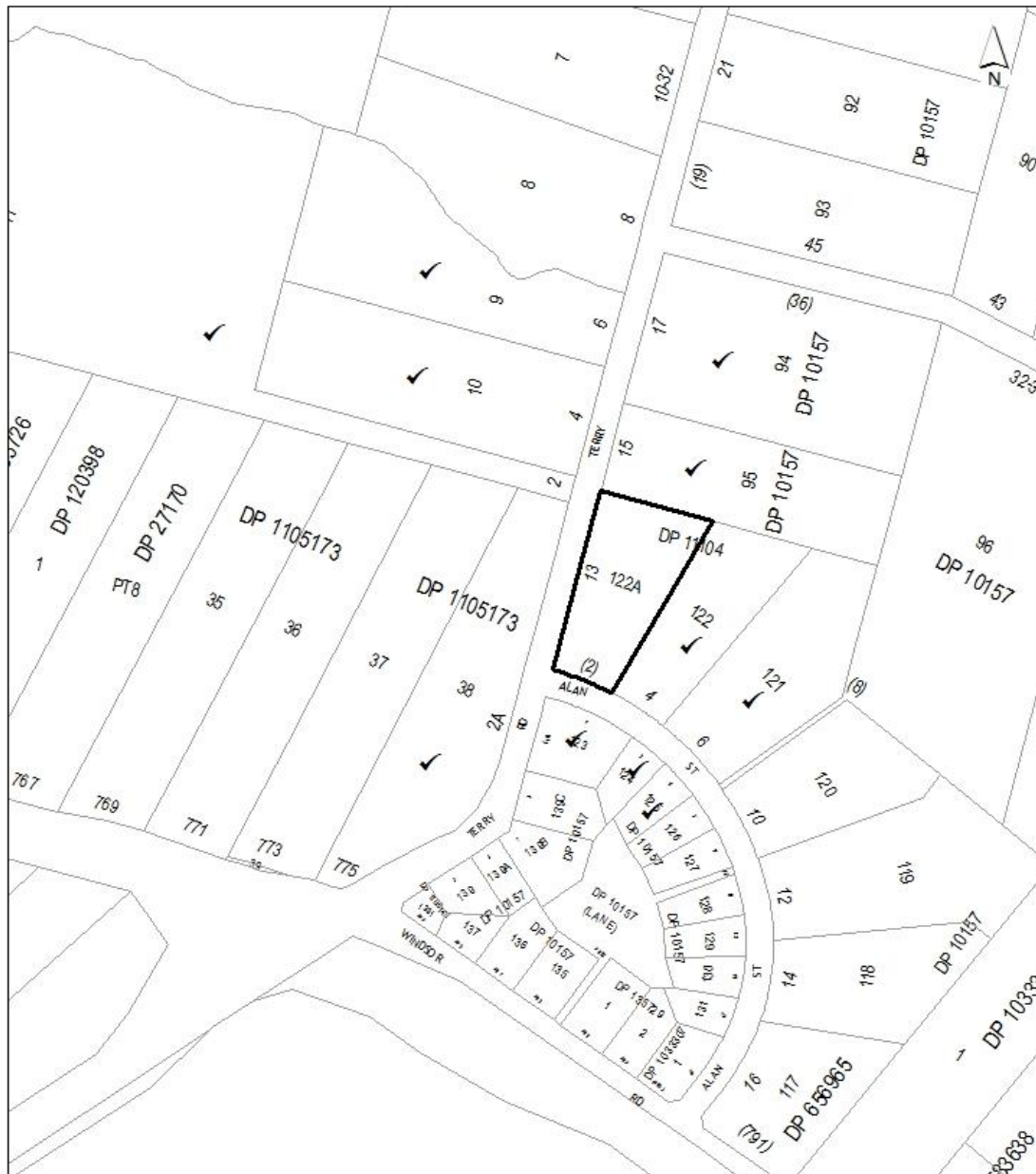
j) Positive Covenant – Stormwater Pump

The subject development 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. Ground Floor Plan
7. Fourth Floor Plan
8. Elevations
9. Sections
10. Perspectives
11. Clause 4.6 Variation Request

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ☒ PROPERTIES NOTIFIED

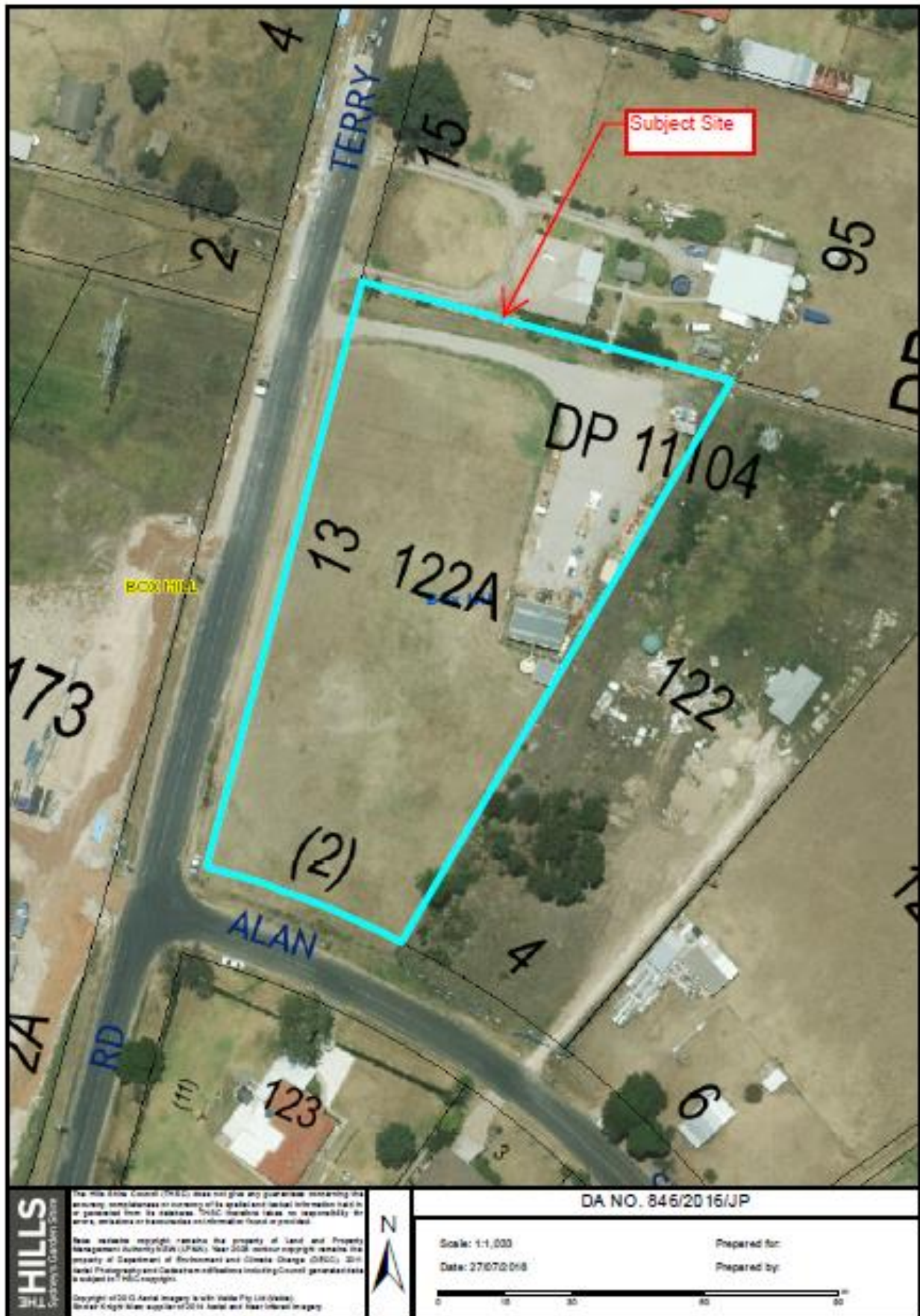
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

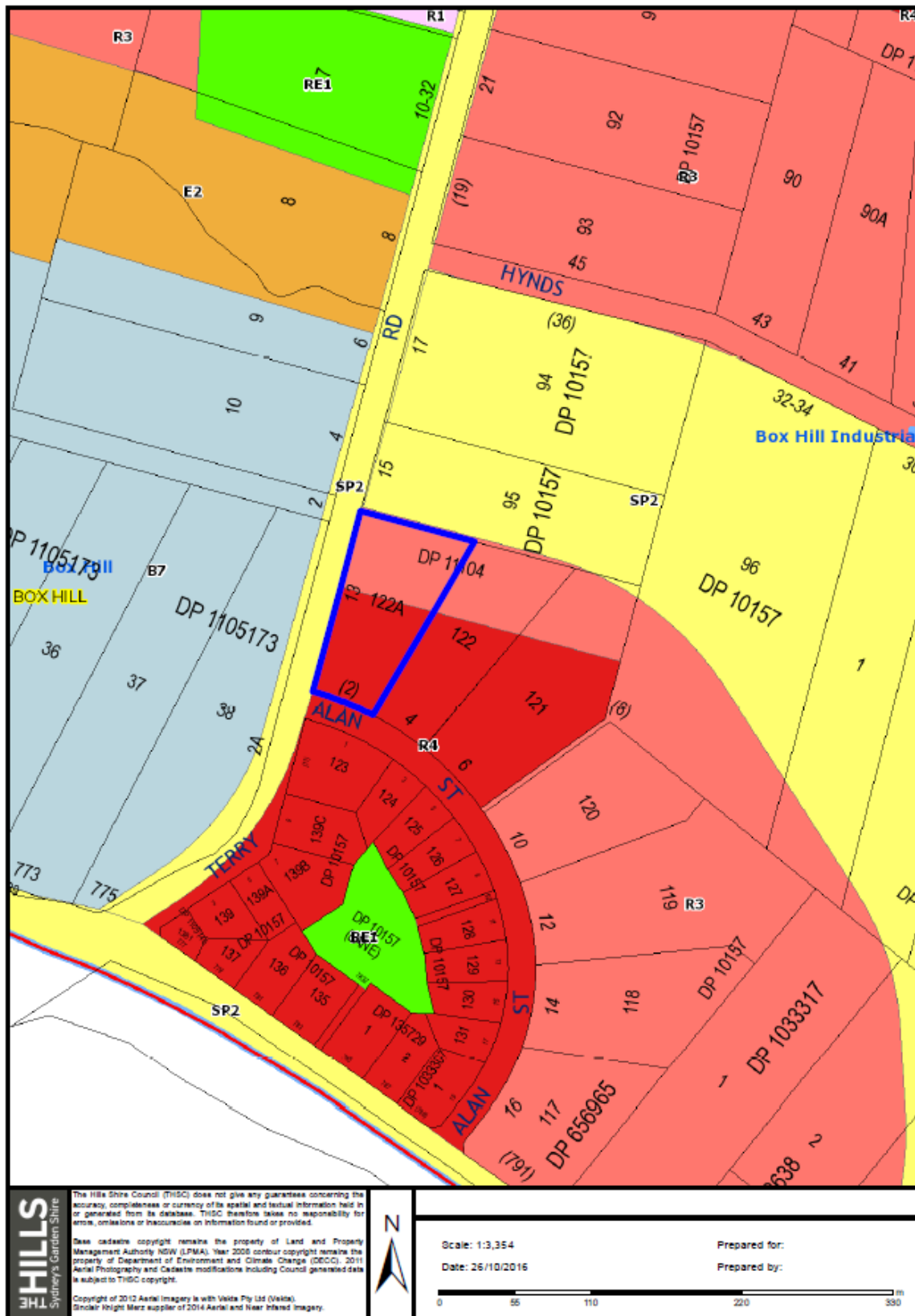
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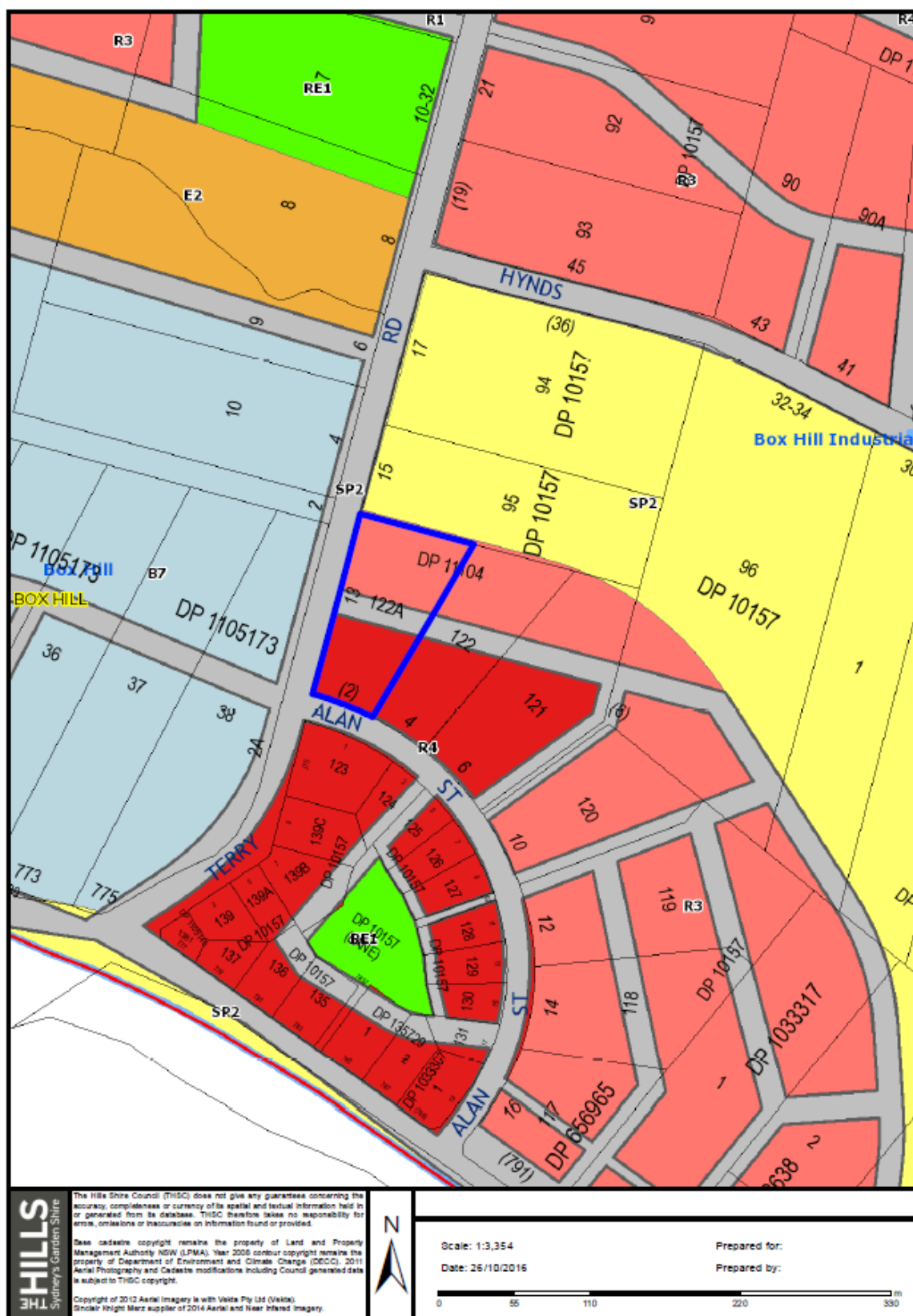
ATTACHMENT 2 – SITE PLAN



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – ZONING MAP AND DCP ROAD LAYOUT





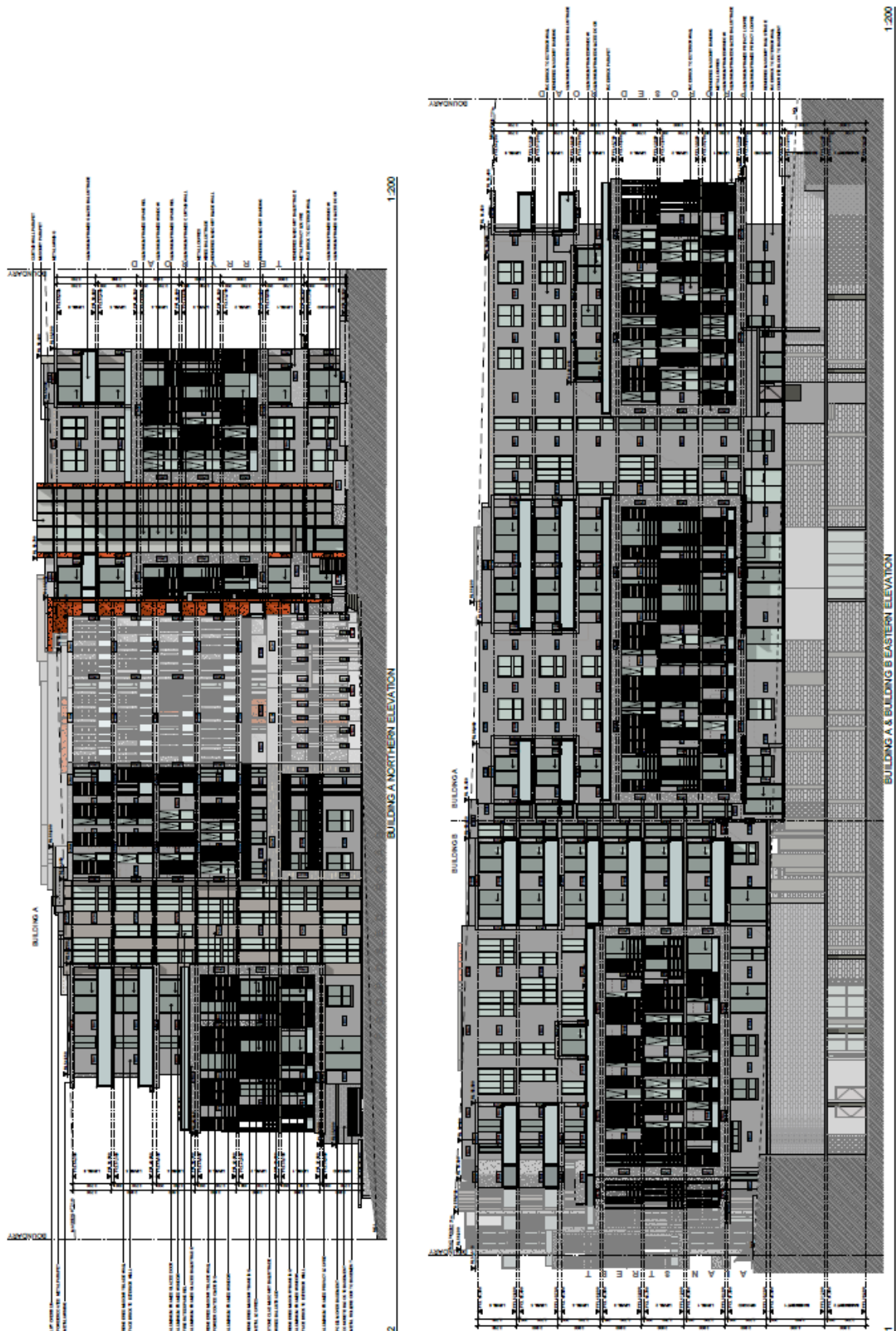
ATTACHMENT 6 – GROUND FLOOR PLAN



ATTACHMENT 7 – FOURTH FLOOR PLAN

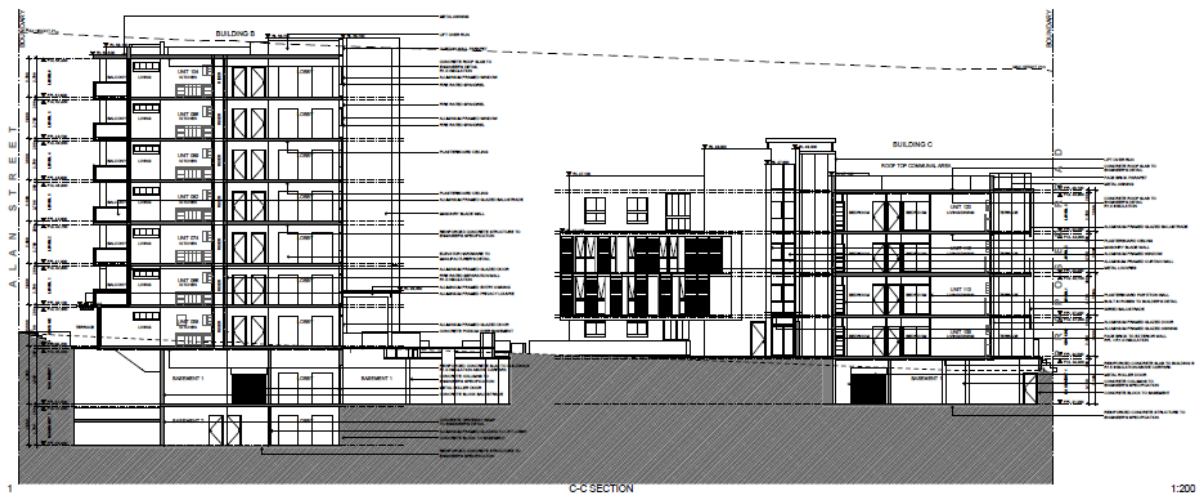
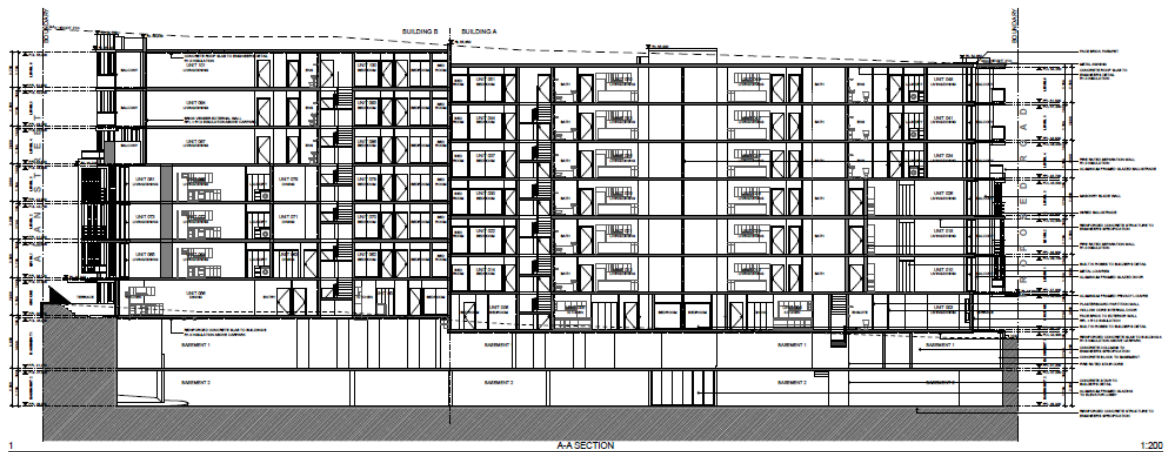
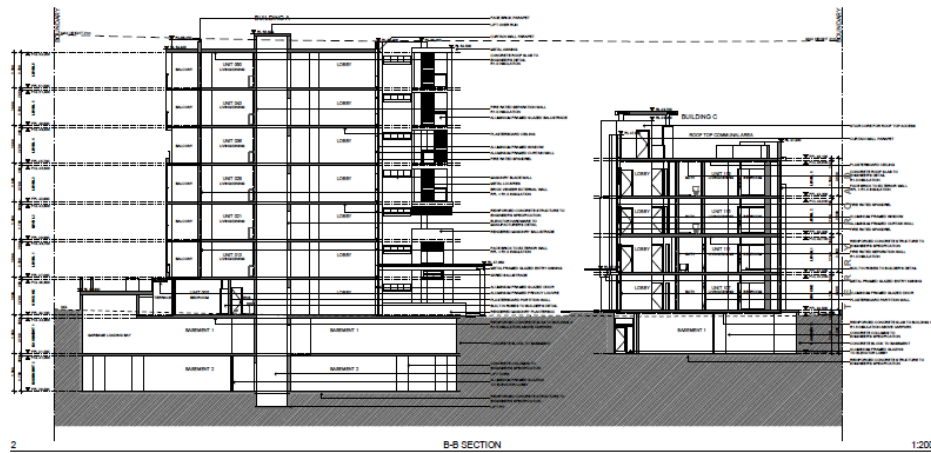


ATTACHMENT 8 – ELEVATIONS





ATTACHMENT 9 – SECTIONS



ATTACHMENT 10 – PERSPECTIVES



View south-east at corner of Terry Road and New Road



View north-east at corner of Terry Road and Alan Street

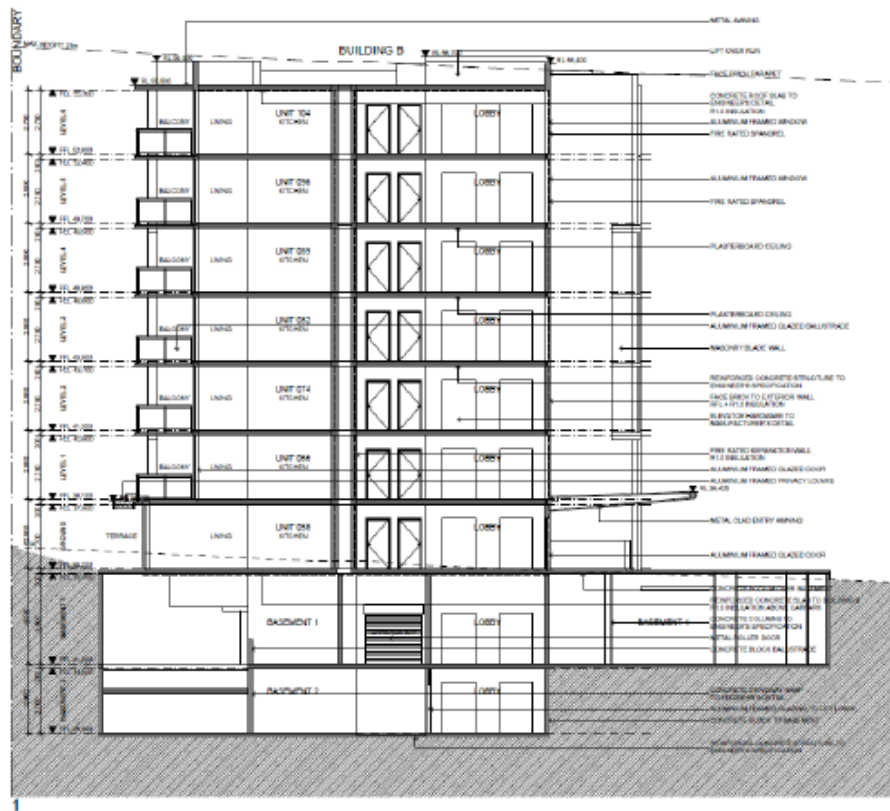
ATTACHMENT 11 – APPLICANT’S CLAUSE 4.6 VARIATION



RFB 13 Terry Road, Box Hill

Annexure 1: Clause 4.6 Variation: Building Height

The development concept results in the height of the proposal exceeding the permissible height as shown on the LEP height map, with the upper level roof form exceeding the 21m control as shown on the section plan below:



As shown on the extract the variation is a function of topography with part of the building exceeding the height where natural ground level dips away from the site.

The majority of the buildings comply with the maximum building height control with a minor portion of the roof structure and lift over-run exceeding the 21m height control, as demonstrated on the submitted section drawings in the architectural set. The variation, at the worst affected point to the top most point of the roof form, equates to 800mm or 1.68%.

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The provisions of Clause 4.6 of the SEPP are addressed below in order to permit Council to vary the SEPP requirement given the minor nature of the departure and given the area of departure is at the rear of the building meaning it is not easily 'read' at street level- particularly once taking into account the finished ground levels.

Clause 4.6(3)

In accordance with the provisions of this clause it is considered that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case as the underlying objectives of the control are achieved.

The objectives of the height of buildings development standard are stated as:

- (a) to establish the maximum height of buildings on land within the Box Hill Precinct or Box Hill Industrial Precinct,*
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
- (c) to facilitate higher density development in and around commercial centres and major transport routes.*

The development proposal is consistent with the above objectives based on the following:

- a) The proposal is in close proximity to the future Box Hill Town Centre and the extent of non-compliance represents an appropriate higher density on the site as the extent of variation still only enables achievement of a 1.97:1 FSR that is less than the maximum permitted FSR.
- b) The portion of the building that exceeds the height control does not contain any floor space. This assists with demonstrating that the proposal is not an over development of the site, also noting that the proposal has an FSR of 1.97:1 which is less than the 2:1 FSR permitted for the site.
- c) The site is large and the impacts arising from overshadowing, visual impact and loss of privacy are manageable within the site, and have no significant impact on adjoining properties or open space areas given that the development is contained within its own street-block meaning shadows cast by the proposal fall on the street with the exception of the adjoining development to the south and the extent of overshadowing is not unreasonable for density envisaged of this scale within the precinct;
- d) The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the uneven topography is the key driver of the height variation rather than a desired to achieve greater yield on the site;



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- e) The proposal has no impact on heritage or other views; and
- f) The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Box Hill Precinct.

As outlined above the proposal remains consistent with the underlying objectives of the controls and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.

Clause 4.6(4)

In accordance with the provisions of Clause 4.6(4) Council can be satisfied that this written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3). As addressed the proposed development is in the public interest as it remains consistent with the objectives of the height control. In addition the proposal is consistent with the objectives of the zone.

The proposal provides for the housing needs of the community and contributes to a variety of housing forms within a high density residential environment. The development site is in close proximity to public transport and the design concept recognises the key site attributes and provides for an attractive built form that relates to the existing and future site context.

It is understood that the concurrence of the Director-General can be assumed in the current circumstances.

Clause 4.6(5)

As addressed it is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:

- a) The contravention of the height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal; and
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal given that the non-compliance has no discernible impact upon the public streetscape. The departure from the control is acceptable in the circumstances given that the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality given the unique site constraints (topography).

Strict compliance with the prescriptive height requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable environmental amenity impacts. The proposal will not have any adverse effect on the surrounding locality.



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The proposal promotes the economic use and development of the land consistent with its zone and purpose. The JRPP is requested to invoke its powers under Clause 4.6 to permit the variation proposed to the maximum height control.