

COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC148
DA Number	984/2018/JP
LGA	The Hills Shire Council
Proposed Development	Demolition of existing structures, subdivision of land, construction and strata subdivision of a multi dwelling housing development comprising 110 town houses, temporary drainage basin, public road and private road.
Street Address	Lot 89, 90A and 90 DP 11104 and Lot 92 DP 10157, Nos. 39, 41 and 43 Hynds Road, Box Hill
Applicant/Owner	Eden Investment Group Pty Ltd C/- Craig and Rhodes Pty Ltd Fortune Land Holdings Pty Ltd
Consultants	Project Manager and Town Planning: Craig and Rhodes Pty Ltd Architect: Rothe Lowman Landscape Architect: Arcadia Engineering: Craig & Rhodes Surveyor: Craig & Rhodes Arborist: Naturally Trees Arboricultural Consulting Aboriginal Heritage: Niche Environment and Heritage Accessibility: ABE Consulting BASIX: Wood and Grieve Engineers Geotechnical: Network Geotechnics Waste: Waste Audit and Consultancy Services Quantity Surveyor: MBMpl Pty Ltd Environmental Health: GeoEnviro Consultancy Pty Ltd Traffic: PTC Consultants
Date of DA lodgement	23 November 2017
Number of Submissions	One (1)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$33,198,745)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy No 55 — Remediation of Land. • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 - 1997 • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009. • Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan). • Central City District Plan. • Box Hill Development Control Plan 2017. • Environmental Planning and Assessment Act Regulation 2000.
List all documents submitted with this report for the Panel's	Copy of Submission (1)

consideration	
Report prepared by	KATE CLINTON SENIOR TOWN PLANNER
Report date	20 JUNE 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Select
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 summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP.</i>	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
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

The Development Application is for the subdivision of land, strata subdivision and staged construction and of a multi dwelling housing development comprising 110 x two bedroom town houses, a temporary drainage basin and a public road (Rubidea Street). The development includes an internal, private loop road accessed from the proposed Rubidea Street which will provide access to all town houses and allow for waste collection to occur within the development.

The proposed development is Stage 2 in a three-stage community development across land at 21 Terry Road and 39-41 Hynds Road, Box Hill comprising a total of 223 dwellings and common open space. Stage 1 (DA No. 896/2018/JPZ) was approved under delegated authority on 1 May 2019. Stage 3 (DA No 1252/2018/JPZ) is reported concurrently.

The development application for Stage 2 proposes a density of 65.3 dwellings per hectare, exceeding the maximum of 30 dwellings per hectare proposed under draft amendments to the SEPP (Sydney Region Growth Centres) 2006. The application relies upon the average density of Stages 1, 2 and 3 (41.26 dwellings p/ha) to justify the variation to the draft maximum density. Similarly, the application relies upon an excess of adaptable housing provided under the Stage 3 development application to justify the provision of no adaptable housing within Stage 2 and a variation to the Box Hill Development Control Plan.

The proposed development has been assessed against the relevant State Environmental Planning Policies, including SEPP (Sydney Region Growth Centres) 2006 and satisfies the requirements of these plans with respect to building height, minimum density, minimum lot size, site servicing, remediation, and Aboriginal and European heritage. The proposed development is also consistent with the relevant Directions for Liveability contained within the

Central City District Plan under A Metropolis of Three Cities – the Greater Sydney Region Plan.

The proposed development has been assessed against the provisions of the Box Hill Development Control Plan 2017 in relation to multi dwelling housing. Variations to adaptable housing, cut and fill (retaining walls and dwellings) and the indicative layout plan (ILP) with regard to the alignment of Rubidea Street are proposed and are considered acceptable as detailed in this report. Solar access for dwellings within the development has been subject to a merit assessment.

The application was notified for 35 days and one (1) submission was received in relation to trees affected by proposed cut and retaining walls. All adjoining land owners have consented to the removal of trees affected by retaining walls. Two trees are proposed to be retained on the subject site adjacent to the northern boundary. The Landscape Plan has been amended in red to ensure natural ground levels are retained within the root zone of these trees, and to relocate stairs and retaining walls to minimise impacts.

The Development Application is recommended for approval.

DETAILS AND SUBMISSIONS

Owner:	Fortune Land Holdings Pty Ltd
Zoning:	R3 Medium Density Residential
Area:	1.685ha (proposed Lot 5 and Rubidea Street)
Existing Development:	Dwelling houses an associated structures
Section 94 Contribution	\$4,179,212.80
Exhibition:	4 December 2017 to 8 January 2018
Notice Adj Owners:	Yes, 35 days
Number Advised:	21
Submissions Received:	One (1)

BACKGROUND

The subject development application is Stage 2 in a three-stage development comprising a total of 223 dwellings to be constructed over land No. 21 Terry Road and Nos. 39-43 Hynds Road, Box Hill, and legally known as Lot 92 DP 10157 Terry Road and Lots 89, 90 and 90A DP 1101 Hynds Road, Box Hill. Stages 1, 2 and 3 are proposed to be bound by a Community Development Scheme, sharing two centrally located common open space areas which were approved under the Stage 1 application.

The approved and proposed Community Plan Lot Layout plans for Stages 1, 2 and 3 are provided in Attachment Nos. 6-8. A plan of the overall three stage development is provided in Attachment No. 9. A description of all three stages is provided below:

Stage 1 – DA 896/2018/JPZ – Approved 1 May 2019

Stage 1 was for the demolition of existing structures and the construction of a multi dwelling housing development comprising of 46 x 4 bedroom townhouses, 92 resident car parking spaces and 10 visitor car parking spaces. Stage 1 created three Lots. Lot 1 contains the community association property which provides two areas of communal open space and includes a pool, BBQ, communal dining area and children's play areas. The residential dwelling component of the development is wholly contained to Lot 2. Lot 3 is a residue lot over which Stages 2 and 3 are proposed.

Stage 2 – DA 984/2018/JP – Subject Development Application

Stage 2 proposes the re-subdivision of approved residue Lot 3, created under Stage 1. Approved Lot 3, has a total area of 3.725 hectares. The re-subdivision would create Lot 5

(1.390 hectares), upon which 110 townhouses, a private road, common open space, 110 residential parking spaces and 22 visitor parking spaces are proposed to be constructed. The application also proposes the construction and dedication of Rubidea Street, and the creation of Lot 6, upon which the Stage 3 development is proposed.

Stage 3 – DA 1252/2018/JPZ – Reported Concurrently

Stage 3 proposes to subdivide residue Lot 6 under DA 984/2018/JP into a development lot (Lot 7), upon which 67 townhouses, 134 resident car parking spaces and 17 visitor car parking spaces are proposed. The application includes all civil works including an internal private loop road, the construction of Pictor Street and full width reconstruction of Hynds Road.

The site is located in the Sydney Region Growth Centres Box Hill Precinct and is zoned R3 Medium Density Residential. Proposed Lot 5 upon which 110 townhouses are proposed has an area of 1.390 hectares and slopes steeply from north to south, with a fall of approximately 17m from rear to front.

The subject Development Application was lodged on 20 December 2017.

On 24 April 2018, the applicant was advised that the proposed density was inconsistent with the draft density band amendments proposed to SEPP (Sydney Region Growth Centres) 2006 and could not be supported. Further clarification was sought with respect to the proposed density and net developable areas across all three related Stages. The applicant was also requested to address matters relating to the orderly development of surrounding land, road design and subdivision, vehicular access and car parking, stormwater management, unit numbering and letterboxes, trees and landscaping, and waste collection.

A response to the request for information was submitted by the applicant on 9 May 2018 following which a meeting was held on 11 May 2018 between the applicant and Council Officers to discuss the issues raised.

Additional information and amended plans was submitted to Council on 20 August 2018. Further amendments and information was requested on 16 November 2018, relating to density, clarification of subdivision, consent for tree removal on adjoining land, retaining wall details, waste management, road design, setback compliance, private open space and letterboxes / numbering.

Council staff met with the applicant on 26 November 2018 to discuss the status of development applications for Stages 1, 2 and 3.

On 29 March and 16 April 2019, the applicant submitted amended plans and information including architectural, civil and landscaping plans, proposed strata plans, neighbour's consent for tree removal, BCA compliance report and revised Statement of Environmental Effects. The number of proposed units was reduced from 111 to 110.

Final additional information and amended plans regarding the proposed driveway profile, retaining walls, subdivision staging, staged BASIX certificates, and clarification regarding density, adaptable housing and landscaping was requested from the applicant on 8 and 16 May 2019.

Final information and amended plans were submitted to Council by 3 June 2019.

PROPOSAL

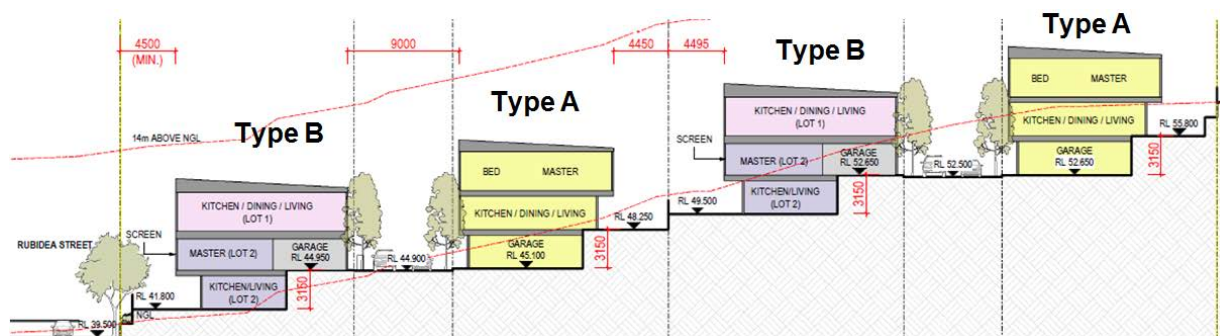
The Development Application is for the subdivision of land, strata subdivision and staged construction of a multi dwelling housing development comprising 110 x two bedroom town houses, 110 resident car parking spaces (one per dwelling), 22 visitor car parking spaces, retaining walls, a temporary drainage basin and a full width public road (Rubidea Street). The

development includes an internal, private loop road accessed from proposed Rubidea Street which will accommodate waste collection from within the development.

The proposed multi dwelling housing includes two types – Type A and Type B (shown below).



Type A are three storey townhouses in a traditional format with parking on the lower level, living areas on the middle level and bedrooms on the upper level. Type B are also three storeys, however each terrace style building contains two dwellings that are configured in a non-traditional stacked format. The lower level provides the living area and ground level private open space for the first dwelling, the middle level provides parking for both dwellings and bedrooms for the first dwelling, whilst the upper level provides the combined living areas and bedrooms for the second dwelling, with private open space consisting of a balcony.



It is proposed to complete the project in the following stages (refer to Staging Plans in Attachment Nos. 10a-h):

Stage 2.1A	Construction of all civil works (including Rubidea Street, battering, temporary drainage basin, internal road, visitor parking, bin storage, retaining walls). Community subdivision of Lot 3 into Lot 5, Lot 6 and the Rubidea Street road reservation;
Stage 2.1B	Strata subdivision of community Lot 5, to create 16 strata lots (Lots 1-16) including construction of 16 town houses, seven development lots (Lots 17-23) and common property;
Stage 2.2	Construction and strata subdivision of development Lot 17 (11 strata lots 24-34);
Stage 2.3	Construction and strata subdivision of development Lot 18 (14 strata lots 35-48);
Stage 2.4	Construction and strata subdivision of development Lot 19 (16 strata lots 49-64);
Stage 2.5	Construction and strata subdivision of development Lot 20 (12 strata lots 65-76);
Stage 2.6	Construction and strata subdivision of development Lot 21 (12 strata lots 77-88);
Stage 2.7	Construction and strata subdivision of development Lot 22 (13 strata lots 89-101);
Stage 2.8	Construction and strata subdivision of development Lot 23 (16 strata lots 102-117);

The proposed development has a Capital Investment Value of \$33,198,745.

ISSUES FOR CONSIDERATION

1. Issues Raised in Submissions

One submission was received from an adjoining property owner. The issues raised in the submission are summarised below:

ISSUE/OBJECTION	COMMENT	OUTCOME
Concern regarding the structural strength and height of the retaining wall proposed on the rear boundary and where cut and fill proposals appear to be excessive.	Retaining walls are required due to the steep topography of the site. Retaining walls are tiered within the site to provide stability. Excavation directly on the northern boundary of the site ranges in depth from nil to approx. 1.6m with the majority being less than 1.4m.	Proposed cut / fill and retaining walls are addressed in more detail in Section 9 of this report. This matter does not warrant the refusal or amendment of the application.
Effects of cut and fill and retaining walls on trees on adjoining land and possibility of branches and trees being blown down by winds from Hynds Road.	All affected adjoining owners have given consent to the removal of trees affected by excavation and retaining walls on the site. Two trees are proposed to remain on the site near the northern boundary. Landscape Plans have	Does not warrant the refusal or amendment of the application.

ISSUE/OBJECTION	COMMENT	OUTCOME
	been amended in red to ensure no structural works are proposed within the root zone of these trees that would undermine their stability.	
There appears to be no rear setback dimensions in the application for the back boundary and the proposed retaining walls.	Rear boundary setbacks are in excess of the 4 metre minimum (4.5m) to proposed town houses. Retaining walls are located on the boundary and are tiered within the site.	Does not warrant the refusal or amendment of the application.

2. State Environmental Planning Policy (State and Regional Development) 2011

Clause 20 and Schedule 7 of SEPP (State and Regional Development) 2011 provides the following referral requirements to a Joint Regional Planning Panel:-

Development that has a capital investment value of more than \$30 million.

The proposed development has a capital investment value of \$33,198,745 thereby requiring referral to, and determination by, a Regional Planning Panel.

In accordance with this requirement the application was referred to, and listed with, the Sydney Central City Planning Panel for determination.

3. State Environmental Planning Policy No. 55 Remediation of Land

This Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment.

Clause 7 'Contamination and remediation to be considered in determining development application' of the SEPP 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.*

Comment:

The applicant submitted a Salinity Report, Stage 1 and 2 Contamination Report together with a Remediation Action Plan prepared by GeoEnviro Consultancy Pty Ltd. These reports have been reviewed by Council's Environmental Health Team who are satisfied the site can be made suitable for the proposed use subject to the imposition of conditions.

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

4. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The application has been assessed against the requirements of State Environmental Planning Policy (Building Sustainability Index – BASIX) 2004. This Policy provides State-wide planning controls to promote and guide the achievement of energy efficiency and ecological sustainability in all new development.

The applicant has addressed this requirement through the preparation of separate multi-dwelling BASIX certificates, with each certificate relating to a specific stage within the development. These certificates confirm that each stage within the proposed development will meet the NSW government's requirements for sustainability.

5. Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 - 1997

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

Subject to the imposition of the recommended development consent conditions listed at the end of this report, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

6. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

a. Permissibility

The land is zoned R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposal is defined as “multi dwelling housing” as follows:

“Multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building”.

In view of the above, the proposed development satisfies the provisions for permissibility with respect to SEPP (SRGC) 2006.

b. Zone Objectives

The site is zoned R3 Medium Density Residential under SEPP (SRGC) 2006. The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The proposed development is consistent with the above objectives of the R3 Medium Density Residential zone as it provides housing needs of the community within a medium density environment.

In view of the above, the proposal satisfies the R3 Medium Density Residential zone objectives under SEPP (SRGC) 2006.

c. Development Standards

The following table addresses the principal development standards of SEPP (SRGC) 2006:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum lot sizes for development in certain zones	Multi dwelling – 1,500m ²	R3 Multi-Dwelling Site Area: 1.390 hectares (13,900m ²)	Yes
4.1B Residential Density	Minimum residential density - 18 dwellings per hectare Minimum requirement = 31 dwellings	Net Developable Area = 1.685ha Proposed = 65.28 dwellings per hectare (110 dwellings) Average density (Stages 1, 2 and 3) = 41.26 dwellings p/ha.	Yes
4.3 Height of buildings	14 metres	13m	Yes
4.4 Floor space ratio	N/A	N/A	N/A

d. Miscellaneous Provisions

Clause 5.9 - Preservation of Trees

Clause 5.9 seeks to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation. Council's Tree Management Officer has reviewed the application and considered the impacts of the proposed development to be acceptable subject to the imposition of conditions. The consent of three adjoining owners has been obtained with regard to the required removal of trees as a result of proposed cut adjoining the neighbouring properties.

Clause 5.10 - Heritage Conservation

Clause 5.10 of the SEPP requires the consent authority to be satisfied that proposals do not significantly or adversely impact upon known European or Aboriginal items or places of heritage significance. The subject site does not contain any heritage items nor is it located within the immediate vicinity of any heritage items or conservation areas.

With regard to Aboriginal heritage the Box Hill DCP the site is mapped as containing low to medium sensitive Aboriginal archaeological areas under the Box Hill DCP. The applicant has submitted an Aboriginal Heritage Due Diligence Assessment, prepared by Niche Environment and Heritage, which concludes as follows:

No Aboriginal heritage constraints were identified for the proposed activity and no further investigation or impact assessment is required.

Based on the above it is considered that the proposed development will not adversely impact on any aboriginal heritage items or places of heritage significance. Nonetheless, a condition of consent has been recommended which requires that all work cease on site should an unexpected item of Aboriginal or European heritage be found at the site (refer to Condition Nos. 71 and 84).

e. Additional Local Provisions

Clause 6.1 Public Utility Infrastructure

Clause 6.1 states that development consent must not be granted unless Council is satisfied that any public utility infrastructure (water, electricity and sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

The submitted Servicing Strategy Report including Technical Review by Endeavour Energy and Feasibility Letter from Sydney Water advises that the site can be adequately serviced. Therefore sufficient information has been provided to demonstrate compliance with Clause 6.1 – Public Utility Infrastructure of the SEPP (SRGC) 2006. Conditions of consent will be imposed requiring that service utility infrastructure is suitably arranged prior to the release of a Subdivision Certificate.

7. Draft Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

In May 2017, the Department of Planning released the draft North West Land Use and Infrastructure Implementation Plan. In addition to a new growth centres structure plan and an infrastructure schedule the package proposes a draft amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and associated draft changes to the DCP. The proposed changes include the introduction of density bands (rather than only minimum density) and reinstatement of minimum lot sizes for all residential areas (that were removed as part of the 2014 Housing Diversity changes).

The Explanation of Intended Effect states that *“a consent authority is not required to apply the provisions of the Explanation of Intended Effects to a DA lodged before May 22 2017”*. The subject Development Application was lodged on 20 December 2017. The proposed amendments are required to be taken into consideration pursuant to Section 4.15 of the EP&A Act, being a *“proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority ...”*

Clause 4.1B ‘Residential Density’ in Appendix 11 ‘The Hills Growth Centres Precinct Plan’ of the SEPP (SRGC) 2006 states the following:

- “(1) The objectives of this clause are as follows:
 - (a) to establish minimum density requirements for residential development within the Box Hill Precinct or Box Hill Industrial Precinct,*
 - (b) to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing,*
 - (c) to ensure that the scale of residential development is compatible with the character of the precincts and adjoining land.**
- (3) The density of any development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.*
- (4) In this clause:*

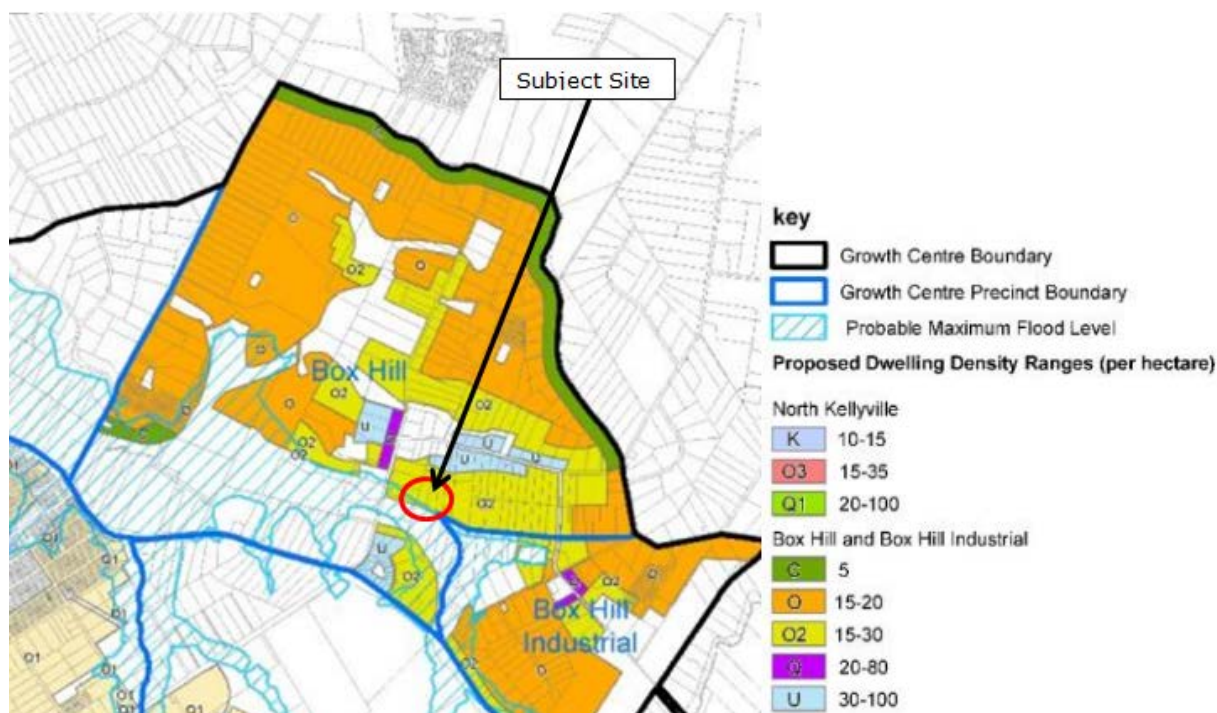
density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

net developable area means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes.”

Clause 4.1B is proposed to be amended to introduce a minimum and maximum density band. The ‘Explanation of Intended Effect’ published by the Department of Planning which accompanies the proposed amendments to the Growth Centres SEPP states the following proposed density bands in the Box Hill and Box Hill Industrial Precincts:

Zone	Existing minimum density (dw/ha)	Proposed minimum density (dw/ha)	Proposed maximum density (dw/ha)
R1	-	20	80
R2	5	-	-
This applies to a defined area along Old Pitt Town Road. Density is controlled by the 2000m ² minimum lot size requirement therefore, the minimum density requirement will be removed.			
R2	15	15	20
R3	18	15	30
R4	20	20	80
This range would be applied in the R4 zoned land around the neighbourhood centre. This proposed density range reflects the lower height and floor space ratio controls in this area.			
R4	30	30	100

Appendix 1 of the ‘Explanation of Intended Effect’ provides an amended Residential Density Map for the North West Priority Land Release Area, which confirms that the subject site is to be located in the 15-30 dwelling density range (per hectare).



The Growth Centres SEPP currently specifies a minimum density provision of 18 dwellings per hectare. The draft amendment to impose a maximum density range of between 15-30 dwellings per hectare equates to a minimum of 25.3 and maximum of 50.6 dwellings being permitted on the site (based on a net developable area of 1.685 hectares).

The proposal for 110 units would result in a density of 65.3 dwellings per hectare, being a variation of 14.7 units to the proposed maximum density.

As outlined in this report, the subject application is Stage 2 within a three-stage development across Nos. 37-43 Hynds Road consisting of the following:

- Stage 1 - DA No. 896/2018/JPZ – 46 town houses, approved under delegated authority on 1 May 2019 with a density of 28.48 dwellings per hectare; and
- Stage 3 – DA No. 1252/2018/JPZ – 67 town houses, currently under consideration, with a proposed density of 30.03 dwellings per hectare.

Across all three stages the average proposed density is 41.26 dwellings per hectare (Refer to Density Plan in Attachment No. 9).

By way of additional comparison, the following development applications for multi dwelling housing have been approved or are under consideration in the vicinity of the subject site:

Development Application	Dwellings	Density p/ha (Min. 18)	Status / Approval
47 Hynds Road 709/2017/JP	90 town houses	53.8	Approved (SCCPP), 12 January 2018
27 Hynds Road 1184/2018/ZE	14 detached dwellings and 28 semi-detached dwellings	32.5	Appeal lodged
29 Hynds Road 1103/2018/JP	78 town houses across	37-43	Under evaluation

	three lots		
21 Hynds Road 1102/2018/HA	40	32-43	Under evaluation
19 Hynds Road 606/2018/HA	30 town houses	28.2	Approved (Delegated Authority), 19 March 2018

The proposed density of Stage 2 (65.28 dwellings p/ha) is considered to be excessive and inconsistent with other proposed or approved development in the vicinity of the site when considered in isolation. However, when considered in the context of related Stages 1 (28.48 dwellings p/ha) and 3 (30.03 dwellings p/ha), the average density across all three stages is 41.26 dwellings p/ha which is generally consistent with densities under consideration in the vicinity of the subject site and represents a variation of 9.74 dwelling p/ha to the proposed maximum density.

The proposed development is considered to be generally consistent with the draft density controls and the density objectives (b) and (c) of Clause 4.1B of the Growth Centres SEPP since the proposed development makes efficient use of land and infrastructure, contributes to the availability of new housing, and within the context of adjacent Stages 1 and 3, the scale of the proposed development is generally consistent with the desired character of the precinct.

8. A Metropolis of Three Cities – the Greater Sydney Region Plan

The Central City District Plan contains ‘Directions for Liveability’ which include:

- Housing the City – Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport; and
- A City of Great Places – Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District’s heritage.

The plan seeks to provide housing supply which is diverse and affordable and which meets the needs of residents and which bring people together. The plan seeks to provide housing in locations which are easily accessible by public transport to reduce commuting time. Housing should be located in places which are liveable, walkable and cycle friendly. Housing should also respond to the changing needs of residents and consider single person and ageing households. Great places are defined as areas which have a unique combination of local people, built form and natural features which reflect shared community values and which attract residents, workers and visitors. Local centres act as a focal point for neighbourhoods and provide essential access to day to day goods and services.

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 4: Housing the City: Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney’s growing population. Housing affordability is also a challenge that can affect job and lifestyle choices.

Direction 5: A City of Great Places: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm.

The proposed development meets the intent of the Plan as follows:

- The proposal will provide a range of 2 bedroom dwelling types which will assist in meeting housing demands;

- The site is located in an area to be increasingly serviced by public transport (buses); and
- The Stage 2 development will form part an overall community plan which incorporates a pool, BBQ, communal dining area and children's play areas that were approved under Stage 1 (DA 896/2018/JPZ).

The proposal is considered satisfactory in regard to the Central City District Plan.

9. Compliance with Box Hill Development Control Plan

The Box Hill Growth Centres Precincts Development Control Plan (Box Hill DCP) applies to the subject DA. Specifically, Part 3 of the DCP addresses land development/ subdivision, Part 4 of the DCP establishes controls for residential development and Part 5 provides specific controls for multi dwelling housing. An assessment of the key controls established under the DCP for the site is provided in the table below.

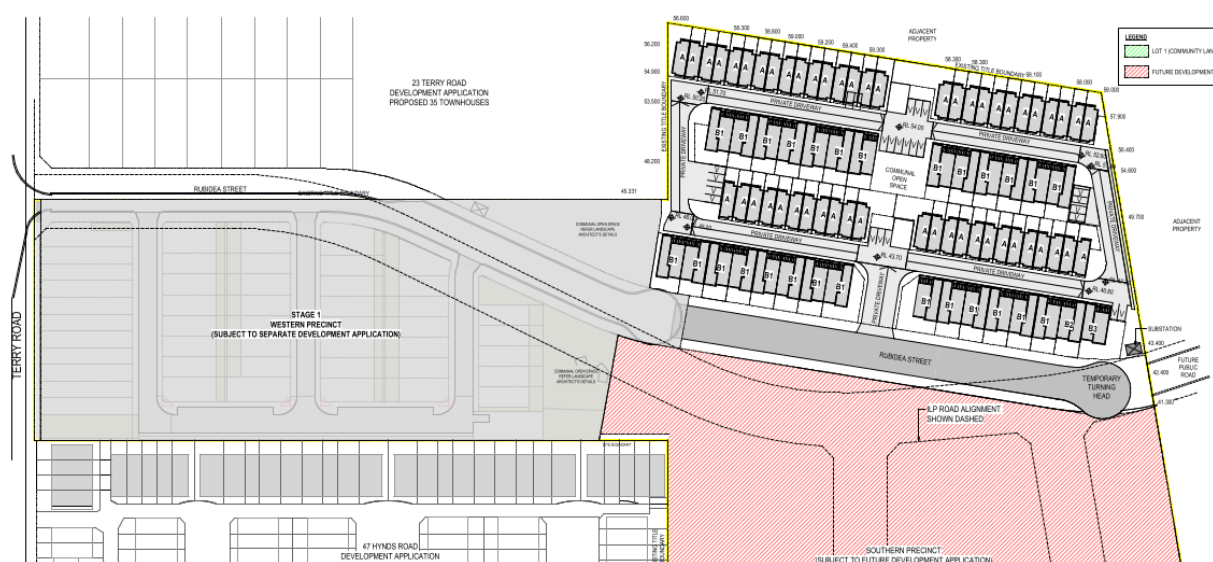
DEVELOPMENT STANDARD	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
2.0 – Vision and Character			
Indicative Layout Plan	All development is to be undertaken generally in accordance with the Indicative Layout Plan.	The application seeks to realign Rubidea Street.	No, refer comments below
3.0 – Land Development			
Street Network, Design and Hierarchy	The street network and road hierarchy is to be provided generally in accordance with Figure 14 and Table 9.	The application seeks to realign Rubidea Street	No, refer comments below
4.0 – Residential Development			
Cut and Fill	Retaining walls within residential allotments are to be no greater than 500 mm high at any point on the edge of any residential allotment. A combined 1 m maximum retaining wall height is permissible between residential lots (2 x 500 mm).	<p>Max. height to Rubidea Street – 3.2m (fill).</p> <p>Max. height on northern boundary (NW corner) – 2.2m (cut – 1.1m / fill 1.1m) for upper retaining wall. Total 2.95m (cut) for tiered retaining wall within site.</p> <p>Max. height to western boundary – 2m (cut) to first tier. Total 4.45m cut (maximum) to base of tiered wall adjacent to unit in far NW corner of the site.</p> <p>Max.height to eastern boundary – 3.67m (cut)</p>	No, refer comments below

DEVELOPMENT STANDARD	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
		to first tier. Total 4.77m to base of tiered wall adjacent to unit in far NE corner of the site. Cut (approx. 3.15m) within building footprints to step dwellings as shown on Sections.	
5.0 – Additional Controls For Certain Development Types – Multi Dwelling Housing			
Site Coverage (maximum)	50% (max)	42.75%	Yes
Landscaped Area (minimum)	30% (min)	30.14%	Yes
Private Open Space (minimum)	16m ² with 3m dimension	Between 25.6m ² and 153m ² provided.	Yes
	10m ² per dwelling if provided as balcony or rooftop with 2.5m dimension	11m ² balconies provided.	Yes
Front setback (minimum)	4.5m to building façade line; and 3m articulation zone (to Rubidea Street)	5.0m – 6.07m setbacks 4.5m – 5.0m articulation	Yes
Corner lots secondary setbacks	2m	NA	NA
Side setback (minimum)	900mm	Minimum 1.335m provided	Yes
Rear setback (minimum)	4.0m	Minimum 4.5m to rear boundary of site.	Yes
Internal building separation (minimum)	5m (unless dwellings are attached by a common wall)	Each dwelling is provided with an internal building separation distance greater than 5m.	Yes
5.5 Adaptable Housing			
Adaptable Housing	10% of all multi dwelling housing are to be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).	Required: 11 Provided: None	No, refer comments below

DEVELOPMENT STANDARD	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
Car parking	1 space per dwelling plus 0.5 spaces per 3 or more bedroom.	Required: $110 \times 1 = 110$ spaces Provided: 110 spaces (i.e. 1 per dwelling)	Yes
	Visitor – 1 per 5 units	Required: $110 / 5 = 22$ spaces Provided: 22	Yes
	Car parking spaces to be behind the building line OR garages fronting the street to be set back 1m behind the front building line.	Satisfactory – garages accessed via private road.	NA
	Where garages front the street, the max width of a garage door is 6m and each garage is to be separated by a dwelling façade or landscaped area.	Garages accessed via private road and are less than 6m wide.	Yes

a. Indicative Layout Plan and Land Development

The realignment of Rubidea Street approved under Stage 1 (DA No. 896/2018/JPZ) is proposed to continue under the subject development application as illustrated below:



Comment:

The realignment of Rubidea Street proposed in this application is solely confined to the subject site and the site of the related Stage 3 development application to the south. The further amendment to the Indicative Layout Plan (ILP) and street network is considered acceptable as:

- It will not adversely impact on traffic flows; and
- It will not adversely impact on the orderly development of adjoining properties since the proposed alignment of Rubidea Street realigns with the Indicative Layout Plan as it connects with adjoining land at No. 37 Hynds Road.

b. Cut and Fill

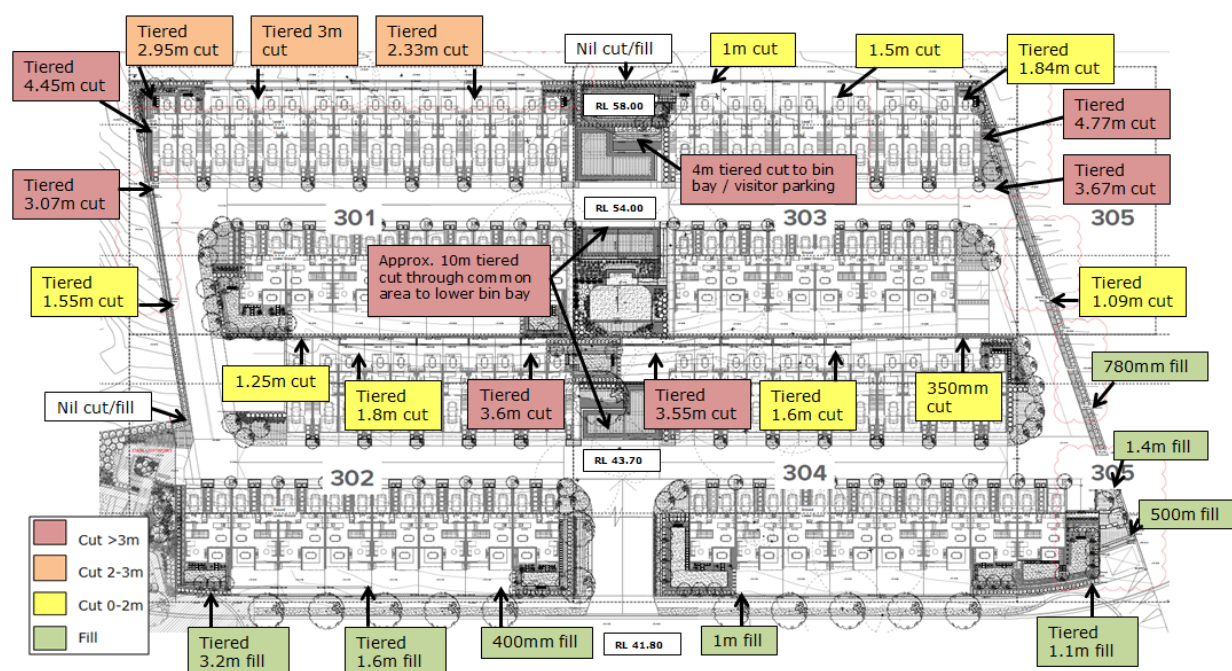
The Box Hill Development Control Plan specifies that retaining walls within residential allotments are to be no greater than 500 mm high at any point on the edge of any residential allotment. A combined 1 m maximum retaining wall height is permissible between residential lots (2 x 500 mm).

The objectives of the control are as follows:

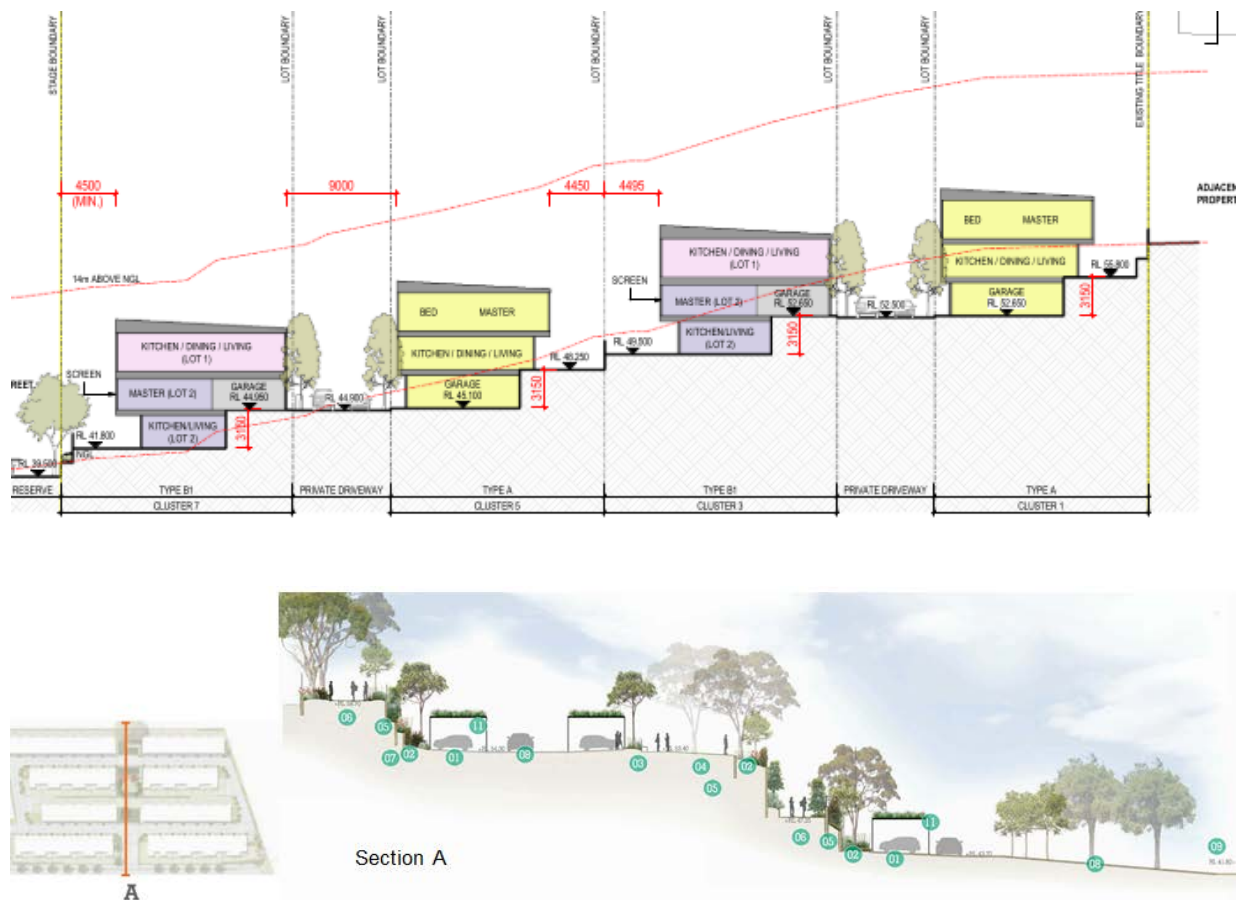
- To minimise the extent of cut and fill within residential allotments.*
- To protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of land forming operations.*
- To ensure that filling material is satisfactory and does not adversely affect the fertility or salinity of soil, or the quality of surface water or ground water.*
- To ensure that the amenity of adjoining residents is not adversely affected by any land forming operation.*

Due to the steep slope of the site from rear to front (approximately 17 metres from top to bottom), the development incorporates retaining walls (retaining both cut and fill) on all four boundaries of the site, and within the site. The majority of the walls within the site are tiered. The Landscape Plans detail the locations, heights and sections for retaining walls throughout the site.

The figures outlined in the compliance table above detail the most significant variations within the site. The simplified diagram below provides a “snap-shot” of the extent of cut and fill and associated retaining walls. The greatest extent of cut and retaining walls (combined height of tiered walls) is located through the middle of the site and at the north western and north eastern corners as indicated in red. The proposed cut tapers to nil at points on the eastern, northern and western boundaries. Balancing the proposed cut in the middle and rear of the site is fill of up to 3.2m on the Rubidea frontage and in the south eastern corner of the site.



The sections below illustrate the stepping of dwellings in response to the slope of the site and the transition from the rear to the front of the site through the central common areas.



The following justification was provided by the applicant:

The proposed housing is 'benched' in a series of 4 rows across the site, that step down progressively with each row, following the natural fall of the site to the south. This serves to control cut and fill in a consistent manner across the site. As viewed from the surrounding, the housing is integrated in design with a well-articulated pattern of facades to achieve a consistent scale, massing and design interest. The proposal will utilise cut soil on site. The Geotechnical Assessment submitted with this DA provides recommendations for remediating the site which should ensure that the development does not adversely affect soil or stormwater quality.

As part of our original DA submission, retaining wall height to Rubidea St extended up to 5m above street level due to the steep topography of the site. Through substantial redesign of the private driveway and balance of the cut and fill at the advice of Council, this retaining wall height has substantially reduced overall, ranging under the amended plans from 3.2m - 0.4m to Rubidea Street. Similarly retaining wall heights to the eastern and western boundary now vary in height to a maximum of 4.77m. Any further reduction in retaining wall height would necessitate a steeper driveway, which would not comply with the maximum permitted driveway slope to enable waste truck access, as required by Council.

Given the proposal has been amended to ensure waste truck access as required by Council's Resource Recovery team, variation to the retaining wall height control is considered well founded.

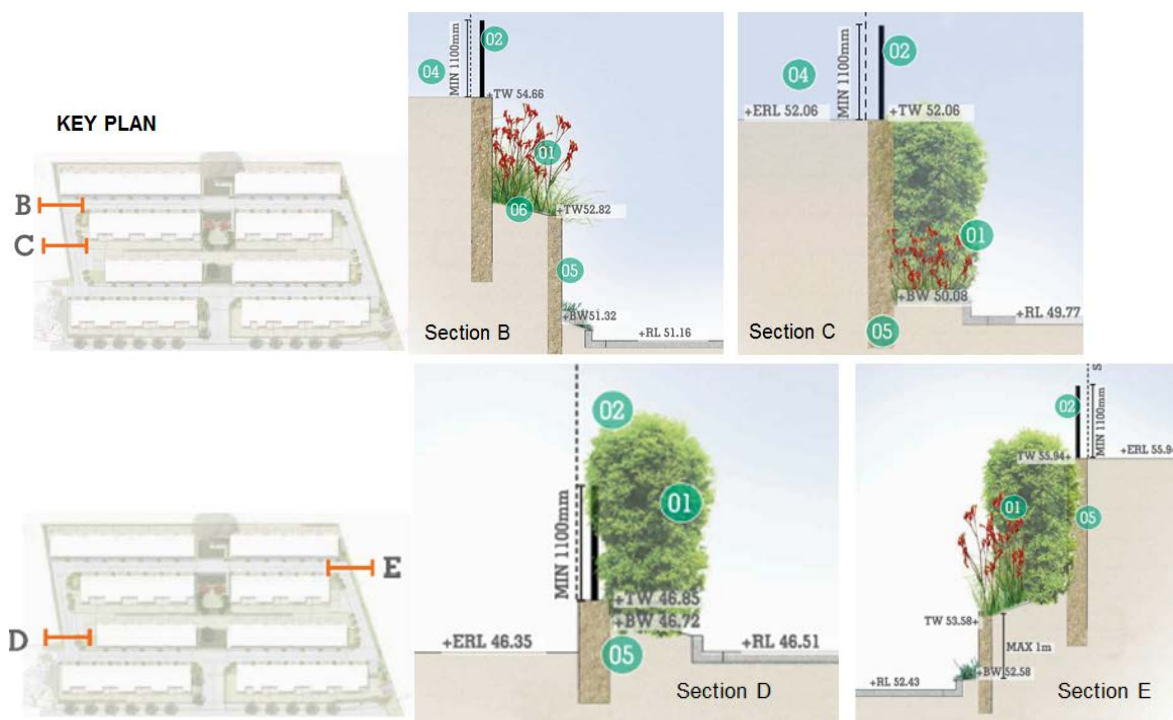
The retaining walls have been designed with a strong focus on landscaping and visual amenity, with key design merits as follows:

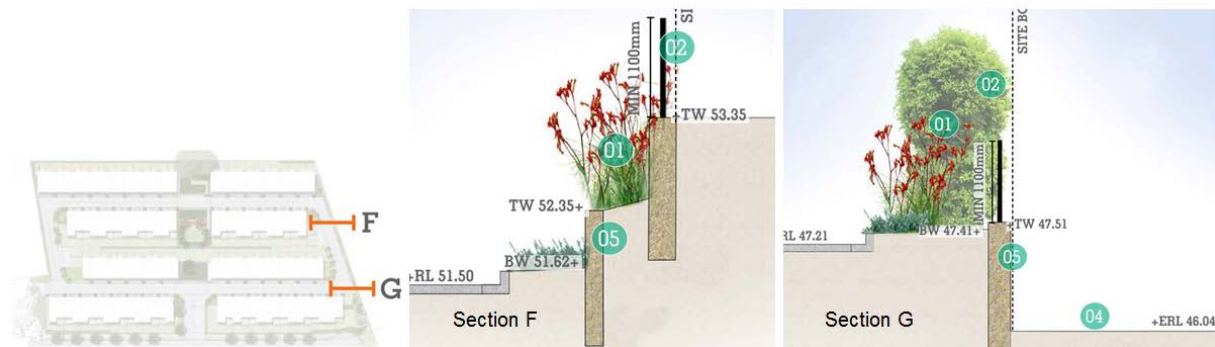
- The landscape plans sections show terracing of these walls which serves to reduce perceived massing and scale when viewed from the driveway / Rubidea Street;
- The retaining walls vary in height whilst maintaining a consistent design theme of materials and landscaping;
- The retaining walls are proposed to be constructed with sandstone fascia;
- Landscape planting along the middle row serves to enhance amenity and screen the upper section of retaining wall;
- The mid terrace level where included in retaining walls is at an accessible height for periodic landscape maintenance as required by the Strata Body Corporate.

Comment:

The proposed retaining walls and associated cut and fill are a result of the significant slope of the site and the need to provide a balance of cut and fill at the front and rear of the site. Levels have also been dictated by the gradients required for the internal road to allow for waste collection and other service / removalist vehicles to access the site. Waste collection from a single point on the frontage of Rubidea Street was deemed to be impractical and unacceptable since travel distances and gradients would not allow residents to safely dispose of individual bins to one bin collection point at the lowest part of the site. A 5m retaining wall presenting to Rubidea Street on the western frontage of the site was also considered to be unacceptable and was therefore requested to be reduced.

As illustrated in the Landscape Plan (refer Attachment No. 16), the majority of retaining walls are tiered and are proposed to incorporate substantial landscaping.





Although proposing some areas of significant cut in the northeast, northwest and central area of the site, overall the site offers a reasonable transition to the surrounding land in terms of the cut and fill proposed. Since the change in landform involves cut, there will be no impacts on the amenity of the adjoining lands in terms of privacy or solar access. Furthermore, the most significant cut proposed within the site is generally located to the side of the proposed dwellings in the north east and north western corners, thereby reducing the impact on future residents of the development, with the exception of those in the centre of the site on either side of the lower bin storage area which have also been provided with larger private open space areas.

The submitted Geotechnical Report (Network Geotechnics Pty Ltd, 11 September 2017) advises that *“there are no geotechnical constraints affecting the proposed development other than shallow rock that should be able to be excavated using conventional methods”*. Dwellings and pools on adjoining land are located a minimum of 10m away from the most significant cut proposed on the site, however it is recommended that a condition of consent be imposed to require works to cease and property condition reports to be carried out should rock be encountered on site that may require alternative means of excavation (refer Condition No. 56).

c. Adaptable Housing

The Box Hill DCP requires that 10% of all townhouses within a development are to be designed to be capable of adaptation for disabled or elderly residents. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995).

Based on a total of 110 dwellings, 11 are required to be adaptable to meet this requirement. The development application proposes to incorporate no adaptable housing, instead relying on a surplus that is proposed under related development applications for Stages 1 and 3 (DA 896/2018/JPZ and DA1252/2018/JPZ). For a total of 223 dwellings across Stages 1, 2 and 3, a minimum of 23 dwellings capable of adaptation are required.

The relevant objectives of the control are as follows:

- a. *To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.*
- b. *To ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.*

The following justification was provided by the applicant:

Due to the steep topography of the site and its location (within the overall site) furthest from Terry Road and Hynds Road for public transport, the 11 accessible dwellings are to be located in the southern precinct under Stage 3. Dwellings under this development application have been selected for optimal accessibility. To ensure that these dwellings are delivered, Council may impose a condition of consent requiring these to be delivered under Stage 3, prior to release of the Occupation Certificate for the 110 dwellings proposed under Stage 2.

Comment:

As illustrated in Attachment No. 11 – Adaptable Housing, 11 adaptable dwellings were approved in Stage 1 and 16 are proposed in Stage 3 under consideration. A total of 27 dwellings, or 12.1% of the total dwellings across all three stages are proposed to be adaptable, exceeding the requirement by 2.1%. It is agreed that the locations in which adaptable dwellings are proposed are more suitable for this purpose with respect to direct access to the street frontage and the topography. A condition of consent is recommended to ensure that the required amount of housing is provided (refer Condition No. 37).

c. Solar Access

The Box Hill DCP does not specify solar access standards for multi dwelling housing and does not refer to the provisions of The Hills DCP 2012 for multi dwelling housing, therefore solar access within the development is to be assessed on merit, with reference to similar controls.

Under The Hills DCP 2012, 80% of town houses in a multi dwelling development are required to achieve 3 hours of sunlight to 50% of required private open space areas in mid-winter. Due to the stacked nature of dwellings within the subject development application, it is also appropriate to consider the provisions of the Apartment Design Guide. Under the ADG, the 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.

The proposed development provides both at-grade courtyards and balconies for private open space according to dwelling type. According to shadow diagrams provided by the applicant, 42.7% of dwellings within the development achieve at least 3 hours of sunlight to private open space areas.

The applicant has provided the following justification for this variation:

DCP compliance – The proposal complies with the relevant DCP controls for height, setback, private open space, soft landscaping and site coverage. This is a key indicator that the proposal is consistent with the form of multi dwelling housing contemplated for the locality, in accordance with the R3 Medium Density Residential zone.

Site analysis and design response – The development site has a steep fall of approximately 17.5m from its northern boundary to Rubidea St, as measured along its western elevation. To achieve an orderly development across the site, the development is terraced (with cut and fill) in four rows of housing, stepping down progressively to the south to Rubidea St. This steep fall to the south exacerbates shadow casts throughout the day at the winter solstice, and is a natural constraint that cannot be overcome for solar access. In considering this constraint the design appropriately responds by orienting private open space and living areas to the north to optimise solar access.

Solar assessment:

- a) *The proposal does not result in any overshadowing to neighbouring properties located to the east and west.*
- b) *The proposal does not result in any overshadowing to the approved Stage 1 DA 896/2018/JPZ, nor to the proposed Stage 3 DA 1252/2018/JPZ.*
- c) *The solar analysis by Rothelowman demonstrates that 46 of 110 dwellings (42%) receive 3 hours of 'perceived' sunlight, measured at 1m above the ground – being sitting height.*
- d) *All housing is designed on a north-south axis, providing a compliant and functional area of north facing private open space linking to living areas to maximise solar access to each dwelling.*

- e) *At the equinox solar access will substantially improve, with most housing achieving 3 hours of sunlight.*
- f) *Most housing provides surplus landscaped private open space which is advantageous to resident amenity, and serves to compensate for less solar access at the winter solstice.*
- g) *All housing residents of the development have access to the landscaped communal open space area provided in the approved Stage 1 DA896/2018/JPZ, which benefits from sunlight year round and a range of amenities for adults and children.*
- h) *The communal open space area in the Stage 2 site also provides residents with a centrally located sunlit landscaped area with seating and turf, which will receive more than 3 hours direct sunlight at the winter solstice to more than 50% of its area between 10am – 2pm.*

Comment:

Due to the significant slope of the land, the orientation of the site, and the terracing of land required to accommodate the proposed dwellings, the ability for the development to achieve the required solar access is limited. The development provides significantly larger private open space areas than is required by the DCP (16m² at grade and 10m² balconies), ranging between 25.6m² and 153m² and with 11m² balconies. This will ensure that residents are provided with generous outdoor living spaces. That 42.7% of dwellings are able to achieve the required solar access on a significantly constrained site is considered reasonable.

SUBDIVISION ENGINEERING COMMENTS

No objections are raised to the proposal subject to conditions.

TREE MANAGEMENT COMMENTS

No objections are raised to the proposal subject to conditions and amendments to the plans marked in red to address retaining walls and stairs within the root zone of trees to be retained.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objections are raised to the proposal subject to conditions.

WASTE MANAGEMENT COMMENTS

No objections are raised to the proposal subject to conditions.

NSW RURAL FIRE SERVICE

General Terms of Approval provided and conditioned as part of the consent (refer Condition No. 7).

SYDNEY WATER COMMENTS

No objections are raised to the proposal subject to conditions (refer Condition No. 8).

NSW POLICE COMMENTS

No objections are raised to the proposal subject to security recommendations (refer to Condition No. 9).

CONCLUSION

The proposed development has been assessed against the relevant State Environmental Planning Policies, including SEPP (Sydney Region Growth Centres) 2006 and satisfies the requirements of these plans with respect to building height, minimum density, minimum lot size, site servicing, remediation, and Aboriginal and European heritage. The proposed

development is also consistent with the relevant Directions for Liveability contained within the Central City District Plan under A Metropolis of Three Cities – the Greater Sydney Region Plan.

The application proposes a density that is inconsistent with the maximum density proposed under draft amendments to SEPP (Sydney Region Growth Centres) 2006. Considered in isolation, the proposed density is unacceptable. Within the context of related development applications for Stages 1 and 3 development, the overall density is considered reasonable and generally consistent with the desired future character of the area.

The proposed development has been assessed against the provisions of the Box Hill Development Control Plan 2017 in relation to multi dwelling housing. Variations to adaptable housing, cut and fill (retaining walls and dwellings) and the indicative layout plan (ILP) with regard to the alignment of Rubidea Street are proposed and are considered acceptable as detailed in this report.

Issues raised in the submission have been addressed in this report and do not warrant any further amendments to the application.

The development application is recommended for approval subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future". The proposed development provides for urban growth which would not result in adverse environmental and social amenity impacts and will ensure a consistent built form is provided with respect to the streetscape and character of the locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

CONDITIONS RELATING TO ALL STAGES OF DEVELOPMENT

GENERAL MATTERS – ALL STAGES

1. Development in Accordance with Submitted Plans (as amended)

The development being carried out in accordance with the approved plans and details submitted to Council, as amended in red, stamped and returned with this consent.

The amendments in red include: -

- Deletion of 'turf pave' to driveway on Landscape Plan (Backyard Typical Type A and B, No. 011). Parking and driveway areas are to be concrete or bitumen.
- Amendments to levels, retaining walls and stairs on Landscape Plans (Nos. 300, 303, 306 and 308) and Architectural Plans (Nos. TP02.14 and TP02.15) to reduce impacts on trees retained within private open space adjacent to the northern boundary.
- Correction of stair and retaining wall detail on Strata Plans (Subdivision of Strata Development Lot 20 Sheets 1 and 3 of 4).

- Landscaping and retaining walls in the vicinity of substation (Landscape Plan Nos. 314, 019 and 306) are to match details on Softworks Landscape Plan (No. 305 dated May 2019 (Rev. K)).

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	PREPARED	REVISION	DATE
TP00.10	Cover Sheet - Stage 2	Rothelowman	P1	26/03/2019
TP00.11	Development Summary & Site Location Plan - Stage 2	Rothelowman	P1	26/03/2019
TP00.12	Overall Site Survey - Stage 2	Rothelowman	P1	26/03/2019
TP00.13	Overall Site Demolition Plan Stage 2	Rothelowman	P1	26/03/2019
TP00.14	Site Facilities Plan - Stage 2	Rothelowman	P1	26/03/2019
TP00.15	Overall Soft Landscaping Plan	Rothelowman	P2	26/03/2019
TP01.02	Proposed Overall Site Master Plan - Northern Precinct Stage 2	Rothelowman	P1	26/03/2019
TP02.10	Northern Precinct - Lower Ground Detailed Master Plan Part 1	Rothelowman	P2	26/03/2019
TP02.11	Northern Precinct - Lower Ground Detailed Master Plan Part 2	Rothelowman	P3	24/05/2019
TP02.12	Northern Precinct - Ground Detailed Master Plan Part 1	Rothelowman	D	23/05/2019
TP02.13	Northern Precinct - Ground Detailed Master Plan Part 2	Rothelowman	D	23/05/2019
TP02.14	Northern Precinct - Level 1 Detailed Master Plan Part 1	Rothelowman	D	23/05/2019
TP02.15	Northern Precinct - Level 1 Detailed Master Plan Part 2	Rothelowman	D	23/05/2019
TP02.16	Northern Precinct - Level 2 Detailed Master Plan Part 1	Rothelowman	P2	26/03/2019
TP02.17	Northern Precinct - Level 2 Detailed Master Plan Part 2	Rothelowman	P2	26/03/2019
TP02.18	Northern Precinct - Overall Roof Detailed Master Plan Part 1	Rothelowman	P1	26/03/2019
TP02.19	Northern Precinct - Overall Roof	Rothelowman	P1	26/03/2019

	Detailed Master Plan Part 2			
TP03.10	Northern Precinct - Elevations - Sheet 1	Rothelowman	C	23/05/2019
TP03.11	Northern Precinct - Elevations - Sheet 2	Rothelowman	P1	26/03/2019
TP03.12	Northern Precinct - Elevations - Sheet 3	Rothelowman	P1	26/03/2019
TP03.13	Northern Precinct - Elevations - Sheet 4	Rothelowman	A	23/05/2019
TP04.10	Northern Precinct - Site Sections - Sheet 1	Rothelowman	P1	26/03/2019
TP04.11	Northern Precinct - Site Sections - Sheet 2	Rothelowman	P1	26/03/2019
TP05.10	Northern Precinct - Solar Analysis Sheet 1	Rothelowman	P1	26/03/2019
TP05.11	Northern Precinct - Solar Analysis Sheet 2	Rothelowman	P1	26/03/2019
TP07.01	Type A - Floor Plans	Rothelowman	P2	26/03/2019
TP07.02	Ground Level Detailed Master Plan	Rothelowman	P1	26/03/2019
TP07.02	Type A (End Type) - Floor Plans	Rothelowman	P1	26/03/2019
TP07.03	Type B (Multi-Dwelling) - Floor Plans	Rothelowman	P1	26/03/2019
TP07.03A	Type B2 (Multi-Dwelling) - Floor Plans	Rothelowman	P1	26/03/2019
TP07.03B	Type B3 (Multi-Dwelling) - Floor Plans	Rothelowman	P1	26/03/2019
TP07.04	Type B (End Type) - Floor Plans	Rothelowman	P1	26/03/2019
005	Site Analysis: Design Diagrams	Arcadia	J	March 2019
006	Landscape Masterplan	Arcadia	J	March 2019
007	Street Tree Plan	Arcadia	J	March 2019
008	Northern Precinct: Stage 2	Arcadia	J	March 2019
009	Site: Park Detail	Arcadia	J	March 2019
010	Site : Park Section	Arcadia	J	March 2019
011	Backyard Typical: Type A + B	Arcadia	J	March 2019
012	Western Boundary: Landscape Sections	Arcadia	J	March 2019

013	Boundary: Landscape Sections	Arcadia	J	March 2019
014	Boundary: Landscape Sections	Arcadia	K	May 2019
015	Backyard: Landscape Sections	Arcadia	K	May 2019
016	Rubidea Street: Landscape Sections	Arcadia	J	March 2019
017	Carpark: Landscape Elevation	Arcadia	J	March 2019
018	Indicative Planting Palette	Arcadia	J	March 2019
019	Indicative Walling + Fencing Options	Arcadia	J	March 2019
200	Softworks: Plant Schedule	Arcadia	J	March 2019
300	Landscape Masterplan	Arcadia	K	May 2019
301	Softworks	Arcadia	K	May 2019
302	Softworks	Arcadia	K	May 2019
303	Softworks	Arcadia	K	May 2019
304	Softworks	Arcadia	K	May 2019
305	Softworks	Arcadia	K	May 2019
306	Softworks: Typical Lots	Arcadia	J	March 2019
307	Softworks: Typical Lot Type A	Arcadia	J	March 2019
308	Softworks: Typical Lot Type A	Arcadia	J	March 2019
309	Softworks: Typical Lot Type A	Arcadia	J	March 2019
310	Softworks: Typical Lot Type A	Arcadia	J	March 2019
311	Softworks: Typical Lot Type B	Arcadia	J	March 2019
312	Softworks: Typical Lot Type B	Arcadia	J	March 2019
313	Softworks: Typical Lot Type B	Arcadia	J	March 2019
314	Softworks: Typical Lot Type B	Arcadia	J	March 2019
315	Landscape Details	Arcadia	J	March 2019
106-16G L03	Community Plan Lot Layout (Stage 2) Subdivision of Lot 3 in proposed subdivision of lot 92 DP 10157 and Lots 89, 90 and 90A DP 1101 Hynds and Terry Road, Box Hill	Craig and Rhodes	08	01/04/2019
106-16-R02A	Strata Plan – Location Plan – Subdivision of Lot 5 in Proposed Subdivision (Community) of Lot 92 DP 10157 and Lots 89,90 and 90A DP 1101.	D.J Sim	01	10/04/2019 Submitted on 31/05/2019

106-16-R02A	Strata Plan – Lower Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02A	Strata Plan – Lower Ground Floor Plan (continued)	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02A	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02A	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02B	Strata Plan - Location Plan – Subdivision of Strata Development Lot 17	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02B	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02B	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02B	Strata Plan – Second Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02C	Strata Plan - Location Plan – Subdivision of Strata Development Lot 18	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02C	Strata Plan - Lower Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02C	Strata Plan - Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02C	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02D	Strata Plan – Location Plan – Subdivision of Strata Development Lot 19	D.J Sim	01	10/04/2019 Submitted on

				31/05/2019
106-16-R02D	Strata Plan – Lower Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02D	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02D	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02E	Strata Plan – Location Plan – Subdivision of Strata Development Lot 20	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02E	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02E	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02E	Strata Plan – Second Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02F	Strata Plan – Location Plan – Subdivision of Strata Development Lot 21	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02F	Strata Plan – Lower Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02F	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02F	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02G	Strata Plan – Location Plan – Subdivision of Strata Development Lot 22	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02G	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02G	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019

				Submitted on 31/05/2019
106-16-R02G	Strata Plan – Second Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02H	Strata Plan – Location Plan – Subdivision of Strata Development Lot 23	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02H	Strata Plan – Lower Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02H	Strata Plan – Ground Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
106-16-R02H	Strata Plan – First Floor Plan	D.J Sim	01	10/04/2019 Submitted on 31/05/2019
SK-09.20	Staging Plan – Stage 2.1A and 2.1B	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.21	Staging Plan – Stage 2.2	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.22	Staging Plan – Stage 2.3	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.23	Staging Plan – Stage 2.4	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.24	Staging Plan – Stage 2.5	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.25	Staging Plan – Stage 2.6	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.26	Staging Plan – Stage 2.7	Rothelowman	-	14/05/2019 Submitted on 31/05/2019
SK-09.27	Staging Plan – Stage 2.8	Rothelowman	-	14/05/2019 Submitted on 31/05/2019

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. Approval for Staging

This consent gives approval for the staging of works across Stages 2.1A, 2.1B, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7 and 2.8 as shown in the approved staging plans.

Should additional staging be proposed, a further application is to be submitted to Council.

3. Approved Subdivision Plan

The subdivision component of the development must be carried out in accordance with the approved Strata Plans referred to in Condition No. 1, the plan of subdivision prepared by Craig & Rhodes Drawing 106-16G L03 [08] – Stage 2 dated 01/04/2019 and other supporting documentation including the undertaking dated 4 June 2019 relating to the dedication of public road to Council except where amended by other conditions of consent.

4. External Finishes

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

5. Car Parking

The development is required to be provided with 110 resident and 22 visitor off-street parking spaces. These parking spaces must be available at all times.

6. Tree Removal

Approval is granted for the removal of trees as indicated on Overall Site Demolition Plan Stage 2 prepared by Rothelowman dated 26/03/19.

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

7. Compliance with NSW Rural Fire Service Requirements

Compliance with the requirements of the NSW Rural Fire Service dated 31 May 2019 Reference D18/8396 attached to this consent as Appendix A.

8. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water dated 22 March 2019, Ref. No. 169821 attached to this consent as Appendix B.

9. Compliance with NSW Police Requirements

Compliance with the requirements of NSW Police dated 9 January 2018, Ref. No. D/2017/985267 attached to this consent as Appendix C.

10. 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.

11. Replacement Planting Requirements

To maintain the treed environment of the Shire allow to plant seven (7) 75 litres replacement canopy trees from the following list

<i>Eucalyptus creba</i>	Narrow Leaved Ironbark
<i>Eucalyptus moluccana</i>	Grey Box
<i>Eucalyptus tereticornis</i>	Forest Red Gum
<i>Eucalyptus saligna</i>	Sydney Blue Gum

A tree is to be planted to each of the following common open space areas:

- Western common open space areas adjacent Cluster 3 and Cluster 5;
- Western boundary adjacent proposed park approved under associated Stage 1;

- Eastern common open space areas adjacent Cluster 2, Cluster 4, Cluster 6 and Cluster 8.

12. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

13. 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.

14. 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.

15. Proposed Street Naming – Private Road

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.

16. Approved Street Naming – Rubidea Street

Street naming must comply with Council's approved map which can be found on Council's website.

17. Recycled Water – Rouse Hill/ Sydney 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.

18. 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.

19. Association Lot

All lots or dwellings within the scheme must be entitled to utilise the association lot and share in the costs associated with its upkeep.

The association lot will be allocated a separate specific street address by Council as part of this preliminary check process (above), and a physical mailbox must be installed as part of the subdivision works for that address to enable the delivery of mail to the site.

If a strata/ community manager has not been appointed by the time the Subdivision Certificate is applied for, the applicant for the subdivision must notify Council (in writing) once a manager has been appointed and the strata/ community association has been formed. The details of the manager must be included with that written notice. Should the manager change over time, the strata/ community association must notify Council (in writing) of the new details.

20. 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.

21. Strata Certificate Preliminary Review

Prior to the submission of a Strata Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted 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.

22. 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.

23. Demolition Notification

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

24. Surface Drainage

Stormwater, surface water or seepage from the development shall be collected by a subsurface/surface drainage system which is to be connected to a suitable system of disposal. The development, either during construction or upon completion, must not impede or divert natural surface water and the system of drainage must not cause a nuisance to adjoining properties.

25. 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.

26. Demolition Inspections

Before demolition works commence a pre-demolition inspection must be arranged with Council's Construction Engineer. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Construction Engineer.

27. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by GeoEnviro Consultancy Pty Ltd, referenced as JC17280A-r1, dated May 2017 and submitted as part of the Development Application are to be implemented as part of this approval.

However dam water shall not be discharged to any stormwater system or local water way. Dam water shall only be disposed to the site by land application.

Soil contaminated with PAH shall be removed from the site.

There shall be no disposal of contaminated soil by way of onsite containment.

28. Salinity Requirements

The recommendations of the Salinity Assessment and Report prepared by Geoenviro Consultancy Pty Ltd, referenced as JC17280A-r1, dated May 2017 and submitted as part of the Development Application are to be implemented as part of this approval.

29. Imported 'Waste Derived' Fill Material

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

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

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

30. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes 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.

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.

31. Communal Composting Areas

An area shall be incorporated in the landscape design of the development for communal composting. Whilst the operation of such a facility will depend upon the attitudes of occupants and their Owners Corporation, the potential to compost should exist.

32. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials

such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/sorting station that will sort the waste on their premises for recycling. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

33. Disposal of Surplus Excavated Material

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

34. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council. The service must be arranged no earlier than two days prior to occupancy and no later than two days after occupancy of the development. All requirements of Council's domestic collection service must be complied with at all times. Please telephone Council on (02) 9843 0310 for the commencement of waste services.

35. Construction of Central Garbage Rooms

The two central garbage rooms must be constructed and designed in accordance with the following requirements. Each room must provide minimum storage facility for 6 x 1100 litre bulk garbage bins, 6 x 1100 litre bulk recycling bins and 10 x 240 litre garden organics bins.

- a) The central garbage rooms must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure.
- b) The layout of the central garbage rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the rooms with no manual handling of other bins. A stacked bin arrangement is not permissible.
- c) The walls of the central garbage rooms must be constructed of brickwork.
- d) The floor of the central garbage rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed.
- e) The central garbage rooms 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.
- f) The central garbage rooms 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 can double up as the waste servicing door provided the clear floor width is at least 1.5m.

- g) All doors of the central garbage rooms, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- h) The central garbage rooms must be adequately ventilated.
- i) The central garbage rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the rooms, it is not to conflict with the space designated for the placement of bins.
- j) The central garbage rooms must be provided with lights, such as automatic sensor lights.
- k) The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. A pram ramp kerb crossing (at least 1.5m wide) is required outside of the central garbage rooms to allow the safe and efficient servicing of bins.
- l) The central garbage rooms must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- m) Finishes and colours of the central garbage rooms are to complement the design of the development.

Bin Measurements (mm)

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

36. Property Numbering and Cluster Mail Boxes for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The property address for this development is: Future street number Rubidea Street, Box Hill.

Street number to Rubidea Street is not available at this time and will be allocated once development enables allocation.

Private Road is to be named as per Council requirements.

Approved unit numbering is as per plans marked up within consent documentation; and as follows:

Cluster Mail Box 1:

Unit 2A/2B – 16A/16B proposed Road

Unit 1-21 proposed Road

Unit 49-73 proposed Road

Unit 74A/74B – 88A/88B proposed Road

Cluster Mail Box 2:

Unit 18 -72 proposed Road

Unit 23A/23B - 47A/47B proposed Road

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mail Boxes

Cluster mail boxes are to be located as approved by Australia Post plans submitted marked as DWG No:TP00.14 P1, Site Facilities Plan Stage 2, Dated: 24.10.17 marked up within consent documentation; and as follows:

The number of mail boxes to be provided is to be equal to the number of units as per Australia Post size requirements plus one (1) for the Proprietors of the development.

37. Adaptable Housing

A minimum of 23 dwellings capable of adaptation for disabled or elderly residents, and designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), are to be provided within the community association consisting of Stage 1 (DA No. 896/2018/JPZ), Stage 2 (DA No. 984/2018) and Stage 3 (DA No. 1252/2018/JPZ).

38. Minimum Vehicular Access for Waste Collection

Minimum vehicular access regarding the internal loop road must be designed in accordance with AS2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle. All bends and road widths must be designed suitable for abovementioned vehicle.

39. Waste Collection Signage

All manoeuvring areas and loading areas for the waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.

40. Provision of Signage for Central Garbage Rooms

Prior to any Occupation Certificate being issued, five complete set of English and traditional Chinese waste education signage (garbage, recycling, garden organics and no dumping) must be installed in a visible location on an internal wall of the central garbage rooms. The signage must comply with the minimum specifications below and be in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

- Flat size: 330mm wide x 440mm high
- Finished size: 330mm wide x 440mm high. Round corners, portrait
- Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel)
- Colours: Printed 4 colour process one side, UV ink
- Finishing: Over laminated gloss clear. Profile cut with radius corners and holes

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – ALL STAGES

41. Special Infrastructure Contribution – Growth Centres

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

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

<http://www.planning.nsw.gov.au/>

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

42. Works in Existing Easement

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

43. 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.

44. Security Bond – External Works

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

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

45. Engineering Works and Design

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

Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

a) Signage and Line Marking Requirements

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

b) Footpath Verge Formation

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

relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

c) Gutter Crossings

Gutter crossings to each of the proposed new units are required.

Gutter crossings are not required where roll kerb has been provided/ permitted.

d) 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.

46. 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.

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

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

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

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

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

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

An SWMP is required for this development.

48. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE – ALL STAGES

49. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970- 2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three (3) metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

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

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

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

50. Trenching and excavation within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention without supervision of a project arborist.

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

Retaining wall footings to be hand excavated within the vicinity of TPZ of existing trees to be retained under the supervision of the Project Arborist. Should large tree roots be encountered then pier and beam footing to engineers details and Arborist recommendations.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

51. Property Condition Report – Public Assets

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

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

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 Subdivision 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.

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

54. Contractors Details

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

55. Erosion and Sediment Control/ Soil and Water Management

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

56. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on No. 23 Terry Road, Nos. 7, 9, 11 and 13 Mason Road and No. 37 Hynds Road, Box Hill within the likely zone of influence from any excavation, dewatering or construction induced vibration.

57. Service Authority Consultation – Subdivision Works

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

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

58. Management of Building Sites

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

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after-hours contact name and telephone number.

59. Consultation with Service Authorities

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

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

60. 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.

61. 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).

62. Details and Signage - Principal Contractor and Principal Certifying Authority

Details

Prior to work commencing, submit to the Principal Certifying Authority (PCA) notification in writing of the principal contractor's (builder) name, address, phone number, email address and licence number.

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

Signage

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

The sign must state that unauthorised entry to the work site is prohibited.

63. Notification of Asbestos Removal

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

64. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

65. Site Water Management Plan

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

66. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, 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.

67. Discontinuation of Domestic Waste Services

Council provides a domestic waste service to the property subject to this Development Application. This service must be cancelled prior to demolition of the existing dwelling or where the site ceases to be occupied during works, whichever comes first. You will continue to be charged where this is not done. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council. To satisfy this condition, the Principal Certifying Authority must contact Council on (02) 9843 0310 at the required time mentioned above to arrange for the service to be discontinued and for any bins to be removed from the property by Council.

68. Construction and Demolition Waste Management Plan Required

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

DURING CONSTRUCTION – ALL STAGES

69. 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.

70. Subdivision Earthworks – Lot Topsoil

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

71. European Sites or Relics

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

72. 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.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

73. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifying Authority during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

74. 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 Nos. 1018337M02, 1018370M, 1018378M, 1018389M, 1018396M, 1017491M, 1018401M, 1018417M are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

75. Critical Stage Inspections and Inspections Nominated by the PCA

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

76. Roof Water Drainage

Gutter and downpipe and/or rainwater tank overflow, to be provided and connected to an approved lawful discharge point (ie. kerb, inter-allotment drainage easement or OSD) upon installation of roof coverings.

77. Landscaping Works

Landscaping works, associated plantings and the construction of any retaining walls are to be undertaken generally in accordance with the approved plans.

78. Stockpiles

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

79. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principle Certifying Authority,

identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifying Authority.

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

80. 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.

81. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the PCA within 14 days of completion of the works.

82. Removal of Septic Tank and Effluent Disposal Area

The existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material (ENM).

Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health “Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)” available from the NSW Health website (<http://www.health.nsw.gov.au/>).

Note: Methods 1.1 & 2.1 (Demolition) are not permissible.

83. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council’s Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

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

84. Aboriginal Archaeological Sites or Relics

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

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – ALL STAGES

85. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

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

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

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

86. Landscaping Prior to Issue of any Occupation Certificate

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

87. 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.

88. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition 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.

89. Creation of Restrictions/ Positive Covenants

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

a) Positive Covenant – Onsite Waste Collection

The subject site must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

90. Bushfire Safety – Association Lot

The attached bushfire safety authority from the Rural Fire Service includes requirements relating to bushfire safety that need to be accounted for in the management statement. The management statement must include an additional by-law using the "bushfire safety" terms included in Council's standard recitals. This by-law needs to address all of the matters relating to bushfire safety covered by the attached bushfire safety authority from the Rural Fire Service including, but not limited to:

- Arrangements for the approval and carrying out of hazard reduction works when and where proposed by the Hills District Rural Fire Service and the Hills District Bushfire Management Committee.
- Arrangements for community engagement with the Hills District Rural Fire Service and the association.

- The preparation, distribution, implementation and auditing of a Bushfire Emergency Evacuation Plan.

91. Subdivision Works – Submission Requirements

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

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plans must be prepared by a suitably qualified engineer or registered surveyor.

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

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

92. Section 73 Compliance Certificate

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

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

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

93. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

94. Property Condition Report – Private Assets

Before an Occupation 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.

95. Provision of Telecommunication Services

The developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

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

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

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

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

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

A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.

96. 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) 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.

b) Covenant – Onsite Waste Collection

All lots / common property must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

c) Restriction/ Covenant – Asset Protection Zone

All lots must be burdened with a restriction and a positive covenant using the “bushfire requirements/ asset protection zone” terms included in the standard recitals:

- Lots required to be managed as an asset protection zone require a positive covenant affecting the entire lot.
- Lots with a defined asset protection zone measured to a boundary or restricted development area (see below) require a restriction and a positive covenant that refers to an area defined on the plan.
- Lots with a defined approved dwelling footprint require a separate restriction (see above) within the nominated asset protection zone.
- The restriction and positive covenant must specifically identify that the asset protection zone referred to earlier has been determined based on a performance based solution as noted in the Rural Fire Service comments attached to this consent.

97. 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).

98. Validation report

A validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

99. Final Inspection of Central Garbage Rooms

Prior to any Occupation Certificate being issued, a final inspection of the central garbage rooms and associated management facilities must be undertaken by Council's Coordinator Resource Recovery. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

100. Waste Collection Risk Assessment

Prior to any Occupation Certificate being issued, an onsite risk assessment must be undertaken by Council's Coordinator Resource Recovery and Council's Domestic Waste Collection Contractor. The time for the assessment must be arranged with Council when clear unobstructed circulation around the entire internal loop road is available for Council and its contractor to perform a mock collection run. Any reasonably suggested signage or convex mirrors deemed appropriate must be provided by the developer.

THE USE OF THE SITE – ALL STAGES

101. Maintenance of Landscaping Works

The landscaping of the site must be finalised as per the approved plan. The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

102. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated central garbage rooms, which include provision for the storage of all waste generated on the premises between collections. A caretaker must be appointed by the Owners Corporation to undertake all instructions issued by Council to enable waste collection. Additionally, responsibilities for cleaning waste storage areas and bins on a regular basis must be established.

CONDITIONS RELATING TO STAGE 2.1A WORKS

GENERAL MATTERS – STAGE 2.1A

103. 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:

- 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.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

104. Street Trees

Street trees must be provided for the section of Rubidea Street within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). 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.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.1A

105. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.1A	Purpose: Subdivision	Purpose: Credit	No. of Lots: 2	No. of Credits: 1	Total \$7.11
Open Space - Land	\$15,030.59	\$15,030.59	\$ 30,061.18	\$ 15,030.59	\$ 15,030.59
Open Space - Capital	\$7,290.11	\$7,290.11	\$ 14,580.22	\$ 7,290.11	\$ 7,290.11
Transport Facilities - Land	\$1,157.78	\$1,157.78	\$ 2,315.56	\$ 1,157.78	\$ 1,157.78
Transport Facilities - Capital	\$4,095.35	\$4,095.35	\$ 8,190.70	\$ 4,095.35	\$ 4,095.35
Water Management - Land (KCP)	\$6,624.70	\$6,624.70	\$ 13,249.40	\$ 6,624.70	\$ 6,624.70
Water Management - Capital (KCP)	\$5,581.99	\$5,581.99	\$ 11,163.98	\$ 5,581.99	\$ 5,581.99
Administration	\$219.48	\$219.48	\$ 438.96	\$ 219.48	\$ 219.48
Total	\$ 40,000.00	\$ 40,000.00	\$ 80,000.00	\$ 40,000.00	\$ 40,000.00

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

106. 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.

107. Stormwater Discharge Acceptance

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

108. Engineering Works and Design

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

Engineering works can be classified as either "subdivision works" or "building works". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

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: (Footpath/ Carriageway/ Footpath) (m)
Rubidea Street (between chainage 360 and eastern end of the cul- de-sac)	Road Type: Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: 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.

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.

All roads are to have a two-way cross fall with a crown in the middle of the carriageway.

Council has commissioned a detailed concept design for Terry Road that needs to be used in preparing the detailed design for these works. Contact Council's Construction Engineer for a copy of this design.

Rubidea Street design and construction must be generally in accordance with the road and Drainage Plan Drawing Nos. 106-16C DA-S2-0101 Revision D dated 28/03/2019. The detailed design must ensure the consistency of the constructed or approved construction drawings for the adjoining developments.

Rubidea Street extension will require remove temporary turning head built at the stage 1 and replace it with the local road standards.

With respect to private roads, the intersection needs to delineate the public road from the private road using a gutter crossing rather than kerb returns, pavement threshold treatment or similar.

b) Temporary Turning Head

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

A temporary turning head is required at the eastern end of Rubidea Street extending into proposed lot 6 adjacent.

c) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on one side of Rubidea Street in accordance with the DCP and the above documents.

d) Stormwater Drainage – Temporary Works

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

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

e) Inter-allotment Stormwater Drainage

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

f) Stormwater Drainage – Temporary Management (Box Hill)

Temporary stormwater management in the form of a bio-retention system and detention basin as shown on the Temporary OSD/Water Quality Basin No.2 Plan 106-16C-DA-S2-0751 Revision D dated 28/03/2019 prepared by Craig & Rhodes are to be provided in accordance with the concept plan. The detailed design of the basin must be revised to ensure the compatibility of the constructed or approved construction drawings of Hynds Road and Pictor Street.

- i. A revised DRAINS model for the complete network reflective of the detailed/ final stormwater design ensuring that amount of outflow directed over the downstream property is to be maintained equivalent to the pre-development flow rate. This may require revision of the basin volume nominated on the approved concept plan.
- ii. All of the street drainage system is to be designed to Council's minor and major design criteria, which requires the pipe network for up to 10 year ARI, 20 year ARI in sag and the flow above to be managed by overland flow within the road carriageway.
- iii. The drainage system is to be designed to convey the flow at ultimate and at interim conditions as described below.

The ultimate conditions include:

- Site fully developed.
- Site temporary OSD basin decommissioned.
- Upstream catchments fully developed.
- Upstream catchment temporary OSD basin decommissioned.

The interim conditions include:

- Site fully developed and the temporary OSD basin being active.
- This OSD basin is designed to attenuate the post-development flows to pre-existing peak flows at the discharge point.
- The OSD must be designed to manage the internal and external catchment that currently flowing through the subject land.

- If upstream catchment is considered to be fully developed, then it could be assumed that a temporary OSD basin provided in the upstream is active and attenuating the post-development flows to pre-existing peak flows.
- iv. OSD Basin shall be redesigned to have discharge control pit(s) with orifice and weir/(s) on the pit to release controlled runoff during minor storm events (5 to 20 year ARI) whilst weirs on OSD basin bund walls controlling the flows at major storm events (20 to 100 year ARI).
- v. OSD bund walls fronting to public footpath verge must be designed to incorporate rip-rap measures to protect damages on public infrastructure.
- vi. Overland flow behaviour (vxd product) on any street and particularly at the sag point (at all storm events) must be maintained less than 0.4 in order to ensure the public protection.

Electronic copy of the revised hydrology and hydraulic models and stormwater management report must be accompanied with the construction certificate documentation.

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 on the opposite side of Hynds Road is constructed and runoff from the subject site is/ can be connected to the same. The bond amount must be confirmed with Council prior to payment.

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

g) Earthworks/ Site Regrading

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

Retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by Craig and Rhodes (Drawing Ref 106-16C-DA-S2-0801) Revision E dated 22 May 2019.

PRIOR TO WORK COMMENCING ON THE SITE – STAGE 2.1A

109. Pavement Design

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a suitably qualified and experienced civil or geotechnical engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.1A

110. 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.

111. 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.

112. Completion of Subdivision Works/ Satisfactory Final Inspection

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

113. 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.

114. Confirmation of Pipe Locations

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

115. Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision (Stage 2.1A) before the preceding stage/ subdivision pursuant to DA 896/2018/JPZ has been registered.

116. Strata Certificate Application

When submitted, the Strata 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).

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.

117. 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 Rubidea Street.

b) Easement – Temporary Public Access

A temporary public access easement must be created within proposed lot 6 over the temporary cul-de-sac turning head using the "temporary public access easement" terms included in the standard recitals.

c) Easement – Right of Access/ Easement for Services

A right of access/ easement for services must be created over the access handle of proposed lot 6.

d) Positive Covenant – Maintenance/ Repair of Shared Driveway

A positive covenant must be placed on the title of proposed lots 5 to ensure the maintenance/ repair of the shared driveway using the "maintenance/ repair of shared access" terms included in the standard recitals.

e) Restriction – Rainwater Tanks

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

f) Restriction/ Covenant – Water Sensitive Urban Design

Lot 6 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.

g) Easement – Temporary Stormwater Management (Box Hill)

Lot 6 must be burdened with an easement over the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

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

Lots 6 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.

118. Security Bond – Temporary Turning Head

A \$25,000.00 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.

119. Internal Pavement Construction

Prior to any 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 the approved waste collection vehicle when fully laden.

CONDITIONS RELATING TO STAGE 2.1B WORKS

GENERAL MATTERS – STAGE 2.1B

120. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.1B

121. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 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:-

<i>Stage 2.1B</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: Development Lots</i>	<i>Purpose: Credit</i>	<i>No. of 2 Bedroom Units: 16</i>	<i>No. of Development Lots: 7</i>	<i>Sum of Units</i>	<i>No. of Credits: 1</i>	<i>Total \$7.11</i>
Open Space - Land	\$14,413.01	\$15,030.59	\$15,030.59	\$ 230,608.16	\$ 105,214.13	\$ 335,822.29	\$ 15,030.59	\$ 320,791.70
Open Space - Capital	\$6,990.56	\$7,290.11	\$7,290.11	\$ 111,848.96	\$ 51,030.77	\$ 162,879.73	\$ 7,290.11	\$ 155,589.62
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$1,157.78	\$ 17,763.36	\$ 8,104.46	\$ 25,867.82	\$ 1,157.78	\$ 24,710.04
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$4,095.35	\$ 62,833.28	\$ 28,667.45	\$ 91,500.73	\$ 4,095.35	\$ 87,405.38
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$6,624.70	\$ 101,640.16	\$ 46,372.90	\$ 148,013.06	\$ 6,624.70	\$ 141,388.36
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$5,581.99	\$ 85,642.24	\$ 39,073.93	\$ 124,716.17	\$ 5,581.99	\$ 119,134.18
Administration	\$210.47	\$219.48	\$219.48	\$ 3,367.52	\$ 1,536.36	\$ 4,903.88	\$ 219.48	\$ 4,684.40
Total	\$ 38,356.48	\$ 40,000.00	\$ 40,000.00	\$ 613,703.68	\$ 280,000.00	\$ 893,703.68	\$ 40,000.00	\$ 853,703.68

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO WORK COMMENCING ON THE SITE – STAGE 2.1B

122. Pavement Design

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a suitably qualified and experienced civil or geotechnical engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.1B

123. Registration of Strata Subdivision

The registration of the preceding stage of the subject Development Consents DA 896/2018/JPZ and the DA 984/2018/JP Stage 2.1A creating development lots 5, 6 and the public road reserve must occur, prior to an Occupation Certificate being issued for respective stage 2.1B.

124. Confirmation of Pipe Locations

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

125. Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision (Stage 2.1B) before the preceding stage/ subdivision pursuant to DA 984/2018/JP Stage 2.1A has been registered.

126. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.2 WORKS

GENERAL MATTERS – STAGE 2.2

127. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.2

128. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.2	Purpose: 2 bedroom unit	Purpose: Credit	No. of 2 Bedroom Units: 11	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$14,413.01	\$15,030.59	\$ 158,543.11	\$ 158,543.11	\$ 15,030.59	\$ 143,512.52
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 76,896.16	\$ 76,896.16	\$ 7,290.11	\$ 69,606.05
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 12,212.31	\$ 12,212.31	\$ 1,157.78	\$ 11,054.53
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 43,197.88	\$ 43,197.88	\$ 4,095.35	\$ 39,102.53
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 69,877.61	\$ 69,877.61	\$ 6,624.70	\$ 63,252.91
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 58,879.04	\$ 58,879.04	\$ 5,581.99	\$ 53,297.05
Administration	\$210.47	\$219.48	\$ 2,315.17	\$ 2,315.17	\$ 219.48	\$ 2,095.69
Total	\$ 38,356.48	\$ 40,000.00	\$ 421,921.28	\$ 421,921.28	\$ 40,000.00	\$ 381,921.28

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.2

129. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.3 WORKS

GENERAL MATTERS – STAGE 2.3

130. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.3

131. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.3	Purpose: 2 bedroom unit	Purpose: Credit	No. of 2 Bedroom Units: 14	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$14,413.01	\$15,030.59	\$ 201,782.14	\$ 201,782.14	\$ 15,030.59	\$ 186,751.55
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 97,867.84	\$ 97,867.84	\$ 7,290.11	\$ 90,577.73
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 15,542.94	\$ 15,542.94	\$ 1,157.78	\$ 14,385.16
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 54,979.12	\$ 54,979.12	\$ 4,095.35	\$ 50,883.77
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 88,935.14	\$ 88,935.14	\$ 6,624.70	\$ 82,310.44
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 74,936.96	\$ 74,936.96	\$ 5,581.99	\$ 69,354.97
Administration	\$210.47	\$219.48	\$ 2,946.58	\$ 2,946.58	\$ 219.48	\$ 2,727.10
Total	\$ 38,356.48	\$ 40,000.00	\$ 536,990.72	\$ 536,990.72	\$ 40,000.00	\$ 496,990.72

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.3

132. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.4 WORKS

GENERAL MATTERS – STAGE 2.4

133. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.4

134. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.4	Purpose: 2 bedroom unit	Purpose: Credit	No. of 2 Bedroom Units: 16	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$14,413.01	\$15,030.59	\$ 230,608.16	\$ 230,608.16	\$ 15,030.59	\$ 215,577.57
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 111,848.96	\$ 111,848.96	\$ 7,290.11	\$ 104,558.85
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 17,763.36	\$ 17,763.36	\$ 1,157.78	\$ 16,605.58
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 62,833.28	\$ 62,833.28	\$ 4,095.35	\$ 58,737.93
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 101,640.16	\$ 101,640.16	\$ 6,624.70	\$ 95,015.46
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 85,642.24	\$ 85,642.24	\$ 5,581.99	\$ 80,060.25
Administration	\$210.47	\$219.48	\$ 3,367.52	\$ 3,367.52	\$ 219.48	\$ 3,148.04
Total	\$ 38,356.48	\$ 40,000.00	\$ 613,703.68	\$ 613,703.68	\$ 40,000.00	\$ 573,703.68

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.4

135. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.5 WORKS

GENERAL MATTERS – STAGE 2.5

136. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.5

137. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.5	Purpose: 2 bedroom unit	Purpose: Credit	No. of 2 Bedroom Units: 12	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$14,413.01	\$15,030.59	\$ 172,956.12	\$ 172,956.12	\$ 15,030.59	\$ 157,925.53
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 83,886.72	\$ 83,886.72	\$ 7,290.11	\$ 76,596.61
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 13,322.52	\$ 13,322.52	\$ 1,157.78	\$ 12,164.74
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 47,124.96	\$ 47,124.96	\$ 4,095.35	\$ 43,029.61
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 76,230.12	\$ 76,230.12	\$ 6,624.70	\$ 69,605.42
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 64,231.68	\$ 64,231.68	\$ 5,581.99	\$ 58,649.69
Administration	\$210.47	\$219.48	\$ 2,525.64	\$ 2,525.64	\$ 219.48	\$ 2,306.16
Total	\$ 38,356.48	\$ 40,000.00	\$ 460,277.76	\$ 460,277.76	\$ 40,000.00	\$ 420,277.76

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.5

138. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.6 WORKS

GENERAL MATTERS – STAGE 2.6

139. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.6

140. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.6	Purpose: 2 bedroom unit	Purpose: Credit	No. of 2 Bedroom Units: 12	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$14,413.01	\$15,030.59	\$ 172,956.12	\$ 172,956.12	\$ 15,030.59	\$ 157,925.53
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 83,886.72	\$ 83,886.72	\$ 7,290.11	\$ 76,596.61
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 13,322.52	\$ 13,322.52	\$ 1,157.78	\$ 12,164.74
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 47,124.96	\$ 47,124.96	\$ 4,095.35	\$ 43,029.61
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 76,230.12	\$ 76,230.12	\$ 6,624.70	\$ 69,605.42
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 64,231.68	\$ 64,231.68	\$ 5,581.99	\$ 58,649.69
Administration	\$210.47	\$219.48	\$ 2,525.64	\$ 2,525.64	\$ 219.48	\$ 2,306.16
Total	\$ 38,356.48	\$ 40,000.00	\$ 460,277.76	\$ 460,277.76	\$ 40,000.00	\$ 420,277.76

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.6

141. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.7 WORKS

GENERAL MATTERS – STAGE 2.7

142. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.7

143. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

Stage 2.7	Purpose: 2 bedroom unit	Purpose: Credit	No. of 2 Bedroom Units: 13	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$14,413.01	\$15,030.59	\$ 187,369.13	\$ 187,369.13	\$ 15,030.59	\$ 172,338.54
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 90,877.28	\$ 90,877.28	\$ 7,290.11	\$ 83,587.17
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 14,432.73	\$ 14,432.73	\$ 1,157.78	\$ 13,274.95
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 51,052.04	\$ 51,052.04	\$ 4,095.35	\$ 46,956.69
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 82,582.63	\$ 82,582.63	\$ 6,624.70	\$ 75,957.93
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 69,584.32	\$ 69,584.32	\$ 5,581.99	\$ 64,002.33
Administration	\$210.47	\$219.48	\$ 2,736.11	\$ 2,736.11	\$ 219.48	\$ 2,516.63
Total	\$ 38,356.48	\$ 40,000.00	\$ 498,634.24	\$ 498,634.24	\$ 40,000.00	\$ 458,634.24

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.7

144. Strata Certificate Application

When submitted, the Strata 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).

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.

CONDITIONS RELATING TO STAGE 2.8 WORKS

GENERAL MATTERS – STAGE 2.8

145. Air Conditioning Unit Acoustic Levels

Dwellings with air conditioning units must be designed so as not to operate:

- (i) During peak time-at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) During off peak time-at a noise level that is audible in habitable rooms of adjoining residences.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE – STAGE 2.8

146. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 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:-

<i>Stage 2.8</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: Credit</i>	<i>No. of 2 Bedroom Units: 16</i>	<i>Sum of Units</i>	<i>No. of Credits: 1</i>	<i>Total S7.11</i>
Open Space - Land	\$14,413.01	\$15,030.59	\$ 230,608.16	\$ 230,608.16	\$ 15,030.59	\$ 215,577.57
Open Space - Capital	\$6,990.56	\$7,290.11	\$ 111,848.96	\$ 111,848.96	\$ 7,290.11	\$ 104,558.85
Transport Facilities - Land	\$1,110.21	\$1,157.78	\$ 17,763.36	\$ 17,763.36	\$ 1,157.78	\$ 16,605.58
Transport Facilities - Capital	\$3,927.08	\$4,095.35	\$ 62,833.28	\$ 62,833.28	\$ 4,095.35	\$ 58,737.93
Water Management - Land (KCP)	\$6,352.51	\$6,624.70	\$ 101,640.16	\$ 101,640.16	\$ 6,624.70	\$ 95,015.46
Water Management - Capital (KCP)	\$5,352.64	\$5,581.99	\$ 85,642.24	\$ 85,642.24	\$ 5,581.99	\$ 80,060.25
Administration	\$210.47	\$219.48	\$ 3,367.52	\$ 3,367.52	\$ 219.48	\$ 3,148.04
Total	\$ 38,356.48	\$ 40,000.00	\$ 613,703.68	\$ 613,703.68	\$ 40,000.00	\$ 573,703.68

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE – STAGE 2.8

147. Strata Certificate Application

When submitted, the Strata 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).

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.

APPENDIX A – GENERAL TERMS OF APPROVAL, NSW RURAL FIRE SERVICE

All communications to be addressed to:

Headquarters
4 Murray Rose Ave
Sydney Olympic Park NSW 2127

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

Headquarters
Locked Bag 17
Granville NSW 2142

Facsimile: 8741 5433



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

Your Ref: 984/2018/JP
Our Ref: D18/8396
DA18120416422 AS

ATTENTION: Kate Clinton

31 May 2019

Dear Ms Clinton

Integrated Development Application - 89//11104, 90a//11104, 90//11104-39, 41, & 43 Hynds Road Box Hill 2765; & 92//10157 - 21 Terry Road Box Hill 2765

I refer to your correspondence dated 31 May 2019 seeking general terms of approval for the above Integrated Development Application.

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

Asset Protection Zones

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

1. At the issue of subdivision certificate and in perpetuity the entire property shall be managed as an inner protection area (IPA) as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'.

Water and Utilities

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

2. The provision of water, electricity and gas is to comply with section 4.1.3 of 'Planning for Bush Fire Protection 2006'.

Access

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

3. Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006' with the exception of the temporary turning head which can be 8 metres in diameter and driveways 3 and 4 which can have a carriageway width of 6 metres.

This letter is in response to a further assessment of the application submitted and supersedes our previous general terms of approval dated 14 February 2019.

Should you wish to discuss this matter please contact Adam Small on 1300 NSW RFS.

Yours sincerely



Nika Fomin
Manager - Planning & Environment Services (East)

For general information on bush fire protection please visit www.rfs.nsw.gov.au

APPENDIX B – SYDNEY WATER REQUIREMENTS



22 March 2018

Our Ref: 169821

Paul Osbourne
Manager – Development Assessment
The Hills Shire Council
PO Box 7064
Baulkham Hills BC, NSW 2153

RE: 39-43 Hynds Road and 21 Terry Road, Box Hill

- **DA 896/2018/ZE: Stage 1 - Construction of 49 residential dwellings with Community Title subdivision.**
- **DA 984/2018/JP: Stage 2 - Multi dwelling housing development comprising of 111 dwellings.**
- **DA 1252/2018/JPZ: Stage 3 – Construction of 68 dwellings with Community Title subdivision.**

Dear Mr Osbourne,

Thank you for notifying Sydney Water of the development applications listed above. We have reviewed the applications and provide the following comments for your consideration. The following information is provided to assist in planning the servicing needs of the development, based on the information supplied:

Water

- Our strategic investigation shows that the trunk water system has adequate capacity to service the proposed development. The proposed development can be serviced from the existing 560mm water main located in Terry Road.
- According to Drinking Water Local Area Scheme Plan – Package 3 Box Hill, the developer will need to build a 200mm water lead-in connecting from the 560mm main to serve the lots.
- Reticulations inside the development and any lead-in mains should be designed according to the current Water Supply Code of Australia (Sydney Water Edition).

Wastewater

- The proposed development can be serviced via a lead-in from the North West Priority Growth Area – Package 3C wastewater main (Figure 1).
- Reticulations inside the development and the lead-in main to the Package 3C wastewater main should be designed according to the current Sewerage Code Australia (Sydney Water Edition) or Sydney Water's Flow Scheduling Sheet.

This advice is not a formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application.



Figure 1: North West Priority Growth Area – Package 3

Sydney Water E-Planning

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

Further advice and requirements for this proposal are in the attachment. If you require any further information, please contact Lulu Huang of Growth Planning and Development on 02 8849 4269 or email lulu.huang@sydneywater.com.au.

Yours sincerely,

Paul Mulley
Manager, Growth Planning & Development

Attachment 1

Sydney Water Servicing

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water prior to development commencement. It is recommended that the Council includes this term as a Condition of the DA approval.

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

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

Building Plan Approval

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service to determine whether the development will affect any Sydney Water sewer or water main, stormwater drains and/or easement, and if further requirements need to be met.

The Sydney Water [Tap in™](#) online self-service replaces our Quick Check Agents as of 30 November 2015.

The [Tap in™](#) service provides 24/7 access to a range of services, including:

- building plan approvals
- connection and disconnection approvals
- diagrams
- trade waste approvals
- pressure information
- water meter installations
- pressure boosting and pump approvals
- changes to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's [Tap in™](#) online service is available at:
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

APPENDIX C – NSW POLICE REQUIREMENTS



We are now on Facebook
Like our Page "The Hills LAC" for up
to date information on local crime trends



NSW Police Force
www.police.nsw.gov.au

Tuesday 09th January 2018

Sanda WATTS
Town Planning Co-ordinator
The Hills Shire Council
P.O. Box 7064
Baulkham Hills BC, NSW, 2153

BATCH NO:
TIME:

15 JAN 2018

THE HILLS SHIRE COUNCIL

Dear Sanda WATTS,

Subject: Multi dwelling housing development comprising of 111 dwellings.

Property: Lot 89 DP 11104, Lot 90A DP 11104, Lot 90 DP 11104, Lot 92 DP 10157.
39-43 Hynds Road and 21 Terry Road, Box Hill.

Application No: 984/2018/JP

Police Ref: D/2017/985267

We refer to your development application which is the proposed multi dwelling housing containing 111 one and two bedroom dwellings, shared access, landscaping and community open space. Dwellings 39, 41 and 43 Hynds Road will be demolished, site clearing and civil works are proposed.

Police do not have any major concerns in relation to this development application however a few security measures need to be in place.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People feel safe in public areas when they can easily see and interact with others. Would-be offenders are often deterred from committing crime in areas with high levels of surveillance.

NSW Police Force
RECRUITING NOW
1800 222 122
www.police.nsw.gov.au/recruitment

The Hills Local Area Command
Corner of Castle & Pennant Street CASTLE HILL NSW 2154
T 02 9680 5399 F 02 9680 5337 W www.police.nsw.gov.au
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

Car Park

Internal car park structures such as concrete columns, solid internal walls, service rooms and enclosed fire exits can create significant visual obstruction in car parks.

From a criminal's perspective, obstructions reduce risk and provide opportunities for cover and entrapment. This needs to be considered in the car parks which are situated in the basements.

Also Police recommend that the car parking area in the basement be painted white to help reflect light. Painted facilities not only look larger and more spacious than unpainted car parks, but can greatly reduce the number of lights required to illuminate the car park and on-going energy costs.

It is not stated that any Close Circuit TV (CCTV) will be installed. CCTV is highly recommended at entry points into the car park, exit points and scattered throughout the car parks themselves including fire doors or any other entry points such as lifts etc. By installing CCTV not only will it act as a deterrent but if placed correctly it may be able to be used as evidence and this is vital in a Police investigation.

A security intercom system shall be provided to access the residential parts of the basement car park and the main lobbies. Each unit should contain an intercom system to enable access for visitors to the basement car park and lobby as required.

Security access should be utilised at the entrance of the basement parking. This is highly recommended by use of fob, remote or code access. It is also recommended that a fob or wall-mounted pass code be used to exit the car park. This may stop or deter any persons of interests from stealing a vehicle within the car park and exiting the car park with ease.

Vegetation

The safety objective of "to see and be seen" is important in landscaped areas. Vegetation is commonly used by criminals to aid concealment and entrapment opportunities. As this development proposes to have significant vegetation throughout the site, it must be emphasised that the vegetation, especially the shrubs and shade trees, be kept trimmed at all times. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

Vegetation closest to pedestrian pathways requires close attention. It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

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For non emergencies

CRIME STOPPERS (1800 333 000)
Report crime anonymously

Lighting and Technical Supervision

It is important the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit.

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended. At the same time throughout the site transition lighting is needed to reduce vision impairment, i.e. reducing a person walking from dark to light places.

CCTV

Police suggest the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor access/exit driveway of the lower basement car park, entrances to the flats and the community facilities within the site such as in the lifts, in the stairwells, covering the disabled parking and the motorcycle/bike parking.

Based on information received from the Australian Federal Police, CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. The owner should train all relevant staff of how to use the CCTV cameras.

Police would also suggest the implementation of height indicator stickers on the entrance/exit doors. These used in conjunction with CCTV, can give police an indication of an offender's height as they enter or exit, and in turn may assist in the identification of possible offenders.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of a guardian to detect, challenge or apprehend is an important consideration. The strategic location of supervisors and employees increases the risk to offenders and crime effort. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community.

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Emergency only	For non emergencies	Report crime anonymously

Territorial reinforcement can be achieved through:

- *Design that encourages people to gather in public space and to feel some responsibility for its use and condition.*
- *Design with clear transitions and boundaries between public and private space.*
- *Clear design cues on who is to use space and what it is to be used for.*

Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting.

Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the replacement of car park lighting and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime. By making it clear where people are permitted to go or not go, it becomes difficult for potential offenders to reach and victimise people and their property.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. All areas of the development not open to the public need to have clear indications of this. Any areas that are restricted should have a sign present so that criminals have no excuse to being in an area they are not suppose to.



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Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. "Warning, trespasser will be prosecuted." Or "Warning, these premises are under electronic surveillance." These signs are great deterrents as the offenders don't want to be seen and want a quick entry and exit.

Security / Entry Control System

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the unit block, particularly the car park areas, and breaking into the units' garages and storage areas. Offenders often gain access to commit these offences despite the presence of a security shutter restricting unauthorised access at the entrance to the car park area. Offenders will stick a length of wire through the security roller door. The length of wire has a hook on the end and they are able to manipulate the manual door release to gain entry. Ensuring the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and better quality locking mechanism would reduce the incidence of this type of crime.

Fire Exits and Stairs

Research has shown that fire exits and fire stairs in buildings and car parks often contravene regulations. In one Sydney study, self-closing and self-locking street level egress doors were commonly found to be chocked open, vandalised and/or unsupervised.

Upon gaining access to fire exits at street level (via egress doorways), some offenders use stairs as conduits and cover to commit theft from vehicles, theft of motor vehicles and armed robbery. Magnetic door locking systems linked to Fire Sprinkler alarms ensure that fire exits are used for emergencies only.

Police recommend that all fire doors are alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies. Any external doors that can be used to enter the car park or into the complex should have a plate installed to the door. (Picture shown on page 7)

Natural Ladders

Natural ladders are design features, trees or nearby structures that help criminals to climb on to balconies, rooftops, ledges and windows. Current design trends in multi-story apartment blocks are making it easy for "Spiderman" type burglars to target residences.

Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using

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Emergency only	For non emergencies	Report crime anonymously

horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

Ground level units need to have upgraded security measures put in place such as doors and window being alarmed, thickened glass and sensor lights etc. Balconies should also have upgraded security such as sliding doors being alarmed.

To prevent children falling from windows, all strata buildings in NSW must be fitted with devices that enable their windows to be locked at 12.5cm when the devices are engaged. Owner's corporations must have devices installed on all common property windows above the ground floor by 13 March 2018. The safety devices must be robust and childproof. Residents will still be able to open their windows. However, they will have the security of knowing that when the locks are engaged, children will be protected. *(Please see attached fact sheet)*

Unfortunately, offenders target this type of development, both in its construction phase and when the building/s are occupied. Police would support the use of security sensor lights and a security company to monitor the site while construction is in progress. When the building is under construction, Police require signage that outlines an after-hour's number as well as other contact details if the location has been broken into etc.

Letter boxes are a big target for criminals to steal mail and even people's identity. High quality letterboxes that meet the Australian standards - ISO9001:2008 shall be installed. A mail box that doesn't allow mail to stick out from aperture slot after delivery would be suggested. It is also required that the mail boxes should only be able to be accessed via within the unit complex by residents. This will prevent criminals from getting into the premises as a key/fob would need to be used. This allows natural and technical surveillance. The letterboxes shall be under CCTV surveillance to help deter letterbox mail theft. This is a major current crime trend where victim's identity is being stolen such as personal details, credit cards, bills etc which is then being stored, sold and used in fraudulent activity.



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For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

Police attend many units / apartments which contain caged storage units. Police suggest if caged storage units and caged garages are used, have the cage built up to the ceiling within the car park so offenders cannot climb over the caged areas. A caged storage area should have a door that is reinforced instead of a cage with just a lock. A plate is suggested to stop offenders who may get into the garaged areas of the units from using a jemmy to get in. It is also suggested that an extra lock such as a dead lock or a latch lock be installed also.



Police also recommend placing signs around the car park warning residents to watch those who come in the entry/exit door behind them. Residents are encouraged to wait until the door is fully closed behind them before continuing into the underground car park. This will help prevent potential offenders from gaining entry via the open door.

Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Christie DESIRA'.

Senior Constable Christie DESIRA
 Crime Prevention Officer / Gay Lesbian Liaison Officer
 Castle Hill Police

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- *It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- *Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*

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 Emergency only

POLICE ASSISTANCE LINE (131 444)
 For non emergencies

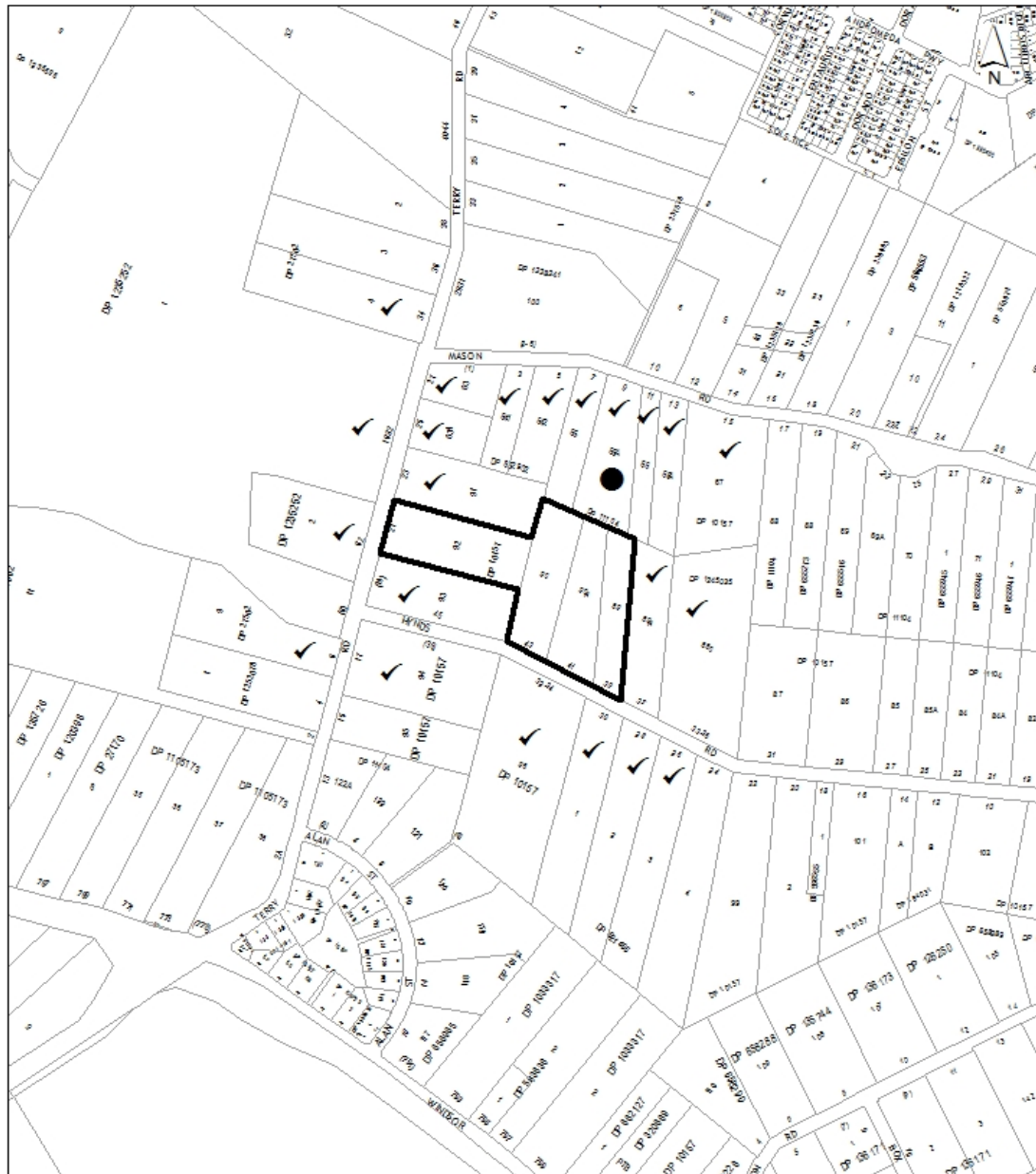
CRIME STOPPERS (1800 333 000)
 Report crime anonymously

- *The evaluation is a confidential document and is for use by the council or organisation referred to on page one*
- *The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.*
- *The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. SREP (SRGC) Zoning Map
4. SREP (SRGC) Height of Buildings Map
5. SREP (SRGC) Indicative Road Layout Plan
6. Stage 1 Community Lot Layout Plan (approved)
7. Stage 2 Community Lot Layout Plan (proposed)
8. Stage 3 Community Lot Layout Plan (proposed)
9. Overall Staging / Density Plan
- 10(a). Stage 2 Staging Plans (2.1A & 2.1B)
- 10(b). Stage 2 Staging Plans (2.2)
- 10(c). Stage 2 Staging Plans (2.3)
- 10(d). Stage 2 Staging Plans (2.4)
- 10(e). Stage 2 Staging Plans (2.5)
- 10(f). Stage 2 Staging Plans (2.6)
- 10(g). Stage 2 Staging Plans (2.7)
- 10(h). Stage 2 Staging Plans (2.8)
11. Adaptable Housing
12. Site Plan
13. Rubidea Street elevation
14. Rear Elevation
15. East and West Elevation
16. Landscape Masterplan
17. Landscape Detail (stair and retaining wall amendment)
18. Solar Access Diagram (1)
19. Solar Access Diagram (2)
20. Strata Plan (Stage 2.1B)

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
 - ☒ PROPERTIES NOTIFIED
 - ☒ SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

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ATTACHMENT 2 – SITE PLAN



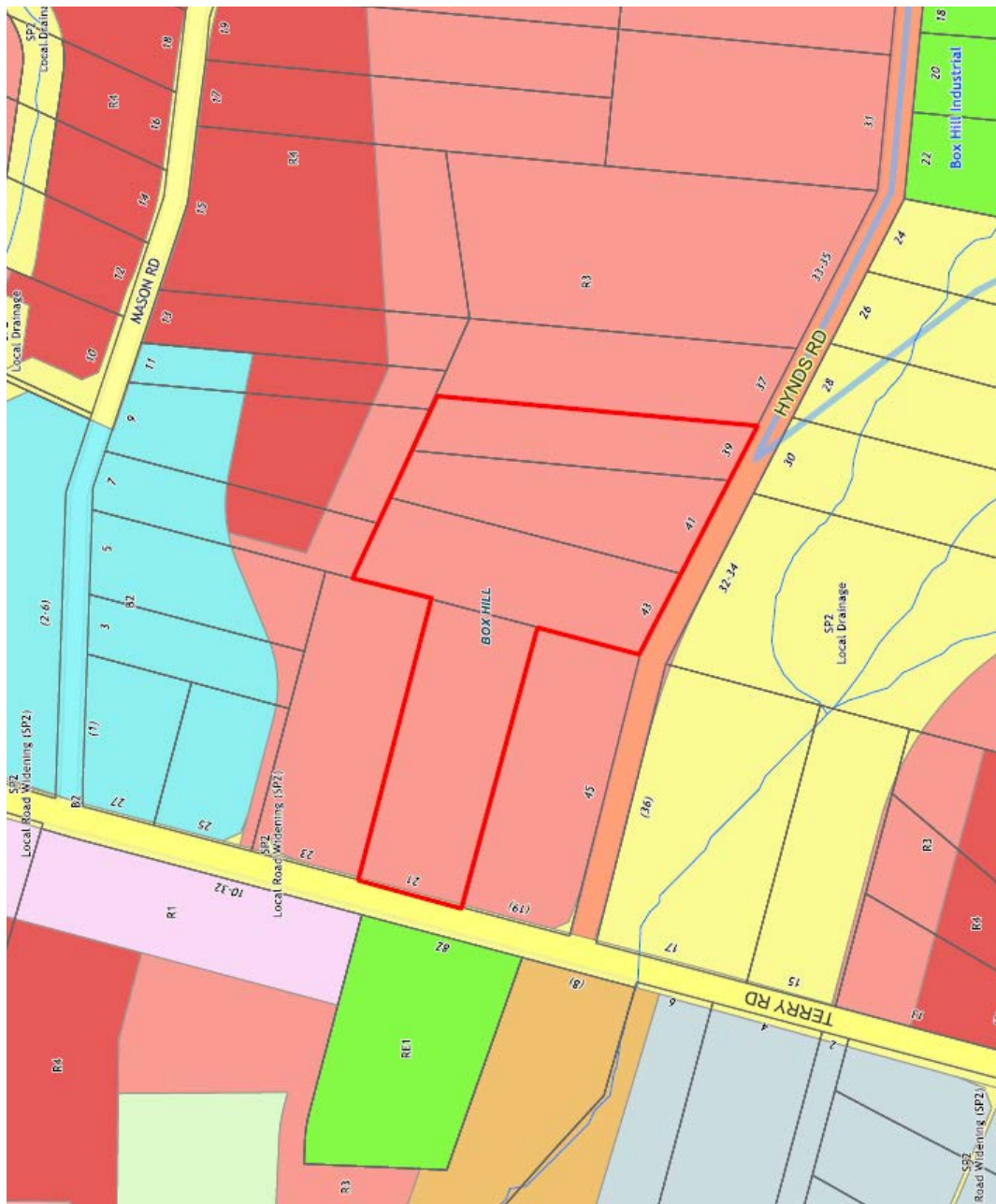
SUBJECT SITE

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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

ATTACHMENT 3 - SEPP (SRGC) ZONING MAP



ATTACHMENT 4 - SREP (SRGC) HEIGHT OF BUILDINGS MAP

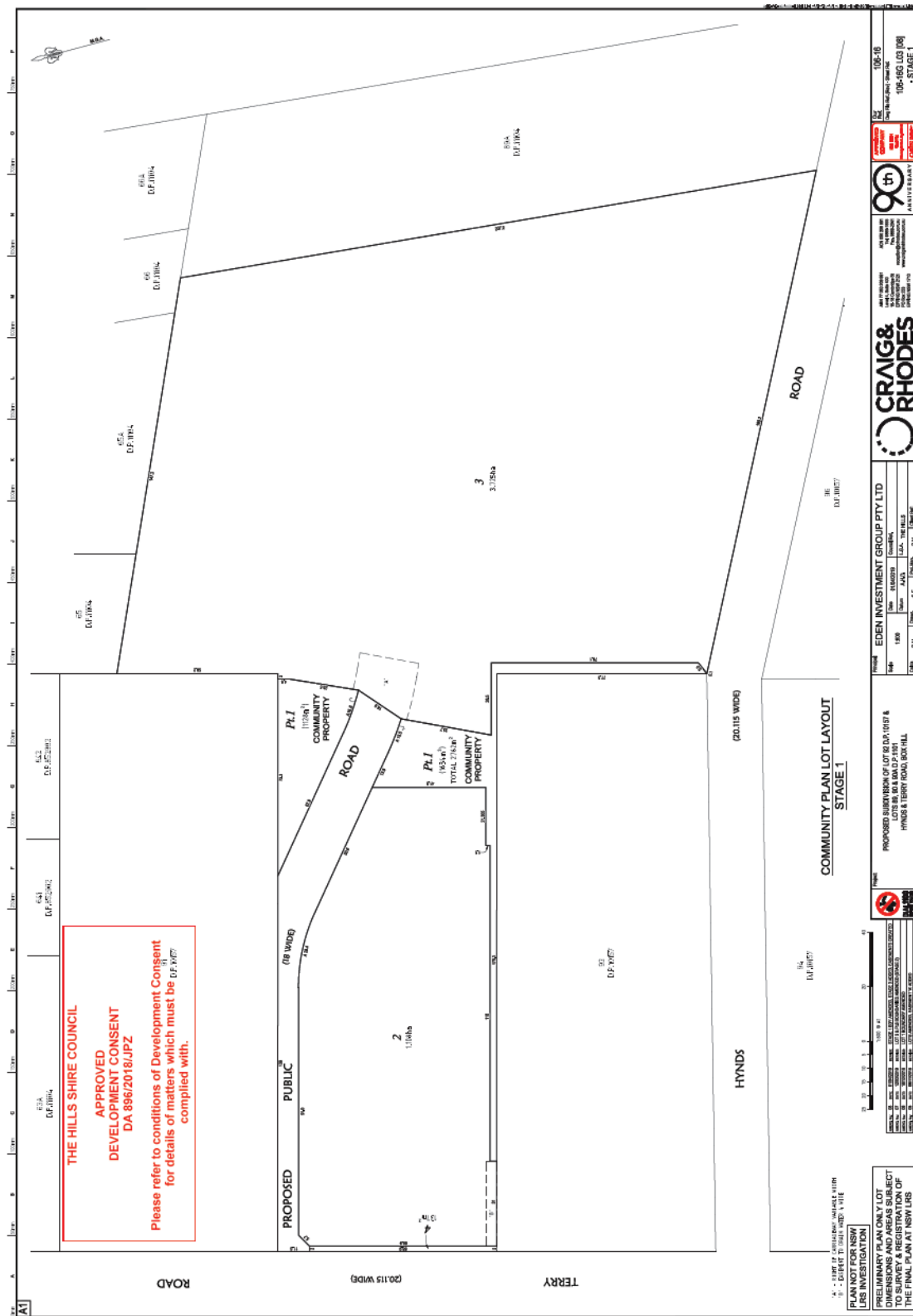


ATTACHMENT 5 – SREP (SRCG) INDICATIVE ROAD LAYOUT PLAN

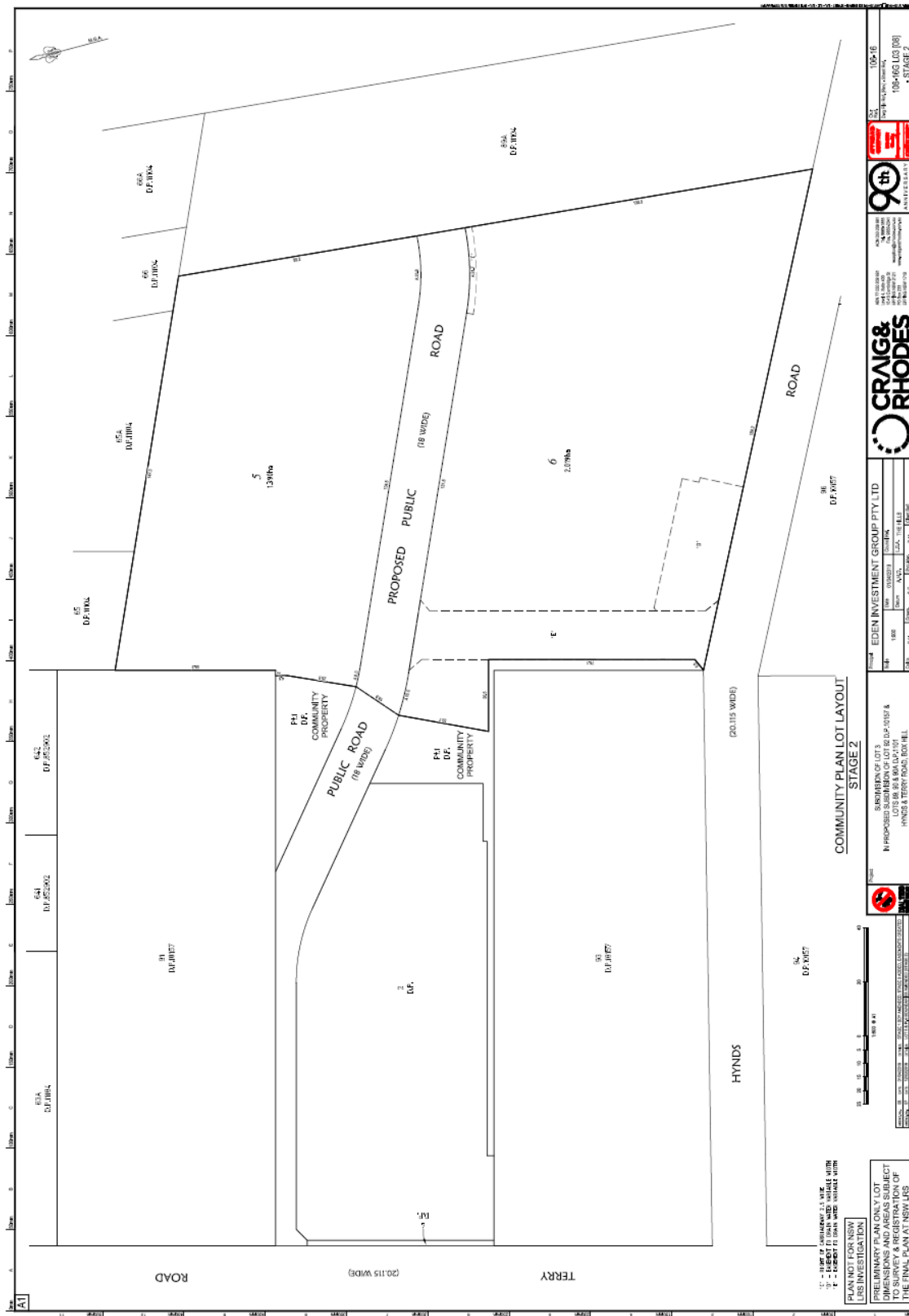


SEPP Box Hill
Box Hill Precinct Boundary
DCP Proposed Roads

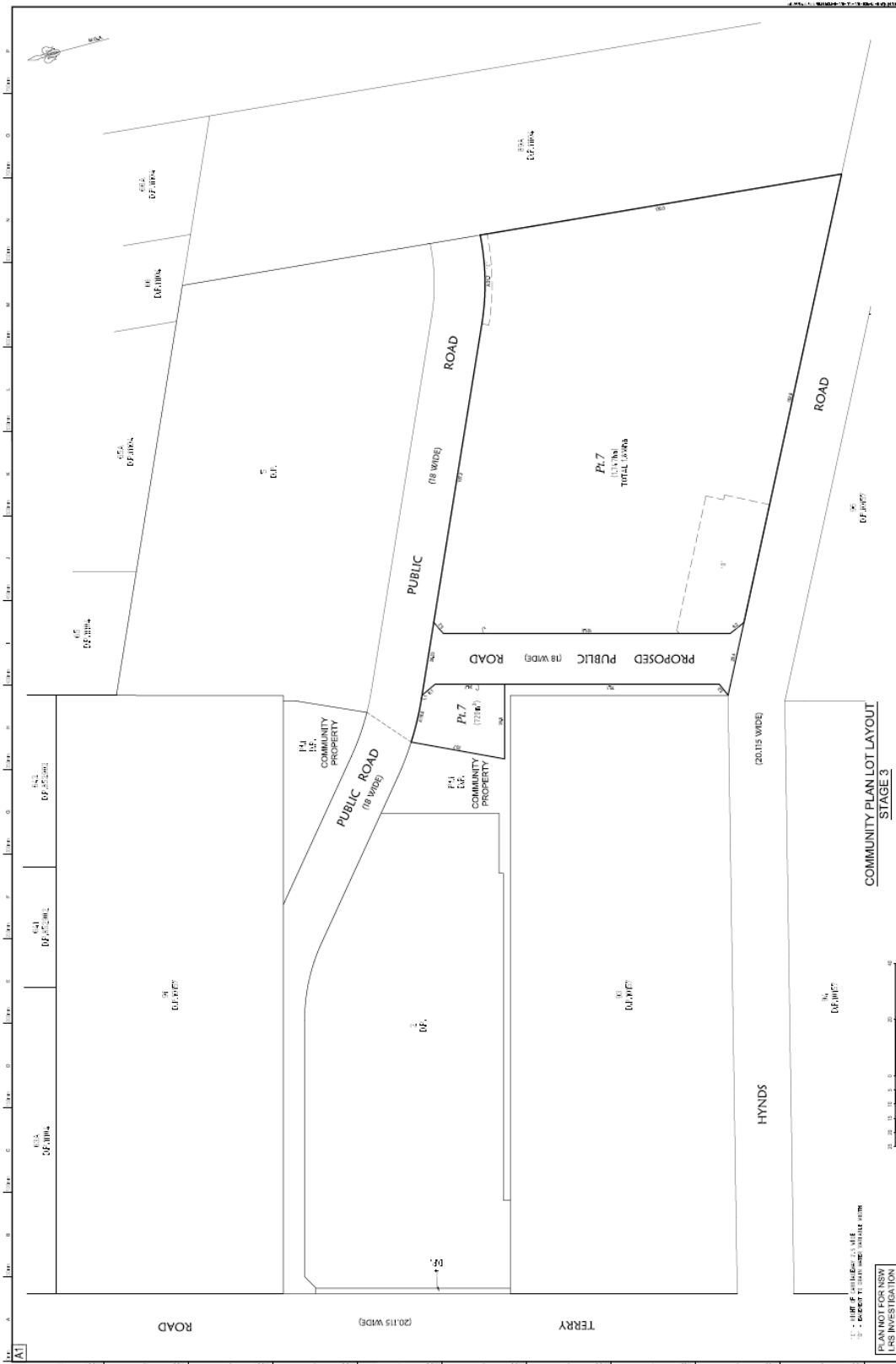
ATTACHMENT 6 – STAGE 1 COMMUNITY LOT LAYOUT PLAN (APPROVED DA 896/2018/JPZ)



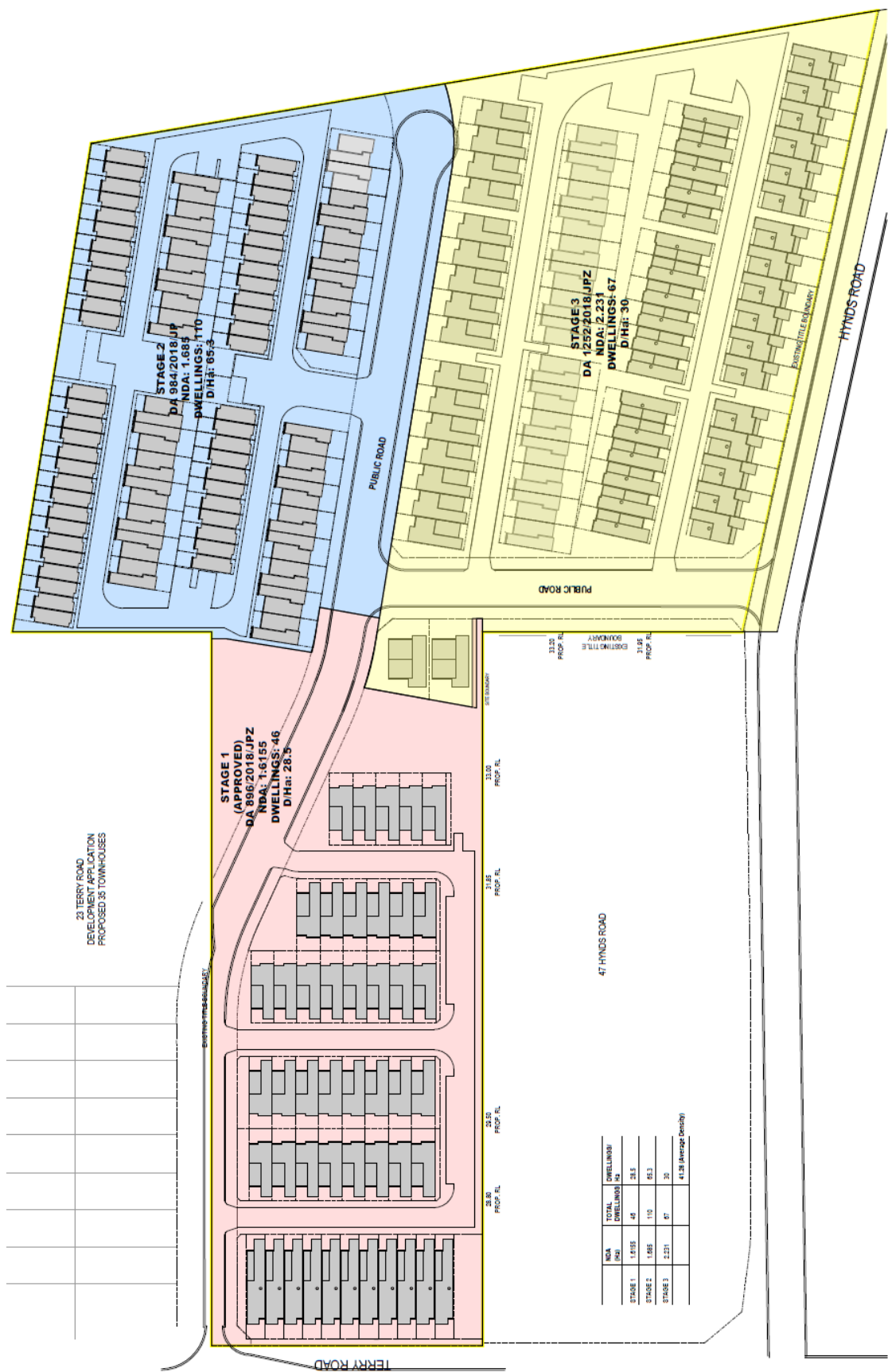
ATTACHMENT 7 – STAGE 2 COMMUNITY LOT LAYOUT PLAN (PROPOSED DA 984/2018/JPZ)



ATTACHMENT 8 – STAGE 3 COMMUNITY LOT LAYOUT PLAN (PROPOSED)



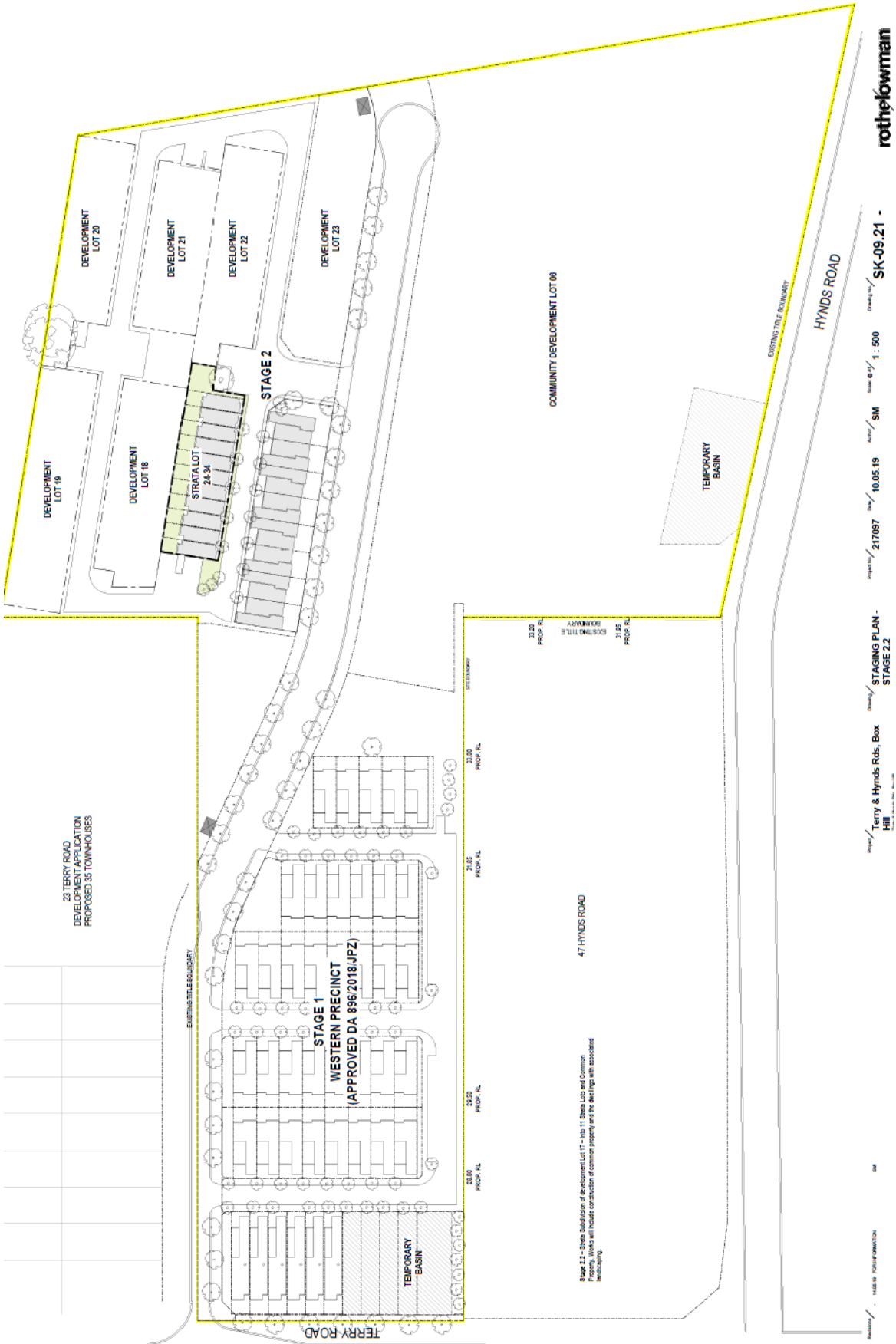
ATTACHMENT 9 – OVERALL STAGING / DENSITY PLAN



DA 984/2018/JP

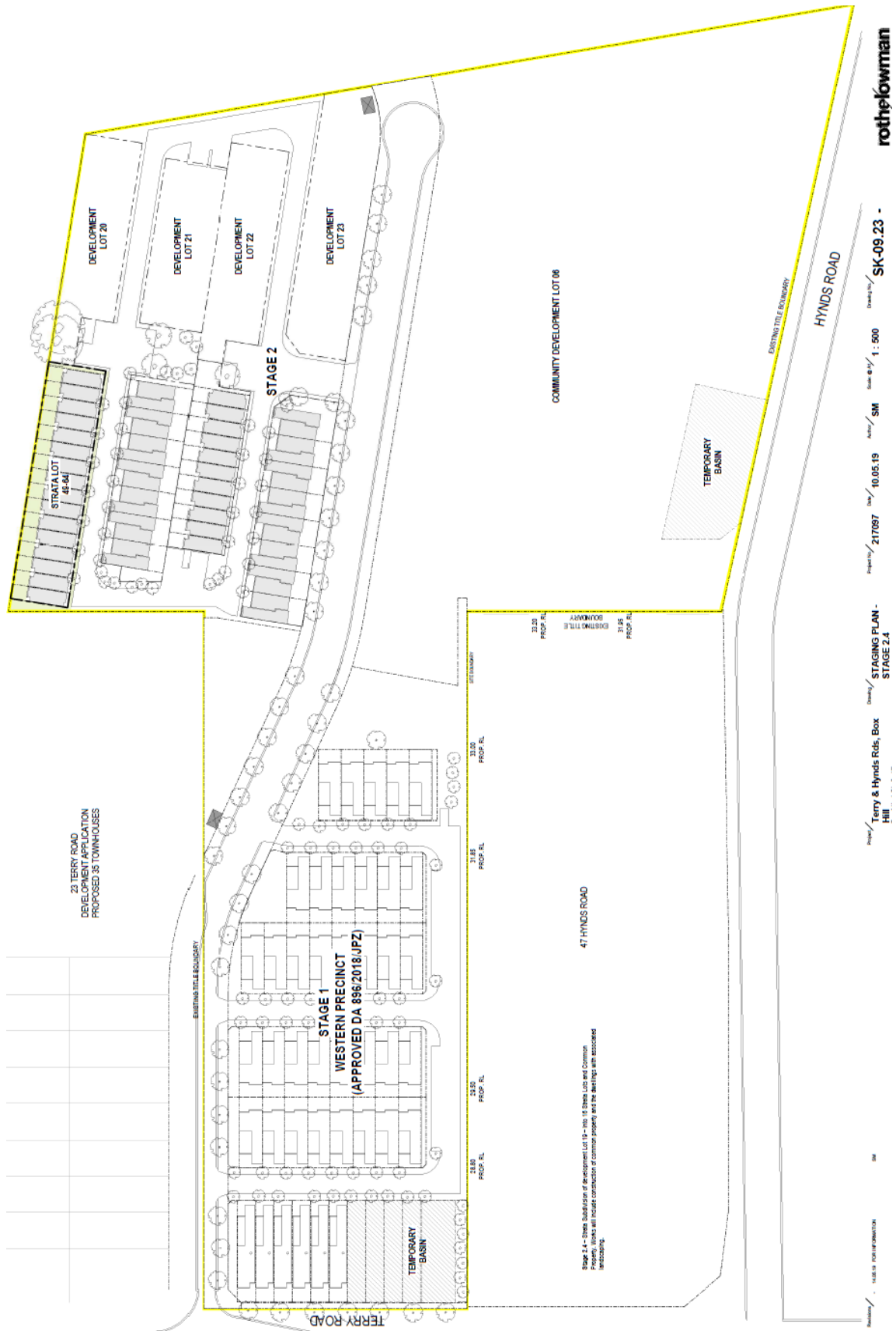


ATTACHMENT 10(b) – STAGE 2 STAGING PLANS (2.2)



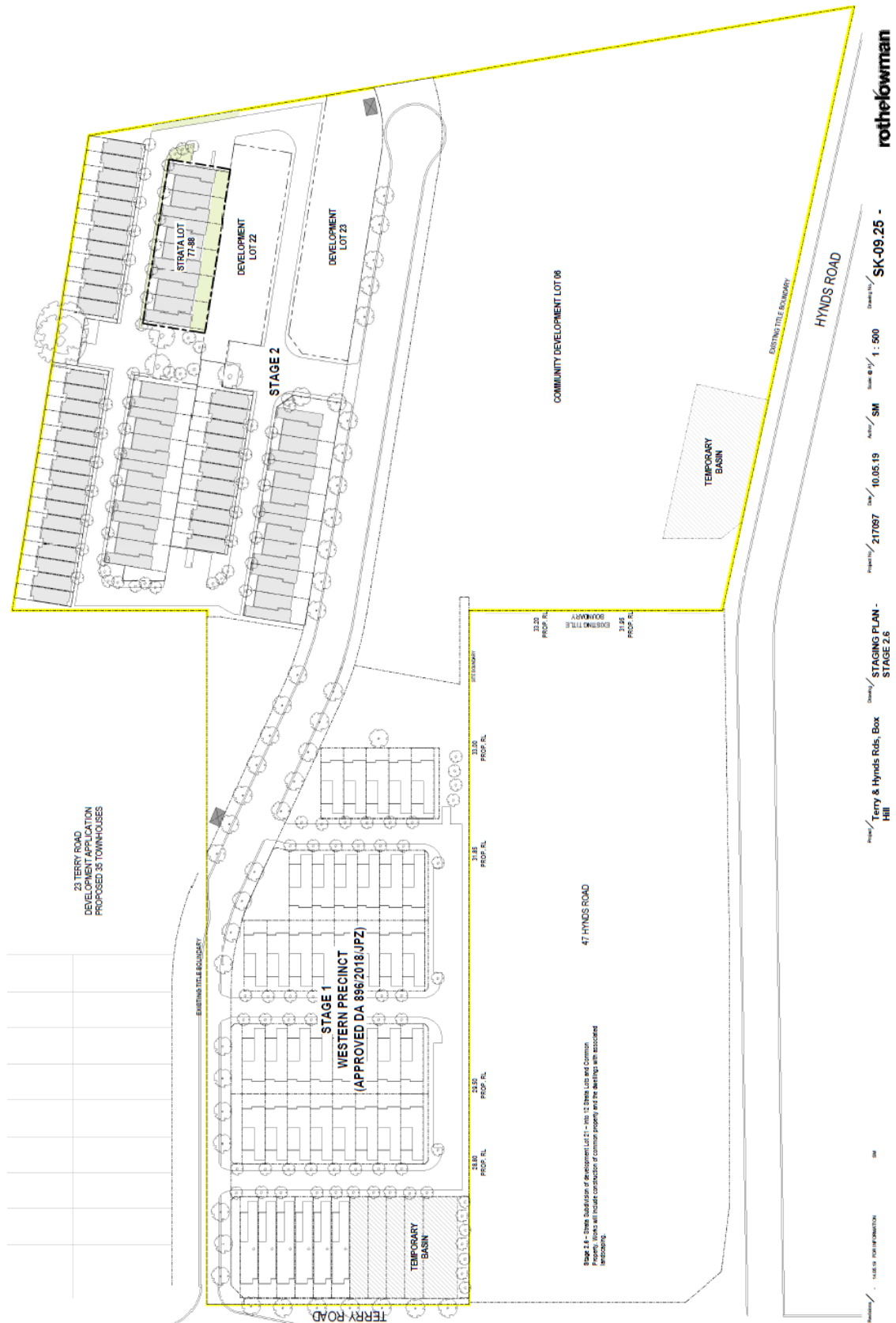
The site plan illustrates the layout for Stage 1 and Stage 2 of the Western Precinct. Stage 1, located on the left, includes a 'TEMPORARY BASIN' and a row of residential lots. Stage 2, on the right, features a 'STRATA LOT 35-46' and several rows of residential lots. The plan is bounded by 'TERRY ROAD' to the north, 'HYNDS ROAD' to the east, and '23 TERRY ROAD' to the south. A 'TEMPORARY BASIN' is also shown in the southeast corner. The plan is titled 'STAGING PLAN - STAGE 2.3' and includes a north arrow and a scale of 1:500.

ATTACHMENT10(d) – STAGE 2 STAGING PLANS (2.4)



The site plan illustrates the layout for Stage 1 of the Western Precinct, approved by DA 896/2018/JPZ. The plan is bounded by 23 Terry Road to the north, 47 Hynds Road to the east, and Terry Road to the south. The development is divided into several sections: a central residential area with lots numbered 1 to 12, a 'STAGE 1 WESTERN PRECINCT (APPROVED DA 896/2018/JPZ)' section, and a 'STAGE 2' section to the east. A 'TEMPORARY BASIN' is located at the bottom left. The plan also shows 'EXISTING TITLE BOUNDARY' lines and 'PROPOSED' lot boundaries. A 'STRAIT LOT 6-16' is located at the top left. The plan is titled 'STAGING PLAN - STAGE 2.5' and includes a project number '217097' and a date '10.05.19'.

ATTACHMENT 10(f) – STAGE 2 STAGING PLANS (2.6)



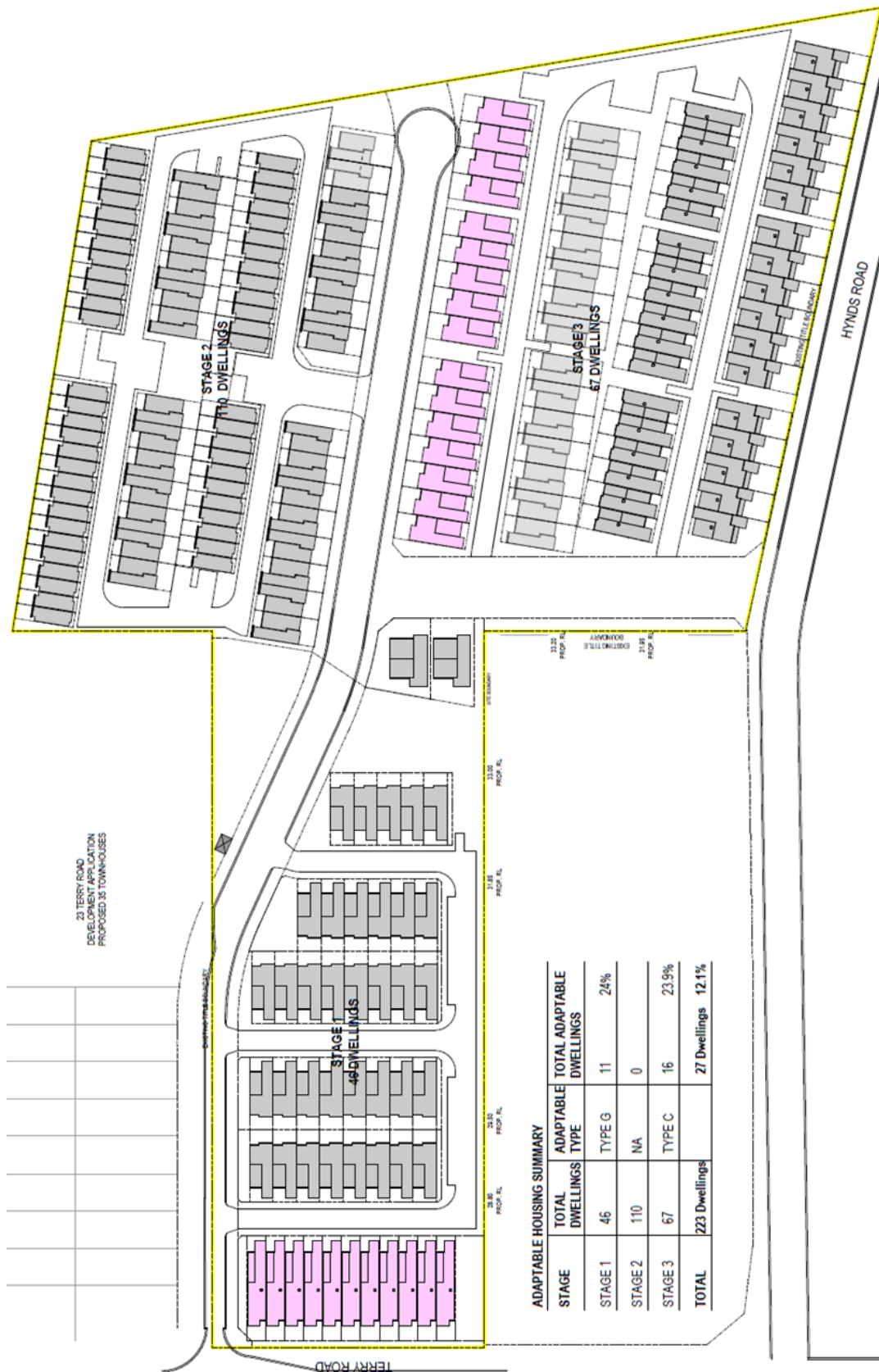
DA 984/2018/JP



DA 984/2018/JP



ATTACHMENT 11 – ADAPTABLE HOUSING



ATTACHMENT 12 – SITE PLAN





1 North Elevation - Clusters 7 & 8
SCALE: 1"=20'



South Elevation - Clusters 7 & 8 (Rubidea St)

ATTACHMENT 14 – REAR ELEVATION



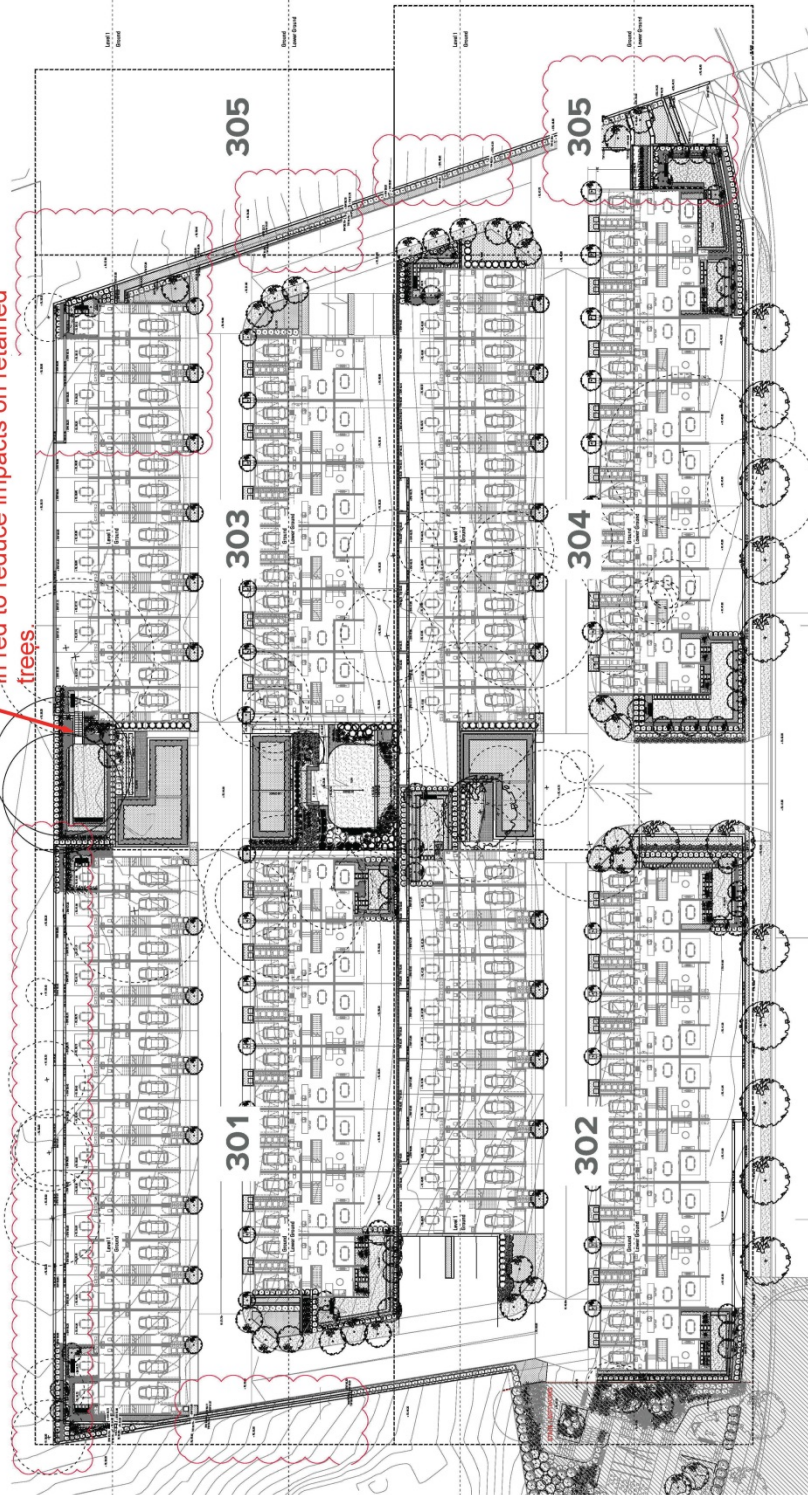
ATTACHMENT 15 – EAST AND WEST ELEVATIONS



300

LANDSCAPE MASTERPLAN

Levels, stairs and retaining wall
location and design to match
Landscape Plan No. 303 as marked
in red to reduce impacts on retained
trees.



ARCADIA
LANDSCAPE ARCHITECTURE

TERRY & HYNDSD ROAD BOX HILL STAGE 2
LANDSCAPE DEVELOPMENT APPLICATION

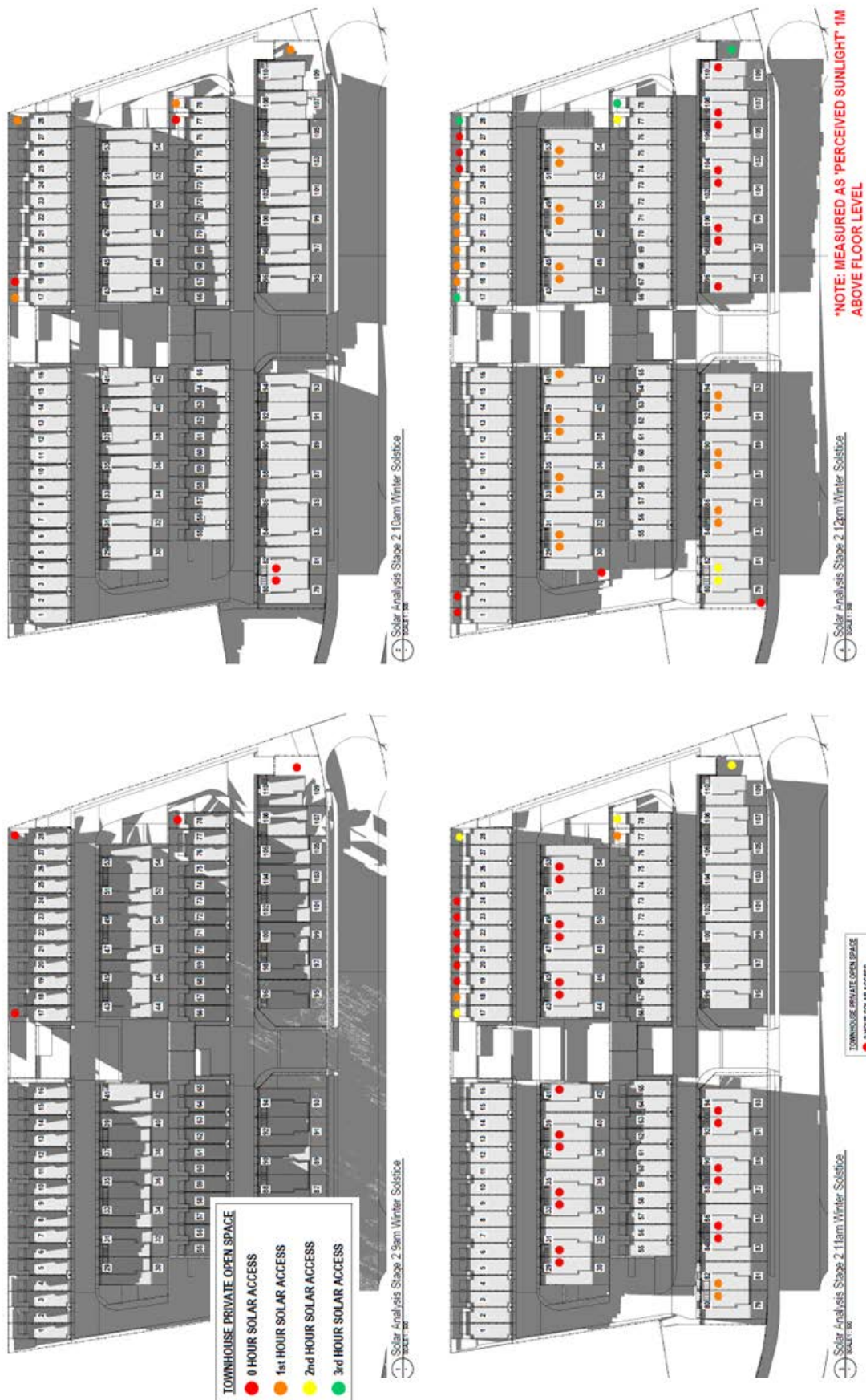


PREPARED BY Arcadia Landscape Architecture
CLIENT Eden Invest Group
ARCHITECT Robb-Kowman
DATE May 2019
SCALE 1:250
ISSUE K
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ATTACHMENT 18 – SHADOW DIAGRAM (1)



ATTACHMENT 19 – SHADOW DIAGRAM (2)



ATTACHMENT 20 – STRATA PLAN (FIRST STAGE)

