

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	2017SWC149
<b>DA Number</b>	1038/2018/JP
<b>LGA</b>	The Hills Shire Council
<b>Proposed Development</b>	Residential Flat Building Development - Demolition of existing structures, tree removal, partial dam dewatering, subdivision of land, creation of two roads (Virgo Street and Tucana Street), dedication of road widening to Mason Road, and the construction of 3 x 7 storey Residential Flat Buildings in two stages, containing a total of 97 units over 2 levels of basement car parking
<b>Street Address</b>	Lot 66A DP 11104, 13 Mason Road, Box Hill
<b>Applicant/Owner</b>	E and D Sancbergs
<b>Consultants</b> Town Planner / Architect: Landscape Architect: Engineering: Surveyor: Arborist: Aboriginal Heritage: Accessibility: Acoustics: BASIX: Geotechnical: Quantity Surveyor: Environmental Health: Traffic:	Idraft Architects Canvas Landscape Architects Australian Consulting Engineers Anthony & Associates Surveying Treehaven Environscapes Artefact Accessible Building Solutions Rodney Stevens Acoustics Taylor Smith Consulting Martens Consulting Engineers / STS GeoEnvironmental Pty Ltd Construction Consultants STS GeoEnvironmental Pty Ltd Stanbury Traffic Planning
<b>Date of DA lodgement</b>	29 November 2017
<b>Number of Submissions</b>	1 <sup>st</sup> notification – 4 (one in support from applicant) 2 <sup>nd</sup> notification – 2
<b>Recommendation</b>	Approval subject to conditions
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011</b>	CIV exceeding \$30 million (\$37,177,807)
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011.</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</li> <li>• State Environmental Planning Policy No 55 — Remediation of Land.</li> <li>• Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997.</li> <li>• State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009.</li> <li>• Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan).</li> <li>• Central City District Plan.</li> <li>• Box Hill Development Control Plan 2017.</li> </ul>

	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act Regulation 2000.</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>Copy of Submissions (6)</li> </ul>
<b>Report prepared by</b>	KATE CLINTON SENIOR TOWN PLANNER
<b>Report date</b>	24 October 2019

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> 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?	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> 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?	<b>NA</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S94EF)?	<b>Yes</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment?	<b>Yes</b>

## EXECUTIVE SUMMARY

The Development Application is for three residential flat buildings to be constructed in two stages. The proposed development includes the demolition of existing structures, tree removal, partial dam dewatering and retaining, subdivision of land, creation of two roads (Virgo Street and Tucana Street), dedication of land for road widening (Mason Road) and the construction of 3 x 7 storey residential flat buildings containing a total of 97 units over 2 levels of basement car parking. The residential flat buildings will be located on land zoned R4 High Density Residential. An R3 Medium Density zoned portion of the site is not proposed to be developed as part of the subject application. The existing dwelling will be demolished since Stage 1 of the proposed development will render it inaccessible until road access is available via adjoining properties.

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 lot size, floor space ratio, site servicing and remediation. 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 development application proposes a density of 138.1 dwellings per hectare. Whilst this exceeds the maximum of 100 dwellings per hectare proposed under draft amendments to the SEPP (Sydney Region Growth Centres) 2006, the proposal was amended to reduce the unit yield and density from 121 units and density of 173.2 per hectare. The amended proposal is generally consistent with the approved density of other residential flat building developments in the Box Hill Precinct and will result in a satisfactory built form outcome.

The proposed development has been assessed against the provisions of relevant Sections of the Box Hill Growth Centre Precincts Development Control Plan 2018 and The Hills Development Control Plan in relation to residential flat buildings, landscaping and car parking. The application has also been assessed with regard to the State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Buildings) and the Apartment Design Guide. Proposed variations to building setbacks and separation, cut and fill and the indicative layout plan (ILP) (partial deletion of Virgo Street and Mason Road alignment) are proposed and are considered reasonable.

The application was notified on two occasions. A total of six submissions were received from four properties in the vicinity of the site, including a submission from the applicant / landowner of the subject site. Issues raised in submissions primarily related to orderly development resulting from the proposed ILP variation, notification and traffic concerns. The issues raised have been addressed in this report and do not warrant any amendments to the application.

The Applicant lodged a Class 1 Appeal (deemed refusal) in the Land and Environment Court in January 2018, the proceedings of which were discontinued by the applicant in September 2018. Substantial amendments, including the staging of the development, proposed dedication of a pedestrian link / drainage corridor and reduction in units have been made. The contentions raised during the court proceedings have been satisfactorily addressed by the amendments. The plans were also amended to account for the provision of a median on Mason Road which will restrict movements in and out of the development to left-in/left-out only due to the proximity of a future Mason Road intersection. A 900mm strip of land on the Mason Road frontage is to be dedicated to Council to facilitate the median.

The preparation of an 80% design for the future Mason Road alignment also resulted in a portion of SP2 (Local Road) zone previously located on the frontage of the site being deleted. Whilst a revised subdivision plan has been prepared to correctly reflect the updated zoning, it is recommended that all other plans be amended in red to ensure consistency with the revised alignment and future property boundary.

The Development Application is recommended for approval subject to conditions.

## DETAILS AND SUBMISSIONS

Owner:	E and D Sancbergs
Zoning:	R4 High Density Residential R3 Medium Density Residential
Area:	9,105m <sup>2</sup>
Existing Development:	Dwelling and dam
Section 7.11 Contribution	Stage 1: \$1,558,671.44 Stage 2: \$1,648,671.44
Exhibition:	1 <sup>st</sup> notification – 35 days 2 <sup>nd</sup> notification – 22 days
Notice Adj Owners:	Yes
Number Advised:	Thirteen (13)
Submissions Received:	Six (6) (one in support from applicant)

## BACKGROUND

The subject site is located on the southern side of Mason Road. The site has a frontage of 41.345m to Mason Road and a depth ranging between 223.99m and 228.3m, with a total area of 9,108m<sup>2</sup> and a net developable area of 7023.5m<sup>2</sup>. The site has a significant slope,

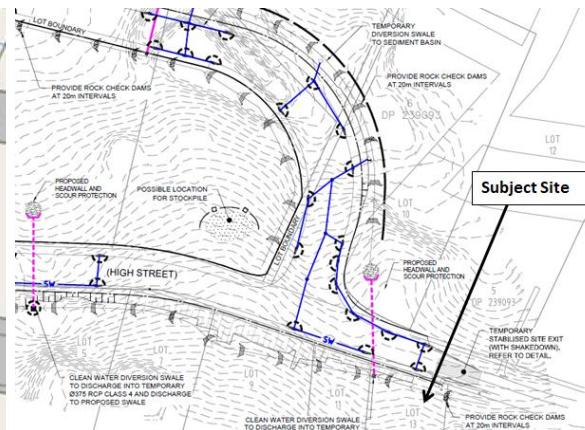
falling approximately 14 metres from the rear to its Mason Road frontage. The site is zoned part R4 High Density Residential and part R3 Medium Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Two roads, Tucana Street and Virgo Street, are shown on the Box Hill DCP's Indicative Layout Plan to traverse the property in an east-west and north-south direction respectively. The proposed residential flat building development is to be located on the R4 High Density Residential portion of the site and would be accessed from Virgo Street off Mason Road.

On 28 February 2019 an amendment to the SEPP (SRGC) 2006 Land Zoning Map came into force. The amendment changed the extent of the SP2 Infrastructure (Local Road) zone in Mason Road, locating it to the northern side of the road only and removing the SP2 zone from the frontage of the property entirely. The amendment was in response to the finalisation of an 80% design for the future upgrade of Mason Road and the realignment of a future intersection in the vicinity of the site.

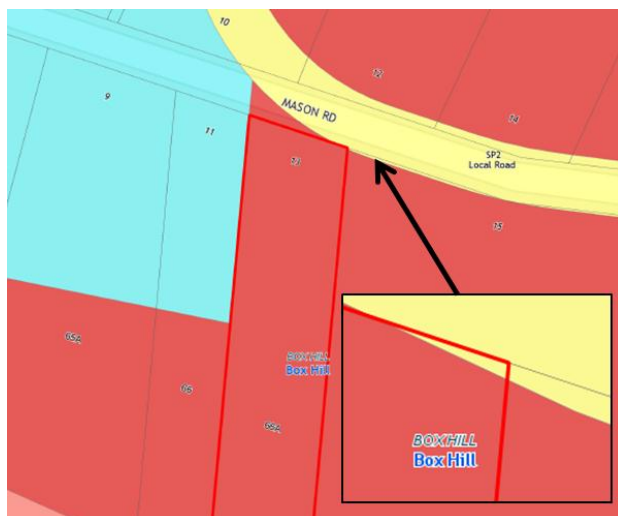
The difference in the alignment of the Mason Road and nearby intersection as shown in the DCP Indicative Layout Plan and Council's revised engineering design, together with the previous and current zoning are illustrated below:



*Indicative Layout Plan / intersection design*



*Revised Mason Road / intersection design*



*Previous Zoning*



*Current Zoning*

Due to the position of the site in relation to the future Mason Road intersection, it is necessary for safety reasons, to restrict vehicular movements in and out of Virgo Street to left-in and left-out only via the provision of a median on Mason Road in front of the site. The proposed development plans have allowed for an additional 900mm width of road dedication

to account for the median. The proposed development plans were also designed according to the zoning boundary prior to 28 February 2019. A revised subdivision / staging plan was submitted to Council on 9 October 2019 to account for the deletion of the SP2 zone and to provide for the 900mm road widening only. It is suggested that the remaining plans be marked in red to ensure the future property boundary is consistent with the revised subdivision plan. The applicant may elect to modify the building design on the Mason Road frontage at a later date to reflect the revised lot boundary shape.

The subject Development Application was lodged on 29 November 2017. The original application proposed 121 residential units in two buildings over two levels of basement parking containing 153 parking spaces. The application was not supported due to variations to building height, floor space ratio, excessive density and other matters including orderly development, setbacks, landscaping, ventilation, building separation, bulk and scale, solar access and inadequate information. The application has always sought to amend the Box Hill Precinct Indicative Layout Plan by terminating proposed Virgo Street at the intersection of Sculptor Street in an interim cul-de-sac instead of extending it through to Tucana Street (refer to Attachment 7).

On 15 January 2018 the applicant's lawyer lodged a Class 1 Appeal Application (deemed refusal) with the Land and Environment Court. Council's Statement of Facts and Contentions was filed on 14 March 2018 and proceedings were listed for hearing on 27 and 28 September 2018.

Amended Plans were submitted on 26 March 2018 reducing the unit yield to 104, prior to the Section 34 conference which was held on 29 March 2018. The conciliation conference was terminated as no agreement could be reached at that time. Following the conciliation conference, Council Officer's and the Applicant liaised directly in an effort to address or narrow the outstanding matters. The Applicant sought leave in a Notice of Motion on 21 August 2018 to amend the Development Application and proceed with amended plans which further reduced the yield to 102 units.

An amended Statement of Facts and Contentions was filed on 10 September 2018. Amended plans were filed by the Applicant on 26 September 2018 ahead of the scheduled hearing on 28 September 2018, proposing 3 x residential flat buildings (Buildings A, B and C) comprising 7 storeys each and a total of 102 units. Basement parking would accommodate a total of 137 spaces (111 resident, 25 x visitor) plus 1 x carwash bay, 36 x bicycle and 3 x motorcycle spaces. A 5 metre wide dedicated drainage reserve was proposed adjacent to Building C on the western boundary in place of a section of Virgo Street which was originally intended to run between Tucana Street and Mason Road. On 28 September 2018 the proceedings were discontinued at the request of the Applicant, following which the assessment of the application continued.

On 18 October 2018 the Sydney Central Planning Panel were briefed on the application. The Panel were advised of the main issues and status of the application with regard to the terminated court proceedings and ongoing assessment.

Council Officers met with the Applicant's Planning Consultant on 24 October 2018 to discuss staging of the development, implications of the partial road deletion, requirement for a drainage easement, temporary at-grade waste collection, bulk and scale, setbacks and landscaping. The Applicant confirmed on 30 October 2018 that the development would be staged, with Buildings A and B being constructed ahead of Building C. The staging of the development is due to the need to prevent the isolation of R3 Medium Density zoned land at the rear of the site until such time as it is able to be accessed independently via Tucana Street which will traverse adjoining properties.

Amended plans and information including a revised Statement of Environmental Effects were submitted on 19 December 2018, following which the amended plans were renotified.

On 21 February 2019 the applicant was requested to submit separate plans for each stage of the development in addition to clarification with respect to fencing, the calculation of net developable area, landscaping, balcony screening and engineering /stormwater works.

Amended plans were submitted to Council on 5 April 2019. Following a meeting with the Applicant and Stormwater Consultant, the Applicant was requested to submit clarification of staging, subdivision and stormwater works, coordinate levels and details on all plans, provide a landscaped setback and crash barrier to Tucana Street, detail retaining wall levels on the plans and provide additional section drawings.

Additional information and amended plans were submitted on 5 and 24 July 2019. A revised BASIX certificate and plan sheet were submitted on 25 September 2019 and 1 October 2019 respectively. An amended plan of subdivision and other minor amendments were submitted to Council on 9 and 10 October 2019.

## **PROPOSAL**

The Development Application proposes three (3) residential flat buildings (A, B and C) containing 97 units and basement car parking comprising:

- 13 x 1 bedroom units
- 68 x 2 bedroom units
- 16 x 3 bedroom units
- 111 x resident parking spaces
- 25 x visitor parking spaces.

The development is to be undertaken in two stages as follows:

### **Stage 1**

- Demolition of existing dwelling (located on R3 zoned land), tree removal and partial dam dewatering and retaining;
- Subdivision of land creating development Lot 1 and public road reserve (Virgo Street and Mason Road widening);
- Dedication of Mason Road widening (900mm depth);
- Construction and dedication of proposed Virgo Street, terminating in an interim cul-de-sac;
- Construction of residential flat building Blocks A and B (40 units and basement parking);
- Provision of temporary communal open space, at-grade waste collection and vehicular access to basement parking; and
- Drainage works (temporary and ultimate) relating to the undeveloped area of the site (the communal space / southern side of the development area).

### **Stage 2**

- Subdivision of Lot 1, creating Lots 2 and 3 (north and south of Tucana street), public road reserve (Tucana Street) and public drainage reserve.
- Construction and dedication of Tucana Street;
- Construction and dedication of a public drainage reserve between Tucana Street and Virgo Street adjacent to the western boundary;
- Construction of residential flat building Block C (57 units and basement parking);
- Demolition of temporary common open space, at-grade waste collection area and basement access associated with Stage 1.

A subdivision and staging plan is provided in Attachments 8 and 9.

The Stage 2 subdivision and development works cannot occur until access to Tucana Street is provided to the site via neighbouring properties. The demolition of the existing dwelling located on the R3 zoned land will occur as part of Stage 1 since it will no longer be accessible from Mason Road and will have no other road access until Tucana Street is constructed.

The application proposes to vary the Indicative Layout Plan in the Box Hill DCP by terminating Virgo Street in an interim cul-de-sac approximately 100m to the south of Mason Road, instead of constructing the full length to connect to Tucana Street at the southern end of the R4 zoned land. The Virgo Street cul-de-sac will eventually curve to the west to continue as an east-west local street (to be known as Sculptor Street) when the adjoining land is developed. Stormwater infrastructure that would have been accommodated within the road reserve for the full length Virgo Street is instead to be incorporated into a 5 metre wide public drainage reserve and pedestrian link along the western boundary of the site between Tucana and Virgo Streets, adjacent to proposed Building C.

## **ISSUES FOR CONSIDERATION**

### **1. State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

#### **a. Permissibility**

The land is zoned part R3 Medium Density Residential and part R4 High Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site is proposed to be subdivided such that the proposed residential flat building is to be located on the R4 High Density Residential part of the site only. The R3 Medium Density zoned land (1,727m<sup>2</sup>) is capable of accommodating a multi dwelling housing development in the future, however will remain undeveloped as part of the subject application.

The proposal is defined as “residential flat building” as follows:

***“Residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing.”***

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

#### **b. Zone Objectives**

The part of the site on which the residential flat building is proposed is zoned R4 High Density Residential under SEPP (SRGC) 2006. The objectives of the R4 zone are:

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

The proposed development is consistent with the above objectives of the R4 High Density Residential zone as it provides for the housing needs of the community within a future high density residential environment.

In view of the above, it is considered that the proposal satisfies the R4 High Density Residential zone objectives under SEPP (SRGC) 2006.

### c. Development Standards

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

*Note: Site area and calculations of density and floor space ratio are based on the amended Mason Road boundary whereby only 900mm is to be dedicated for public road reserve as marked in red on the plans.*

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum lot sizes for development in certain zones	Residential flat building – 1,000sqm	Total Site Area: 9,105m <sup>2</sup> Proposed Lot 2 Area: 4,375m <sup>2</sup>	Yes
4.1B Residential Density	Minimum residential density - 18 dwellings per hectare  Minimum requirement = 31 dwellings	Net Developable Area = 7023.5m <sup>2</sup>  Proposed = 138.1 dwellings per hectare (97 dwellings)	Yes
4.3 Height of buildings	21 metres	20.9 metres	Yes
4.4 Floor space ratio	2.0:1	Stage 1 – 0.5:1 (3,572m <sup>2</sup> ) Stage 2 - 1.76:1 (8,970m <sup>2</sup> )	Yes

### d. Miscellaneous Provisions

#### 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 moderately sensitive Aboriginal archaeological areas under the Box Hill DCP. The applicant has submitted an Aboriginal Heritage Due Diligence Assessment, prepared by Artefact which advised that no previously recorded Aboriginal sites are located within the study area and no previously unrecorded Aboriginal sites were identified within the study area during the site inspection.

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. 63 and 64).

### 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 applicant was requested to submit evidence that the proposed development could be serviced appropriately by Sydney Water and Endeavour Energy in order to satisfy Clause 6.1 Public Utility Infrastructure of the SEPP (SRGC) 2006.

Sydney Water advised that sufficient capacity exists within the trunk water system to service the proposed development. For sewer, the development can be serviced via a lead-in from the North West Priority Growth Area – Package 3C waste water main.

The applicant has liaised with Endeavour Energy and has received a Connection Offer advising that there is currently existing capacity to accommodate the proposed development. A padmount substation would be required on the site. The applicant would have to engage the services of a Level 3 Accredited Service Provider to prepare and provide an electrical design to Endeavour Energy in the form of a Proposed Method of Supply.

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.

## **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 \$37,177,807 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 Preliminary Site Investigation prepared by STS GeoEnvironmental Pty Ltd. This report was 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 a BASIX certificate. This certificate confirms 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. 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 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 29 November 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 ..."*

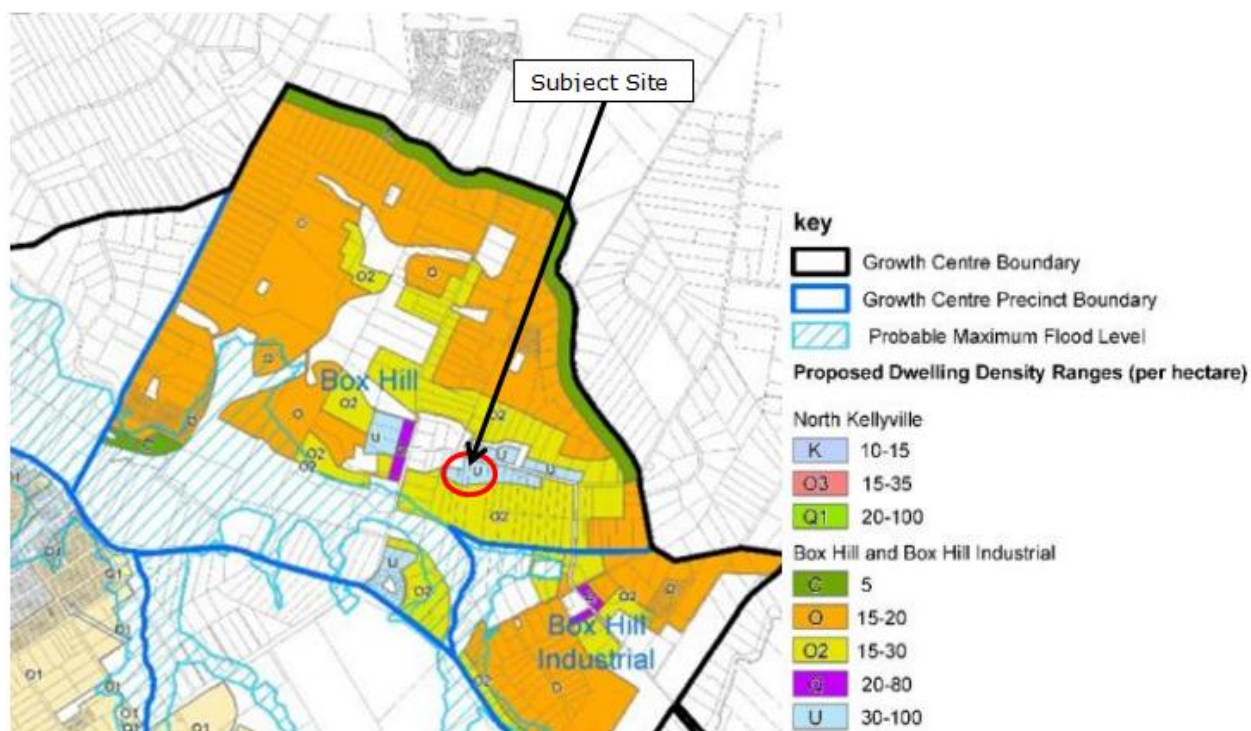
Clause 4.1B 'Residential Density' in Appendix 11 'The Hills Growth Centres Precinct Plan' of the SEPP (SRGC) 2006 states the following:

- "(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:

<b>Zone</b>	<b>Existing minimum density (dw/ha)</b>	<b>Proposed minimum density (dw/ha)</b>	<b>Proposed maximum density (dw/ha)</b>
R1	-	20	80
R2	5	-	-
This applies to a defined area along Old Pitt Town Road. Density is controlled by the 2000m 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 30-100 dwelling density range (per hectare).



The Growth Centres SEPP currently specifies a minimum density provision of 30 dwellings per hectare. The draft amendment to impose a maximum density range of between 30-100 dwellings per hectare equates to a minimum of 21.07 and maximum of 70.24 dwellings being permitted on the site (based on a net developable area of 7.024 hectares).

The proposal for 97 units would result in a density of 138.1 dwellings per hectare, being a variation of 26.8 units to the proposed maximum density. The original proposal (121 units) would have resulted in a density of 173.22 dwellings per hectare.

By way of comparison, the following development applications for residential flat buildings have been approved or are under consideration in the Box Hill Precinct:

Development Application	FSR (2:1)	Height (21m)	Density p/ha (Min. 30)	No. Units	Storeys	Approval
No. 29 Mason Road <b>79/20174/JP</b>	1.38:1	22.86 metres	179.4	71	8	SCCPP 30 July 2018
No. 17 Nelson Road <b>337/2017/JP</b>	1.25:1	17.6 metres	80.4	155		SCCPP 15 January 2018
No. 7 – 9 Terry Road <b>694/2017/JP</b>	1.82:1	23.38 metres (11.33% variation)	215	103	7	Former SWCPP 6 September 2017 (Deferred commencement)
No. 4 Alan Street <b>1631/2015/JP</b>	1.9:1	20.87 metres	194	93	6 - 7	Former JRRP 16 December 2015
No. 17-19 Alan Street <b>1230/2018/HA</b>	1.52:1	21 metres	194.9	54	6	Land and Environment Court 5 December 2018
No. 13 Terry Road <b>846/2016/JP</b>	1.97:1	21.8 metres (3.8% variation)	222	121	7	Former SWCPP 1 December 2016

Nos. 13-15 Alan Street <b>2003/2017/JP</b>	2:1	22.3 metres (lift overrun) (6.1% variation)	150	53	7	Land and Environment Court 8 March 2018
No. 11 Alan Street <b>479/2018/HA</b>	1.77:1	21 metres	149.2	31	6	Delegated Authority 16 February 2018
<b>Subject Application</b>	1.76:1	20.9 metres	138.1	97	7	-

Despite being above the proposed limit of 100 dwellings per hectare, it is considered that the development, as amended, provides an appropriate density for a site that is located adjacent to land zoned B2 Local Centre and is comparable to the density of other approved developments in Box Hill.

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 the scale of the proposed development is generally consistent with the desired character of the Precinct.

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

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

- A City for People
  - Planning Priority C3 - Providing services and social infrastructure to meet people’s changing needs.
  - Planning Priority C4 - Fostering healthy, creative, culturally rich and socially connected communities.

Liveability is about people’s quality of life. Maintaining and improving liveability requires housing, infrastructure and services that meet people’s needs; and the provision of a range of housing types in the right locations. Liveability is about creating and renewing great places, neighbourhoods and centres, and providing services and social infrastructure to meet people’s changing needs.

- Housing the City
  - Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport.

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.

- A City of Great Places
  - Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District’s heritage.

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.

**Comment:**

The Central City District 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 aging 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.

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

- The proposal will provide a range of units types (1, 2 and 3 bedrooms) which will assist in meeting housing demands;
- Being located adjacent to the B2 Local Centre zone, the proposed development will contribute to the viability of a future local centre in Box Hill;
- The site is located in an area to be increasingly serviced by public transport (buses);
- 11 accessible units are provided within the proposed development;
- A range of communal open spaces (indoor and outdoor) are provided within the development; and
- The drainage reserve / pedestrian link connecting Virgo and Tucana Streets will facilitate pedestrian movements in the area.

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

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

The proposal was accompanied by a Design Verification Statement prepared by Idraft Architects (Registered Architect No. 5347) with regard to the provisions of SEPP 65. The proposal has been assessed against the provisions of the Apartment Design Guidelines (ADG) as outlined below. Variations to setbacks and building separation are addressed collectively in Section 9 of this report.

*Note: Calculations of communal open space and deep soil are based on the amended Mason Road boundary whereby only 900mm is to be dedicated for road widening.*

Clause	Design Criteria			Compliance
Siting				
Communal open space	25% of the site with 50% of the area to achieve a minimum of 50% direct sunlight for 2 hours at midwinter.			Yes, 76% and 31.5% of the site is for communal open space (Stages 1 and 2 respectively).  Yes, receives minimum 2 hrs to 50% in midwinter.
Deep Soil Zone	15% of site area			Yes, 77% and 23% deep soil provided (Stages 1 and 2 respectively).
Separation (in relation to adjoining development and within the site)	Building Height	Habitable rooms and balconies	Non-habitable rooms	Buildings A & B: No, see comments in Section 9 of this report.
	4 storeys	6m	3m	

	<div> <div>5-8 storeys</div> <div>9m</div> <div>4.5m</div> </div> <p><i>Distances are to be combined for buildings on the same site according to room type.</i></p> <p>No separation is required for blank party walls.</p>	<p>Buildings A and B are separated by 3m up to Level 3, and 5m for the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> levels (variations of 9 metres and 13 metres respectively).</p> <p>Virgo Street – 4m to the building line, 2m to 2 x ground floor balconies, and 1.6m to corner balconies (up to Level 3) in cul-de-sac bulb.</p> <p>Non-trafficable roof to Level 4 and stairwells to Levels 5 and 6 are proposed to be set back from the eastern boundary by 6m instead of 9m.</p> <p><u>Building C:</u>  <b>No, see comments in Section 9 of this report.</b></p> <p>Each wing of Building C is separated by between 6 and 6.315m (variation of between 6 and 12m).</p> <p>350mm variation to Tucana Street setback.</p>
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes, provided. Solid walls to balconies and obscure glazing are proposed where appropriate.
Car Parking	<p>Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit.  0.9 spaces per 2 bedroom unit.  1.40 spaces per 3 bedroom unit.</p>	N/A - the site is not located within a metropolitan sub-regional centre. However, the proposed 137 parking spaces complies with this requirement and the DCP.

	1 space per 5 units (visitor parking).	
<b>Designing the Building</b>		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	Yes, 71%.
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	Yes, 82%.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes, 2.7m.
Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m<sup>2</sup> 1 bedroom – 50m<sup>2</sup> 2 bedroom – 70m<sup>2</sup> 3 bedroom – 90m<sup>2</sup></p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m<sup>2</sup> each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each.</p>	Yes, all units exceed the criteria.
Apartment layout	Habitable rooms are limited to a maximum depth of (2.5 x the ceiling height). In open plan layouts the maximum habitable room depth is 8m from a window.	Yes, provided.
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m<sup>2</sup> with no minimum depth 1 bedroom – 8m<sup>2</sup> with a minimum depth of 2m 2 bedroom – 10m<sup>2</sup> with a minimum depth of 2m 3 bedroom – 12m<sup>2</sup> with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m<sup>2</sup> with a</p>	Yes, all balconies provide the required area and minimum depth.



	minimum depth of 3m is required.	
Storage	<p>Storage is to be provided as follows:  Studio – 4m<sup>3</sup>  1 bedroom – 6m<sup>3</sup>  2 bedroom – 8m<sup>3</sup>  3+ bedrooms – 10m<sup>3</sup></p> <p>At least 50% of the required storage is to be located within the apartment.</p>	Yes, provided.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes, 13 x 1 bedroom units 68 x 2 bedroom units 16 x 3 bedroom units

**a. SEPP 65 Design Quality Principles**

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

**(i) Context and Neighbourhood Character**

Currently, the immediate area is characterised by single rural-style dwellings and the gradual subdivision of land in the surrounding area in accordance with the Growth Centres SEPP and Box Hill DCP. The future context and character of the area will be characterised by residential flat buildings, town houses, dwellings and development associated with the B2 Local Centre zoned land to the west of the site. The proposed residential flat building will contribute to the gradual redevelopment of what was previously rural / residential land and is appropriate within the envisioned future context of the site.

The application is consistent with the desired future context and neighbourhood character and is therefore consistent with Principle 1: Context and neighbourhood character of SEPP 65.

**(ii) Built Form and Scale**

The height of the development is consistent with the desired future built form and character of the site since it proposes a compliant maximum height of 20.9 metres. The development has incorporated balconies, setbacks and breaks in the building length to provide an appropriate bulk and scale.

The proposed development is therefore consistent with Principle 2: Built form and scale of SEPP 65.

**(iii) Density**

SEPP (Growth Centres) 2006 has a minimum density provision of 30 dwellings per hectare. A draft amendment to the SEPP (Growth Centres) 2006 seeks to impose a maximum density range of between 30-100 dwellings per hectare. This equates to a maximum of 70.24 dwellings being permitted on the subject site. The proposed 97 units results in a density of 138.1 dwellings per hectare. It is considered that the variation to the draft density controls is reasonable and is comparable to the densities proposed for other residential flat building development in Box Hill. The proposed development provides a high level of amenity for residents and each apartment.

It is considered that the proposal is consistent with Principle 3: Density of SEPP 65.

**(iv) Sustainability**

The architectural plans are accompanied by a BASIX certificate, and the proposed development meets the requirements for residential amenity including solar access and ventilation.

It is considered that the proposal is consistent with Principle 4: Sustainability of SEPP 65.

**(v) Landscape**

A two-stage landscape concept has been submitted with the development application. The landscaping of the site will incorporate embellished outdoor areas at both stages of the development, in addition to a public pedestrian link within a drainage reserve between Tucana Street and Virgo Street. Front fences and courtyards are set behind landscaping. Tree planting in deep soil zones and on the street frontages will contribute to the landscaped setting of the development and the streetscape.

It is considered that the proposal is consistent with Principle 5: Landscape of SEPP 65.

**(vi) Amenity**

The key elements of the building design incorporate satisfactory access/circulation, apartment layouts, ceiling heights, private open space, energy efficiency, adaptability and diversity, safety, security and site facilities.

The proposal therefore provides a satisfactory response to Principle 6: Amenity of SEPP 65.

**(vii) Safety**

Common open spaces within the proposed development are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide areas for recreation and entertainment purposes and will be accessible to all residents and visitors. Private spaces are clearly defined with fences and landscaping. The basement car park has been appropriately designed.

The proposal therefore provides a satisfactory response to Principle 7: Safety of SEPP 65.

**(viii) Housing Diversity and Social Interaction**

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings provides development standards in relation to unit mix. Although these controls do not apply to the site, it is noted the development complies with the control which states that no more than 25% of the dwelling yield is to comprise of one bedroom apartments. The proposed development includes 13 x 1 bedroom (13.4%), 68 x 2 bedroom (70.1%) and 16 x 3 bedroom units (16.5%).

The proposal therefore provides a satisfactory response to Principle 8: Housing Diversity and Social Interaction of SEPP 65.

**(ix) Aesthetics**

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

The proposal is considered satisfactory with respect to compliance with SEPP 65 and the Apartment Design Guide;

## 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 and Part 4 of the DCP establishes controls for residential development. An assessment of the key controls established under the DCP for the site is provided in the table below.

*Note: Building setbacks to Mason Road and calculations of site coverage, landscaped area and communal open space are based on the amended Mason Road boundary whereby only 900mm is to be dedicated for public road reserve as marked in red on the plans.*

DEVELOPMENT STANDARD	BOX HILL DCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
<b>2.0 – Vision and Character</b>			
Indicative Layout Plan	All development is to be undertaken generally in accordance with the Indicative Layout Plan.	The application seeks to delete a portion of Virgo Street.	No, see comments below.
<b>3.0 – Land Development</b>			
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 delete a portion of Virgo Street.	No, see comments below.
<b>4.0 – Residential Development</b>			
Cut and Fill	Cut and fill shall not exceed 500mm without approval from Council.	Cut exceeds 500mm throughout the site.	No, see comments below.
<b>5.0 – Additional Controls For Certain Development Types – Residential Flat Buildings</b>			
Site Coverage (Max.)	50%	Stage 1* – 20% (718m <sup>2</sup> ) Stage 2* – 35% (1,527m <sup>2</sup> )	Yes
Landscaped area (Min.)	30%	Stage 1 - 73.3% (5,245m <sup>2</sup> ) Stage 2 – 30.5% (1,548m <sup>2</sup> )	Yes
Communal Open Space (Min.)	15%	Stage 1 – 76% (5,431m <sup>2</sup> ) Stage 2 – 31.5% (1,602m <sup>2</sup> )	Yes
Private Open Space	10m <sup>2</sup> with 2.5m dimension	Minimum size and dimensions provided.	Yes
Front Setback	6m building façade /4.5m balconies (first 3 storeys) for a max. of 50% façade length.	<u>Mason Road (Building A):</u> 6m min. to facade 4.5m setback to ground floor balcony (50% of front	Yes Yes
			Yes

		<p>façade) 6m to basement</p> <p><u>Tucana Street (Building C):</u> 5.65m to south-eastern corner. 5m minimum to basement.</p> <p><u>Virgo Street (Building C):</u> Ground floor - 8m to the building line, minimum 4m to balcony at ground floor (Unit 42).</p> <p><u>Virgo Street (Building A &amp; B):</u> 4m to the building line (up to Level 3), 5m to remaining storeys, 2m to 2 x ground floor balconies. 2m to corner balcony in cul-de-sac bulb (up to Level 3) and 3.2m to remaining storeys. A basement setback of 2.275m is proposed.</p> <p><u>Building C:</u> 3m to basement, 9m to upper floors.</p> <p><u>Building A &amp; B:</u> 3m to basement, 6m – 9m to upper floors.</p> <p>Not applicable</p> <p>Buildings A and B are separated by between 3 and 5 metres (up to Level 5) and 11m to level 6. Wings of Building C are separated by between 6m and 6.315m.</p> <p>Stage 1 – 51.5 spaces required, 57 provided. Stage 2 – 125 spaces required, 137 provided (including 111 resident spaces and 25 visitor spaces)</p> <p>36 bicycle spaces</p>	<p><b>No, see comments below</b></p> <p><b>No, see comments below</b></p> <p><b>No, see comments below.</b></p> <p>Yes</p> <p>Yes</p> <p>N/A</p> <p><b>No, see comments below.</b></p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Corner (secondary setback)	lots	6m	
Side setback		3m up to 3 storeys 6m above 3 storeys	
Rear setback		6m	
Habitable room / balcony separation		12m	
Car parking		<p>1 space per dwelling plus 0.5 spaces per 3 or more bedrooms Visitor – 1 per 5 units</p> <p>Bicycle parking 1 space per 3 dwellings (33 required)</p>	

		provided.	
	Garbage, mail box structures, service metres and the like are to be integrated with the overall design of the building.	Satisfactory	Yes
<b>5.5 Adaptable Housing</b>			
	Adaptable Housing 10% of units are to be capable of being adapted for disabled or elderly residents.	11 of 97 units are adaptable	Yes

\*Stage 1 calculations based on area of proposed Lot 1 (7,165m<sup>2</sup>)

\*\*Stage 2 calculations based on area of proposed Lot 2, drainage reserve and half of Tucana Street dedication (5,080.5m<sup>2</sup>)

#### **a. Indicative Layout Plan and Street Network**

In part, the ILP identifies the future road network within the Box Hill Precinct. The objective of the ILP is:

- (a) *to ensure that development of the Precincts is undertaken in a co-ordinated manner consistent with the North West Sector Structure Plan and the Box Hill Growth Centre Precincts Indicative Layout Plan.*

Where a variation is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for the Precinct which are outlined in the Box Hill DCP.

The ILP provides for two roads within the subject site. A road running north-south along the western boundary of the site known as Virgo Street, and a road running east-west in the south of the site known as Tucana Street. Virgo Street is also proposed to intersect proposed Sculptor Street which will be located on adjoining land to the west.

The application seeks to vary the ILP by terminating Virgo Street at the Sculptor Street intersection, providing an interim cul-de-sac until such time as it can connect to Sculptor Street to the west. A minor variation to the ILP is also proposed on the Mason Road frontage of the site.

An excerpt from the ILP road layout is provided in Attachment 7 with proposed street names identified.

#### **Comment:**

A minor proposed ILP variation to the Mason Road frontage is a result of the realignment of an intersection in the vicinity of the site on Mason Road and the removal of the associated SP2 (Local Road) zone as outlined in the Background section of this report. The ILP has not been amended to reflect the revised future Mason Road design or changes to zoning.

The primary ILP variation proposed is the partial deletion of Virgo Street. Almost half the width (18 metres) of proposed Lot 2 on which the residential flat building development is proposed is identified on the ILP as Virgo Street. The proposal to terminate Virgo Street in a cul-de-sac at Sculptor Street increases the development potential of the site, allowing a

greater footprint for Building C. It will affect the subject site in so far as Stage 2 cannot be commenced until Tucana Street is constructed through adjoining properties.

The proposed variation to the ILP has the potential to result in some minor diversion of traffic between Tucana Street and Virgo Street via Sculptor Street. However, the extent of traffic which has the potential of being diverted is largely limited to that generated by R3 Medium Density Residential zoned land within No. 9, 11 and 13 Mason Road. Based on an estimated 26 attached town houses which may be accommodated within the R3 land area of these properties, around 13 peak hour vehicle trips may be generated. This is based on average traffic generation rates contained within the Road and Maritime Services' Guide to Traffic Generating Developments.

Despite the variation, it is considered that all R4 High Density Residential and B2 Local Centre zoned land within the adjacent properties will be afforded undisturbed access via the remaining proposed northern section of Virgo Street, and Sculptor Street (when constructed in association with the development of No. 9 and No. 11 Mason Road). All lots within land to the west of No. 9 Mason Road will be afforded undisturbed access via Sculptor Street. All land to the east of the subject site will also be afforded undisturbed access via the planned Volans Way.

The vision and development objectives of the Box Hill Precinct include:

*"...the development of a vibrant residential and employment urban area" and "A balanced mix and distribution of recreation, employment and residential uses encourage public transport, walking and cycling. A safe and permeable street network promotes accessibility, connectivity and social interaction".*

and

- b. To create strong pedestrian, public transport, cycleway and vehicular links within surrounding areas.*
- e. To encourage higher densities along public transport corridors and areas of high amenity.*
- g. To create a layout plan that will assist in an equitable and manageable development process.*

The proposed development is located adjacent to land zoned B2 in the proposed town centre of Box Hill and will be serviced by increasing levels of public transport (buses). It is an appropriate site for high density residential development. A permeable street network is maintained in the vicinity of the site subject to some minor traffic diversion. Sufficient alternative access arrangements are available to the surrounding properties via other planned streets in the area including Sculptor Street, Volans Way and Cosmos Way as shown in Attachment 7. The option of temporary road access to development sites is also available to developers. The impacts associated with the minor extent of traffic diversion will also be sufficiently off-set by the safety benefits associated with the prohibition of right turn movements at the junction of Mason Road and Virgo Street due to the proposed median.

Pedestrian access through the site and all necessary stormwater infrastructure are able to be accommodated within the proposed drainage reserve on the western side of the site adjacent to Building C.

It is considered that the vision and objectives of the Box Hill Precinct are still able to be achieved despite the variation to the ILP. There will be no adverse impacts with respect to traffic movements in the Precinct nor will the variation prevent the orderly development of any land.

**a. Cut and Fill**

The Box Hill Development Control Plan specifies that cut and fill in excess of 500mm shall not be undertaken without approval.

The objectives of the control are as follows:

- a. To minimise the extent of cut and fill within residential allotments.*
- b. To protect and enhance the aesthetic quality of the area by controlling the form, bulk and scale of land forming operations.*
- c. 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.*
- d. To ensure that the amenity of adjoining residents is not adversely affected by any land forming operation.*

The proposed development steps down the site in response to the slope of the land from the south to the north. Proposed finished levels on the boundary are mostly consistent with natural ground level to the west with the exception of the dewatering and retaining of the shared dam between No. 11 Mason Road and the subject site. Cut is proposed in relation to adjoining land to the east. Retaining walls throughout the site are no greater than 1m with the exception of the retaining wall to the Tucana Street frontage.

Apart from the building footprints and two level basement, the greatest cut on the site is located on the Tucana Street frontage. A series of tiered and landscaped retaining walls are proposed between the street level and the ground floor, occupied by common rooms including a theatre room and private function space, with a total level difference of 3.43 metres (refer to Section F in Attachment 27). Due to the level difference adjacent to the street a “crash barrier” is proposed to be incorporated into the front fence design.

No subterranean residential units are proposed and the development meets all the requirements for common open space, ventilation and solar access. The proposed cut and fill on the site is minimal considering the scale of the development. The development has provided an appropriate response to the slope of the site and the proposed cut and fill will not adversely affect the amenity of any adjoining property.

**b. Building Separation within the Site**

Building separation variations as outlined in the Apartment Design Guide and Box Hill DCP compliance table are identified in the attached Floor Plans. Building separation contributes to the urban form of an area and the amenity within apartments and open space areas. Building separation ensures communal and private open space can have useable space with landscaping, deep soil and adequate sunlight and privacy. Within apartments, building separation assists with visual and acoustic privacy, outlook, natural ventilation and daylight access. Habitable rooms and balconies are required by the ADG to be separated by 12 metres for the ground floor and levels 1, 2 and 3, and 18m for levels 4, 5 and 6. The Box Hill DCP requires separation of 12 metres to all levels.

**Buildings A & B:**

Buildings A and B are separated by 3m for the ground floor and levels 1-3, and 5m for levels 4-6 (variations of 9 metres and 13 metres respectively to the ADG).

**Building C:**

Each wing of Building C is separated by between 6 and 6.315m (variation of between 6 and 12 metres).

**Comment:**

The subject site is narrow, with the developable area of Stage 1 in particular for Buildings A and B constrained by the width of Virgo Street in addition to required setbacks. Buildings A and B propose variations to the setback to Virgo Street but are compliant with the required setbacks to the eastern boundary.

As illustrated in the attached Floor Plans, a reduced separation is proposed between Buildings A and B and between the two wings of Building C. On Buildings A and B the reduced separation occurs at the “short” end of the buildings, being approximately 12 metres in length. The facing elevations have minimal visual relationship due to a total of only six bathroom windows located on Building B levels 1, 2 and 3. All balconies with reduced separation are oriented to the east or west and are provided with a solid wall facing Building A or B. As a result, there are no adverse privacy implications as a result of the reduced separation. Separation is then further increased to at least 5 metres for levels 4, 5 and 6.

On level 6, the habitable room building line of Unit 39 (Building B) is set back 11 metres from the wall of Unit 18 (Building A). There are no likely privacy impacts as a result of the reduced setback to the balcony since the interior and balcony of Unit 18 has no visual relationship with that of Unit 39, having no facing windows and a solid wall to its balcony.

With regard to Building C, varied setbacks are proposed between 6 and 6.315 metres for the two wings of the building which are connected by an enclosed walkway. Similar to Buildings A and B, the separation variation also occurs at the “short” end of the building. Windows serving a variety of habitable and non-habitable rooms and balconies are located on the facing elevations. However, all are either offset or screened by solid walls and therefore have no visual relationship, and all units are all oriented to the east or west.

As demonstrated in the ADG and DCP compliance tables, the proposed development proposes no variation to solar access, landscaping, deep soil or ventilation within the development and adequate landscaping and common open space areas are provided. A significant building separation of at least 26 metres is proposed between Buildings B and C.

Despite the variations, it is considered that the proposed internal building separation is acceptable and due to minimal window use and screening of balconies on these elevations, the development achieves a satisfactory built form outcome with no anticipated privacy or other amenity impacts.

**c. Building Separation to adjoining sites and front / secondary road setbacks**

Building separation to adjoining sites as required in the ADG and building setbacks as required by the Box Hill DCP are addressed below. The ADG requires a setback of 6m for the ground floor and levels 1-3, and 9m for levels 4-6. The Box Hill DCP requires a front setback of 6 metres to the building façade and 4.5 metres to balconies (first 3 storeys) for a maximum of 50% of the façade length.

The objective of the building separation design criteria in the ADG is to ensure equitable sharing of separation distances between neighbouring sites and to achieve reasonable levels of external and internal visual privacy.

The relevant objectives for front and side setbacks in the Box Hill DCP are:

- a. *To enable the integration of built and landscape elements to create an attractive, visually consistent streetscape.*
- b. *To encourage simple and articulated building forms.*

and



- b. *To minimise the impacts of development on neighbouring properties.*
- c. *To provide appropriate separation between buildings.*
- d. *To create opportunities for articulation on the side walls.*

#### Buildings A and B:

A setback of 4 metres is proposed to Virgo Street from the building line of Buildings A and B up to level 3, with a setback of 5 metres to the upper levels. Two ground floor balconies are proposed to be set back 2m from the Virgo Street boundary. At the cul-de-sac bulb, the balconies of units on the southwestern corner of Building B (up to level 3) are proposed to be within 2m of the property boundary, with the remaining levels having a setback of 3.2m. The basement is proposed to be set back 2.275m from Virgo Street.

Non-trafficable roof (podium) to Level 4, and stairwells to Levels 5 and 6 are proposed to be set back from the eastern boundary by 6m instead of 9m.

#### **Comment:**

The subject site occupies the westernmost extent of land zoned R4 High Density Residential along Mason Road. The applicant seeks a departure from this control, seeking a 4 metre setback to Virgo Street. The limited setback to Virgo Street is largely a result of the limited width of the site and the need to maintain appropriate building separations to the site's eastern boundary, ensuring adequate separation between buildings, maintaining appropriate visual and acoustic privacy, and limiting overshadowing impacts. Land to the west along Mason road, immediately adjacent the proposed development across Virgo Street, is part of the proposed Box Hill Precinct town centre, zoned B2 Local Centre.

The town centre is intended to provide a range of uses, including retail and commercial uses, along with higher density housing and mixed use development, with intensive retail uses concentrated along Mason Road. The built form controls suggest buildings generally be built to the street edge and that development in the B2 zone have a consistent wall height and provide continuous street frontage along all key streets. A zero setback is required and if an active frontage is provided, with a 3 metre setback for residential floors above the first level, or alternatively a 3 metre minimum setback provided if not active frontage is provided.

The four metre building setback proposed to Buildings A and B (up to level 3) is considered appropriate in this context and will provide an appropriate transition from the town centre to the high density residential zone. Only three balconies on each level of Buildings A and B combined are oriented to this frontage, and articulation is provided with an additional 1m setback to the upper three levels (excluding lift overruns). The deep soil zone along the site's Virgo Street frontage enables the establishment of street tree vegetation in addition to trees and shrubs within the site boundary despite the reduced basement level setback of 2.275m.

The variations proposed (a minimum setback of 2 metres) to the south western corner of the building are a product of the proposed cul-de-sac to Virgo Street. The provision of a standard balcony / building shape is preferable to adapting the built form in line with the cul-de-sac at this point of the building. Due to the reduced prominence of the street frontage of the development within the curve of the cul-de-sac and the proposed landscaped setting of a 26 metre-plus building separation between Buildings B and C, this variation is not considered to have any adverse impact on the streetscape.

In combination with the required road reservation width (18 metres), landscaping, and building articulation, the proposed building setbacks are considered to provide an appropriate building separation and transition to the adjacent B2 zone and will result in an attractive streetscape.

#### Building C:

Minor front setback variations are proposed to the required 6 metre setback to Tucana Street, with a 350mm variation to the south-eastern corner and 1m variation to the basement. On Virgo Street, whilst an 8 metre setback is provided to the building line at the ground floor (2 metres in excess of the required 6 metres), the ground floor balcony to Unit 42 is set back 4 metres at its closest point, being a variation of 500mm.

**Comment:**

The 350mm front setback variation is proposed to the south-eastern corner of Building C to Tucana Street as a result of the angle of the front boundary. The variation is minor and a product of the boundary angle, and will have no impact on the privacy of future development or the streetscape.

The 500mm variation to the balcony of ground floor Unit 42 is a result of the cul-de-sac bulb, with the remaining balconies on the frontage complying with or exceeding the required 4.5 metre balcony setback permitted to 50% of the frontage. Located adjacent to the basement entrance proposed in Stage 1 and within the landscaped setting of the common open space located between Buildings B and C, the minor variation will have no adverse impacts.

## 10. Issues Raised in Submissions

A total of six submissions were received from landowners in the vicinity of the site, including one from the applicant. The issues raised in the submissions are summarised below:

ISSUE/OBJECTION	COMMENT
<p>A cul-de-sac as an alternative to the planned road on the western side of the site (Virgo Street) will have a detrimental impact on any future development plans for adjoining properties at Nos 9 and 11 Mason Road.</p> <p>This will create an accessibility problem for future development plans for properties located above Sculptor and Tucana Streets, affecting Nos 9 and 11 Mason Road.</p>	<p>The flow of traffic in the precinct will not be adversely affected by the partial deletion of Virgo Street. A permeable street network is maintained subject to some minor traffic diversion. Sufficient alternative access arrangements are available to the surrounding properties via other planned streets in the area including Sculptor Street, Volans Way and Cosmos Way.</p> <p>Pedestrian access through the site is maintained within the dedicated drainage reserve. All necessary services and stormwater infrastructure are able to be accommodated within the proposed drainage reserve on the western side of the site adjacent to Building C.</p>
<p>Additional traffic / congestion on roads trying to access the Box Hill Village Centre from the roadway running along the ridge (Tucana Street).</p>	<p>The partial deletion of Virgo Street will not result in any perceptible increase in traffic seeking to access the town centre via Tucana Street since access will still be available via Mason Road, Sculptor Street in the east in addition to other proposed roads.</p>
<p>Due to the proposed median strip and left-in/left-out of Virgo Street, it will cause major traffic congestion around adjoining properties and in front of No 9 Mason Road in particular.</p>	<p>A median is a necessary addition to Mason Road for safety reasons due to the proximity of the site to an intersection on Mason Road. Future residents of the development will have the option of exiting Virgo Street via the future Sculptor Street or Mason Road.</p> <p>A median island is necessary to ensure traffic safety and will not directly cause additional congestion in front of adjoining properties.</p>

ISSUE/OBJECTION	COMMENT
Additional congestion will be caused at the intersection of Sculptor Street and Tucana Street as future residents will have restricted choices leaving the area.	There are sufficient alternative access arrangements via other proposed streets in the surrounding area that will adequately offset any minor traffic diversion as a result of the partial deletion of Virgo Street.
Concern regarding structural strength of basement parking too close to western boundary of the site and the effect on the setback of any future building on 9 and 11 Mason Road.	Original plans proposed a basement entrance approximately 1m from the western boundary. Final proposed plans provide a setback of at least 3 metres to an adjoining property boundary. An appropriate setback is provided to basement levels and will have no impact on future development on adjoining land.
Disagree with landowner's opinion that developers are only interested in commercial land.	This is a matter of opinion and is not relevant to the consideration of the application.
Why were several property owners at the western end of Mason road (3, 5 and 7) not notified of the proposal when almost every property on the eastern end were notified?	Adjoining landowners (including those located opposite the site on Mason Road and at least two either side of the site) were notified in accordance with Council's notification process.
The subject site landowner has had little interest from developers due to 40% being required for roads and the remaining land being difficult to develop. To reduce developer risk an Architect was engaged to prepare concept plans.	The landowner's comments are noted.
Landowner was told at prelodgement that State Government proposes to reduce density. This is unfair given the amount of approvals issued on the current density rates. Developers have lost interest. The DA is based on current density rates since no one can advise when the Minister for Planning will approved the new rates. The DA will bring certainty for developers with land purchase.	Draft amendments to SEPP (SRGC) 2006 with regard to the introduction of density band have not yet been finalised. The Department of Planning has advised that a draft final package of amendments is awaiting sign off by the Minister for Planning. Amended plans reduced the proposed density from 173.2 to 138.1 dwellings per hectare. The proposed density of 138.1 dwellings per hectare is considered to be an acceptable outcome on the site.
Proposed roundabout may cross into adjoining property (No. 11). Insufficient information is available to understand possible impacts therefore no consent is given for works on this property.	Amended plans and civil engineering plans have confirmed that no works will be required on any adjoining property.
Not notified of the application.	All adjoining landowners were notified by mail in addition to an advertisement in the local paper in accordance with Council's notification process.
No detail as to how residue R3 Medium Density land will be developed.	The applicant submitted a concept plan demonstrating that proposed Lot 3 can accommodate a multi-dwelling housing development. The land area of 1,727m <sup>2</sup> exceeds the minimum area (1,000m <sup>2</sup> ) required in the Box Hill DCP and is also able to be consolidated with adjoining land if desired.

ISSUE/OBJECTION	COMMENT
Building height will cause overshadowing. Height should be 5 storeys, or density comply with proposed draft density. This would provide a better outcome and prevent the approval of another development in Box Hill that will not be built as there is no demand.	Due to the north-south orientation of the site, shadows will fall on adjoining properties to the east and west in the mornings and afternoons. The proposed shadow impacts are considered reasonable. The proposed building height complies with the 21 metre height limit and has been stepped down in response to the slope of the site.
Proposed road network is years away and will not cope with increased traffic. With all the apartments proposed it will take an hour to get to Windsor Road. Roads are being delayed as no one is building on R3 and R4 zoned land. When the land was zoned R4 a train line was planned for Box Hill.	Development of housing, roads and infrastructure in new release areas can be a lengthy process and is determined by market forces of supply and demand. A Precinct Plan has been put in place which will, upon completion, provide the necessary road network for future residents. Landowners are entitled to seek approval for permissible development regardless of land zoning or development type.
Gables release has meant too much supply without road network.	The Gables was subject to a detailed planning process and is subject to the same market forces and gradual development process as Box Hill and other developing suburbs held in fragmented ownership.
Lack of viability due to increase contributions, decreased densities. Process is being slowed.	The landowner is entitled to seek approval for permissible development pursuant to the provisions of SEPP (SRGC) 2006.
If applications such as this are approved it should be the same for everyone.	All development applications are subject to the same assessment process in accordance with the relevant legislation and merit assessment.
What was considered in the rezoning of steep land for units and townhouses. Why were traffic issues not considered.	The Box Hill Precinct was subject to a detailed planning process which included consideration of factors such as roads, infrastructure, ecology and topography.
If any high density developments proceed, density on undeveloped land will need to be reduced further at the landowners cost who are in the meantime being drained by excessive rates.	Since 2006, residential development in the Box Hill Precinct has been subject to a minimum density requirement only and the opportunity to lodge development applications in accordance with the SEPP has been available to all landowners. An appropriate density for each site is considered on its merits having regard to the proposed draft density bands and other factors including building height, floor space ratio and residential amenity.

## 11. Internal Referrals

The application was referred to following sections of Council:

- Traffic
- Engineering
- Environmental Health
- Resource Recovery
- Landscaping

No objection was raised to the proposal subject to conditions.

## **12. External Referrals**

### **NSW POLICE**

The NSW Police were consulted and raised no objections to the proposal and made suggestions for security measures. Condition No. 6 requires compliance with the recommendations of the NSW Police.

### **ENDEAVOUR ENERGY**

The applicant provided a feasibility letter from Endeavour Energy which indicated that sufficient capacity is available to service the site.

### **SYDNEY WATER**

Comments received from Sydney Water advise that sufficient capacity is available to service the proposed development. Comments are referred to in Condition No. 5.

## **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, floor space ratio, site servicing and remediation. 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. However, the development has been scaled back from 121 to 97 units throughout the assessment process and is now of a proposed density that is considered reasonable and is generally consistent with the desired future character of the area and other approved developments.

The proposed development has been assessed against the provisions of the Box Hill Development Control Plan 2018, SEPP 65 and the Apartment Design Guidelines. Variations to the indicative layout plan, building separation, cut and fill and setbacks are proposed and are considered acceptable as detailed in this report. The bulk and scale of the development, and proposed building separation is considered acceptable within the context of the site adjacent to the B2 Local Centre zone and since the proposal is fully compliant with requirements for landscaping, common open space and solar access.

The staged construction of the development will allow for the completion of Stage 1 and the construction of Virgo Street and dedication of road widening until such time as Tucana Street is constructed to provide access via adjoining properties to the southern portion of the site. It has been determined that the partial deletion of Virgo Street will not be to the detriment of vehicular or pedestrian movements throughout the Precinct or the orderly development of adjoining land, with stormwater infrastructure provided within the dedicated drainage reserve.

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.

### ALL STAGES

#### GENERAL MATTERS

##### 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: -

- Landscape Plan to include 900mm Mason Road dedication and splay corner consistent with Subdivision Plan.
- Deletion of SP2 zone road widening from Mason Road frontage and provision of 900mm road dedication and splay corner consistent with Subdivision Plan.
- Correction of proposed Lot number references consistent with Subdivision Plan.
- Deletion of notations relating to roads and dedication from Architectural Plans.
- Staging Plan to be consistent with details on Subdivision Plan.

#### STAGE 1 - REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	PREPARED	REVISION	DATE
5	Site Plan (Overall)	IDraft Architects	D	15/07/19
6	Site Plan 1:100 (Block A+B)	IDraft Architects	D	15/07/19
7	Site Plan 1:100 (COS)	IDraft Architects	D	15/07/19
8	Demolition Plan	IDraft Architects	D	15/07/19
11	Sub-Division + Soft Soil Plan	IDraft Architects	E	08/10/19
14	Staging Plan	IDraft Architects	D	15/07/19
1001	Basement L1 & L2	IDraft Architects	E	08/10/19
1002	Overall Ground & Level 1	IDraft Architects	D	15/07/19
1003	Overall Level 2 & 3	IDraft Architects	D	15/07/19
1004	Overall Level 4 & 5	IDraft Architects	D	15/07/19
1005	Overall Level 6 & Roof Plan	IDraft Architects	D	15/07/19
1006	Basement Plan L1 (Block A&B)	IDraft Architects	D	15/07/19
1007	Basement Plan L2 (Block A&B)	IDraft Architects	D	15/07/19

1008	Ground Floor Block A & B	IDraft Architects	D	15/07/19
1009	Typical Level 1-3 Block A & B	IDraft Architects	D	15/07/19
1010	Typical Level 4-6 Block A & B	IDraft Architects	D	15/07/19
1011	BLOCK A&B ROOF	IDraft Architects	D	15/07/19
2001	Building A+B Elevations	IDraft Architects	D	15/07/19
3001	Typical Sections	IDraft Architects	E	08/10/19
3002	Section Building A	IDraft Architects	E	08/10/19
3003	Section Building B	IDraft Architects	E	08/10/19
3004	Building B Section	IDraft Architects	D	15/07/19
4008	Adaptable Details	IDraft Architects	D	15/07/19
4009	Fence Detail	IDraft Architects	D	15/07/19
DA-L101	Landscape General Layout Plan and Typical Swale Sections	Canvas Landscape Architects	C	08/07/19
DA-L102	Landscape Plan: Ground fr-South and Typical Details	Canvas Landscape Architects	C	08/07/19
DA-L103	Landscape Plan: Ground fr-north and Maintenance Schedule	Canvas Landscape Architects	C	08/07/19

## STAGE 2 - REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	PREPARED	REVISION	DATE
3	Basix	IDraft Architects	E	08/10/19
5	Stage 02 Site Plan (Overall)	IDraft Architects	D	15/07/19
6	Site Plan 1:100 (Block A+B)	IDraft Architects	D	15/07/19
7	Site Plan 1:100 (Block C)	IDraft Architects	D	15/07/19
8	Demolition Plan	IDraft Architects	D	15/07/19
11	Sub-Division + Soft Soil Plan	IDraft Architects	E	09/10/19
14	Staging Plan	IDraft Architects	D	15/07/19
1001	Basement L1 & L2	IDraft Architects	D	15/07/19
1002	Overall Ground & Level 1	IDraft Architects	D	15/07/19
1003	Overall Level 2 & 3	IDraft Architects	D	15/07/19
1004	Overall Level 4 & 5	IDraft Architects	D	15/07/19
1005	Overall Level 6 & Roof Plan	IDraft Architects	D	15/07/19
1006	Basement Plan L1 (Block C)	IDraft Architects	D	15/07/19
1007	Basement Plan L1 (Block A&B)	IDraft Architects	D	15/07/19
1008	Basement Plan L2 (Block A&B)	IDraft Architects	D	15/07/19
1009	Basement Plan L2 (Block C)	IDraft Architects	D	15/07/19
1010	Ground Floor Block A & B	IDraft Architects	D	15/07/19
1011	Typical Level 1-3 Block A & B	IDraft Architects	D	15/07/19
1012	Typical Level 4-6 Block A & B	IDraft Architects	D	15/07/19
1013	BLOCK A&B ROOF	IDraft Architects	D	15/07/19
1014	Ground Floor Block C	IDraft Architects	E	09/10/19
1015	Level 1 Block C	IDraft Architects	D	15/07/19
1016	Typical L2-4 Block C	IDraft Architects	D	15/07/19
1017	Level 5 Block C	IDraft Architects	D	15/07/19
1018	Level 6 Block C	IDraft Architects	D	15/07/19
1019	BLOCK C ROOF	IDraft Architects	D	15/07/19

2001	Building A+B Elevations	IDraft Architects	D	15/07/19
2002	Building C Elevations	IDraft Architects	D	15/07/19
3001	Sections A,B&C	IDraft Architects	D	15/07/19
3002	Sections D,E&F (Landscape)	IDraft Architects	D	15/07/19
3003	Sections G	IDraft Architects	E	03/10/19
3004	Section H	IDraft Architects	D	15/07/19
3006	Building B Section	IDraft Architects	D	15/07/19
4021	Adaptable Details	IDraft Architects	D	15/07/19
4022	Fence Detail	IDraft Architects	D	15/07/19
DA-L101-S2	Landscape General Layout Plan and Typical Swale Sections	Canvas Landscape Architects	C	08/07/19
DA-L102-S2	Landscape Plan: Ground fr-South and Typical Details	Canvas Landscape Architects	C	08/07/19
DA-L103-S2	Landscape Plan: Ground fr-north and Maintenance Schedule	Canvas Landscape Architects	C	08/07/19

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

## **2. 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.

## **3. Separate Application for Strata Subdivision**

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

## **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. Compliance with Sydney Water Requirements**

Compliance with the requirements of Sydney Water dated 27 March 2018, Ref. No. 169822 attached to this consent as Appendix A.

## **6. Compliance with NSW Police Requirements**

Compliance with the requirements of NSW Police dated 10 January 2018, Ref. No. D/2017/1001599 as follows:

- Maintain clear sightlines between public and private places around the perimeter of the site with respect to vegetation as a 'deterrence', however this does not remove the need for physical barriers to secure the property from trespassers;
- Vegetation is to be kept trimmed with lower limb trees kept above average head height and shrubs and vegetation closest to pedestrian pathways should not provide easy concealment.
- A security intercom system is to be provided to access the basement car park and the main lobbies as well as other rooms that the public may be able to get access to. Each unit should contain an intercom system to enable access for visitors to the basement car park and lobbies. The same system should also apply to exit the car park;
- The car park should be painted white to reflect light and reduce energy costs for lighting;



- Pathways are to be well-lit and landscaping shall not impinge on sightlines;
- Entry and exits points from the buildings, car park and driveways shall be well lit and lighting should meet minimum Australian Standards;
- The development should employ a number of passive and active crime prevention measures as part of Crime Prevention through Environmental Design. The following should be included:
  - o Natural surveillance with clear sightlines;
  - o Active CCTV surveillance and security services;
  - o Durable building materials.
- Height indicator stickers on entrance / exit doors are recommended in conjunction with CCTV;
- Public and private spaces are to be clearly delineated; and
- Strategically placed warning signs to warn intruders of what security treatments have been implemented;
- Provision of quality locking mechanisms to car parking spaces and storage areas within the basement car park;
- Fire doors are to be alarmed and fitted with a magnetic strip so that the door will shut closed. Signage is recommended on all fire doors that doors are alarmed and for emergency use only;
- Minimise potential ladders;
- Use of sensor lights and security company during construction;
- Use of high quality letterboxes that meet the Australian Standards – ISO9001:2008 and surveillance.
- Use of 'park smarter' signage to educate people not to leave valuables in cars, secure vehicles and wait until roller doors are closed before continuing into the car park.

## **7. Adaptable Housing**

A minimum of 11 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 development.

## **8. 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/m<sup>2</sup>.

For all planting on slab and planter boxes allow the following minimum soil depths:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

Note: this is the soil depth alone and *not* the overall depth of the planter.

## **9. Australia Post Mail Box Requirements**

Australia post requires there be one (1) single group of cluster mail boxes. Cluster mail boxes are to be located on the public footpath boundary within easy reach from a public road

for the postal delivery officer. The number of mail boxes be provided is to be equal to the number of flats/units/townhouses/villas etc. plus one (1) for the proprietors. Mail boxes are to have a minimum internal dimension of 230mm wide x 160mm High x 330mm long and are to be provided with an opening of 230mm x 30mm for the reception of mail.

#### **10. 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.

#### **11. 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. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

#### **12. 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.

### **13. 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.

### **14. Approved Street Naming**

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

### **15. 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.

### **16. 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.

### **17. 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.

### **18. Demolition Notification**

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

### **19. 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.

### **20. Demolition Inspections**

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. 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 Development Certification team. Fees apply and are to be paid prior to or at the time of booking the inspection. The Development Certification Team can be contacted to book and pay for inspections on 9843 0431.

### **21. Acoustic Requirements**

The recommendations of the Noise Impact Assessment and Report prepared by Rodney Stevens Acoustics Pty Ltd, referenced as 170457R1, dated 25 September 2017 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Section 6 Recommended Noise Control Treatment.

## **22. Adherence to Construction and Demolition 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 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](http://www.wastelocate.epa.nsw.gov.au).

## **23. 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.

## **24. 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.

## **25. 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.

## **26. Commencement of Domestic Waste Service**

A domestic waste service must be commenced with Council. The service is to be arranged no earlier than one week 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.

## **27. Property Numbering and Cluster Mail Boxes**

The responsibility for property numbering is vested solely in Council.

The property address for this development is: 1-5 Virgo Street Box Hill.

Property addresses for building is as follows:

Building A – 1 Virgo Street Box Hill.

Building B – 3 Virgo Street Box Hill.

Building C – 5 Virgo Street Box Hill.

Approved unit numbering for this development based on plans provided and as per plans marked up with consent document is as follows:

<b>Level</b>	<b>Building A</b>	<b>Building B</b>	<b>Building C</b>
Ground	G01 – G03	G04 – G07	G08 – G12
Level 1	101 – 103	104 - 107	108 – 116
Level 2	201 – 203	204 – 207	208 – 216
Level 3	301 – 303	304 – 307	308 – 316
Level 4	401 – 402	403 – 404	405 – 413
Level 5	501 – 502	503 – 504	505 – 514
Level 6	601 – 602	603 – 604	605 - 610

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**

Three cluster mail boxes for each building are to be located on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at the front of Building A, at property address.

## **28. Noise from Carpark Mechanical Ventilation and Exhaust**

The car park exhaust location shall be chosen to minimise nuisance. Noise from the mechanical ventilation system shall not exceed the background noise level by more than 5 dB and between 10pm and 7am shall not be able to be heard in any residential premises.

### **29. Residential Waste Servicing Door**

The waste room 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 doors must be clear of the areas designated for truck manoeuvring and loading.

## **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

### **30. Design Verification**

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

### **31. 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.

### **32. Notice of Requirements**

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

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

### **33. Stormwater Pump/ Basement Car Park Requirements**

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

### **34. 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.

### **35. 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.

### **36. 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.

### **37. 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/ Plan**

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) Disused Layback/ Driveway Removal**

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

#### **c) 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.

### **38. 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.

### **39. 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.

### **40. Erosion & Sediment Control Plan**

Submission of an Erosion and Sediment Control Plan to the Principal Certifying Authority, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

### **41. 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**

### **42. 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.

### **43. Trenching within Tree Protection Zone**

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

If supervision by a project arborist is selected, certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works.

### **44. 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.

### **45. 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.

### **46. 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.

#### **47. 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.

#### **48. 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.

#### **49. 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.

#### **50. 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.

#### **51. 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.

#### **52. 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.

### **53. 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).

### **54. 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.

### **55. 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.

### **56. Erosion and Sedimentation Controls**

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

### **57. 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.

The plan shall include the management, treatment and disposal of water accumulated in excavations. Water containing suspended sediment shall not be disposed of to the stormwater or local waterway if the suspended sediment is greater than 50mg/L.

### **58. 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.

#### **59. Irrigation**

An automatic watering system is to be installed, as a minimum to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council's Manager Environment and Health or Private Certifier prior to issue of the construction certificate.

### **DURING CONSTRUCTION**

#### **60. Documentation On Site**

A copy of the development consent and stamped plans together with the following documents shall be kept during construction.

- Arborist Report
- Waste Management Plan
- Erosion and Sedimentation Control Plan
- Traffic Control Plan

#### **61. 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.

#### **62. Critical Stage Inspections – Subdivision Works**

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

#### **63. 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.

#### **64. 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.

#### **65. Hours of Work**

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

**Monday to Saturday - 7.00am to 5.00pm;**

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

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

#### **66. 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.

#### **67. Compliance with BASIX Certificate**

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 874720M\_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

#### **68. 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.

#### **69. 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.

#### **70. Landscaping Works**

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

#### **71. Dilapidation Survey**

If rock is encountered during excavation works and rock breaking equipment is required, all works are to cease immediately. A practicing professional structural engineer shall carry out a dilapidation survey of the adjoining dwellings at No. 11 Mason Road, Box Hill and submit a copy of the survey both to the PCA and the property owner. Works are not to recommence until this survey has been provided.

#### **72. 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.

#### **73. 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](http://www.wastelocate.epa.nsw.gov.au).

#### **74. Dust Control**

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

#### **75. 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.

Note: Contaminated soil, soil for which the contamination status is unknown, waste (including but not limited to concrete / bricks / demolition material) is prohibited from being buried, capped, contained or similar onsite (including under public or private roads and land which will become public).

### **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

#### **76. 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](http://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.**

#### **77. 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 either certified to be in accordance with the approved plans by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plans.

#### **78. Provision of Electricity Services**

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

#### **79. Design Verification Certificate**

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

#### **80. 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.

#### **81. 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.

#### **82. Pump System Certification**

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

#### **83. 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.

#### **84. 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.

#### **85. 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.

#### **86. 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.

#### **87. 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.

#### **88. 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.

#### **89. 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.

#### **90. 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 undergrounding 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.

#### **91. 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.

#### **92. 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.

#### **93. 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 – Rainwater Tanks**

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

**b) 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.

**c) Restriction/ Covenant – Water Sensitive Urban Design**

Lots 1 and 2 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.

**d) Restriction/ Covenant – Temporary Stormwater Management (Box Hill)**

Lots 1 and 2 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.

**e) Restriction – Acoustic Treatment**

Lots 1 and 2 must be burdened with a restriction that refers to the acoustic report submitted with the development application using the “acoustic requirements” terms included in the standard recitals.

**f) Positive Covenant – Onsite Waste Collection**

Lots 1 and 2 must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

**94. 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.

**95. 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).

**96. Site/ Lot Classification Report – Vacant Residential Lots**

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

**97. Stormwater CCTV Recording**

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

#### **98. Public Asset Creation Summary**

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

#### **99. Final Inspection of Waste Room**

Prior to any Occupation Certificate being issued, a final inspection of the waste storage areas and associated management facilities must be undertaken by Council's Resource Recovery Project Officer. 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. Provision of Signage for Waste Room**

Prior to any Occupation Certificate being issued, 1 full set of waste educational signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of the waste room. The signage must meet the minimum specifications below and must be designed 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

### **THE USE OF THE SITE**

#### **101. Maintenance of Landscaping Works**

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. Offensive Noise**

The use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

#### **103. Lighting**

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

#### **104. Waste and Recycling Management**

A caretaker must be appointed by the Owners Corporation to undertake all instructions issued by Council to enable waste collection where applicable. Additionally, responsibilities for cleaning waste management facilities and bins on a regular basis must be established.

### **STAGE 1**

### **GENERAL MATTERS**

#### **105. Tree Removal**

Approval is granted for the removal of Tree 1 to 56, 64, 69 - 74, 76, 82 to 88, 93, 94, 95, 96, 97, 101 to 135, 137 to 145 as numbered in Pre development Tree Inspection Report prepared by Treehaven Environments dated 3/10/2017. 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.

#### **106. Approved Subdivision Concept Plan**

The subdivision component of the development must be carried out in accordance with the approved layout shown on the 'Subdivision and Soft Soil Plan' Job No. 28469 Drawing No. 0011 prepared by IDRAFT Architects Revision E dated 03/10/2019 except where amended by other conditions of consent.

The splay corner provided at the intersection of Virgo Street and Mason Road (north-western corner must be amended to provide a 4m x 4m opposed to the 2.872m.

#### **107. Street Trees**

Street trees must be provided for the section of Virgo 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.

#### **108. Construction of Temporary Waste Room**

The waste room must be designed and constructed in accordance with the below requirements. Minimum storage capacity must be provided for 5 x 1100 litre garbage bins and 5 x 1100 litre recycling bins.

1. The layout of the room must ensure that each bin is easily accessible and manoeuvrable in and out of the room with minimal or no manual handling of other bins.
2. The walls of the room must be constructed of brickwork.
3. The floor of the room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The room 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 serving doors are roller doors.
5. The room 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 doors must be clear of the areas designated for truck manoeuvring and loading.
6. All doors of the rooms, when fully opened, must be flush with the **outside wall** and must not block or obstruct the driveway or footway. All doors must be able to be fixed in position when fully opened.
7. The room must be adequately ventilated (mechanically). Ventilated rooms should not be connected to the same ventilation system supplying air to the units.
8. The room must be provided with a hose tap (hot and cold mixer), connected to a water supply, to facilitate bin washing. If the tap is located inside the room, it is not to conflict with the space designated for the placement of bins.

9. The room must be provided with an internal sensor light (automatic sensor lights are recommended).
10. A separate room or caged area with a minimum floor area of 4m<sup>2</sup> must be provided, for the interim storage and management of unwanted bulky goods.
11. The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance are these grades to be exceeded. They are to allow safe manoeuvring and servicing of the full bins by waste collection operators.
12. The room must have appropriate signage (refer to Condition: Provision of Signage for Waste Room), mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
13. Finishes and colours of the room are to complement the design of the development.

#### **Bin Measurements (mm)**

**1100L:** 1245 (d) 1370 (w) 1470 (h)

#### **109. Car Parking**

The development is required to be provided with 45 resident and 8 visitor off-street parking spaces. These parking spaces must be available at all times.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **110. 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)
Virgo Street (Stage 1)	Road Type: Local Road DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (total 18m) Pavement Design: Local (Design Guidelines Section 3.12)

The full width Virgo Street must be designed and constructed generally in accordance with the set of Civil Engineering Plans Stage 1 Job No. 171206 prepared by Australian Consulting Engineering Pty Ltd. submitted with the application.

The design must incorporate a standard kerb return radius of 7.5m based on a 4m x 4m splay corner and raised island with refuge at the intersection of Mason Road and Virgo Street.

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 Mason 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.

The Virgo Street drainage and the stormwater runoff from the upstream catchment must be directed to the Onsite Detention proposed within the development in accordance with the Stage 1 Stormwater Concept Plan Drawings 104.1 (Revision B) and 104 (Revision I) both dated 26/06/2019 and prepared by Australian Consulting Engineers Pty Ltd.

#### **b) Concrete Footpath Paving**

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

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

#### **c) Structural Certification – Retaining Walls**

Structural design details and a certification prepared by a suitably accredited engineer must be provided to support the retaining walls form part of the Virgo Street. The walls are relating to the backfilling of the existing dam, and located along the western boundary of Virgo Street.

#### **d) Central Concrete Median – Mason Road**

Construction of 900mm wide central concrete median across the Mason Road full frontage of the site to restrict turning movements to left in/left out of Virgo Street.

The construction of median will require a 900mm road widening within the site across the frontage of the site. The design must be compatible with Council's Mason Road design.

Council has commissioned a detailed concept design for Mason 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.

#### **e) 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 southern end of Virgo Street extending into the subject site (proposed lot 1).

#### **f) Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the Mason Road and Virgo Street 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.

Footpath verge design must be compatible to Council's final design.

#### **g) Stormwater Drainage – Temporary Works**

Tail out drains over the Mason Road is 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.

#### **111. Integrated Site Stormwater Management**

Temporary stormwater management in the form of combined OSD storages 1 & 2 and associated Water Quality Treatment measures including PSorb MCC cartridges and Swales, Rainwater tanks must be provided for the entire site including developed and undeveloped area of the current site.

The stormwater layout, network and the location of the OSD tanks illustrated in the set of Stormwater Concept Plan Stage 1 Project No ACE171206.SW.DA Issue I dated 26/6/2019 is considered satisfactory as a concept in principle.

The OSD tank 1 must be redesigned to ensure that no overflow occurs at all storm events including 2Yr, 5Yr, 10Yr, 20Yr, 50Yr and 100Yr ARI. The redesign must be accompanied by a revised DRAINS model, ensuring the model is consistent with the stormwater drainage network presented in the above Concept Plan.

The MUSIC models submitted with the DA must be revised to ensure that the model is reflective to the above approved concept drainage network, to determine the sizes and number of cartridges.

A minimum of 12.6Cum rainwater tank must be provided with the Building C proposed with the stage 2 to comply with the Box Hill Precinct DCP requirements.

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

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

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

All model parameters and data outputs are to be provided.

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

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

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

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.

## **112. 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 1**

Stage 1	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 4	No. of 2 Bedroom Units: 29	No. of 3 Bedroom Units: 7	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$13,952.60	\$14,773.34	\$16,909.41	\$16,909.41	\$ 55,810.41	\$ 428,426.86	\$ 118,365.87	\$ 602,603.14	\$ 16,909.41	\$ 585,693.73
Open Space - Capital	\$6,767.26	\$7,165.33	\$8,201.37	\$8,201.37	\$ 27,069.05	\$ 207,794.57	\$ 57,409.59	\$ 292,273.21	\$ 8,201.37	\$ 284,071.84
Transport Facilities - Land	\$1,074.74	\$1,137.96	\$1,302.50	\$1,302.50	\$ 4,298.97	\$ 33,000.84	\$ 9,117.50	\$ 46,417.31	\$ 1,302.50	\$ 45,114.81
Transport Facilities - Capital	\$3,801.63	\$4,025.26	\$4,607.27	\$4,607.27	\$ 15,206.53	\$ 116,732.54	\$ 32,250.89	\$ 164,189.96	\$ 4,607.27	\$ 159,582.69
Water Management - Land (KCP)	\$203.74	\$215.73	\$246.92	\$246.92	\$ 814.96	\$ 6,256.17	\$ 1,728.44	\$ 8,799.57	\$ 246.92	\$ 8,552.65
Water Management - Capital (KCP)	\$6,149.58	\$6,511.32	\$7,452.79	\$7,452.79	\$ 24,598.32	\$ 188,828.28	\$ 52,169.53	\$ 265,596.13	\$ 7,452.79	\$ 258,143.34
Administration	\$5,181.65	\$5,486.46	\$6,279.74	\$6,279.74	\$ 20,726.60	\$ 159,107.34	\$ 43,958.18	\$ 223,792.12	\$ 6,279.74	\$ 217,512.38
<b>Total</b>	<b>\$37,131.21</b>	<b>\$39,315.40</b>	<b>\$45,000.00</b>	<b>\$45,000.00</b>	<b>\$ 148,524.84</b>	<b>\$ 1,140,146.60</b>	<b>\$ 315,000.00</b>	<b>\$ 1,603,671.44</b>	<b>\$45,000.00</b>	<b>\$ 1,558,671.44</b>

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](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

## **113. Provision of Waste Servicing Path**

Prior to a Construction Certificate being issued, amended plans must be submitted showing a waste servicing path from the temporary waste room leading to the street, including kerb crossing. The path must allow the most direct access to the bins for servicing by waste collection contractors. The path shall be a minimum width of 1.5m, not exceed a grade of 1:120 (5%) and shall be constructed of concrete with a smooth non-slip finish.

## **PRIOR TO WORK COMMENCING ON THE SITE**

## **114. 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.



## **DURING CONSTRUCTION**

### **115. Dam Dewatering Requirements**

The recommendations of the Dam Dewatering Assessment prepared by Martens Consulting Engineering Pty Ltd, referenced as P1706163JR01V01, dated November 2017 and the Aquatic Ecology Dam Dewatering Report prepared by Narla Environmental, referenced as Idar2, dated November 2017 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Dam water is to be disposed of by irrigation to the site. Dam water is to be prevented from flowing off site.

Native fauna is to be rescued and relocated. Introduced species are to be euthanized.

## **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

### **116. Security Bond – Temporary Retaining Walls**

A security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary retaining walls proposed to support the Virgo Street construction. 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 retaining walls 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. The bond amount will be calculated in accordance with external work bond estimation referenced under the condition No.36 of this consent.

This bond is not required if the temporary retaining walls are not required to be constructed.

### **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 Virgo Street.

#### **b) Dedication – Road Widening**

The dedication of the proposed 900mm wide road widening strip must be included on the final plan in accordance with the undertaking submitted relating to dedication of Mason Road widening.

#### **c) Easement – Temporary Public Access**

A temporary public access easement must be created within proposed lot 1 over the temporary cul-de-sac turning head using the "temporary public access easement" terms included in the standard recitals.

## **STAGE 2**

## **GENERAL MATTERS**

### **118. Tree Removal – Stage 2**

Approval is granted for the removal of Tree 78, 79, 80, 81, 90, 91, 92, 98, 99, 100 as numbered in Pre development Tree Inspection Report prepared by Treehaven Environscapes dated 3/10/2017 and Temporary Communal Open Space landscaping for

Stage 1. 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.

#### **119. Approved Subdivision Concept Plan**

The subdivision component of the development must be carried out in accordance with the approved layout shown on the 'Subdivision and Soft Soil Plan' Job No. 28469 Drawing No. 0011 prepared by IDRAFT Architects Revision E dated 03/10/2019 except where amended by other conditions of consent.

The splay corner provided at the intersection of Virgo Street and Mason Road (north-western corner must be amended to provide a 4m x 4m opposed to the 2.872m.

#### **120. Requirements for Public Drainage Reserve**

Proposed public drainage reserve of 5m wide must be designed to Council's requirements, which must include drainage pipe sized for 1 in 20year storm event and safe overland flow path designed to convey the 1 in 100 year ARI storm.

Any retaining structures designed to contain the overland flow must be elevated to provide atleast 300mm freeboard above the 1 in 100 year ARI flood level.

Buildings and structures, including footings and brick fences, adjacent to proposed drainage reserve must be located wholly outside the public drainage reserve. A design must be provided by a structural engineer certifying that the structure will not impart a load on the pipe in the Reserve.

#### **121. Street Trees**

Street trees must be provided for the section of Tucana 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.

#### **122. Construction of Waste Room**

The waste room must be designed and constructed in accordance with the below requirements. Minimum storage capacity must be provided for 13 x 1100 litre garbage bins and 13 x 1100 litre recycling bins.

1. The layout of the room must ensure that each bin is easily accessible and manoeuvrable in and out of the room with minimal or no manual handling of other bins.
2. The walls of the room must be constructed of brickwork.
3. The floor of the room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The room 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 serving doors are roller doors.
5. The room 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 doors must be clear of the areas designated for truck manoeuvring and loading.

6. All doors of the rooms, when fully opened, must be flush with the **outside wall** and must not block or obstruct the driveway or footway. All doors must be able to be fixed in position when fully opened.
7. The room must be adequately ventilated (mechanically). Ventilated rooms should not be connected to the same ventilation system supplying air to the units.
8. The room must be provided with a hose tap (hot and cold mixer), connected to a water supply, to facilitate bin washing. If the tap is located inside the room, it is not to conflict with the space designated for the placement of bins.
9. The room must be provided with an internal sensor light (automatic sensor lights are recommended).
10. The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance are these grades to be exceeded. They are to allow safe manoeuvring and servicing of the full bins by waste collection operators.
11. The room must have appropriate signage (refer to Condition: Provision of Waste Room Signage), mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
12. Finishes and colours of the room are to complement the design of the development.

#### **Bin Measurements (mm)**

**1100L:** 1245 (d) 1370 (w) 1470 (h)

#### **123. Car Parking**

The development is required to be provided with 111 resident and 25 visitor off-street parking spaces. These parking spaces must be available at all times.

#### **124. Access and Loading for Waste Collection**

Minimum vehicle access and loading facilities must be provided and designed in accordance with Australian standard 2890.2-2002 for the standard 8.8m long Medium Rigid Vehicle, with the exception that the minimum clear vertical clearance is 3.5m. The following additional requirements are applicable:

1. All manoeuvring and loading areas for 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.
2. Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
3. The requirement for reversing is limited to a single reverse entry manoeuvre into the designated service bay. The service bay must allow additional space for access and loading and have appropriate no parking signage.
4. All manoeuvring areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian standard 2890.1 to warn waste collection contractors of the low headroom area.

5. The loading area must have a sufficient level of lighting, and allow additional space for access and loading (e.g. wheeling a bulk bin to the back of the collection vehicle for rear load collection).
6. Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium and heavy vehicles, remote access or other measure to ensure there is no requirement for collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

#### **125. Construction of Bulk Storage Waste Room**

The bulk storage waste room must be designed and constructed in accordance with the requirements below. A minimum floor area of 10m<sup>2</sup> must be provided.

1. The walls of the room must be constructed of brickwork.
2. The floor must be level and constructed of concrete with a smooth non-slip finish.
3. The room must have a door (lockable), with a minimum clear floor width of 2m. The door must be located to allow the most direct access to the room by collection contractors. Acceptable doors are single or double swinging doors.
4. The door, when fully opened, must be flush with the **outside wall** and must not block or obstruct the truck loading bay. All doors must be able to be fixed in position when fully opened.
5. The room must be adequately ventilated. Note ventilated rooms should not be connected to the same ventilation system supplying air to the units.
6. The room must be provided with an internal light (automatic sensor lights are recommended).
7. The room must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
8. Finishes and colours of the rooms are to complement the design of the development.

### **PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE**

#### **126. Council's Confirmation – Stage 2 Works**

The Stage 2 works require construction of Tucana Street to provide a public road access to the approved lot 3 under this consent. This relies on extension of Tucana Street extension from either eastern or western part of the public road, to be provided by adjoining properties if/ when they are developed.

Council's confirmation verifying the availability of public road access on either of the properties to the east or west must be obtained prior to issue a construction certificate for the stage 2 works.

#### **127. 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)
Tucana Street (Stage 2)	Road Type: Local Road DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (total 18m) Pavement Design: Local ( (Design Guidelines Section 3.12)

The full width Virgo Street must be designed and constructed generally in accordance with the set of Civil Engineering Plans Stage 2 & 3 Job No. 171206 Revision H dated 02/07/2019 prepared by Australian Consulting Engineering Pty Ltd. submitted with the application. (Note: The Stage 2 & 3 must be amended to read Stage 2 as stage 3 is not part of the subject application).

The Tucana Street profile must be designed to be consistent with the approved design relating to the adjoining properties. The extended design profile must be provided to ensure the consistency at the construction certificate stage.

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, collected and disposed to a suitable lawful point of discharge.

**b) Temporary Turning Heads**

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

A temporary turning head is required within the site at the eastern or western end of Tucana Street depending on the side from where the Tucana Road is proposed to be extended from to the subject site.

**c) Drainage Reserve (Pathway/ Local Drainage Link)**

A 5m wide pathway/ local drainage link must be constructed along the western boundary of the stage 2 area in accordance with the approved plan. The design of this pathway/ local drainage link must comply with the above documents and the relevant section of the DCP.

Any retaining walls if proposed along the boundaries of the drainage link to contain the overland flow, the height of retaining wall is to be elevated atleast 300mm above the estimated 1 in 100 year ARI flood level to provide adequate freeboard.

The retaining walls including footing must be kept outside the drainage reserve.

**d) Concrete Footpath Paving**

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

#### **e) Footpath Verge Formation**

The grading, trimming, topsoiling and turfing of the Tucana Street 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.

#### **128. Integrated Site Stormwater Management**

Temporary stormwater management in the form of combined OSD storages 1 & 2 and associated Water Quality Treatment measures including PSorb MCC cartridges and Swales, Rainwater tanks must be provided for the entire site including developed and undeveloped area of the current site.

The stormwater layout, network and the location of the OSD tanks illustrated in the Stormwater Concept Plan Stage 2 The stormwater layout, network and the location of the OSD tanks illustrated in the set of Stormwater Concept Plan Stage 2 Project No ACE171206.SW.DA Issue 1 dated 26/6/2019 is considered satisfactory as a concept in principle.

The OSD tank 1 must be redesigned to ensure that no overflow occurs at all storm events including 2Yr, 5Yr, 10Yr, 20Yr, 50Yr and 100Yr ARI. The redesign must be accompanied by a revised DRAINS model, ensuring the model is consistent with the stormwater drainage network presented in the above Concept Plan.

The MUSIC models submitted with the DA must be revised to ensure that the model is reflective to the above approved concept drainage network, to determine the sizes and number of cartridges.

A minimum of 8.8Cum rainwater tank must be provided with the Building C proposed with the stage 2 to comply with the Box Hill Precinct DCP requirements.

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

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

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

- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

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

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

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

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.

### **129. 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**

Stage 2	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4 Subdivision	Purpose: 5 Credit	No. of 1 Bedroom Units: 9	No. of 2 Bedroom Units: 39	No. of 3 Bedroom Units: 9	No. of Lots: 2	Sum of Units	No. of Credits: 1	Total \$7.11
Open Space - Land	\$13,952.60	\$14,773.34	\$16,909.41	\$16,909.41	\$16,909.41	\$ 55,810.41	\$ 428,426.88	\$ 118,365.87	\$ 33,818.82	\$ 636,421.96	\$ 16,909.41	\$ 619,512.55
Open Space - Capital	\$6,767.26	\$7,165.33	\$8,201.37	\$8,201.37	\$8,201.37	\$ 27,069.05	\$ 207,794.57	\$ 57,409.59	\$ 16,402.74	\$ 308,675.95	\$ 8,201.37	\$ 309,474.58
Transport Facilities - Land	\$1,074.74	\$1,137.96	\$1,302.50	\$1,302.50	\$1,302.50	\$ 4,298.97	\$ 33,000.84	\$ 9,117.50	\$ 2,605.00	\$ 49,023.31	\$ 1,302.50	\$ 47,719.81
Transport Facilities - Capital	\$3,801.63	\$4,025.26	\$4,607.27	\$4,607.27	\$4,607.27	\$ 15,206.53	\$ 116,732.54	\$ 32,250.89	\$ 9,214.54	\$ 173,404.50	\$ 4,607.27	\$ 168,797.23
Water Management - Land (KCP)	\$203.74	\$215.73	\$246.92	\$246.92	\$246.92	\$ 814.96	\$ 6,256.17	\$ 1,728.44	\$ 493.84	\$ 9,293.41	\$ 246.92	\$ 9,046.49
Water Management - Capital (KCP)	\$6,149.58	\$6,511.12	\$7,452.79	\$7,452.79	\$7,452.79	\$ 24,598.32	\$ 189,628.28	\$ 52,169.53	\$ 14,905.58	\$ 280,501.71	\$ 7,452.79	\$ 273,048.92
Administration	\$5,181.65	\$5,486.46	\$6,279.74	\$6,279.74	\$6,279.74	\$ 20,726.60	\$ 159,107.36	\$ 43,958.18	\$ 12,559.48	\$ 236,351.60	\$ 6,279.74	\$ 230,071.86
<b>Total</b>	<b>\$37,131.21</b>	<b>\$39,315.40</b>	<b>\$45,000.00</b>	<b>\$45,000.00</b>	<b>\$45,000.00</b>	<b>\$ 148,524.84</b>	<b>\$ 1,140,146.60</b>	<b>\$ 315,000.00</b>	<b>\$ 90,000.00</b>	<b>\$ 1,693,671.44</b>	<b>\$ 45,000.00</b>	<b>\$ 1,648,671.44</b>

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](http://www.thehills.nsw.gov.au) or a copy may be inspected or purchased at Council's Administration Centre.

### **130. Internal Pavement Structural Design Certification**

Prior to a Construction Certificate being issued, a Certified Practising 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.

## **PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE**

### **131. 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 Tucana Street.

**b) Dedication – Local Drainage Link/ Pathway**

The dedication of the proposed local drainage link/ pathway must be included on the final plan in accordance with the undertaking submitted relating to dedication of proposed drainage reserve.

**c) Easement – Batter/ Support**

An easement for batter/ support must be provided within lotd 2 adjacent to Tucana Street using the “easement for batter/ support of public road” terms included in the standard recitals.

**d) Restriction – Residue Lots**

Lot 3 must be burdened with a restriction using the “residue lots” terms included in the standard recitals.

**e) Easement – Temporary Public Access**

A temporary public access easement must be created within proposed lot 3 over the temporary cul-de-sac turning head using the “temporary public access easement” terms included in the standard recitals.

**132. Security Bond – Temporary Public Road**

A \$25,000.00 security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary road. 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 road 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 road is not required to be constructed.

**133. 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.

**134. Risk Assessment for Domestic Waste Collection**

Prior to an Occupation Certificate being issued, an onsite risk assessment relating to waste collection from the site must be undertaken by Council and its contractor. The time for the assessment must be arranged with Council when clear unobstructed circulation in and out of the basement is available for Council and its contractor to perform a mock collection run. The final approved method of waste collection from the site is at the discretion of Council on satisfactory completion of this risk assessment.



## APPENDIX A



27 March 2018

Our Ref: 169822

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

**RE: 13 Mason Road, Box Hill (1038/2018/JP)**

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 375mm 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 375mm 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.

More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).



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](mailto: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](mailto: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](http://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.

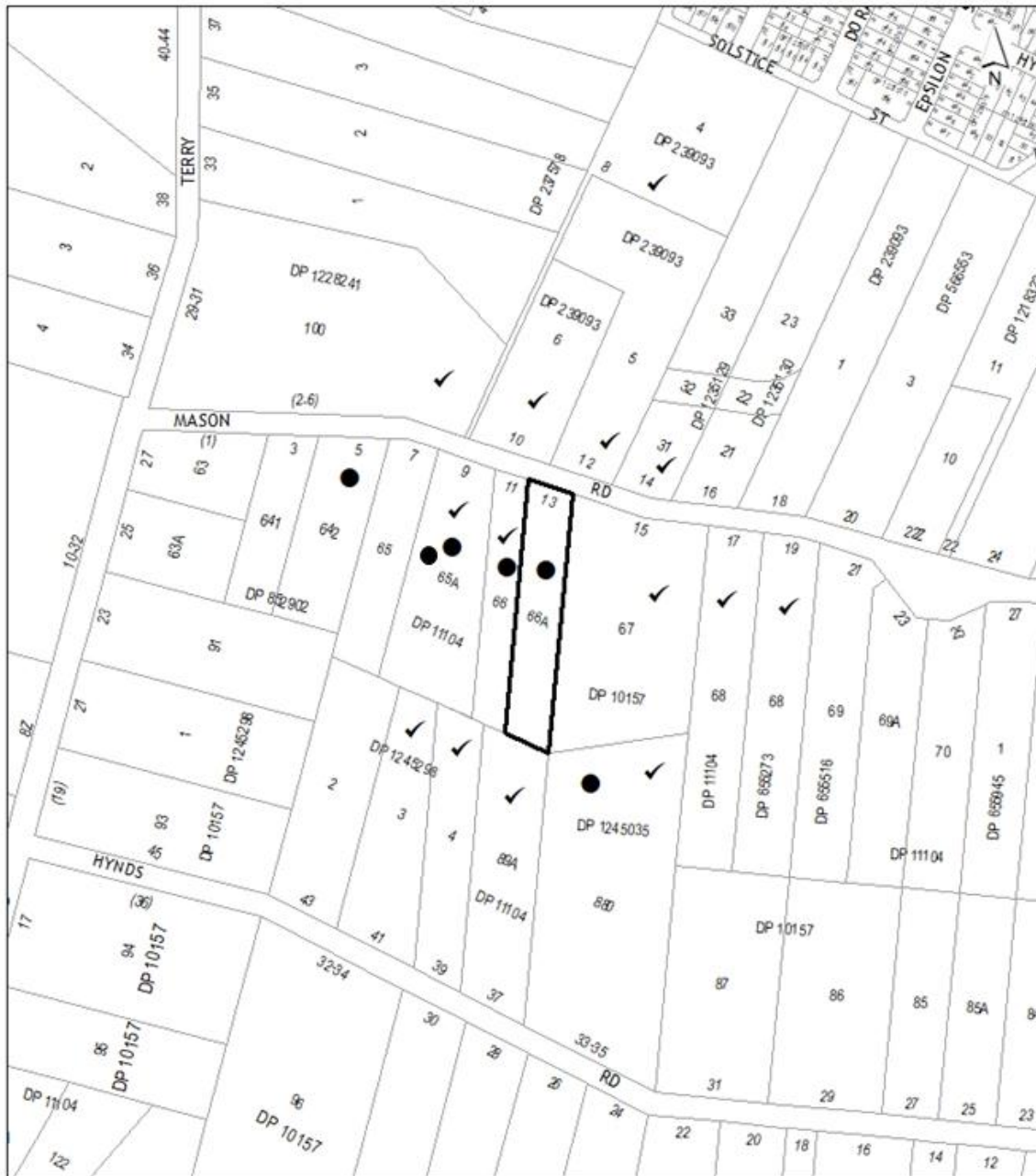
Sydney Water's [Tap in™](#) online service is available at:

<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

## **ATTACHMENTS**

1. Locality Plan
2. Aerial Photograph
3. Land Zoning Map
4. Height of Buildings Map
5. Floor Space Ratio Map
6. Residential Density Map
7. Indicative Road Layout Plan
8. Staging Plan
9. Subdivision Plan (Stages 1 and 2)
10. Site Plan (Stage 1)
11. Basement levels (Stage 1)
12. Ground Floor Detail (Stage 1)
13. Level 1 (Stage 1)
14. Levels 2 and 3 (Stage 1)
15. Levels 4 and 5 (Stage 1)
16. Level 16 (Stage 1)
17. Building A and B Elevations (Stage 1)
18. Building A and B Sections (Stage 1)
19. Building A and B Sections (Stage 1)
20. Landscape Plan (Stage 1)
21. Basement Levels (Stage 2)
22. Ground Floor and Level 1 Plan (Stage 2)
23. Levels 2 and 3 (Stage 2)
24. Levels 4 and 5 (Stage 2)
25. Level 6 (Stage 2)
26. Building C Elevations (Stage 2)
27. Building C Sections (Stage 2)
28. Landscape Plan (Stage 2)
29. Photomontages

## ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

**THE HILLS**  
Sydney's Garden Shore

### THE HILLS SHIRE COUNCIL

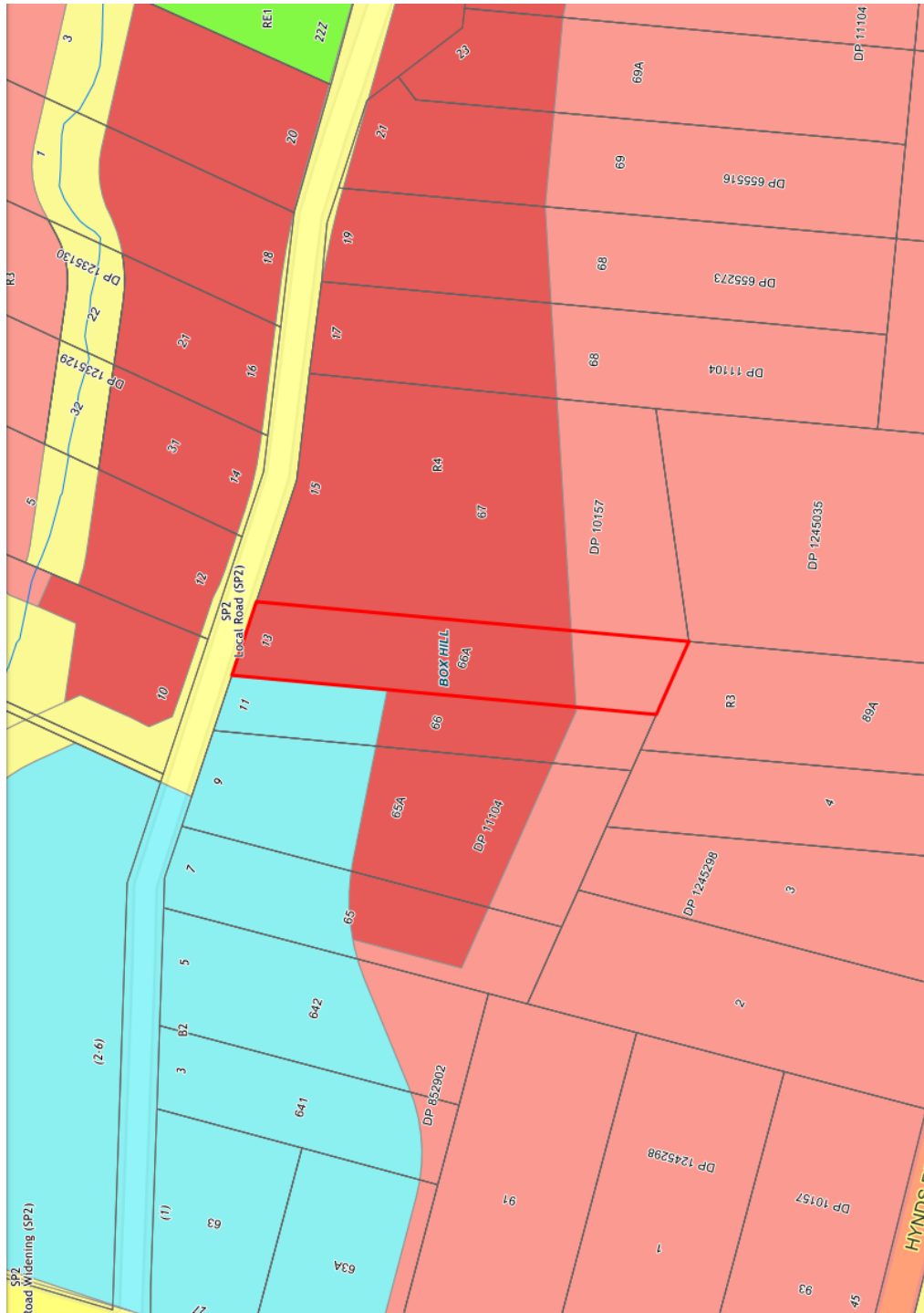
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE.  
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## ATTACHMENT 2 – AERIAL PHOTOGRAPH

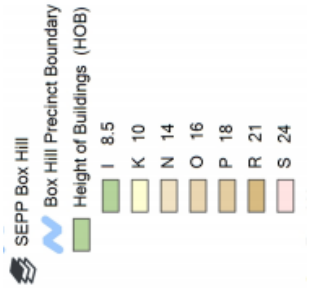
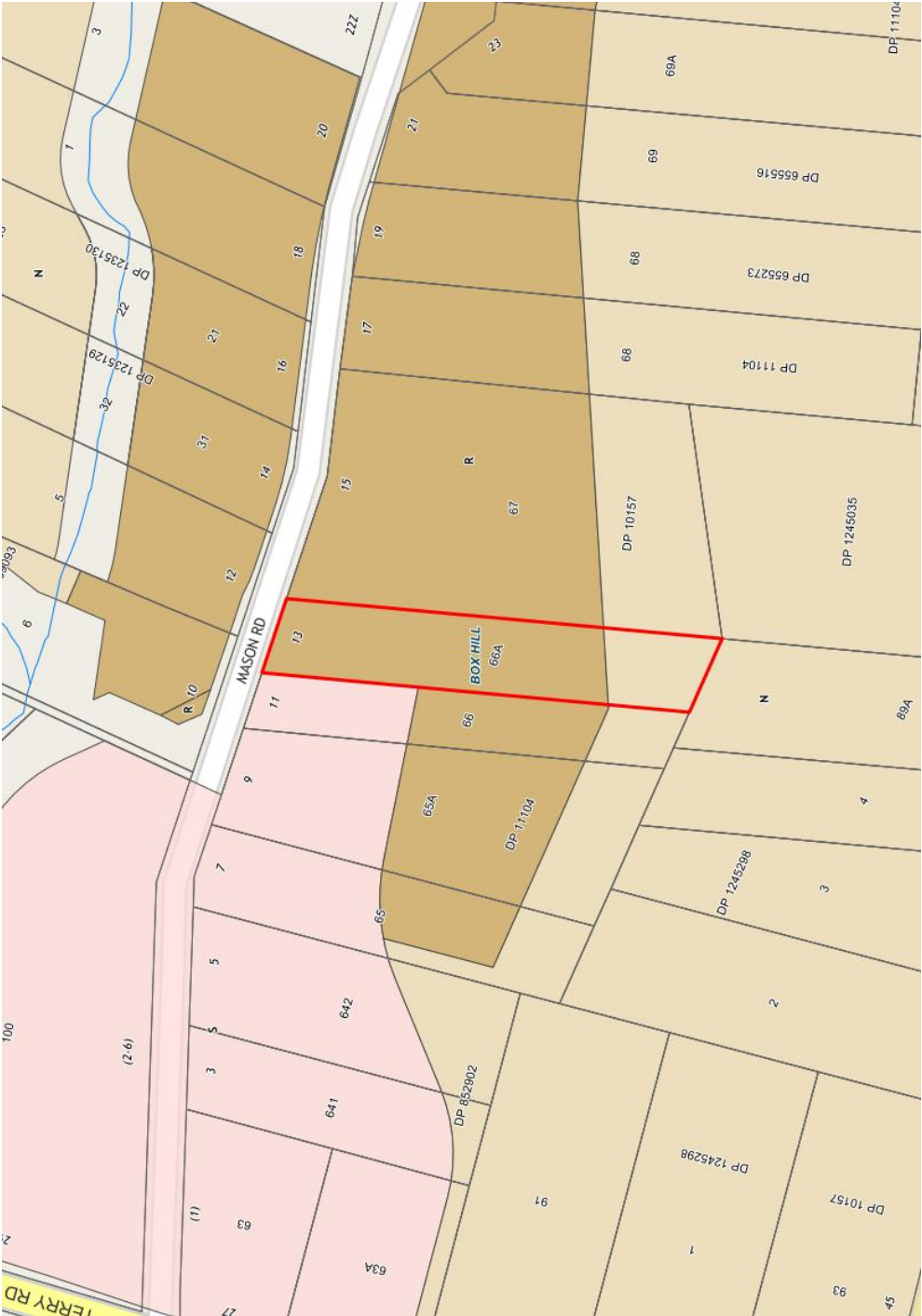


## ATTACHMENT 3 – LAND ZONING MAP



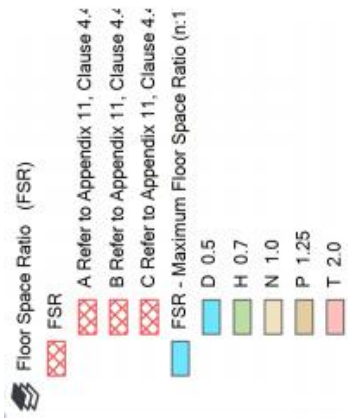
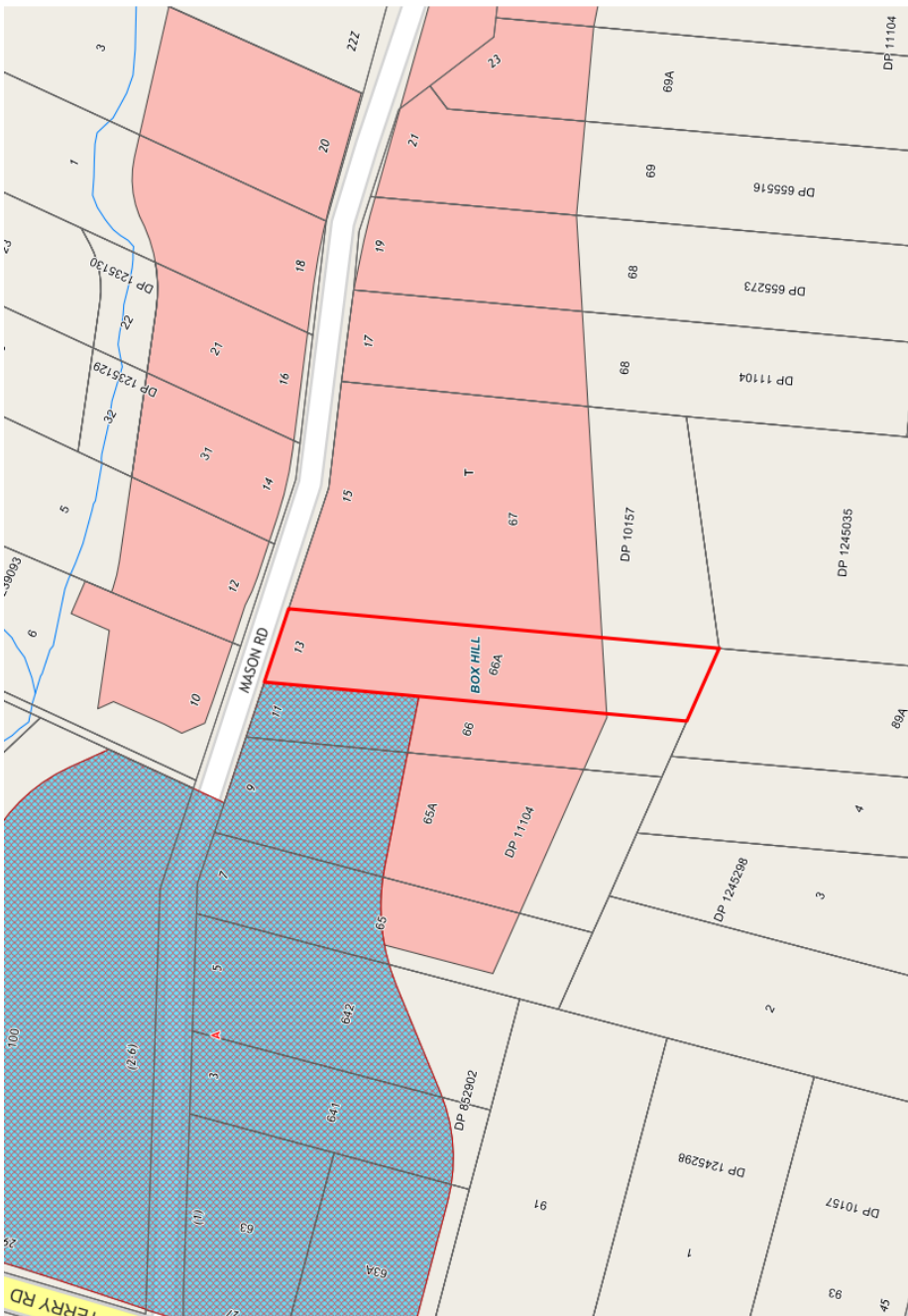
- SEPP Box Hill**
- Box Hill Precinct Boundary**
- Land Zoning (LZN)**
- B2 Local Centre
  - B6 Enterprise Corridor
  - B7 Business Park
  - E2 Environmental Conservation
  - IN2 Light Industrial
  - R1 General Residential
  - R2 Low Density Residential
  - R3 Medium Density Residential
  - R4 High Density Residential
  - RE1 Public Recreation
  - RE2 Private Recreation
  - SP2 Infrastructure

ATTACHMENT 4 – HEIGHT OF BUILDINGS MAP



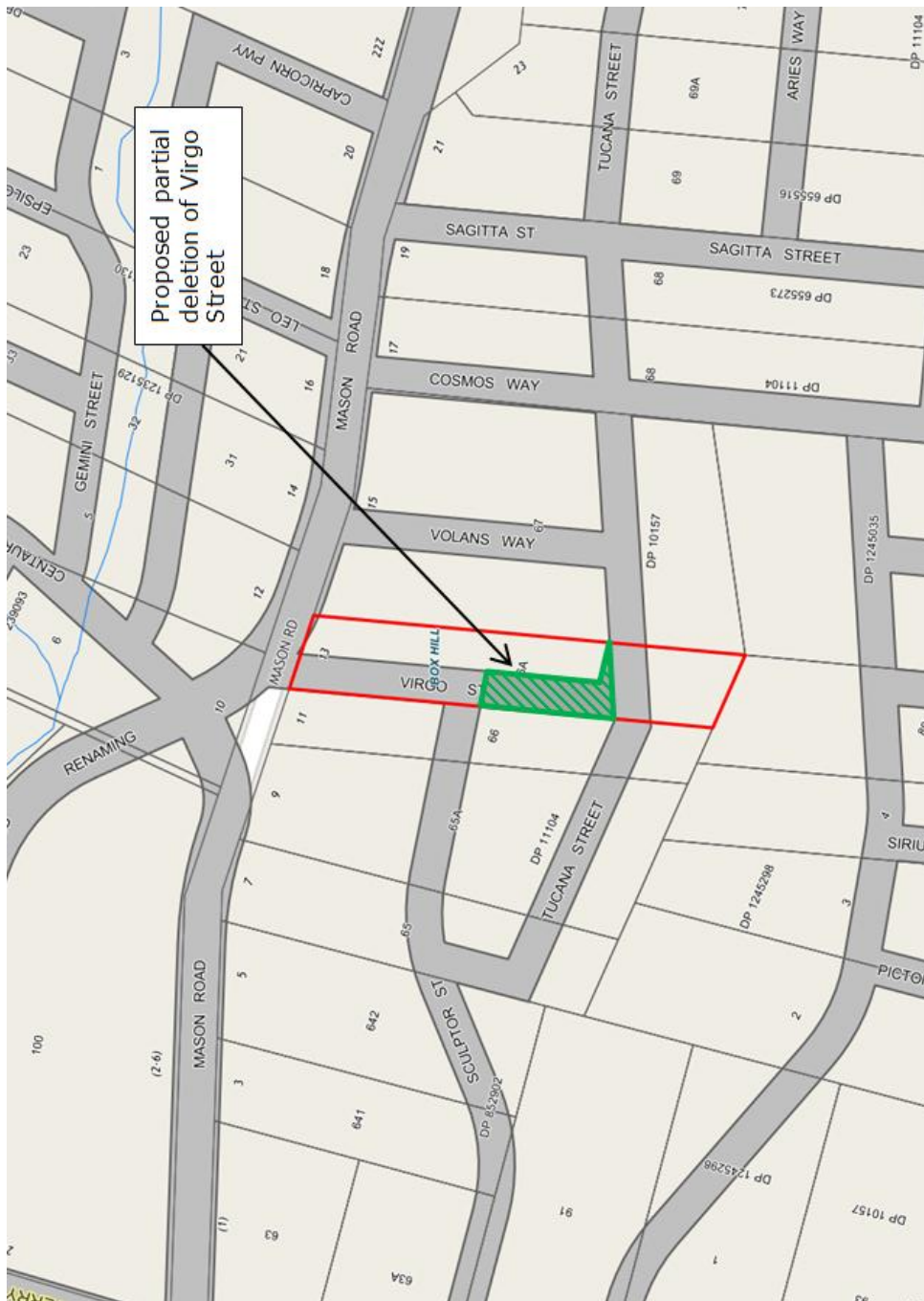


## ATTACHMENT 5 – FLOOR SPACE RATIO MAP



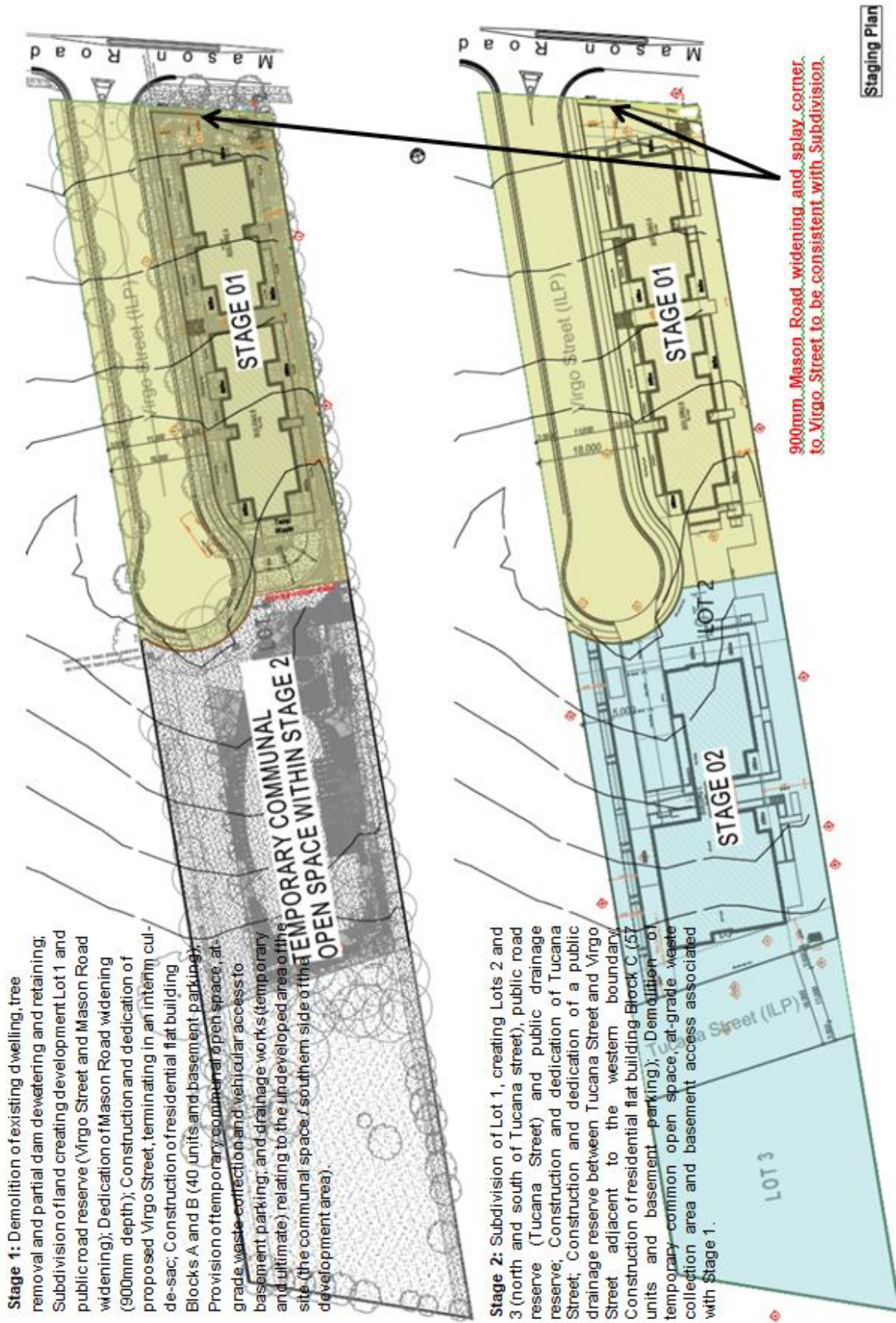


SEPP Box Hill  
Box Hill Precinct Boundary  
DCP Proposed Roads

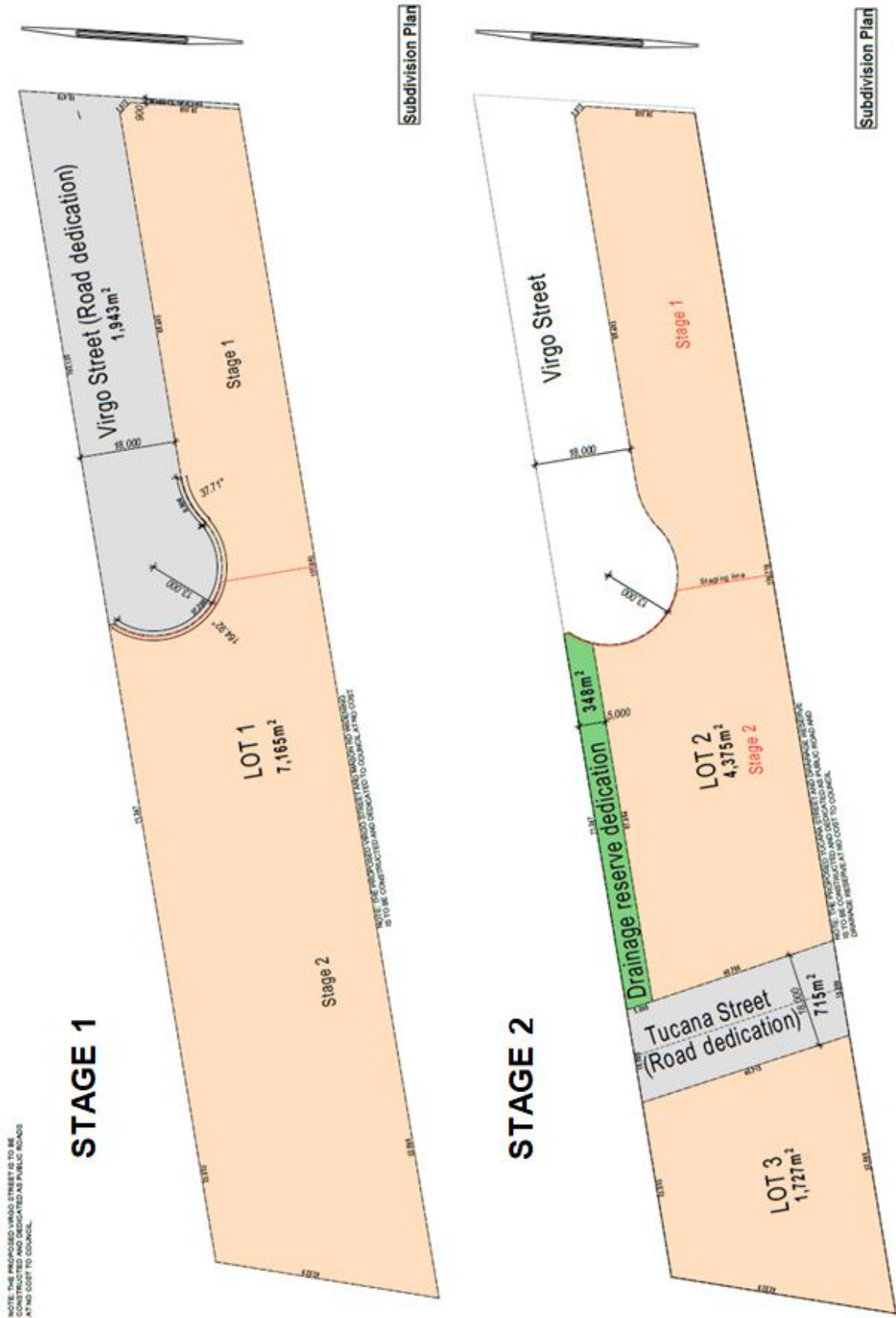




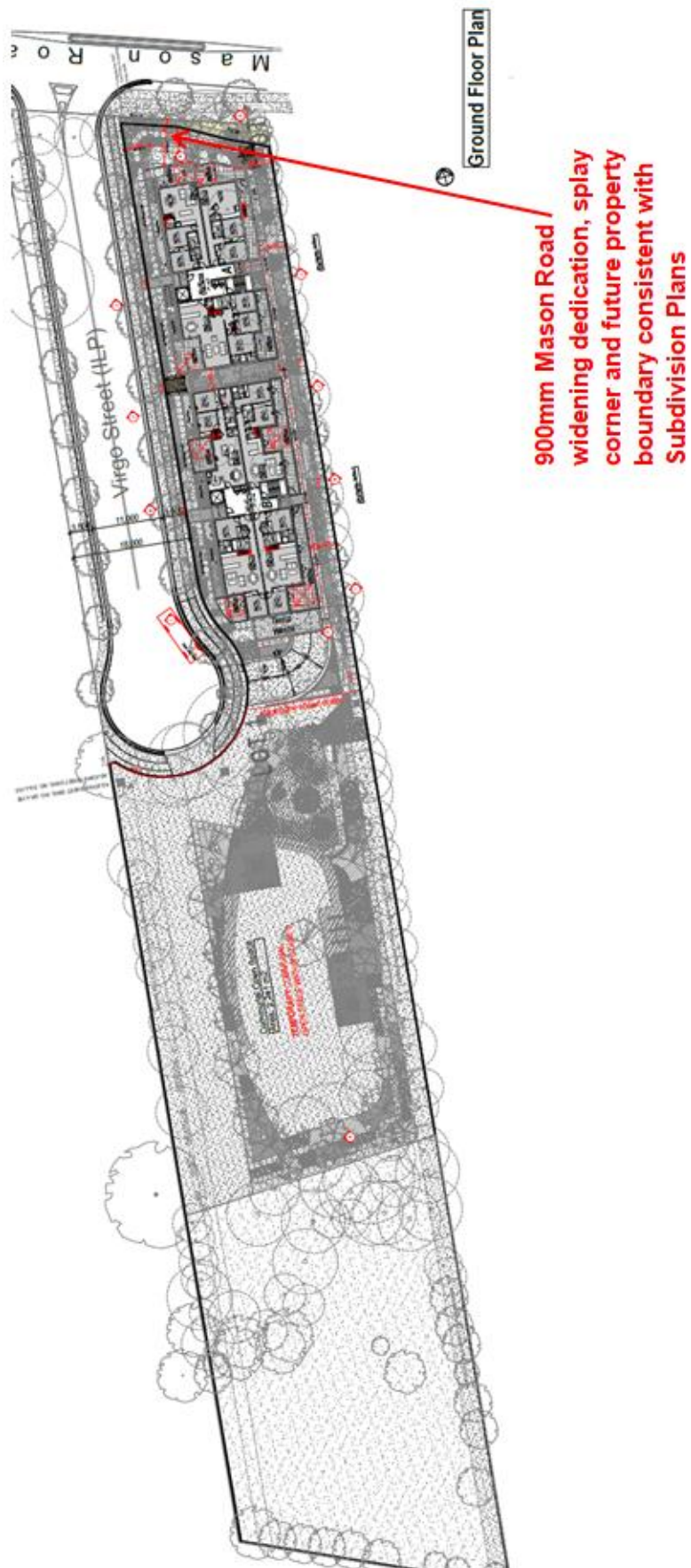
ATTACHMENT 8 – STAGING PLAN



# ATTACHMENT 9 – SUBDIVISION PLANS (STAGES 1 AND 2)

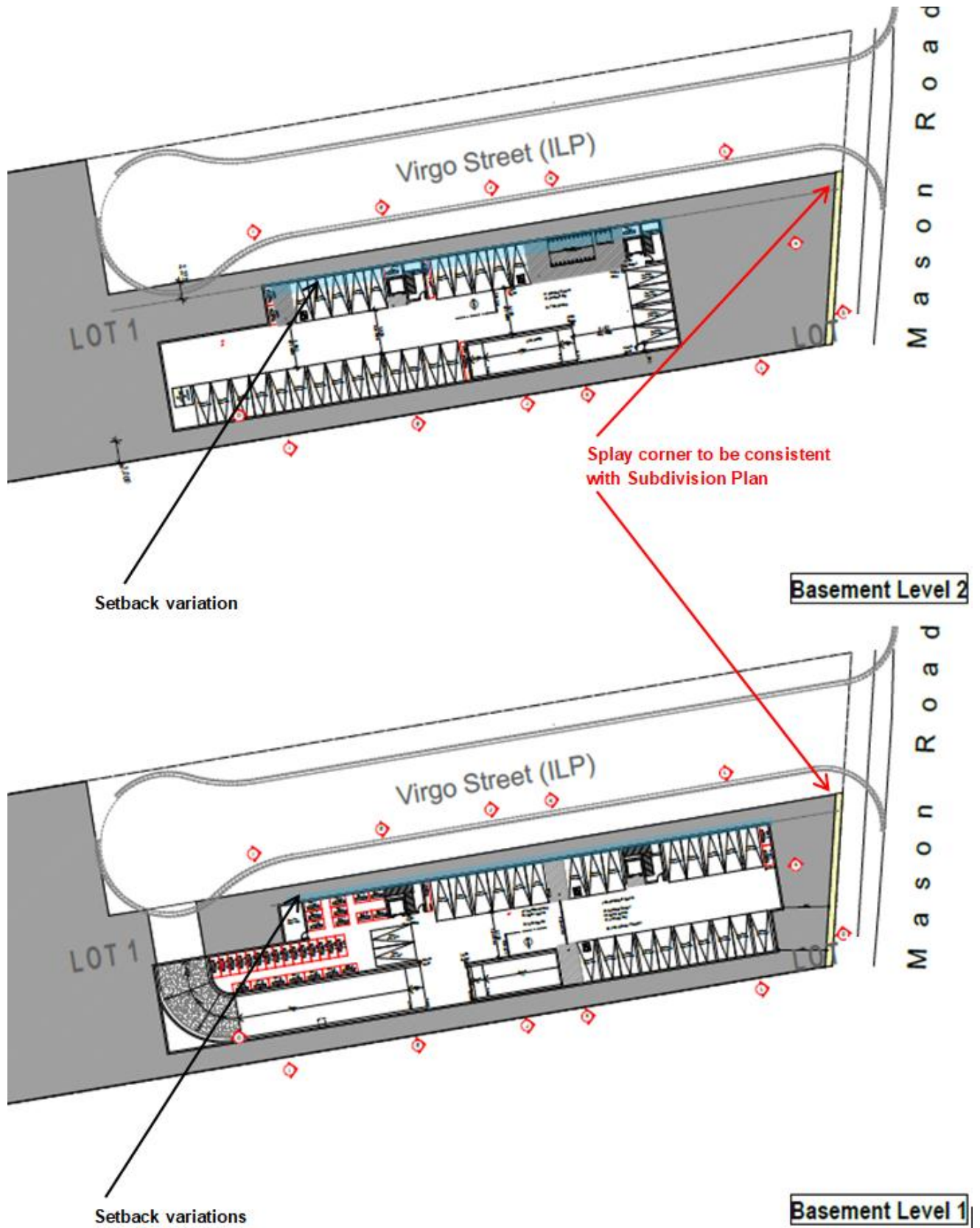


## ATTACHMENT 10 – SITE PLAN (STAGE 1)

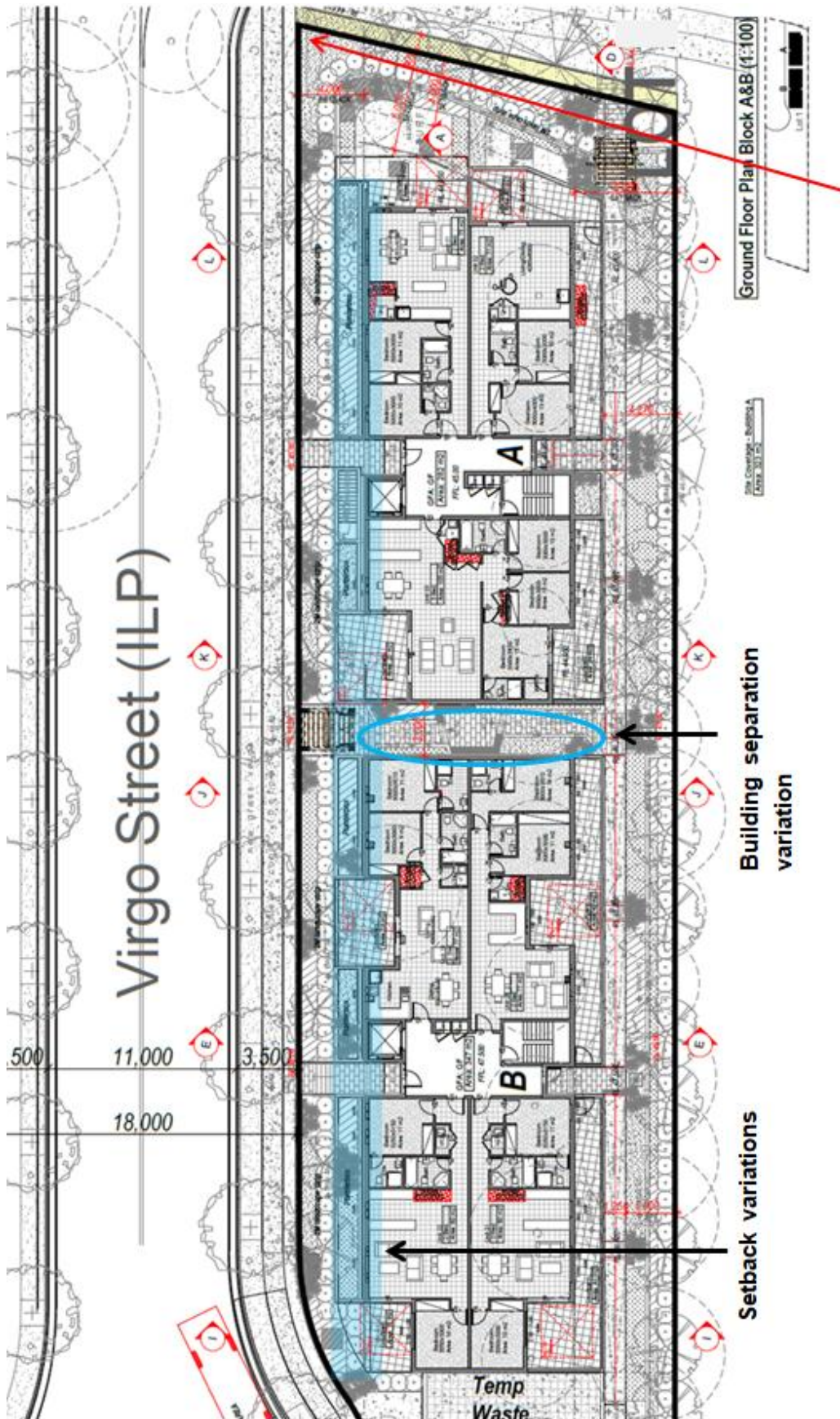




**ATTACHMENT 11 – BASEMENT LEVELS  
(STAGE 1)**

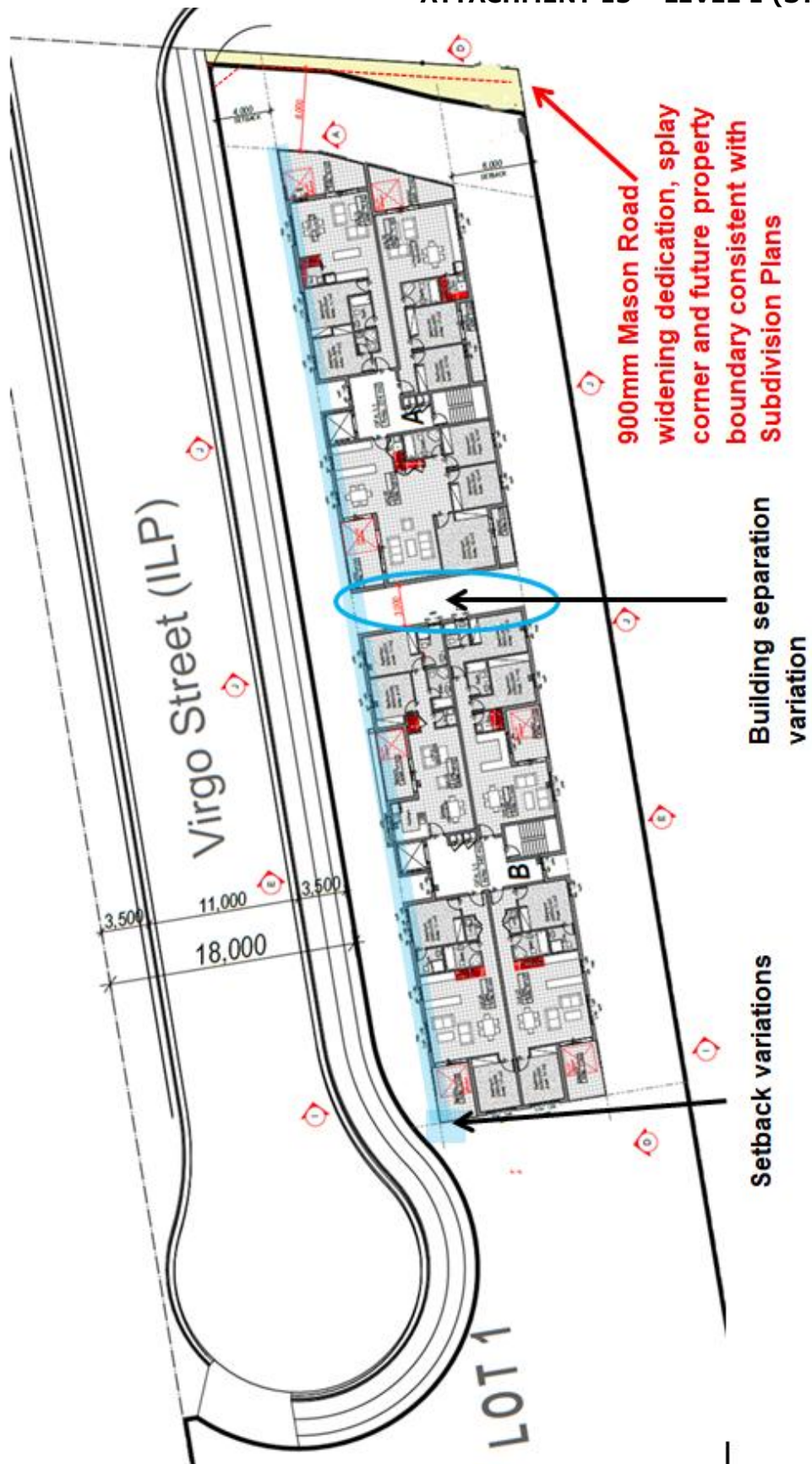


ATTACHMENT 12 – GROUND FLOOR DETAIL (STAGE 1)

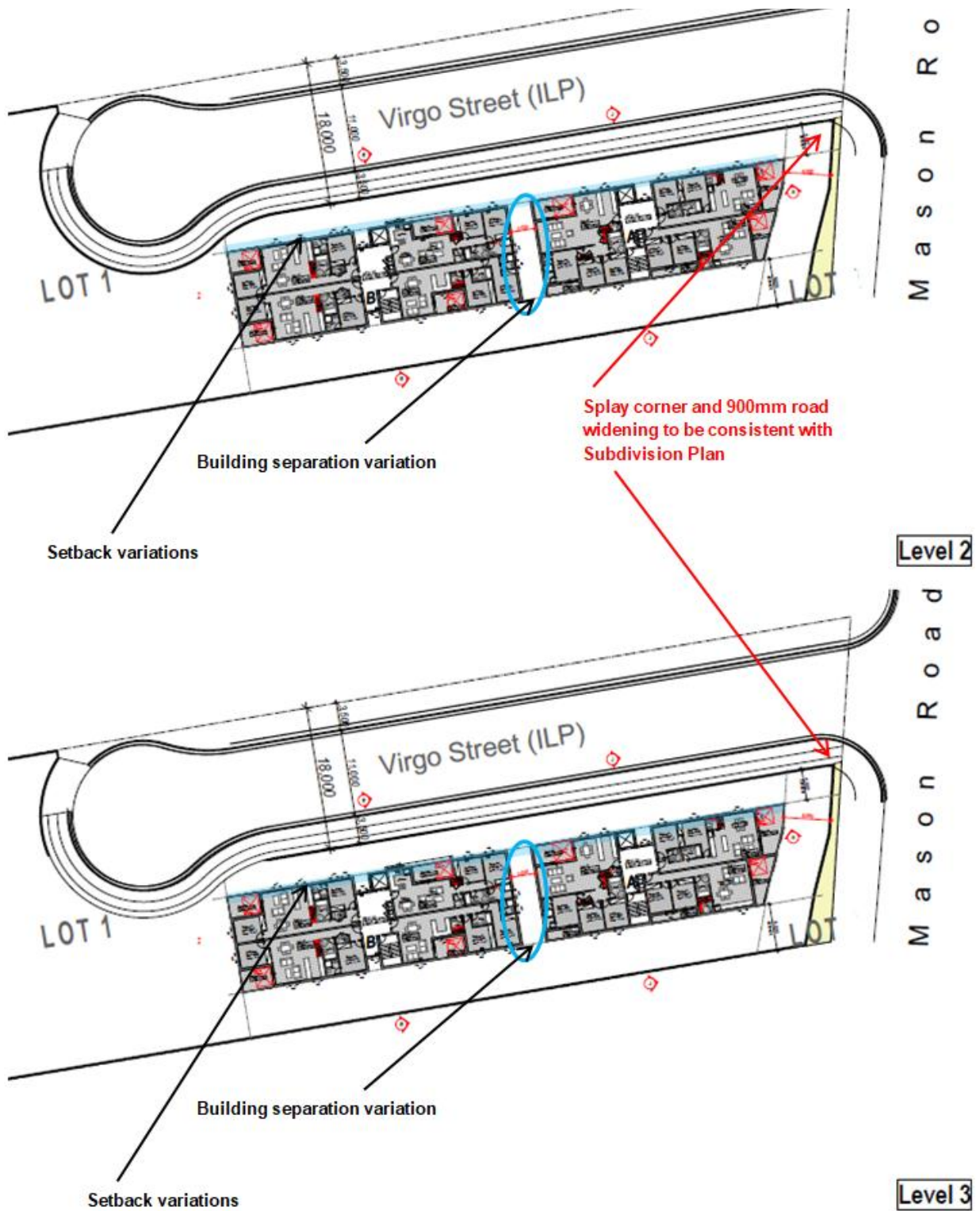




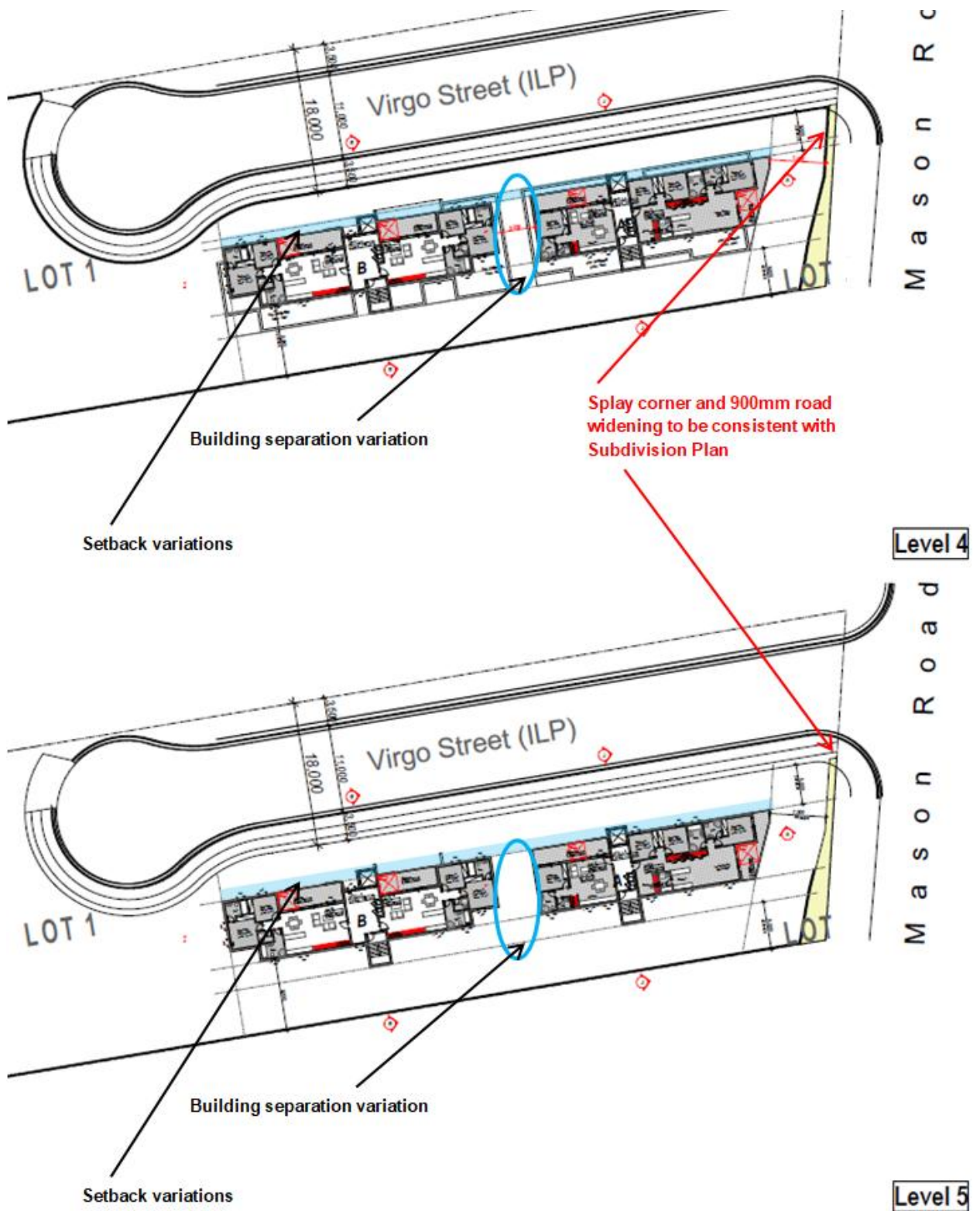
ATTACHMENT 13 – LEVEL 1 (STAGE 1)



**ATTACHMENT 14 – LEVELS 2 AND 3 (STAGE 1)**

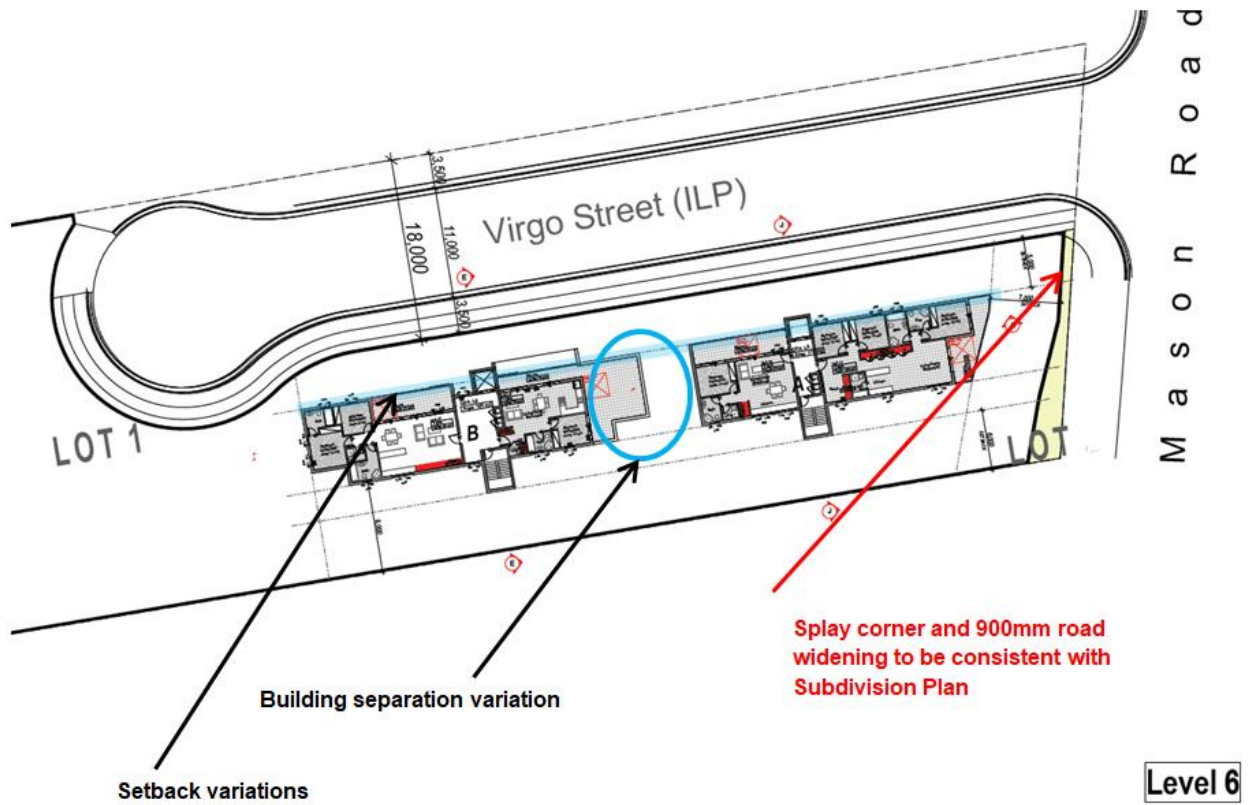


**ATTACHMENT 15 – LEVELS 4 AND 5 (STAGE 1)**

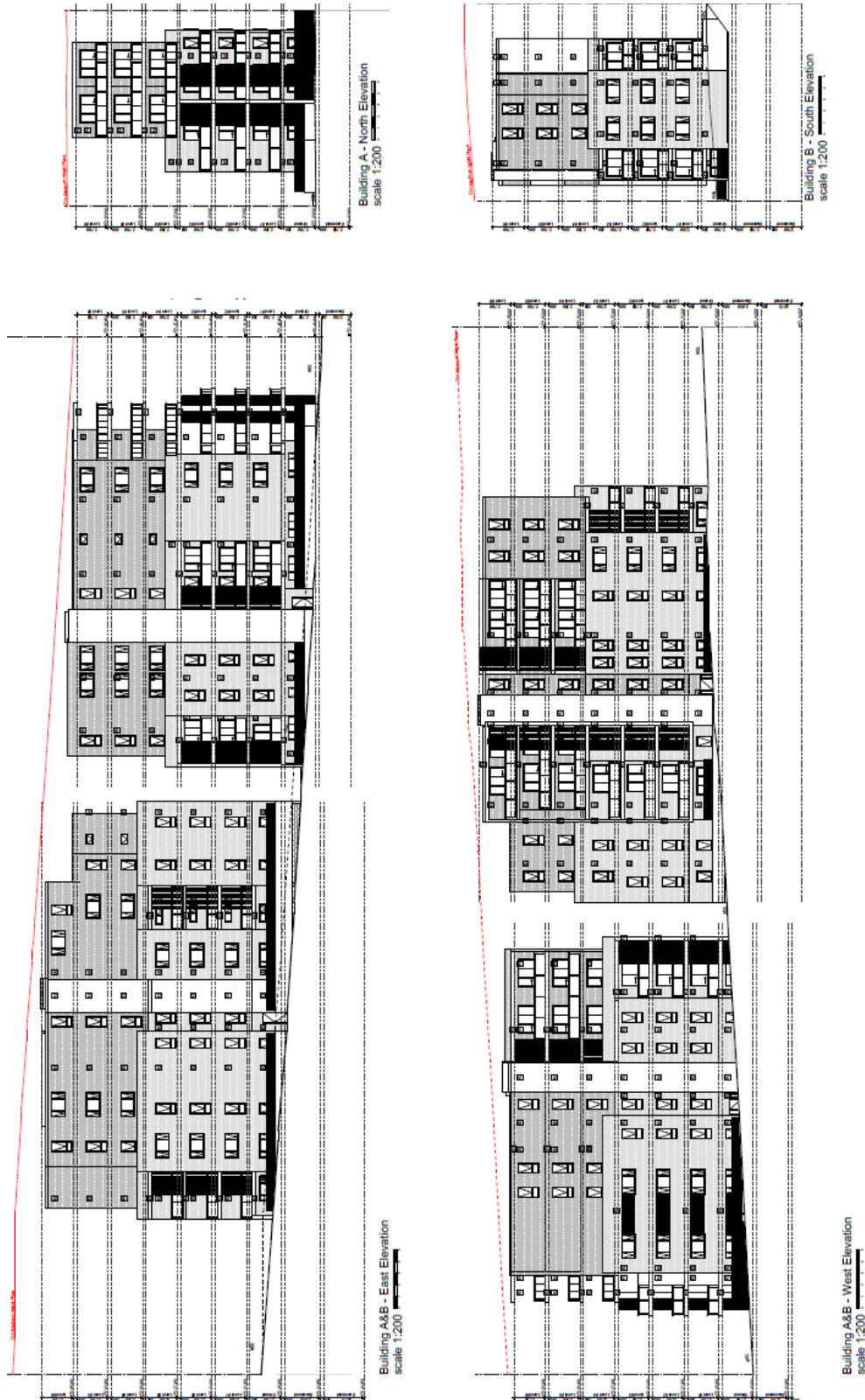




**ATTACHMENT 16 – LEVEL 6 (STAGE 1)**

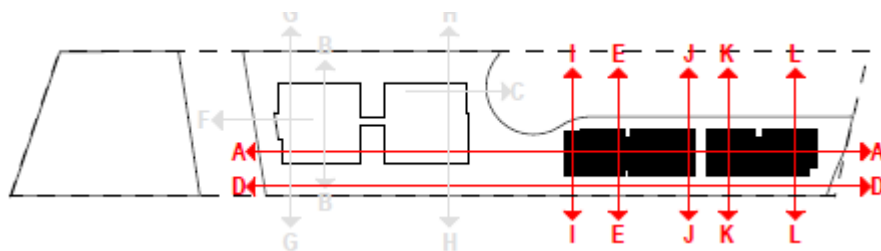
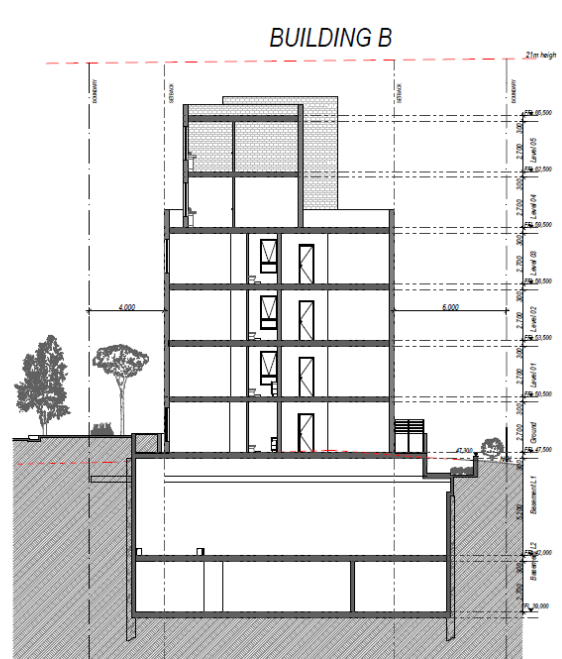
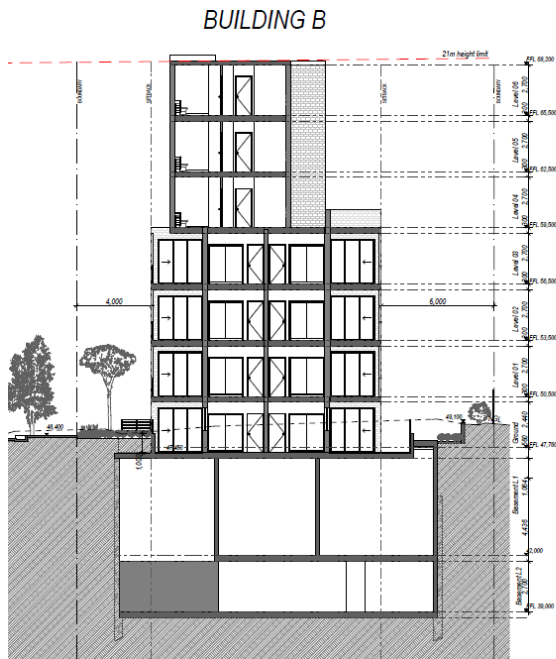
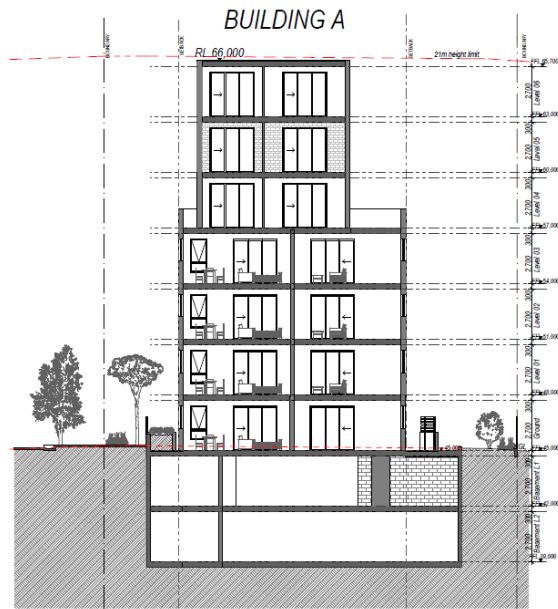
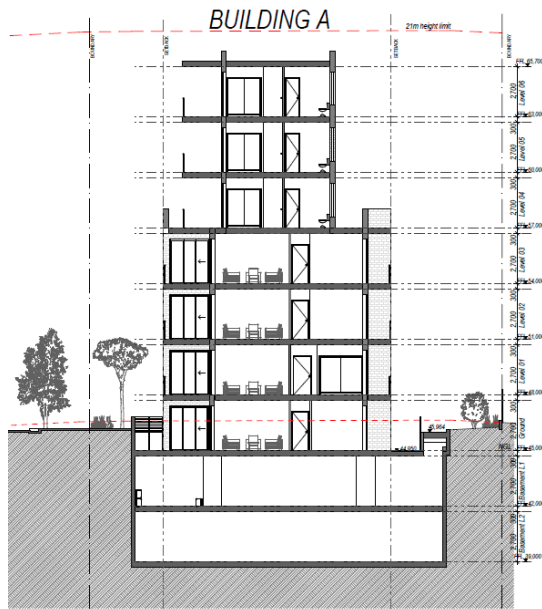


# ATTACHMENT 17 – BUILDING A AND B ELEVATIONS (STAGE 1)



MATERIAL & FINISHES	
	POWERS ALUMINUM - FEATURE BRICK TO EXTERIOR WALL - 01
	POWERS ALUMINUM - FEATURE BRICK TO EXTERIOR WALL - 02
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 03
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 04
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 05
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 06
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 07
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 08
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 09
	CLULU COMINO - FEATURE FINDER TO EXTERIOR WALL - 10

## ATTACHMENT 18 – BUILDING A AND B SECTIONS (STAGE 1)

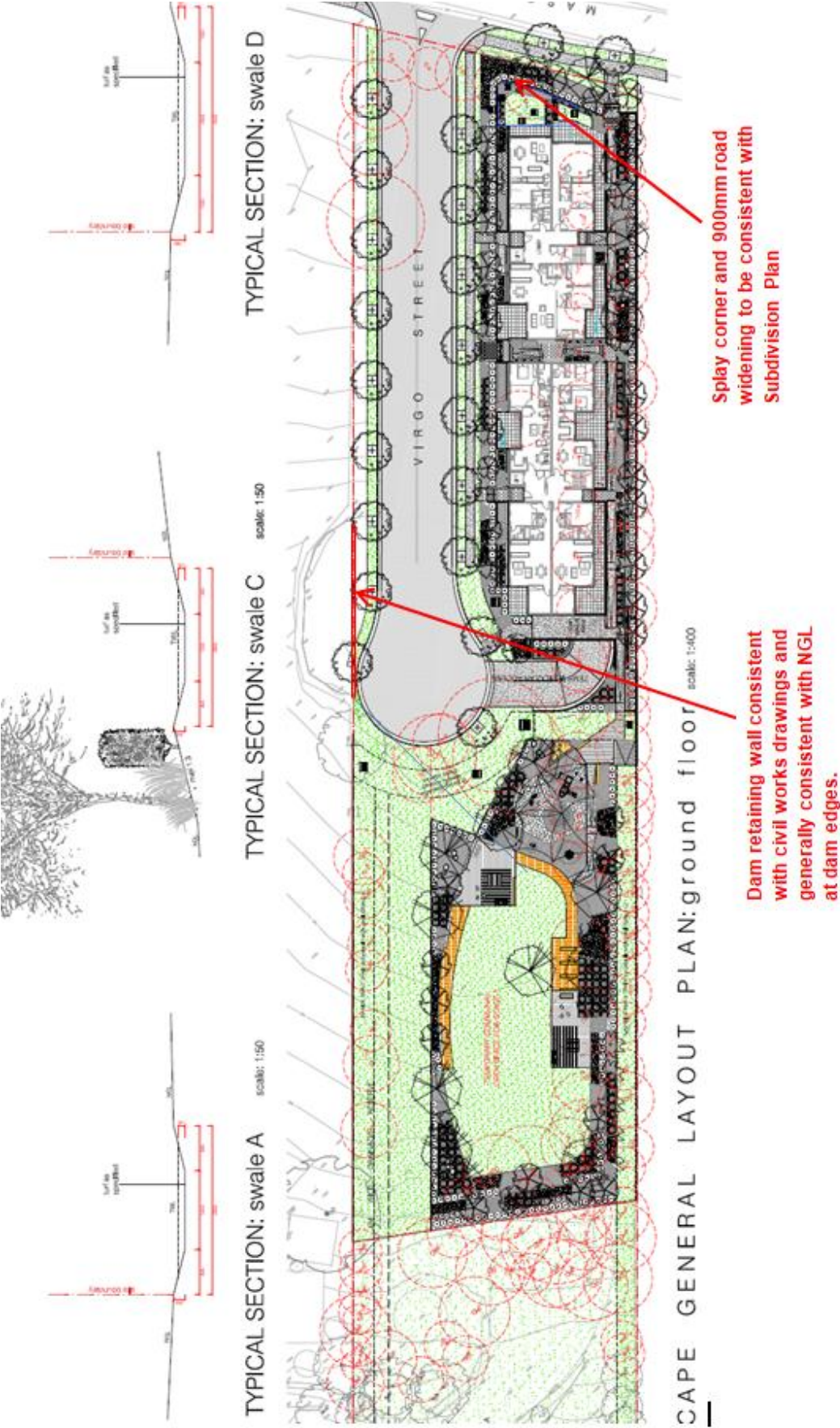


The image contains two architectural drawings. The top drawing is a plan view of a building complex. It shows a large rectangular building with a grid of windows and doors. To the right of the building is a large open area labeled 'COMMUNAL OPEN SPACE'. The drawing is oriented with 'TUCANA STREET' at the top and 'MASON ROAD' at the bottom. The drawing is labeled 'Section A scale 1:200'.

The bottom drawing is a longitudinal section of the building complex. It shows the building's profile and the surrounding landscape. The building is labeled 'BUILDING A', 'BUILDING B', and 'BUILDING C'. The section is oriented with 'TUCANA STREET' at the top and 'MASON ROAD' at the bottom. The drawing is labeled 'Section D - Communal Link (Eastern Section through Tucana - Mason Rd) Scale 1:100'.

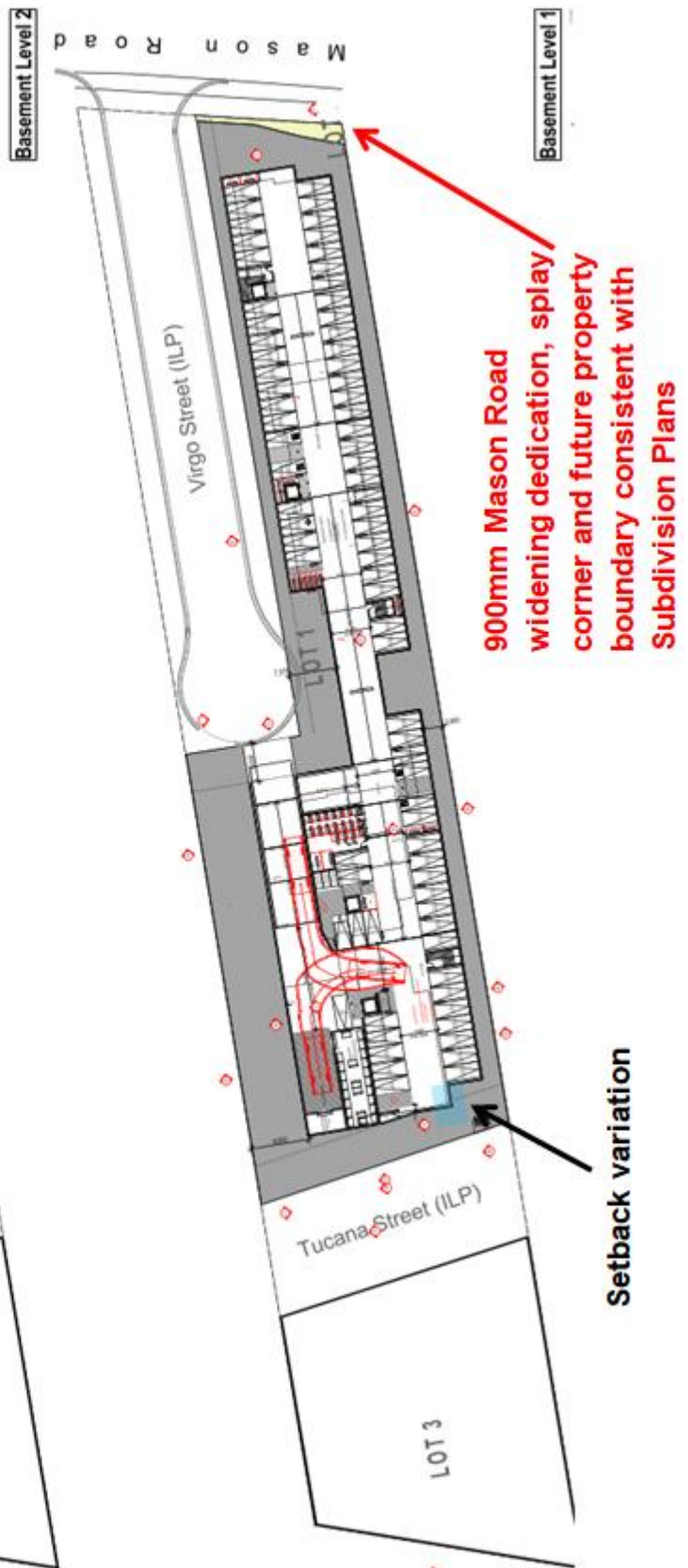
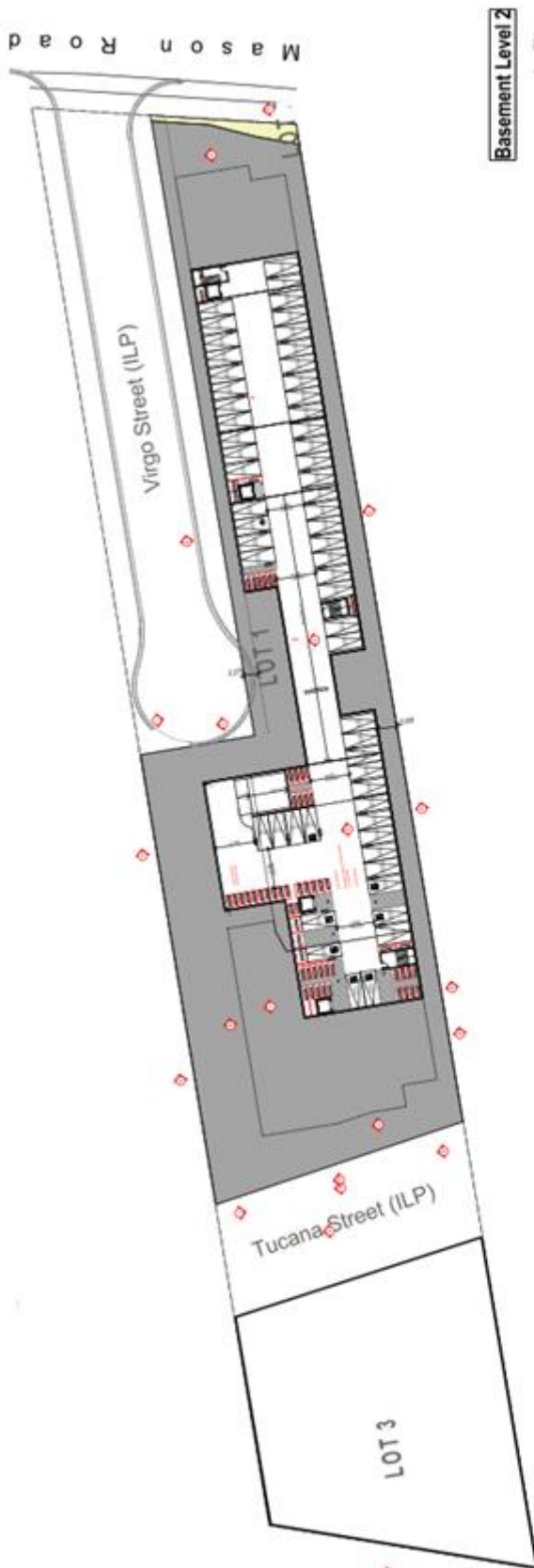


ATTACHMENT 20 – LANDSCAPE PLAN (STAGE 1)

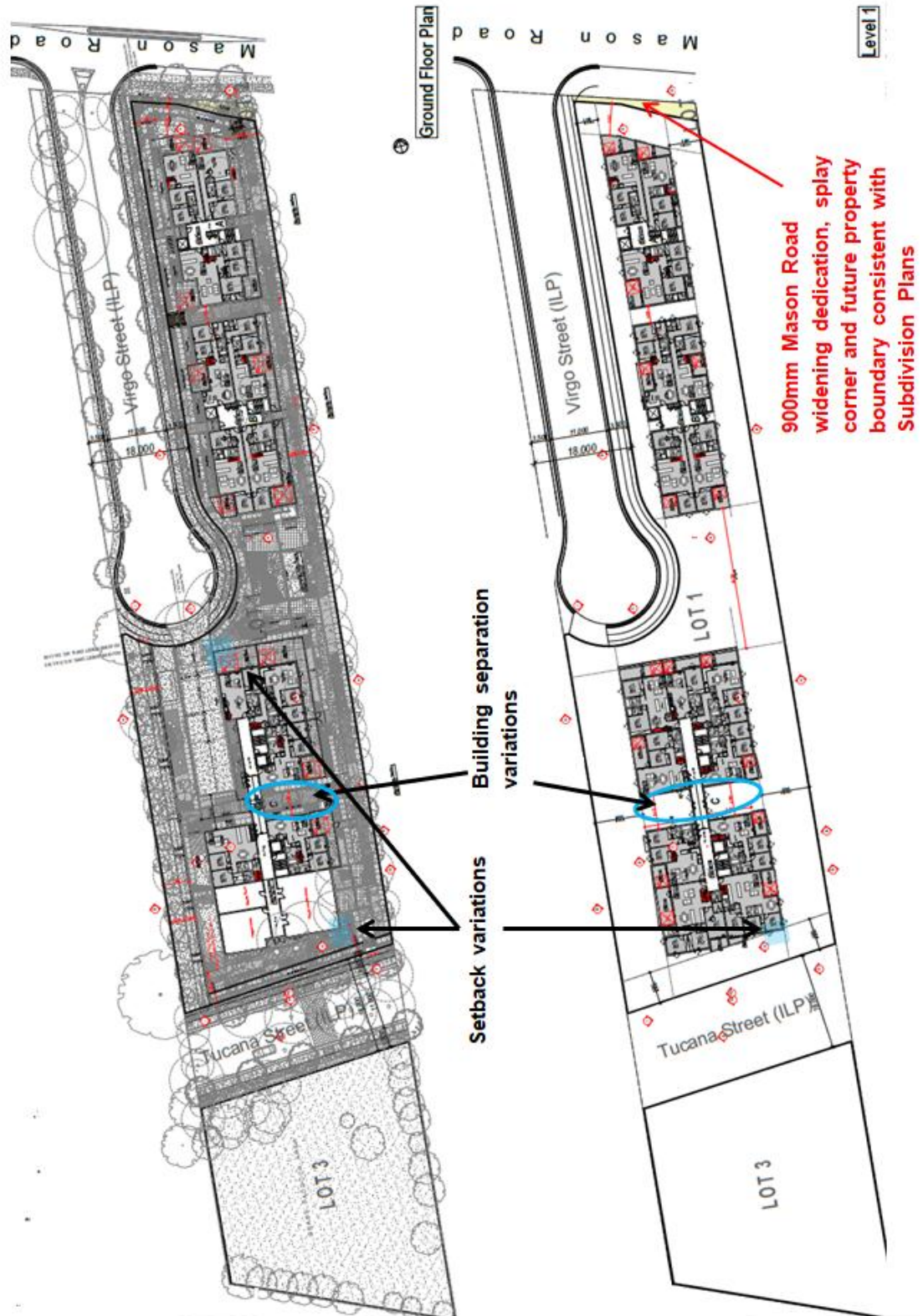




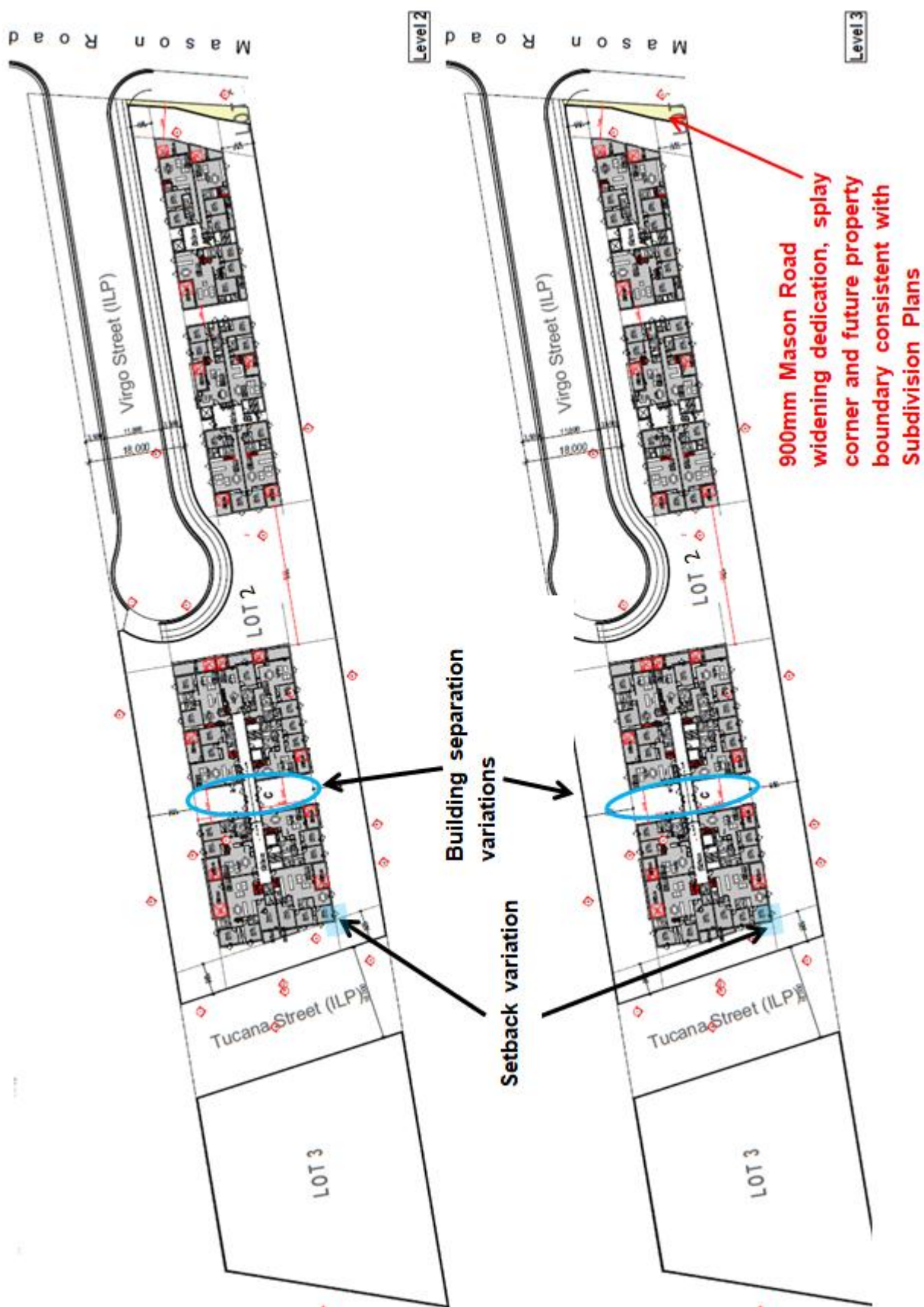
**ATTACHMENT 21 – BASEMENT LEVELS  
(STAGE 2)**



## ATTACHMENT 22 – GROUND FLOOR AND LEVEL 1 PLAN (STAGE 2)

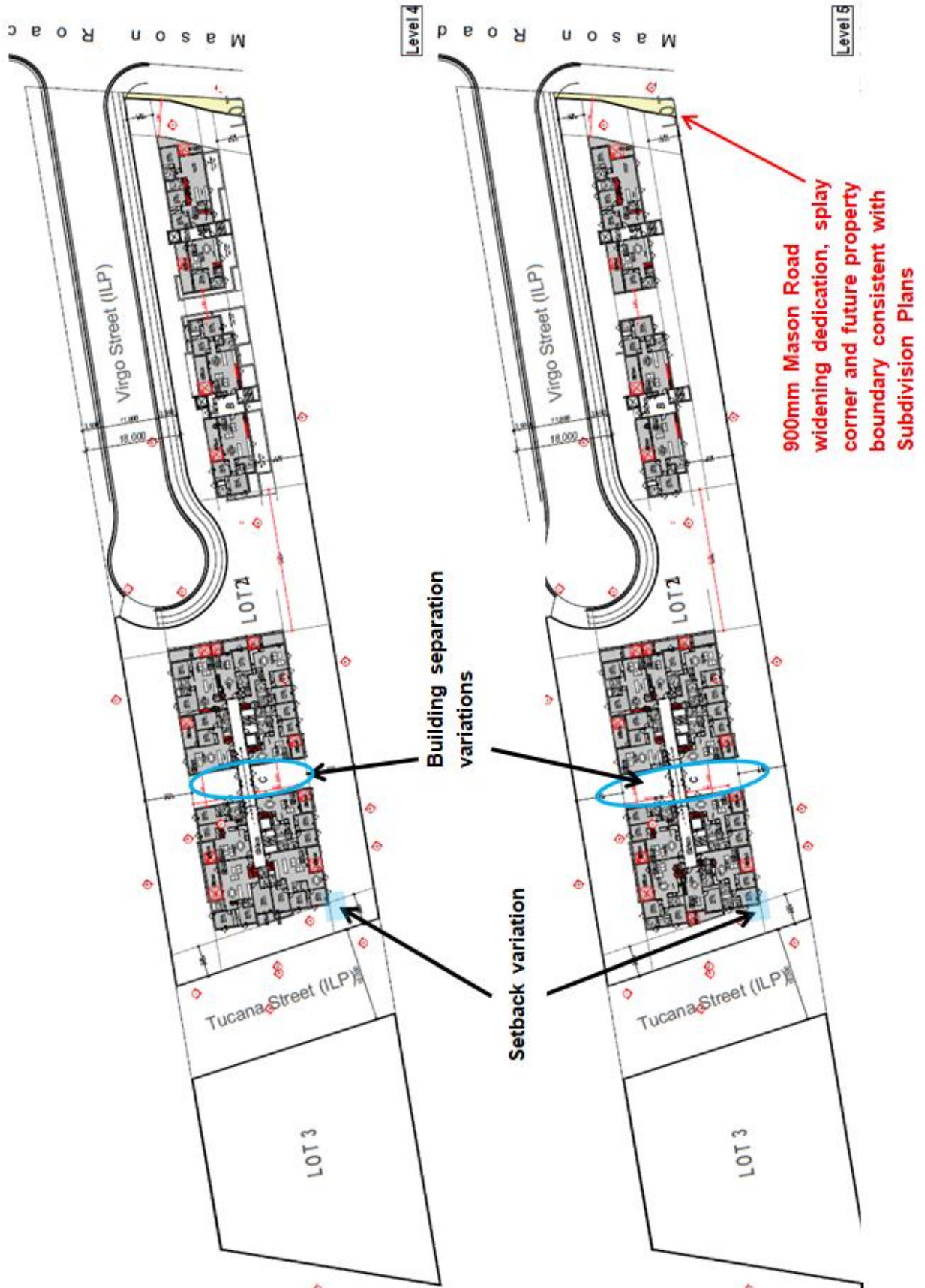


ATTACHMENT 23 – LEVELS 2 AND 3 (STAGE 2)

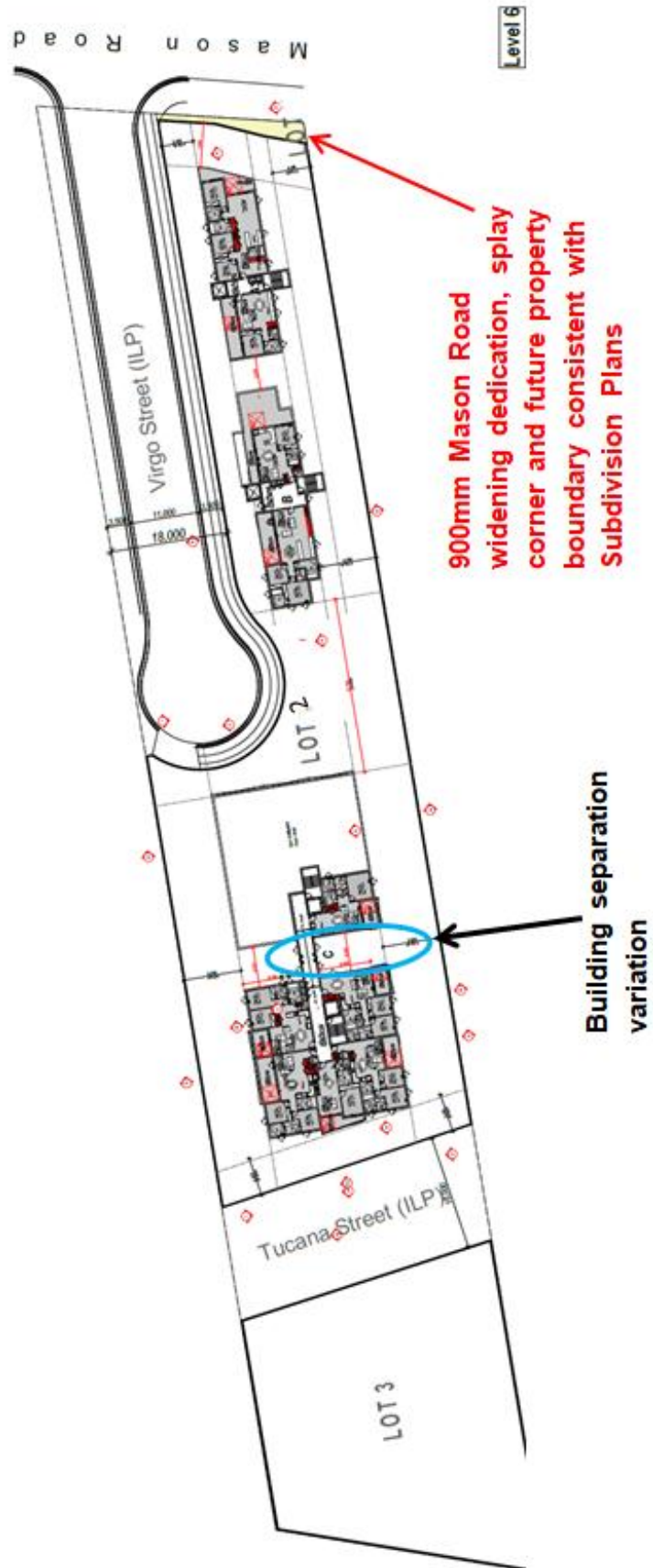




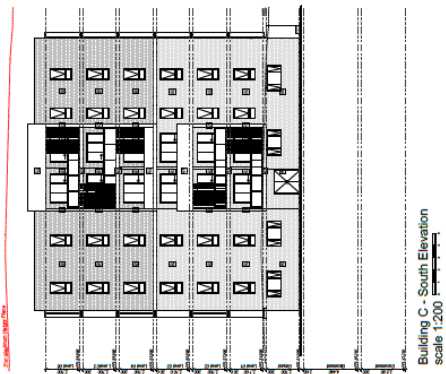
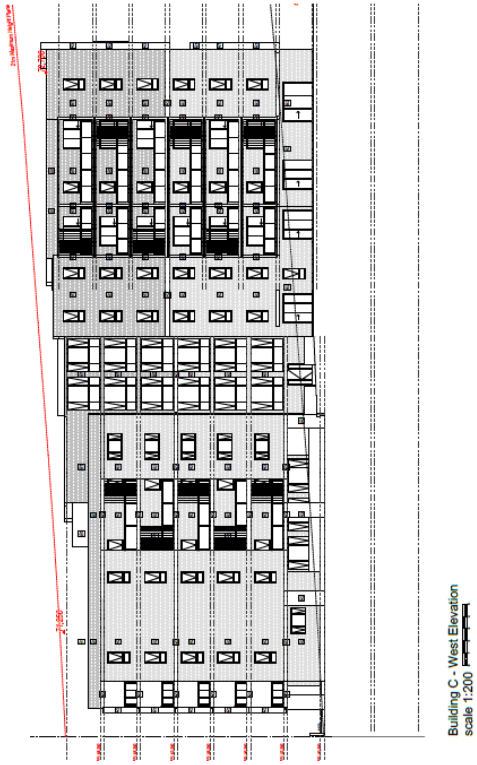
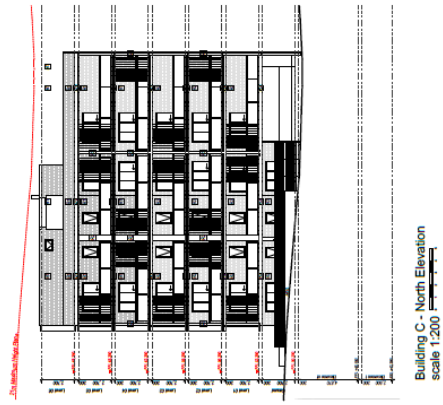
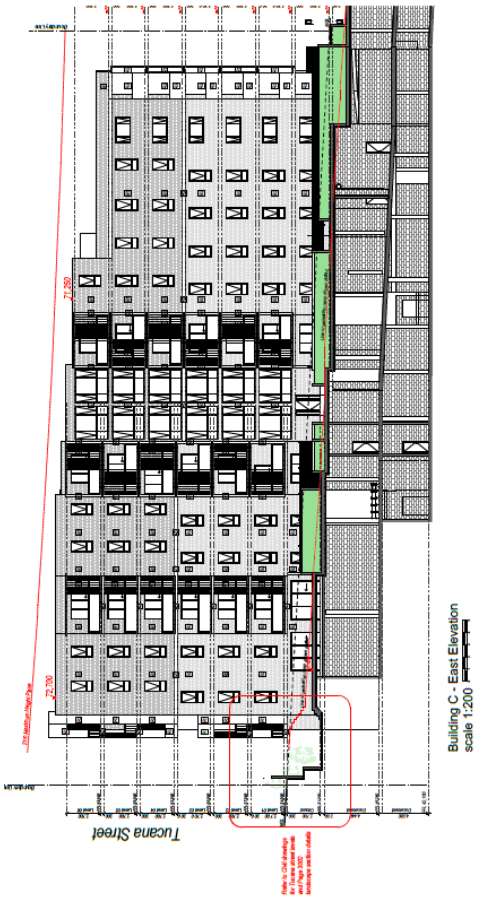
**ATTACHMENT 24 – LEVELS 4 AND 5 (STAGE 2)**



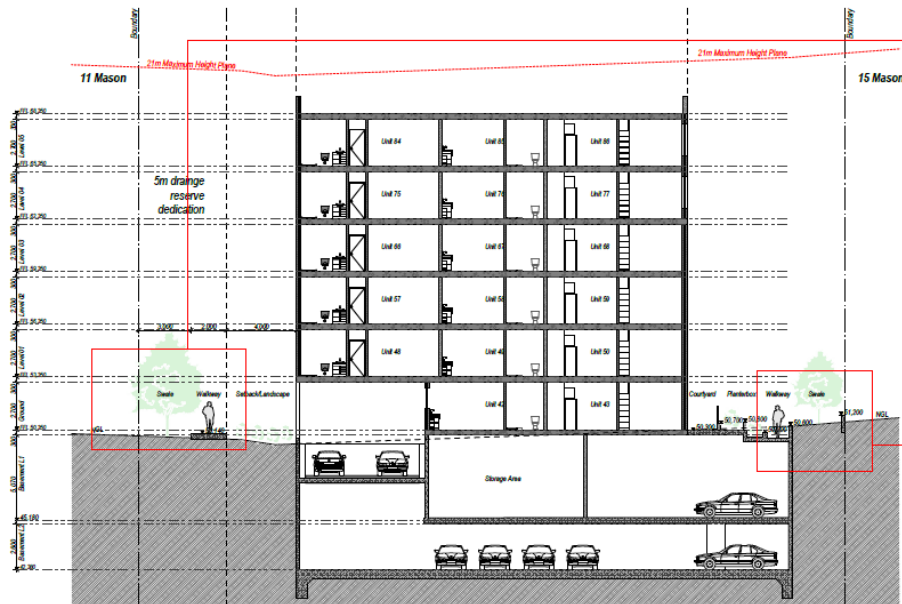
**ATTACHMENT 25 – LEVEL 6 (STAGE 2)**



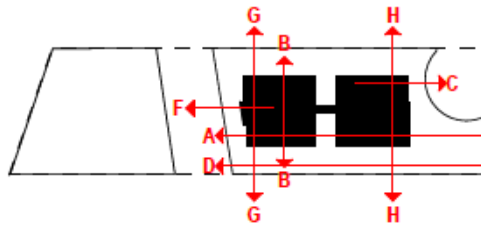
ATTACHMENT 26 – BUILDING C ELEVATIONS (STAGE 2)

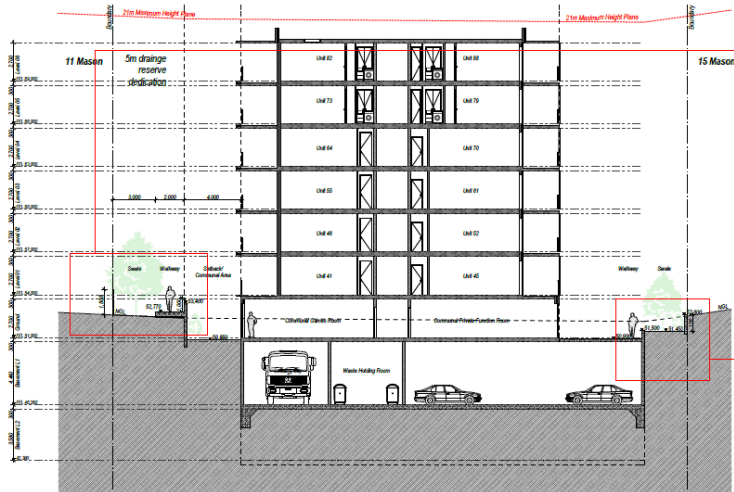


## ATTACHMENT 27 – BUILDING C SECTIONS (STAGE 2)

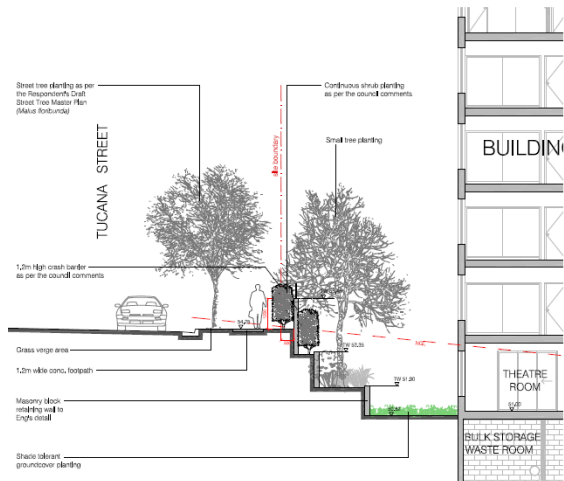


Section H  
scale 1:100





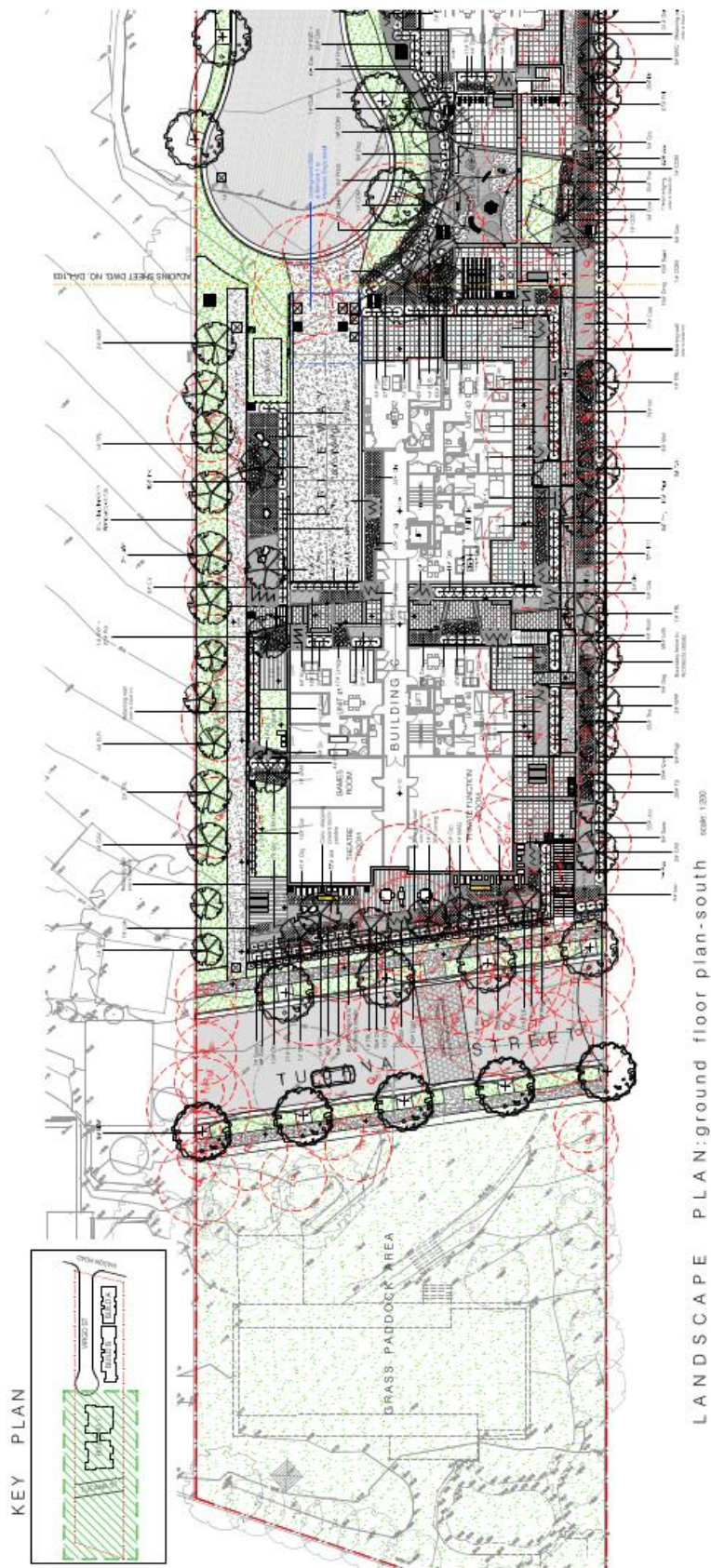
Section G  
scale 1:100



Section F - Tucana Street  
Scale 1:100



ATTACHMENT 28 – LANDSCAPE PLAN (STAGE 2)



## ATTACHMENT 29 – PHOTOMONTAGES

*View from Mason Rd & Virgo St  
(Building A&B)*



*View from Mason Rd & Virgo St (Building A & B )*



*View from Mason Rd & Virgo St (Building A, B & C)*





*View from Virgo St (Building C)*



*View from Tucana St (Building C)*

