



22 April, 2020

Universal Property Group Pty Ltd  
PO Box 270  
WENTWORTHVILLE NSW 2145

Ref No.709/2017/JP/A  
Sydney Central City Planning Panel: 16 April 2020

Dear Sir/Madam

**SECTION 4.55 MODIFICATION OF DEVELOPMENT CONSENT**

**CONSENT NUMBER: 709/2017/JP/A**

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Pursuant to the provisions of Section 122(1) of the Environmental Planning and Assessment Regulation 2000, notice is hereby given of the determination by The Hills Shire Council of the Development Application described below:

<b>APPLICANT:</b>	Universal Property Group Pty Ltd
<b>OWNER:</b>	UPG 59 Pty Ltd
<b>PROPERTY:</b>	Lot 93 DP 10157 47 Hynds Road, BOX HILL NSW 2765
<b>DEVELOPMENT:</b>	Section 4.55(2) to an Approved Townhouse Development
<b>DATE OF APPROVAL:</b>	16 April 2020
<b>ENDORSED DATE OF ORIGINAL CONSENT:</b>	12 January 2018

The Section 4.55 application for modification of Development Consent Number 709/2017/JP/A be approved as follows:

**CONDITIONS OF CONSENT**

1. Condition Nos. 1, 5, 14, 18, 20, 21, 23, 27, 35, 42, 44, 46, 72, 104 and 111 to be **deleted** and **replaced** as follows:

### **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/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.**

### **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	Road Type: DCP Collector Road 4.5m/ 11.6m/ 3.5m (19.6m)



- 255m)	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
<b>Total</b>	<b>\$30,000.00</b>	<b>\$30,000.00</b>	<b>\$30,000.00</b>	<b>\$30,000.00</b>	<b>\$450,000.00</b>	<b>\$1,170,000.00</b>	<b>\$120,000.00</b>	<b>\$1,739,999.70</b>	<b>\$30,000.00</b>	<b>\$1,710,000.00</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.

#### **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**

<b>Stage 2</b>	<b>Purpose: 4 bedroom unit</b>	<b>Purpose: 5 bedroom unit</b>	<b>No. of 4 Bedroom Units: 15</b>	<b>No. of 5 Bedroom Units: 8</b>	<b>Sum of Units</b>	<b>Total \$7.11</b>
Open Space - Land	\$6,640.98	\$6,640.98	\$ 99,614.70	\$ 53,127.84	\$ 152,742.54	\$ <b>152,742.54</b>
Open Space - Capital	\$8,342.61	\$8,342.61	\$ 125,139.15	\$ 66,740.88	\$ 191,880.03	\$ <b>191,880.03</b>
Transport Facilities - Land	\$643.72	\$643.72	\$ 9,655.80	\$ 5,149.76	\$ 14,805.56	\$ <b>14,805.56</b>
Transport Facilities - Capital	\$5,508.00	\$5,508.00	\$ 82,620.00	\$ 44,064.00	\$ 126,684.00	\$ <b>126,684.00</b>
Water Management - Land (KCP)	\$2,448.43	\$2,448.43	\$ 36,726.45	\$ 19,587.44	\$ 56,313.89	\$ <b>56,313.89</b>
Water Management - Capital (KCP)	\$6,155.78	\$6,155.78	\$ 92,336.70	\$ 49,246.24	\$ 141,582.94	\$ <b>141,582.94</b>
Administration	\$260.47	\$260.47	\$ 3,907.20	\$ 2,083.84	\$ 5,991.04	\$ <b>5,991.04</b>
<b>Total</b>	<b>\$30,000.00</b>	<b>\$30,000.00</b>	<b>\$ 450,000.00</b>	<b>\$ 240,000.00</b>	<b>\$ 690,000.00</b>	<b>\$ 690,000.00</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.

#### **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, 22D 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.

### **22D. Bushfire**

The development shall be undertaken in accordance with the recommendations outlined in Section 4.2 the Bushfire Report by Travers dated February 2019 (REF: 18BATH09).

### **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.

Pursuant to Clause 122 of the Environmental Planning and Assessment Act Regulations 2000, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected, and that adequate safeguards are incorporated into the development.

3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant heads of consideration under Section 4.15 of the Act 1979 are maintained.

**Right of Review**

Section 8.2 of the Environmental Planning and Assessment Act 1979 confers on the applicant the right of review of determination, subject to such request being made within six (6) months of the determination date and accompanied by a fee as prescribed in clause 257 of the Environmental Planning and Assessment Regulation 2000.

Section 8.2(2) of the Environmental Planning and Assessment Act 1979 does not permit a review of determination in respect of:

- a) A Complying Development Certificate,
- b) Designated Development,
- c) Development referred to in Division 4.6

**Right of Appeal**

Section 8.9 and 8.10 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months of the endorsed date of determination..

Should you require any further information please contact Kate Clinton on 9843 0129.

Yours faithfully



Paul Osborne

**MANAGER-DEVELOPMENT ASSESSMENT**

**ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION**

## **ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION**

### **PUBLIC NOTIFICATION OF THE DETERMINATION PURSUANT TO ITEM 20(2) (c) AND (d) OF SCHEDULE 1 OF THE ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979**

#### **DECISION:**

APPROVAL

#### **DATE OF THE DECISION:**

16 APRIL 2020

#### **REASONS FOR THE DECISION:**

The Panel generally agreed with the recommendations and balance of considerations in Council's report, noting:

- The proposal is in the public interest.
- Concerns raised by speakers at the meeting have been addressed through the inclusion of an additional condition no. 22D.

#### **HOW COMMUNITY VIEWS WERE TAKEN INTO ACCOUNT IN MAKING THE DECISION:**

In coming to its decision, the Panel considered written submissions made during public exhibition and heard from all those wishing to address the Panel. The Panel notes that issues of concern included:

- Undesirable development which will reduce value of surrounding developments;
- Negative entrance into Hynds Road;
- Reduced landscaping;
- Traffic;
- Low cost housing estate out of character with the neighbourhood.

The Panel considers that concerns raised by the community have been adequately addressed in the assessment report and that no new issues requiring assessment were raised during the public meeting. The Panel notes that in addressing these issues, appropriate conditions have been imposed addressing the issues raised in the council assessment report.