

COUNCIL ASSESSMENT REPORT

Panel Reference	2018CCI026
DA Number	709/2017/JP/A
LGA	The Hills Shire Council
Proposed Development	Section 4.55(2) to an Approved Multi Unit Housing Development
Street Address	Lot 93 DP 10157
Applicant/Owner	Universal Property Group Pty Ltd
Consultant/s Town Planner / Architect: Landscape Architect: Engineering: Surveyor: Accessibility: BASIX: Geotechnical / Salinity: Quantity Surveyor: Contamination: Dam dewatering:	The Bathla Group The Bathla Group Orion Consulting Engineers Universal Property Group Ergon Consulting Ecoinnovate Geotesta Gibson Quantity Surveyors Geotesta Orion Consulting Engineers
Date of DA lodgement	13 September 2018
Number of Submissions	One (1)
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Original application determined by SCCPP
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy No 55 — Remediation of Land. • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997. • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009. • Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan). • Central City District Plan. • Box Hill Development Control Plan 2017 • The Hills Development Control Plan 2012 • Environmental Planning and Assessment Act Regulation 2000.
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Copy of submission (1)
Report prepared by	KATE CLINTON SENIOR TOWN PLANNER
Report date	16 April 2020

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	NA
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

- The key issues that need to be considered by the Panel in respect of the modification application are:
 - Whether the site is suitable for the development as proposed to be modified.
 - Whether the development is substantially the same as originally approved.
 - Proposed variations to the Box Hill Development Control Plan 2008 with respect to cut and fill and retaining walls.
 - Matters raised in the submission.
- Assessment of the application against the relevant planning framework and consideration by technical staff (waste, engineering, health, land information, developer contributions, landscaping) has not identified any issues of concern that cannot be dealt with by conditions of consent.
- The modification application is therefore satisfactory when evaluated against section 4.15 and section 4.55 of the Environmental Planning and Assessment Act 1979.
- This report recommends that the Panel approve the application subject to the recommended conditions listed in Recommendation No. 2 of this report.

BACKGROUND

The site is known as Lot 93 DP 10157, No. 47 Hynds Road, Box Hill, and is zoned R3 Medium Density Residential and SP2 Infrastructure – Local Road under Sydney Region Growth Centres (SRGC) SEPP 2006. The SP2 zoned land fronts Terry Road and is land required for road widening.

The development site is located on the northern side of Hynds Road with a frontage of 212.3m, and a frontage of 80.4 metres to Terry Road and has an area of 16,740m². The site

has a cross fall of approximately 7 metres from the north-eastern corner of the site down to the south-western corner of the site. The south-eastern corner of the site is flood affected (refer Attachment 6) and is therefore subject to proposed fill, consistent with the proposed increase in the levels of both Hynds and Terry Road.

Development Application 709/2017/JP was approved by the Sydney Central City Planning Panel on 12 January 2018 for demolition of existing structures and the construction of a multi dwelling housing development. The approved works include:

- Staged construction of 90 townhouses with basement parking;
- 67 x 3 three bedroom, 23 x 4 four bedroom townhouses;
- Basement carparking for 135 resident vehicles and 18 visitor spaces; and
- Full-width reconstruction of Hynds Road fronting the site.

On 13 September 2018 the subject Modification Application 709/2017/JP/A was lodged by Universal Property Group P/L. The modifications included:

- Staged construction of 90 townhouses with at-grade parking for 154 vehicles;
- 9 x 5 bedroom, 35 x 4 bedroom and 46 x 3 bedroom townhouses;
- Stage 1 – 72 townhouses and Stage 2 – 18 townhouses; and
- Full-width reconstruction of Hynds Road fronting the site.

On 10 February 2020, final amended plans were submitted, proposing the following modifications:

- Staged construction of 81 townhouses with at-grade parking;
- 12 x 5 bedroom, 54 x 4 bedroom and 15 x 3 bedrooms;
- Total of 189 car parking spaces including 162 resident and 17 visitor spaces; and
- Full-width reconstruction of Hynds Road fronting the site.

Stage 1 is proposed to comprise some civil works, including partial upgrade of Hynds Road and a temporary basin, and 58 townhouses with associated parking. Stage 2 will consist of the remaining civil works to upgrade Hynds Road, 23 dwellings and associated parking.

Adjoining land to the north and east is approved for 46 multi unit dwellings and associated roads and community title subdivision (DA No. 896/2018/JPZ), and 67 multi dwelling units and associated roads and community title subdivision (DA No. 1252/2018/JPZ). The applicant was required to demonstrate that proposed levels and retaining walls on the boundaries of these sites were consistent with the approved developments on adjoining land.

Following the lodgement of the subject modification application, the applicant was requested to amend plans and provide additional information with regard to waste collection arrangements, landscaped area and landscape design, stormwater and flood impact assessment, road and driveway design, car parking, unit design / bedroom numbers, fencing and to address the interface of the subject site with approved development on adjoining land, including consistency with boundary retaining walls. These matters have been satisfactorily addressed by the applicant and resulted in a reduction in units from 90 to 81.

The application was briefed to the Panel on 20 December 2018.

DETAILS AND SUBMISSIONS

Owner:	UPG 59 Pty Ltd
Zoning:	R3 Medium Density Residential SP2 Infrastructure
Area:	16,740m ²
Existing Development:	Dwelling
Section 94 Contribution	Stage 1: \$1,710,000 Stage 2: \$690,000
Exhibition:	Not required
Notice Adj Owners:	Twice for 14 days
Number Advised:	11
Submissions Received:	One (1)

PROPOSAL

On 13 September 2018 Modification Application 709/2017/JP/A was lodged by Universal Property Group P/L. The modifications include:

- Staged construction of 90 townhouses with at-grade parking;
- 9 x 5 bedroom, 35 x 4 bedroom and 46 x 3 bedroom townhouses;
- Stage 1 – 72 townhouses (including 108 residential and 13 visitor parking spaces);
- Stage 2 – 18 townhouses (including 28 residential and 5 visitor parking spaces); and
- Total of 154 parking spaces.

On 10 February 2020, final amended plans were submitted, proposing the following modifications:

- Staged construction of 81 townhouses with at-grade parking;
- 12 x 5 bedroom, 54 x 4 bedroom and 15 x 3 bedrooms;
- Total of 189 car parking spaces including 162 resident and 17 visitor spaces; and
- Full-width reconstruction of Hynds Road fronting the site.

Stage 1 is proposed to comprise some civil works, including partial upgrade of Hynds Road, a temporary basin, and 58 townhouses with associated parking. Stage 2 will consist of the remaining civil works to upgrade Hynds Road, 23 dwellings and associated parking.

ISSUES FOR CONSIDERATION

1. Section 4.55(2) Modification

Under the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act, 1979, a consent authority may, in response to an application, modify consent if it is satisfied that the development to which the consent as modified relates is substantially the same development for which consent was originally granted.

The proposed modifications result in a multi-unit housing development of 81 units with at grade car parking. The original approved development was for 90 units with basement car parking. A reduction in units, to 81, is generally due the need to provide the required site coverage and landscaping on the site in accordance with the Box Hill Development Control Plan. Whilst the development has changed from one that proposes a basement to an all at-grade format, the outcome of the proposed modifications is considered to be substantially the same as that which was originally approved. The proposed modifications result in substantially the same outcomes being:

- A two-staged multi-unit housing development comprising a variety of two-storey 3, 4 and 5 bedroom units.
- A development that complies with key site planning provisions in the Box Hill Development Control Plan such as site coverage, landscaped area, building setbacks and separation.
- Private open space areas that exceed the minimum required area of 16m² per unit.
- Dwellings with a variety of orientations including east/west and north/south.
- Vehicular access to the site occurs via Hynds Road only.
- Consistent bulk and scale with an overall height difference between the approved and modified development of a maximum of 430mm.
- Dwelling designs include a variety of face brick and rendered/painted materials.
- Full width upgrade of Hynds Road for the frontage of the site, and dedication of land for road widening on the Terry Road frontage in accordance with the part SP2 Infrastructure (Local Road) zoning of the site.

The proposed modifications were notified on two occasions in accordance with the Box Hill Development Control Plan. The submission received has been considered and the issues raised addressed in this report. No public authority or approval body was required to be consulted.

Accordingly, the proposed modification complies with the provisions under Section 4.55(2) of the Environmental Planning & Assessment Act, 1979.

2. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to the SCCPP:-

Development that has a capital investment value of more than \$20 million.

The approved development had a Capital Investment Value of \$29,490,030 thereby requiring referral to and determination by the SCCPP. The proposed modification now has a capital value of \$19,643,385, however as the original was determined by the Panel the proposed modifications, where major, are also required to be determined by the Panel.

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

a. Permissibility

The land is zoned part R3 Medium Density Residential and part SP2 Infrastructure under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The approved development subject to the modification is defined as multi dwelling housing.

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

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 medium 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.*
- *To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The proposed modifications are consistent with the above objectives of the R3 Medium Density Residential zone as they provide for the housing needs of the community within a future medium density residential environment within a range of dwelling sizes (3, 4 and 5 bedroom dwellings).

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

c. Development Standards

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

CLAUSE	REQUIRED	APPROVED DA	PROPOSED	COMPLIES
4.1AB Minimum lot sizes for development	Multi dwelling – 1,500m ²	R3 Multi-Dwelling Site Area: 1.67ha (16,700 m ²)	No change	Yes
4.1B Residential Density	Minimum residential density - 18 dwellings per hectare	53.8 dwellings per hectare	48.4 dwellings per hectare	Yes
4.3 Height of buildings	14 metres	7.5m	Max. 7.93m	Yes
4.4 Floor space ratio	N/A	N/A	N/A	N/A

4. 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 Contamination Site Investigation Report prepared by Geotesta, dated 24 February 2018. This report was reviewed by Council's Environmental Health Team who remain satisfied the site can be made suitable for the proposed use subject to conditions which were applied to the original development consent.

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

5. 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.

6. 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 conditions as imposed on the original consent and as modified, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

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

In May 2017, the Department of Planning released the draft North West Land Use and Infrastructure Implementation Plan. In addition to a new growth centres structure plan and 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 original 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:

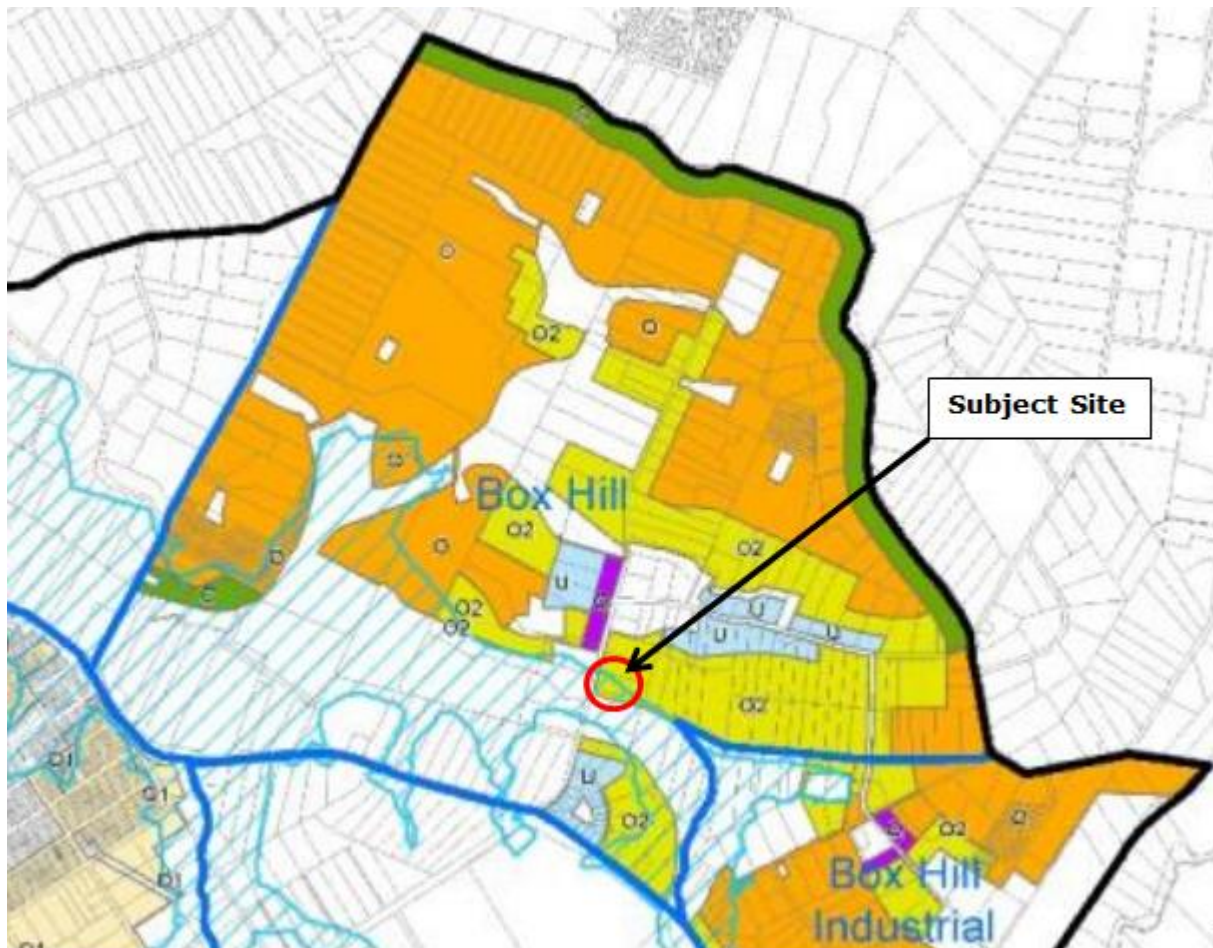
density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

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:

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

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



The Growth Centres SEPP currently specifies a minimum density provision of 18 dwellings per hectare. The draft amendment to impose a maximum density range of between 15 and 30 dwellings per hectare equates to a minimum of 25.11 and maximum of 50.22 dwellings being permitted on the site (based on a net developable area of 1.674 hectares).

The modified proposal for 81 units would result in a density of 48.4 dwellings per hectare, which is a reduction from the approved density of 53.8 hectares under Development Consent No. 709/2017/JP.

The proposed modifications are considered to be generally consistent with the 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.

8. 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 (3, 4 and 5 bedrooms) which will assist in meeting housing demands;
- Being located within 200 metres of 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);
- Nine (9) accessible units are provided within the proposed development;
- Each unit is provided with more than the minimum required private open space.

The proposed modifications are considered satisfactory with regard to the Central City District Plan.

9. Compliance with Box Hill Development Control Plan

The Box Hill Growth Centres Precincts Development Control Plan (Box Hill DCP) applies to the subject application. Specifically, 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.

DEVELOPMENT CONTROL	APPROVED	PROPOSED	COMPLIANCE
Maximum 50% site cover	35%	35.48%	Yes
Minimum 30% landscaped			

area	47%	31.63%	Yes
POS – 16m ² with 3m dimension 10m ² per dwelling if provided as balcony or rooftop with 2.5m dimension	All dwellings have min. 16m ² of useable space	All dwellings have min. 16m ² of useable space	Yes
Front setback – 4.5m to building façade line and 3m articulation zone	Min 4.5m building façade zone to and >3m for articulation zone to Hynds Road.	Min 4.5m building façade zone to and >3m for articulation zone to Hynds Road.	Yes
Corner lots secondary setbacks 2m		4.5 metres	Yes
Side setback – 0.9m ground floor and upper floor	>2m from dwellings to Terry Road 0.9 metres	1.0m	Yes
Rear setback – 4m		4.0 metres	Yes
Internal building separation – 5m	Min. 5.2 metres Min. 5.0 metres	Min. 5.0 metres	Yes
Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom Visitor – 1 per 5 units Therefore 122 resident and 17 visitor spaces required.	Proposed - 135 residents spaces and 18 visitor spaces provided.	189 car parking spaces including 162 resident and 17 visitor spaces.	Yes
4.1.1 Cut and Fill	Cut for basement parking	No basement. Up to 1m cut in the NE corner of the site. Up to 2m fill adjacent to the Hynds Road entrance to the site (Driveway No. 3)	No – refer to comments below.
Retaining walls – max 500mm	N/A	Single and tiered retaining walls are provided to north and eastern boundaries due to proposed cut.	

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 proposed modifications involve cut of up to 1m in the north eastern corner of the site due to the slope of the site in this area. Fill of up to 2m is proposed to be consistent with the planned levels of Terry and Hynds Road, including the lifting of Hynds Road by approximately 800mm to 1000mm in response to the flood affectation of the area.

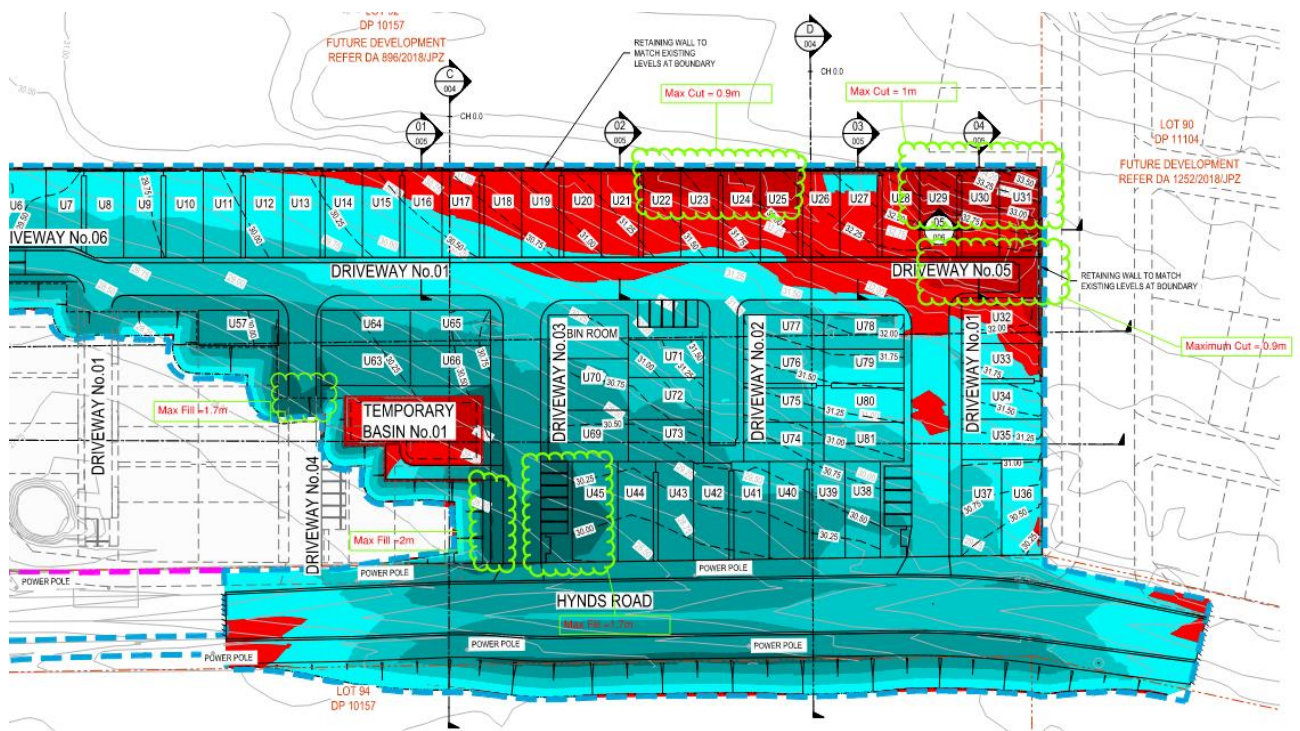


Figure 1: Excerpt from Earthworks Plan

In addition, the Box Hill DCP specifies that retaining walls within residential allotments are to be no greater than 500mm high at any point on the edge of any residential allotment. A combined 1m maximum retaining wall height is permissible between residential lots (2 x 500mm). Retaining walls are proposed along the northern and eastern boundaries. The proposed levels of the adjoining site are in some places, more than 1000mm above the existing levels of the subject site, therefore with an additional 500mm cut, a level difference of up to 1500mm results at some points (refer to Sections diagrams in Attachment 8).

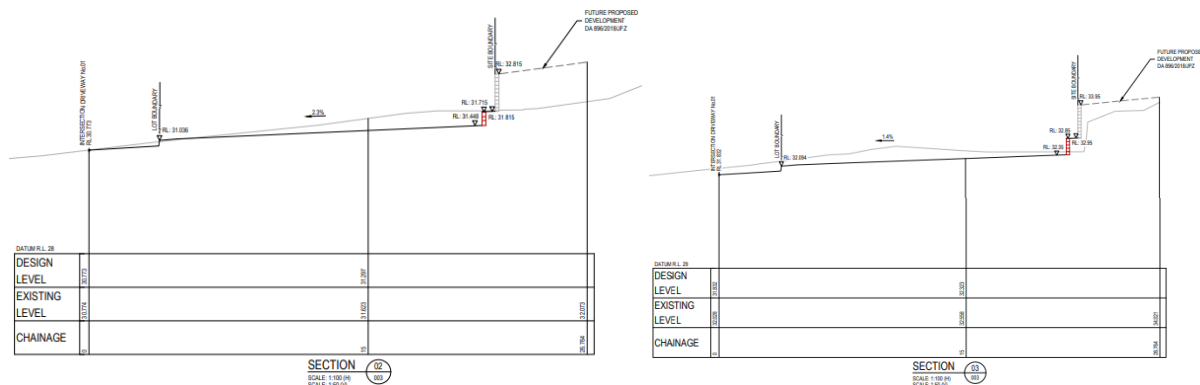


Figure 2: Sections 02 and 04 corresponding to Earthworks Plan (Figure 1)

The objectives of the control are as follows:

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

Comment:

Retaining of more than 1 metre as a result of proposed cut occurs at the rear of proposed Units 21 to 27 only. As shown on the Site Plan in Attachment 8, and Section diagrams, walls in this area of the site are therefore tiered to provide an opportunity for landscaping to soften the impact of walls, and to ensure stability. The majority of boundary walls on the boundary of the site are however, no more than 1 metre high. It is considered that an appropriate balance of cut and fill is achieved on the site, also considering the proposed fill on the frontage of Hynds and Terry Roads in response to the approved (raised) road designs due to flood risk. Where the site adjoins residential land it is proposed to be lower than adjoining approved development and will therefore have no adverse effect on the amenity of adjoining development. It is noted that a private road is approved to run parallel to the northern boundary of the site on the adjoining land. The adjoining development is required to incorporate crash barriers into the adjacent landscaped area adjoining the subject site. The proposed cut and fill and tiered retaining walls are considered to achieve the objectives of Section 4.1.1 Cut and Fill of the Box Hill DCP despite the proposed variations.

10. Issues Raised in Submissions

One (1) submission was received from a landowner in the vicinity of the site. The issues raised in the submissions are summarised below:

ISSUE/OBJECTION	COMMENT
Proposed development will be more undesirable and will reduce value of surrounding development.	The value of a development.
90 dwellings on two hectares is 30 dwellings over the proposed density.	The number of dwellings has now been reduced to 81. The proposed modifications reduces the approved density of the site from 53.8 to 48.4 dwellings per hectare and is generally consistent with the average density of other approved developments in the vicinity.
<p>The previous approval results in a negative entrance into Hynds Road.</p> <p>The new application has reduced landscaping. With the proposed number of residents and bulk and scale it will turn in to a ghetto. More landscaping and tree planting should be encouraged, not reduced.</p>	<p>The appearance of the previously approved development application is not relevant to the current modification. The submitted schedule of colours and materials and proposed fence and landscape design is satisfactory. Boundary fencing to Terry Road is provided with a 2 metre landscaped setback which includes tree planting.</p> <p>The proposed modifications result in a landscaped area of 31.63% which complies with the Box Hill Development Control Plan. In addition, the proposed modification, as amended, reduces the number of dwellings from 90 to 81.</p>
This development will place strain on other developments on Hynds Road as the road cannot cater for increased traffic. If every development in the area proceeds as this development it will cause traffic delays at entrances to Windsor road	The proposed modifications will not produce more traffic than the approved development since 9 less units are now proposed. The approved development also involves full width construction of Hynds Road for the length of the subject site.
Plans provide low cost housing estate out of character with other proposed quality development. If this development	Each development application is assessed on its merits and having regard to the applicable legislation, including the need to provide a

ISSUE/OBJECTION	COMMENT
<p>proceeds, other development should be allowed to follow this example.</p> <p>The developer should design in accordance with the Development Control Plan if changes are desired.</p>	<p>variety of housing types. The proposed modifications comply with the Box Hill Development Control Plan with the exception of retaining walls and cut / fill as addressed and considered reasonable in this report.</p>

11. Internal Referrals

The application was referred to following sections of Council:

- Engineering
- Environmental Health
- Resource Recovery
- Landscaping
- Section 7.11 Contributions

No objection was raised to the proposed modifications subject to some new conditions and amendments to existing conditions as a result of the proposed changes.

CONCLUSION

The modification application has been assessed against the relevant State Environmental Planning Policies, including SEPP (Sydney Region Growth Centres) 2006 and satisfies the requirements of these plans without variation. 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. A multi-unit dwelling development is permitted in the R3 Medium Density Residential zone. The development, as proposed to be modified is an appropriate outcome in close proximity to the future Box Hill Town Centre.

The modifications propose a density outcome that is generally consistent with the objectives of draft amendments to SEPP (Sydney Region Growth Centres) 2006. The approved density is reduced from an approved 53.9 to 48.4 dwellings per hectare, and is generally consistent with the desired future character of the area.

The proposed development has been assessed against the provisions of the Box Hill Development Control Plan 2018 and is fully compliant with key controls with the exception of cut and fill and retaining wall heights. Variations to cut and fill and retaining wall heights are considered acceptable as detailed in this report.

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

The Development Application has been assessed against the heads of consideration under Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, The Hills LEP 2019 and The Hills Development Control Plan and is considered satisfactory.

The proposal is considered to be substantially the same development as originally approved and is considered satisfactory with respect to Section 4.55(2) of the Environmental Planning and Assessment Act, 1979. As proposed to be modified, the bulk and scale of the development, site coverage, landscaped area, building height, provision of 3, 4 and 5 bedroom units and primary street frontage presentation to Hynds Road result in substantially the same outcome as was originally approved.

The proposed modifications are recommended for approval subject to amended and additional conditions.

IMPACTS:

Financial

Section 7.11 Contributions are \$1,710,000 and \$690,000 for Stages 1 and 2 respectively.

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 and a choice in housing within close proximity to the future town centre.

RECOMMENDATION

1. Modification Application No. 709/2017/JP/A be approved for the reasons listed below and subject to the following new and amended conditions:
 - The site is considered suitable for the development (as proposed to be modified).
 - The proposed modifications result in an outcome that is substantially the same development as originally approved.
 - The proposed modifications adequately satisfy the relevant state and local planning provisions.
 - The proposed modifications will have no unacceptable impacts on the built or natural environments.
 - The proposal is in the public interest.

GENERAL MATTERS – ALL STAGES

Condition Nos. 1, 5, 14, 18, 20, 21, 23, 27, 35, 42, 44, 46, 72, 104 and 111 be deleted and replaced with the following:

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS – DA NO. 709/2017/JP

DRAWING NO.	DESCRIPTION	ISSUE	DATE
DA01	Site Plan – Master Plan	C	29/06/2017
DA11	Stage 1 – Ground Floor Plan	C	29/06/2017
DA12	Stage 1 – First Floor Plan	C	29/06/2017
DA13	Stage 1 – Basement Plan	C	13/12/2017
DA14	Stage 2 – Ground Floor Plan – Plan A	C	29/06/2017
DA15	Stage 2 – First Floor Plan – Plan A	C	29/06/2017
DA16	Stage 2 – Basement Plan	C	13/12/2017
DA17	Stage 2 – Ground Floor Plan – Plan B	C	29/06/2017
DA18	Stage 2 – First Floor Plan – Plan B	C	29/06/2017

DA19	Basement Plan – Stage 1 & 2	B	13/12/2017
DA21	Block A/B/C/G/J Elevations	C	29/06/2017
DA22	Block D/E/F Elevations	C	29/06/2017
DA23	Block H/I/K/L/M/N Elevations	C	29/06/2017
DA24	Block O Elevation	B	10/03/2017
DA31	Section AA	C	13/12/2017
DA32	Section BB, CC, DD, EE	C	13/12/2017
DA91	Schedule of Finishes	B	10/03/2017
DA92	Schedule of Finishes	B	10/03/2017
L0.00	Cover Page – Landscape Plan	B	06/06/2017
L1.01	Landscape Plan 1 of 8	C	06/06/2017
L1.02	Landscape Plan 2 of 8	C	06/06/2017
L1.03	Landscape Plan 3 of 8	C	06/06/2017
L1.04	Landscape Plan 4 of 8	C	06/06/2017
L1.05	Landscape Plan 5 of 8	C	06/06/2017
L1.06	Landscape Plan 6 of 8	C	06/06/2017
L1.07	Landscape Plan 7 of 8	C	06/06/2017
L1.08	Landscape Plan 8 of 8	C	06/06/2017

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

REFERENCED PLANS AND DOCUMENTS – DA NO. 709/2017/JP/A

DRAWING NO.	DESCRIPTION	ISSUE	DATE
S4.55-00	Site Analysis	R07	24/10/2019
S4.55-00	Site Plan	R08	29/01/2020
S4.55-00	Ground Floor Stage 1 – Part 1	R07	24/10/2019
S4.55-00	Ground Floor Stage 1 – Part 2	R07	24/10/2019
S4.55-00	First Floor Stage 1 – Part 1	R07	24/10/2019
S4.55-00	First Floor Stage 1 – Part 2	R07	24/10/2019
S4.55-00	Ground Floor – Stage 2	R07	24/10/2019
S4.55-00	First Floor – Stage 2	R07	24/10/2019
S4.55-00	Elevations – 01	R08	29/01/2020
S4.55-00	Elevations – 02	R07	24/10/2019
S4.55-00	Sections	R07	24/10/2019
S4.55-00	Tree Removal Plan	R04	02/05/2019
S4.55-00	Unit Types	R07	24/10/2019
LP01/02	Landscape Plan (Stage 1)	R05	16/01/2020
LP01/02	Landscape Plan (Stage 2)	R05	16/01/2020

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

5. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The primary property address for this development will be to Hynds Road Box Hill.

Letter boxes for units 36-48 are to front Hynds Road.

Hynds Road will be renumbered in line with the future changed usage. This means that 47 Hynds Road must not be used as this number will not be the final street number. Once Council is certain of the formation of future developments along Hynds Road in line with new developments, a street number allocation will be made. Applicant is to contact Land Information prior to issue of Construction Certificate for street number allocation.

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

Unit 36 - Single Letterbox to future number Hynds Road

Unit 37 - Single Letterbox to future number Hynds Road

Unit 38 - Single Letterbox to future number Hynds Road

Unit 39 - Single Letterbox to future number Hynds Road

Unit 40 - Single Letterbox to future number Hynds Road

Unit 41 - Single Letterbox to future number Hynds Road

Unit 42 - Single Letterbox to future number Hynds Road

Unit 43 - Single Letterbox to future number Hynds Road

Unit 44 - Single Letterbox to future number Hynds Road

Unit 45 - Single Letterbox to future number Hynds Road

Unit 46 - Single Letterbox to future number Hynds Road

Unit 47 - Single Letterbox to future number Hynds Road

Unit 48 - Single Letterbox to future number Hynds Road

Cluster Mail Box 1:

Unit 35 – 1/? future number Hynds Road.

Unit 34 – 2/? future number Hynds Road.

Unit 33 – 3/? future number Hynds Road.

Unit 32 – 4/? future number Hynds Road.

Unit 31 – 5/? future number Hynds Road.

Unit 30 – 6/? future number Hynds Road.

Unit 29 – 7/? future number Hynds Road.

Unit 28 – 8/? future number Hynds Road.

Unit 27 – 9/? future number Hynds Road.

Unit 26 – 10/? future number Hynds Road.

Unit 78 – 11/? future number Hynds Road.

Unit 79 – 12/? future number Hynds Road.

Unit 80 – 13/? future number Hynds Road.
Unit 81 – 14/? future number Hynds Road.
Unit 74 – 15/? future number Hynds Road.
Unit 75 – 16/? future number Hynds Road.
Unit 76 – 17/? future number Hynds Road.
Unit 77 – 18/? future number Hynds Road.
Unit 25 – 19/? future number Hynds Road.
Unit 24 – 20/? future number Hynds Road.

Cluster Mail Box 2:

Unit 23 – 21/? future number Hynds Road.
Unit 22 – 22/? future number Hynds Road.
Unit 71 – 23/? future number Hynds Road.
Unit 72 – 24/? future number Hynds Road.
Unit 73 – 25/? future number Hynds Road.
Unit 69 – 26/? future number Hynds Road.
Unit 70 – 27/? future number Hynds Road.
Unit 21 – 28/? future number Hynds Road.
Unit 20 – 29/? future number Hynds Road.
Unit 19 – 30/? future number Hynds Road.
Unit 18 – 31/? future number Hynds Road.
Unit 17 – 32/? future number Hynds Road.
Unit 16 – 33/? future number Hynds Road.
Unit 65 – 34/? future number Hynds Road.
Unit 66 – 35/? future number Hynds Road.
Unit 67 – 36/? future number Hynds Road.
Unit 68 – 37/? future number Hynds Road.

Cluster Mail Box 3:

Unit 61 – 38/? future number Hynds Road.
Unit 62 – 39/? future number Hynds Road.
Unit 63 – 40/? future number Hynds Road.
Unit 64 – 41/? future number Hynds Road.
Unit 15 – 42/? future number Hynds Road.
Unit 14 – 43/? future number Hynds Road.
Unit 13 – 44/? future number Hynds Road.
Unit 12 – 45/? future number Hynds Road.
Unit 11 – 46/? future number Hynds Road.
Unit 10 – 47/? future number Hynds Road.
Unit 57 – 48/? future number Hynds Road.

Unit 58 – 49/? future number Hynds Road.
Unit 59 – 50/? future number Hynds Road.
Unit 60 – 51/? future number Hynds Road.
Unit 49 – 52/? future number Hynds Road.
Unit 50 – 53/? future number Hynds Road.
Unit 51 – 54/? future number Hynds Road.
Unit 52 – 55/? future number Hynds Road.
Unit 53 – 56/? future number Hynds Road.
Unit 54 – 57/? future number Hynds Road.
Unit 55 – 58/? future number Hynds Road.
Unit 56 – 59/? future number Hynds Road.
Unit 9 – 60/? future number Hynds Road.
Unit 8 – 61/? future number Hynds Road.
Unit 7 – 62/? future number Hynds Road.
Unit 6 – 63/? future number Hynds Road.
Unit 5 – 64/? future number Hynds Road.
Unit 4 – 65/? future number Hynds Road.
Unit 3 – 66/? future number Hynds Road.
Unit 2 – 67/? future number Hynds Road.
Unit 1 – 68/? future number Hynds Road.

Note: ? denotes future street number.

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.

External directional signage (Street Blades) need to be positioned at the end of each drive to indicate the numbering direction of units, to assist emergency service providers locate a destination easily & quickly.

Letter boxes, Cluster Mail Boxes, Directional Signage Blades to be located as shown on plans submitted marked as DWG No: S4.55-14 Site Coverage/Landscape Area Plan, Dated: SEPT 2019, Rev: 747 Hynds Road marked up within consent documentation.

One (1) mail box for the proprietor is to be located within Cluster 1 Mail Box, for the postal delivery officer as per Australia Post size requirements.

14. Vehicular Access and Parking (Stages 1 and 2)

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

- AS/ NZS 2890.1
- AS/ NZS 2890.6
- AS 2890.2

- DCP Part C Section 1 – Parking
- Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- The driveway access to the area of garbage collection must be redesigned without kerb return.
- 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.

18. Construction of Central Bin Room for Units 1-35 and 49-81 (Stage 1)

All work involving construction of the central bin room (for use by units 1-35 and 49-81) must comply with the requirements below. Minimum storage facility must be provided for 8 x 1100 litre garbage bins and 8 x 1100 litre recycling bins.

1. The layout of the central bin room must ensure that each bin is easily accessible and maneuverable in and out of the central bin room with no manual handling of other bins. The internal walkway must be at least 1.5m wide.
2. The walls of the central bin room must be constructed of brickwork.
3. The floor of the central bin room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The central bin room must be roofed.
4. The central bin 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 servicing doors are single or double swinging doors and roller doors.
5. The central bin 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.
6. All doors of the central bin room, when fully opened, must be flush with the **outside wall** and must not block or obstruct footways. All doors must be able to be fixed in position when fully opened.
7. The central bin room must be adequately ventilated.
8. The central bin 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 central bin room, it is not to conflict with the space designated for the placement of bins.
9. The central bin room must be provided with an internal light (artificial) such as automatic sensor lights.

10. The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe manoeuvring and servicing of the full bins by waste collection operators.
11. The central bin room must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be permanently maintained by the Owners Corporation.
12. Finishes and colours of the central bin room are to complement the design of the development.

Bin Measurements (mm)

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

20. Access and Loading for Waste Collection (Stage 1)

Minimum vehicle access must be designed and provided on site in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle. The internal travel movement path for waste collection vehicles is identified on the Turning Path Plan (Drawing S4.55-13 Revision 5). The following requirements must also be satisfied.

- 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.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained for safety purposes.
- The access design must ensure that there is no requirement for reversing to enable waste collection vehicles to enter and leave the site in a forward direction.
- The loading area along the private road must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.

21. Planting Requirements

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

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.

23. Provision of Parking Spaces – Stage 1

The development is required to be provided with 12 visitor and 117 residential off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

27. Provision of Parking Spaces – Stage 2

The development is required to be provided with 17 visitor and 162 off-street resident car parking spaces. These car parking spaces shall be available for off street parking at all times.

35. Engineering Works and Design (Stages 1 and 2)

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

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

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

The following engineering works are required:

a) Full Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Stage 1 Hynds Road (between chainage 60m – 255m)	Road Type: DCP Collector Road 4.5m/ 11.6m/ 3.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Stage 2 Hynds Road ((Fronting to stage 1 – between the chainage 0m – 75m)	Road Type: DCP Collector Road 4.5m/ 11.6m/ 3.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

The Hynds Road design profile must be consistent with the Road Longitudinal Sections drawings No. 18-19_302 Revision H dated 10/02/2020 prepared by Orion Consulting Engineers submitted with the development application. The detailed construction drawings must be verified for consistency against Council's final Terry Road design and detention basin design.

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

The kerb return associated with the garbage collection shown on the drawings must be deleted, and replaced with driveway access.

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.

Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.

The wider 4.5m verge must be located on the southern side of Hynds Road correlating with the cycleway required at this location.

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

All civil infrastructures (roads, stormwater drainage and the like) should be built for saline soils.

b) Street Names Signs (Stages 1 and 2)

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

c) Footpath Verge Formation (Stages 1 and 2)

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

d) Concrete Footpath (Stages 1 and 2)

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

e) Concrete Cycleway/ Shared Path (Stages 1 and 2)

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

f) Disused Layback/ Driveway Removal (Stages 1 and 2)

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.

g) Service Conduits (Stages 1 and 2)

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.

h) 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 Standard Drawing 37. With respect to street name signs specifically, all private roads must include a second sign underneath which reads "private road".

With respect to "local street" and "park street" roads in North Kellyville specifically, the parking lane on either side must be line marked to ensure the full width of the single trafficable lane is kept clear at all times.

i) Stormwater Drainage – Temporary Works (Stages 1 and 2)

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

j) Integrated Site Stormwater Management

Stormwater Drainage – Temporary Management (Box Hill) (Stage 1)

Temporary stormwater management in the form of Detention and Bio-Retention must be provided as per the design concept Temporary Detention Basin and Section drawing 401 and associated drawings including Stormwater Catchment Plan and Temporary Basin Plan & Sections (drawings 400 & 401) Revision H dated 10/02/2020 prepared by Orion Consulting Engineers.

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

All model parameters and data outputs are to be provided.

Rainwater Tank (Stages 1 and 2)

The development must incorporate Rainwater tank of a minimum 41.3kL for each stage 1 and stage 2 buildings (total 82.6Cum) respectively in accordance with the Box Hill Water Cycle Management Strategy.

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.

42. 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 – 58 Dwellings

Stage 1	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	Purpose: 5 bedroom unit	Purpose: Credit	No. of 3 Bedroom Units: 15	No. of 4 Bedroom Units: 39	No. of 5 Bedroom Units: 4	Sum of Units	No. of Credits: 1	Total \$7.11
Open Space - Land	\$6,640.98	\$6,640.98	\$6,640.98	\$6,640.98	\$ 99,614.70	\$ 258,998.22	\$ 26,563.92	\$ 385,176.84	\$ 6,640.98	\$ 378,535.86
Open Space - Capital	\$8,342.61	\$8,342.61	\$8,342.61	\$8,342.61	\$ 125,139.15	\$ 325,361.79	\$ 33,370.44	\$ 483,871.38	\$ 8,342.61	\$ 475,528.77
Transport Facilities - Land	\$643.72	\$643.72	\$643.72	\$643.72	\$ 9,655.80	\$ 25,105.08	\$ 2,574.88	\$ 37,335.76	\$ 643.72	\$ 36,692.04
Transport Facilities - Capital	\$5,508.00	\$5,508.00	\$5,508.00	\$5,508.00	\$ 82,620.00	\$ 214,812.00	\$ 22,032.00	\$ 319,464.00	\$ 5,508.00	\$ 313,956.00
Water Management - Land (KCP)	\$2,448.43	\$2,448.43	\$2,448.43	\$2,448.43	\$ 36,726.45	\$ 95,488.77	\$ 9,793.72	\$ 142,008.94	\$ 2,448.43	\$ 139,560.51
Water Management - Capital (KCP)	\$6,155.78	\$6,155.78	\$6,155.78	\$6,155.78	\$ 92,336.70	\$ 240,075.42	\$ 24,623.12	\$ 357,035.24	\$ 6,155.78	\$ 350,879.46
Administration	\$260.47	\$260.47	\$260.47	\$260.47	\$ 3,906.90	\$ 10,158.72	\$ 1,041.92	\$ 15,107.54	\$ 260.47	\$ 14,847.07
Total	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$ 450,000.00	\$ 1,170,000.00	\$ 120,000.00	\$ 1,739,999.70	\$ 30,000.00	\$ 1,710,000.00

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

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

This condition has been imposed in accordance with Contributions Plan No 15.

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

44. Flood Management Plan (Stage 1)

A construction management plan must be submitted demonstrating how the development is protected from flood inundation whilst no impact on the existing flood storage within the stage 2 development area shown on the set of Road and Drainage Engineering Plan Sheet 1 of 2 drawing 18-19 DA 200 and DA 402 Revision H dated 10/02/2020 prepared by Orion Consulting Engineers.

46. 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 – 23 Dwellings

Stage 2	Purpose: 4 bedroom unit	Purpose: 5 bedroom unit	No. of 4 Bedroom Units: 15	No. of 5 Bedroom Units: 8	Sum of Units	Total S7.11
Open Space - Land	\$6,640.98	\$6,640.98	\$ 99,614.70	\$ 53,127.84	\$ 152,742.54	\$ 152,742.54
Open Space - Capital	\$8,342.61	\$8,342.61	\$ 125,139.15	\$ 66,740.88	\$ 191,880.03	\$ 191,880.03
Transport Facilities - Land	\$643.72	\$643.72	\$ 9,655.80	\$ 5,149.76	\$ 14,805.56	\$ 14,805.56
Transport Facilities - Capital	\$5,508.00	\$5,508.00	\$ 82,620.00	\$ 44,064.00	\$ 126,684.00	\$ 126,684.00
Water Management - Land (KCP)	\$2,448.43	\$2,448.43	\$ 36,726.45	\$ 19,587.44	\$ 56,313.89	\$ 56,313.89
Water Management - Capital (KCP)	\$6,155.78	\$6,155.78	\$ 92,336.70	\$ 49,246.24	\$ 141,582.94	\$ 141,582.94
Administration	\$260.47	\$260.47	\$ 3,907.20	\$ 2,083.84	\$ 5,991.04	\$ 5,991.04
Total	\$30,000.00	\$30,000.00	\$ 450,000.00	\$ 240,000.00	\$ 690,000.00	\$ 690,000.00

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

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

This condition has been imposed in accordance with Contributions Plan No 15.

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

72. 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.949239M_03 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

104. Final Inspection of Central Bin Room (Stage 1)

Prior to any Occupation Certificate being issued, a final inspection of the central bin room 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.

111. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the central bin room (excluding units 38-45 which utilise an individual bin system), which must include provision for the storage of all waste generated on the premises between collections. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. The central bin room must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

2. Delete Condition No. 33. Acoustic Mechanical Ventilation.

3. Insert new condition Nos 22A, 22B, 22C and 109A as follows:

22A. Provision of Domestic Waste Storage Areas (Units 36-48)

A bin storage area sized for a minimum of 3 x 240 litre bins must be provided within the lot boundaries of each townhouse. The areas must be screened from view from public land and neighbouring residential property and are to be located behind the building line in the rear courtyard, side access path or a dedicated area in the garage. A flat or ramped bin transfer

path must be provided leading directly from the bin storage areas to Hynds Road (collection point). The path must have a minimum clear floor width of 820mm, must not exceed a grade of 7% (1:14), be free of steps and must be external to the dwelling (excludes garage). An associated clear nature strip length of 1.66m must be dedicated along the kerbside for each dwelling for bin presentation. The dimensions of a 240 litre bin are 735mm deep, 580mm wide and 1080mm high.

22B. Retaining Walls

All retaining walls must be certified by a professional engineer as structurally sound, including in relation to (but not limited to) the ability to withstand the forces of lateral soil load, and have been installed in accordance with any manufacturer's specifications.

22C. Bin Storage Area Plans - Units 36-48

Prior to the issue of a Construction Certificate, amended architectural plans showing the bin storage areas for units 36-48 must be submitted to and approved by Council's Resource Recovery Project Officer. The plan must show that the storage area for each unit is adequately sized to store a minimum 3 x 240 litre bins. The bin storage area must be located behind the building line in the rear courtyard, side access path or a dedicated area in the garage.

109A. Provision of Signage for Waste Storage Areas (Stage 1)

Prior to any Occupation Certificate being issued, 4 x full sets of waste education signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of the central bin storage 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.

ATTACHMENTS

1. Locality Plan
2. Aerial Photo
3. Zoning Map
4. Height of Buildings Map
5. Residential Density
6. Flood Prone Land
7. Approved Plans
8. Proposed Plans
9. Landscape Plans

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

THE HILLS
Sydney's Garden Shire

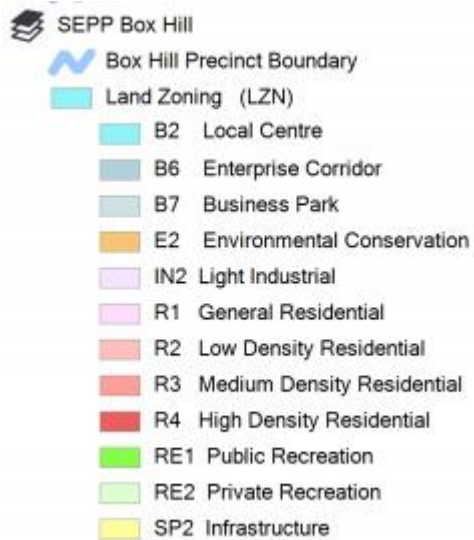
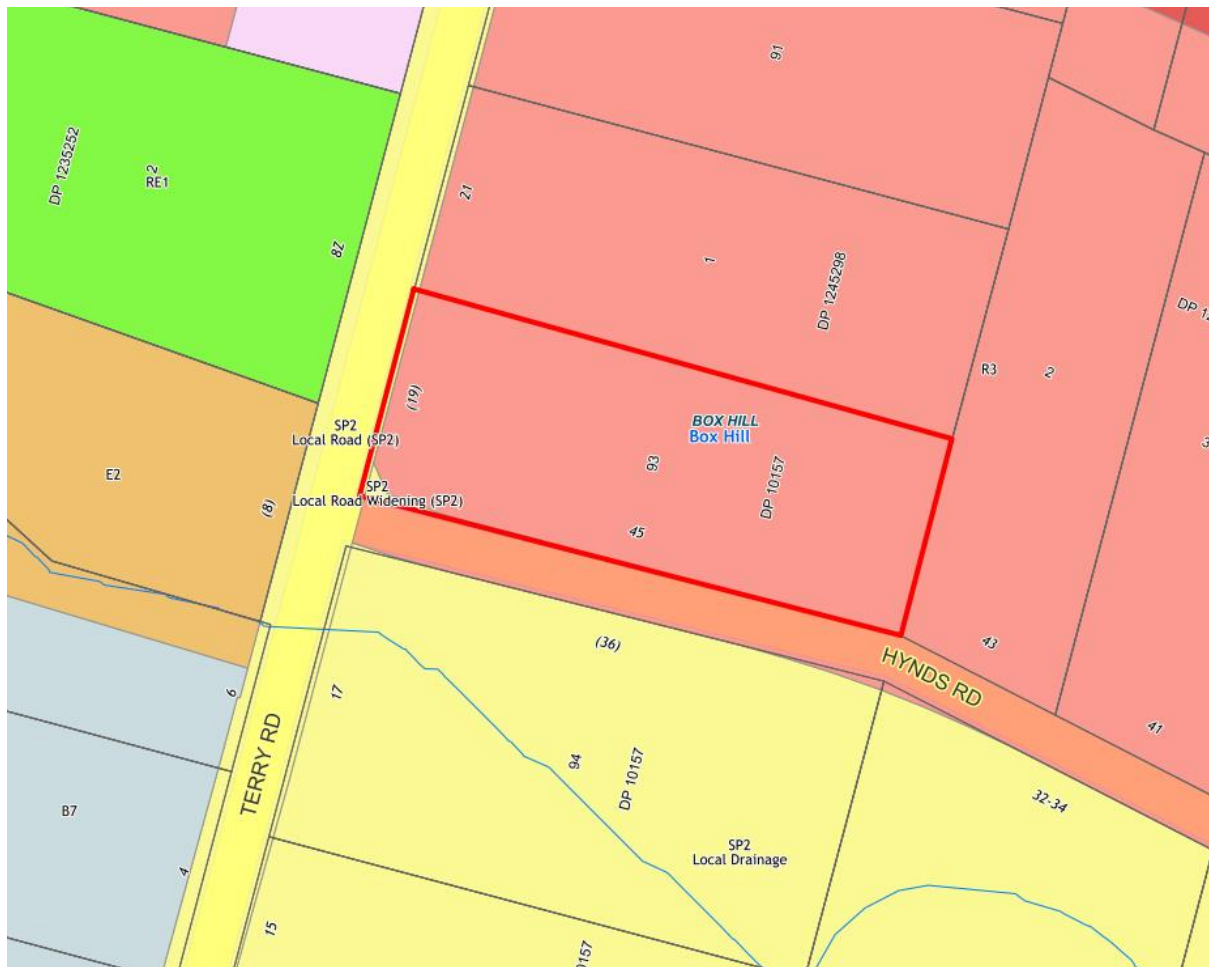
THE HILLS SHIRE COUNCIL

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

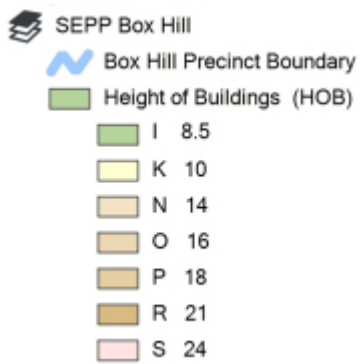
ATTACHMENT 2 – AERIAL PHOTO



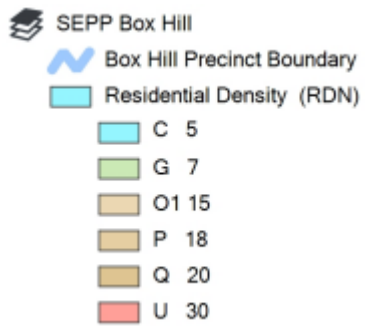
ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – HEIGHT OF BUILDINGS MAP



ATTACHMENT 5 – RESIDENTIAL DENSITY MAP



ATTACHMENT 6 – FLOOD PRONE LAND MAP



[illegible]

[illegible]

[illegible]

STAGE 2

PROPOSED RESIDENTIAL DWELLING
47 Hynds Road Box Hill
CLIENT: MARSHEN PARK DEVELOPT PTY LTD
201610

ISSUE FOR DA

DATE: 201610
DRAWN: [Name]
CHECKED: [Name]
APPROVED: [Name]

THIS PLAN IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ARCHITECT.

[illegible]

[illegible]

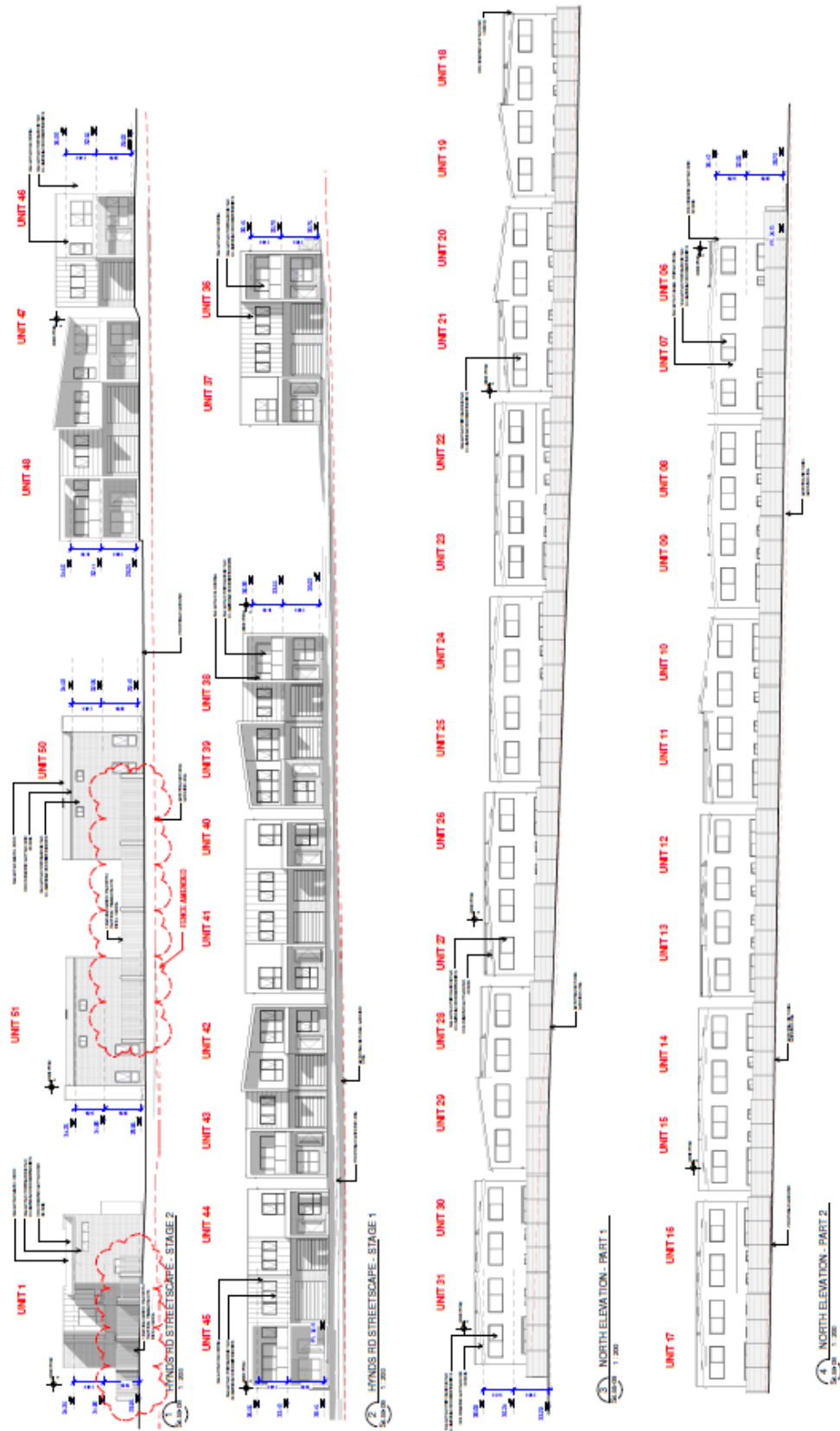
The figure displays architectural drawings for Block MN, a proposed residential development. It includes three main elevation sets and a location plan.

- Block MN (Townhouses 42 to 46 and 8 to 12):** This section shows the front, side, and rear elevations of the townhouses. The front elevation is the most detailed, showing multiple stories with varied window placements and balconies. The side and rear elevations show the building's profile from different angles. A location plan shows the block's position relative to the surrounding area.
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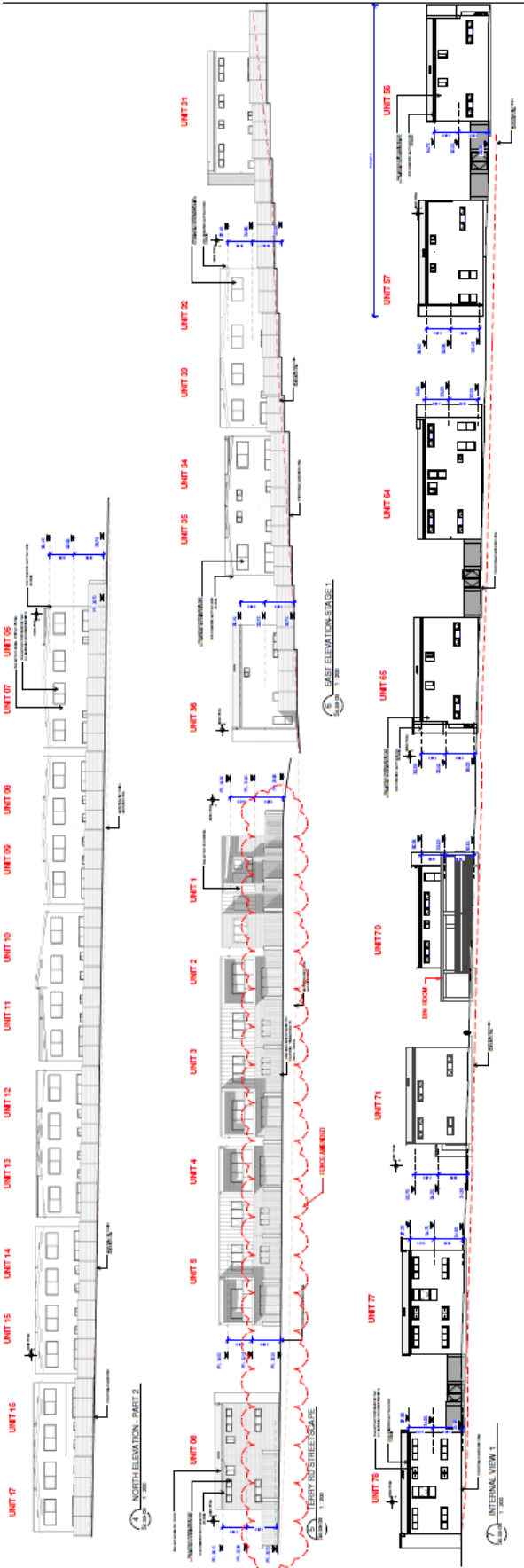
The drawings are presented in a clear, professional style, using a color-coded system to distinguish between different building materials and finishes. The location plan provides a helpful context for the development's placement within the local area.

[illegible]

ATTACHMENT 8 – PROPOSED PLANS - ELEVATIONS

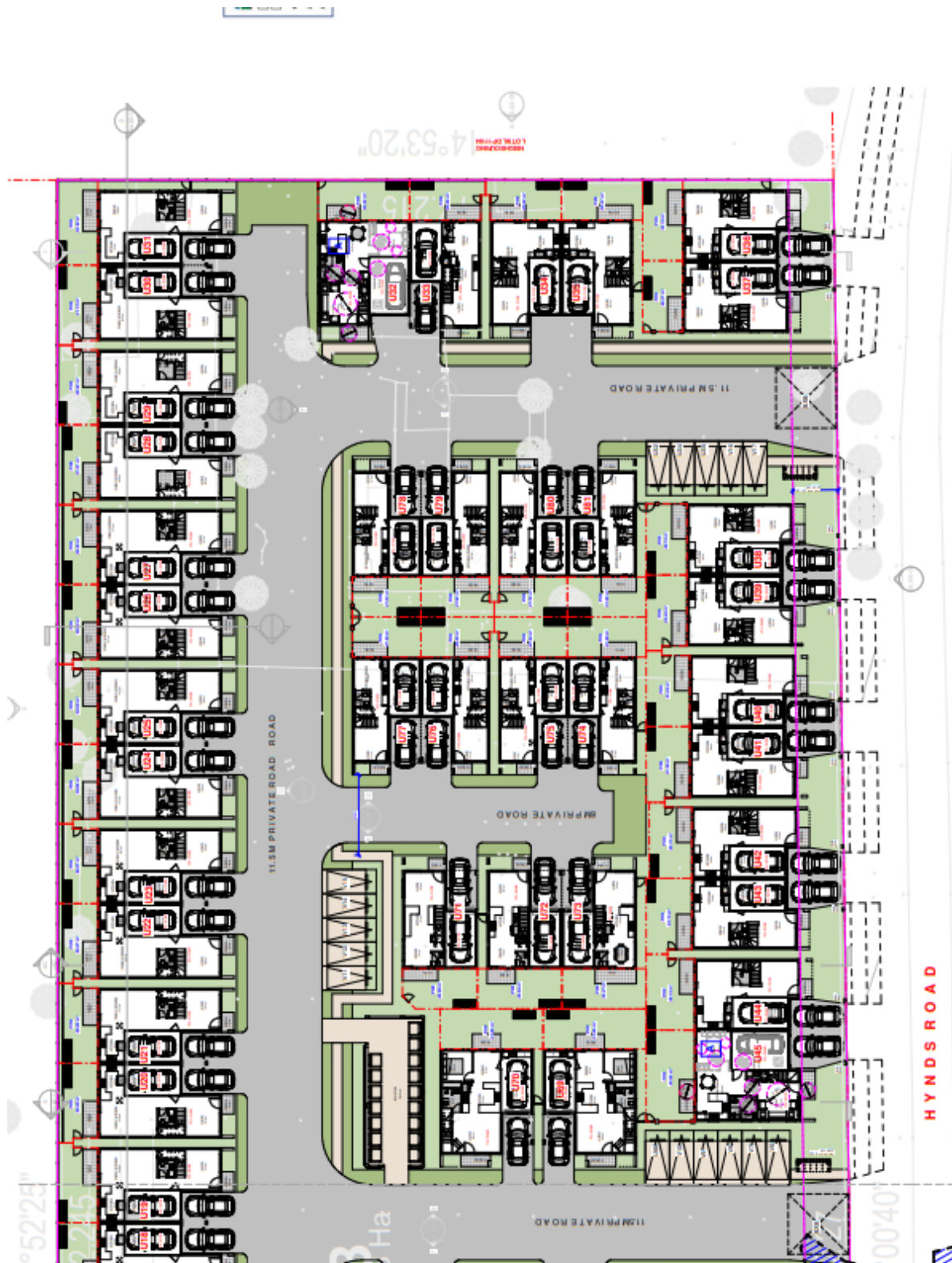


ATTACHMENT 8 – PROPOSED PLANS – ELEVATIONS

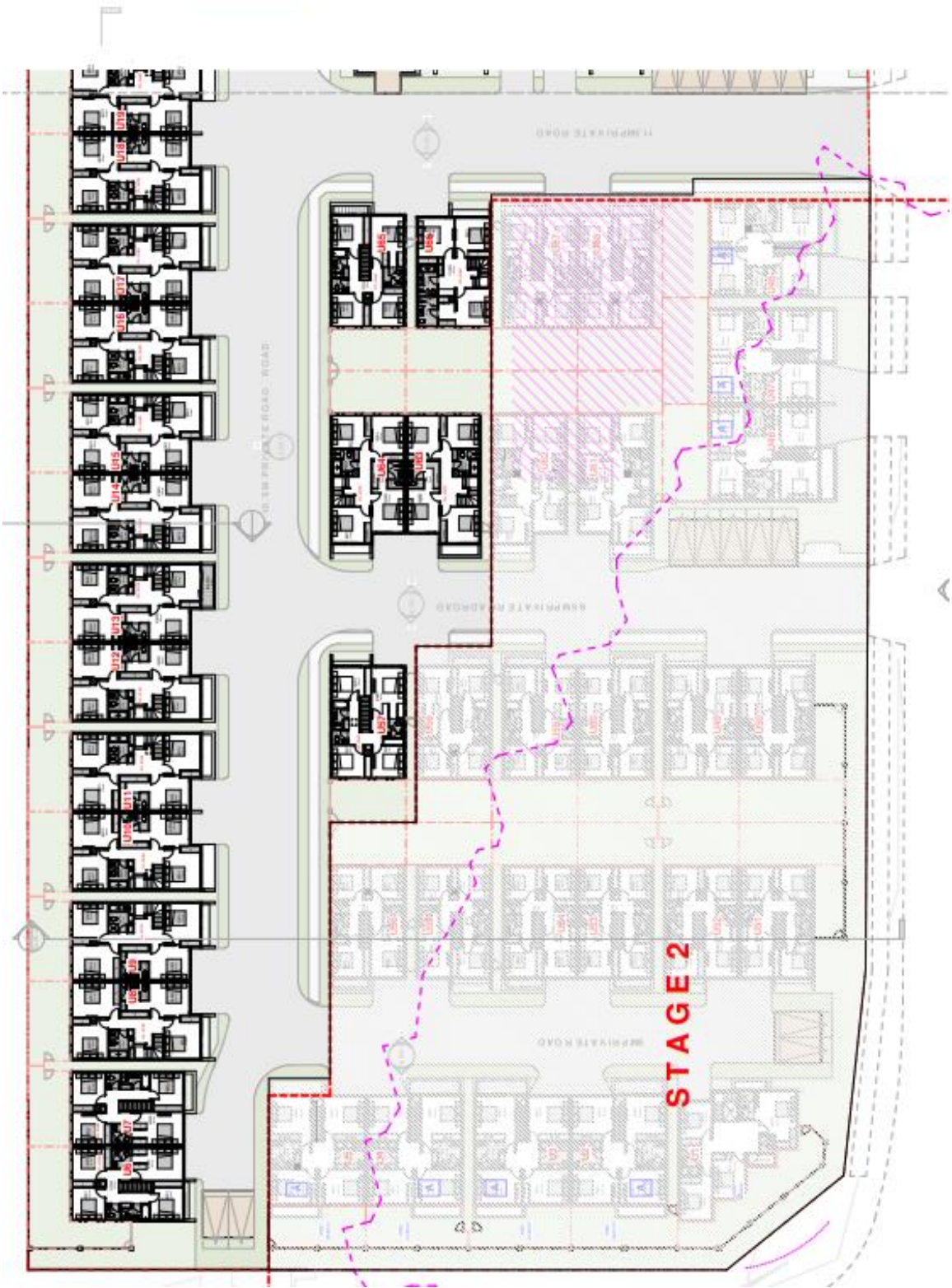


[illegible][illegible]

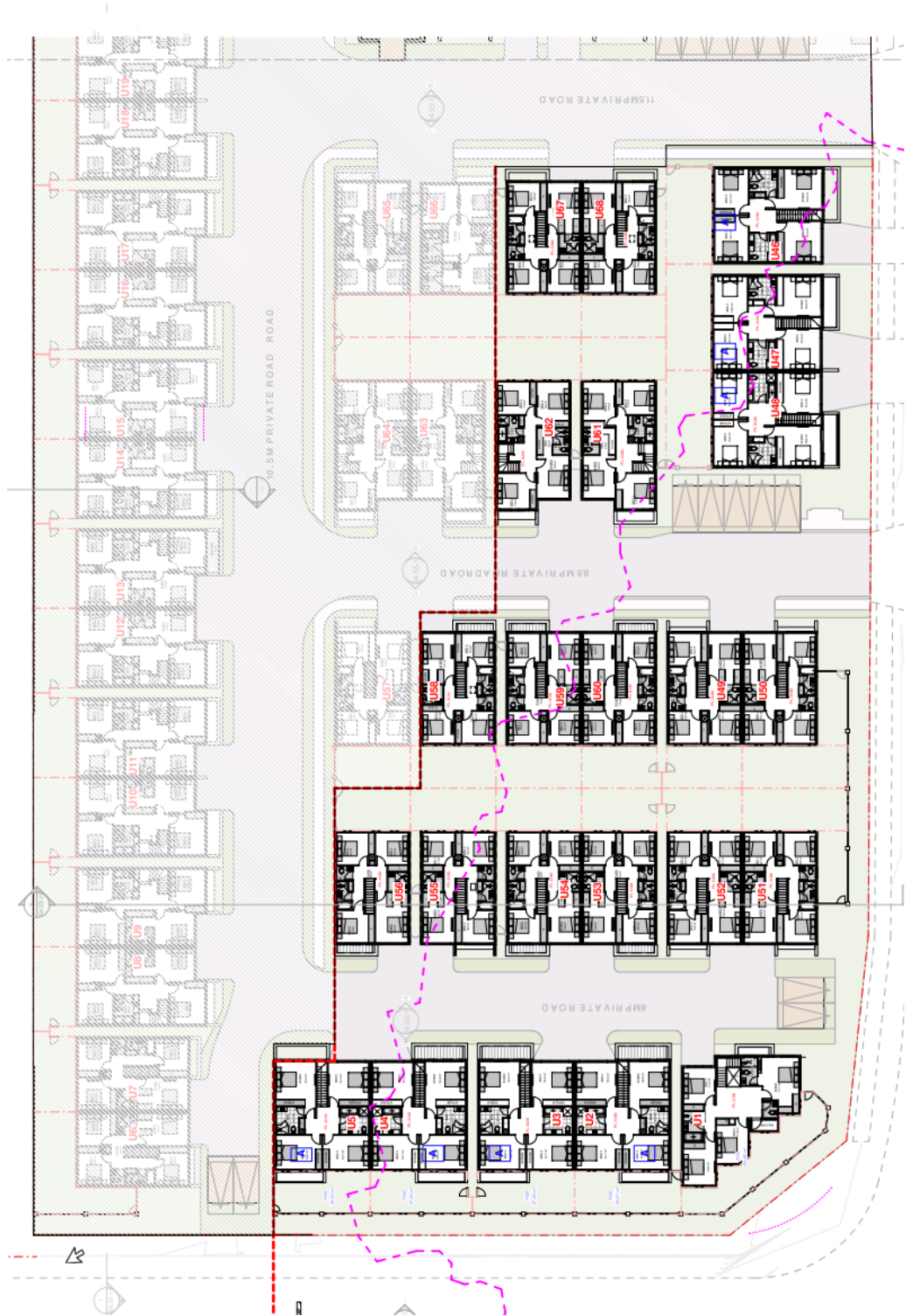
**ATTACHMENT 8 - PROPOSED PLANS -
FLOOR PLANS (STAGE 1 - GROUND FLOOR)**



ATTACHMENT 8 - PROPOSED PLANS – FLOOR PLANS (STAGE 1 – FIRST FLOOR)

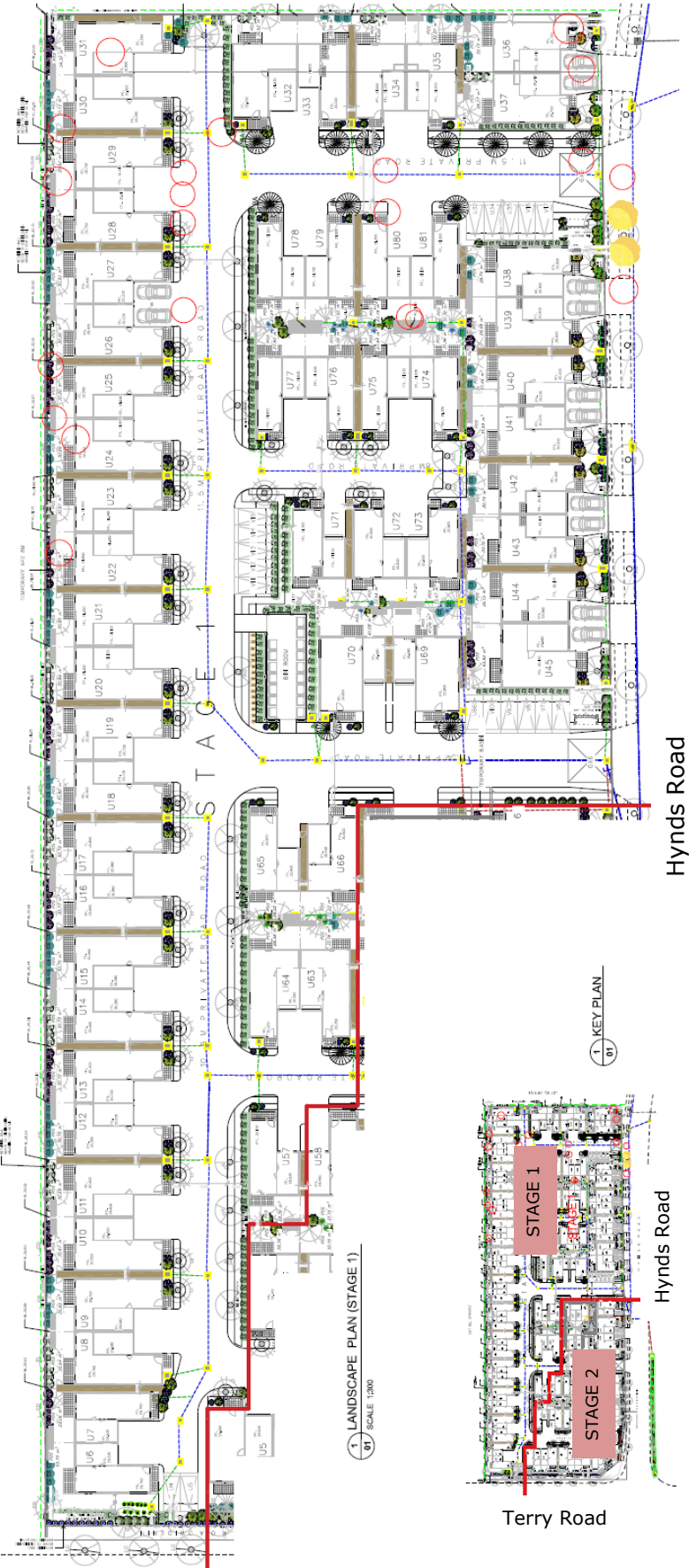


ATTACHMENT 8 - PROPOSED PLANS – FLOOR PLANS (STAGE 2 – FIRST FLOOR)



ATTACHMENT 9 - PROPOSED PLANS – LANDSCAPE PLAN (STAGE 1)

Terry Road

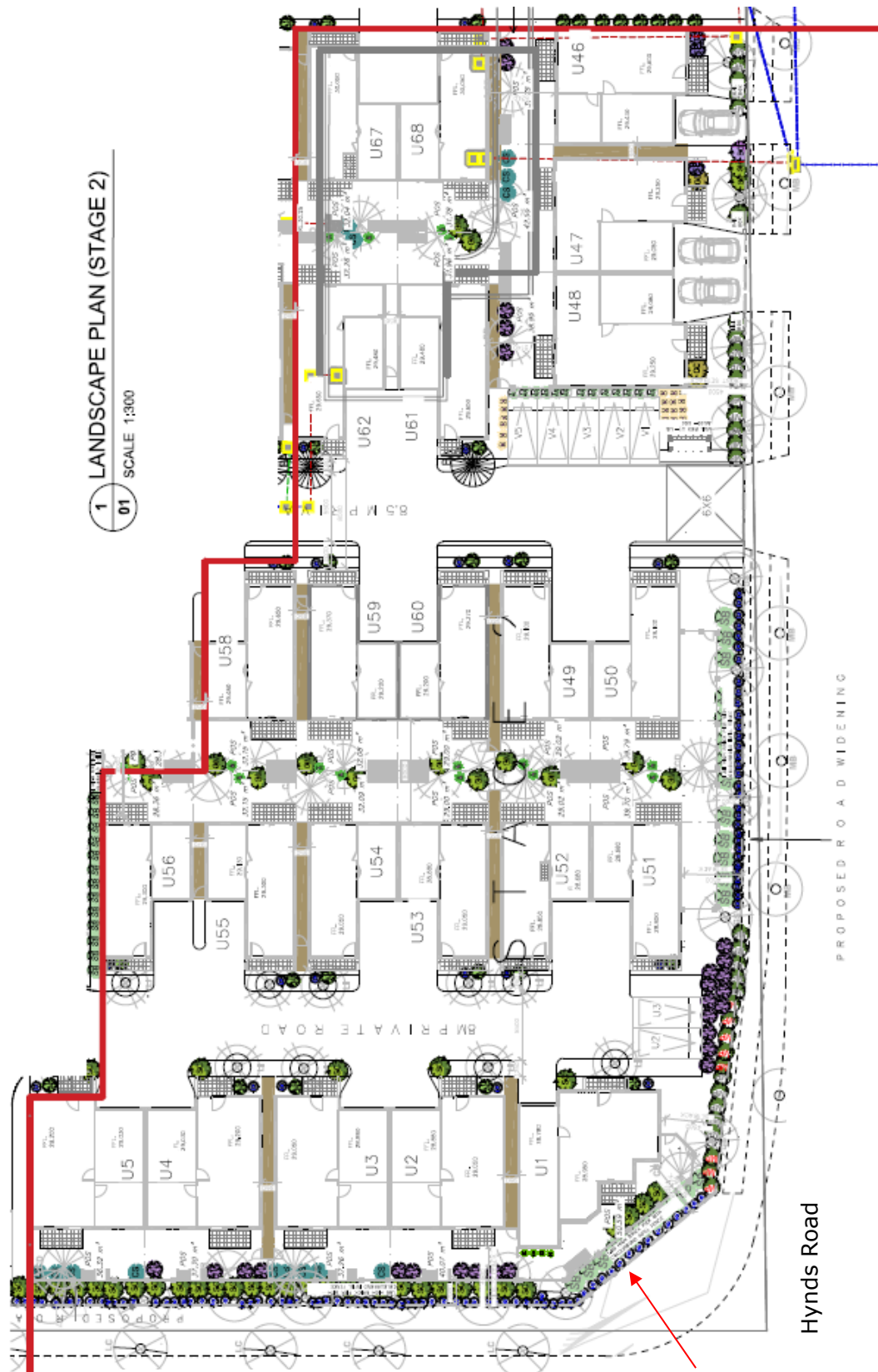


Terry Road

Hynds Road

Hynds Road

ATTACHMENT 9 - PROPOSED PLANS – LANDSCAPE PLAN (STAGE 2)



1 LANDSCAPE PLAN (STAGE 2)
01 SCALE 1:300

Terry Road

Hynds Road

PROPOSED ROAD WIDENING

2 metre landscaping in front of
fencing to Terry Road and splay