COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC019
DA Number	716/2018/JPZ
LGA	The Hills Shire Council
Proposed Development	Small lot housing development and subdivision creating 39 community title residential lots containing 13 detached dwellings, 22 attached dwellings and four semi-detached dwellings and one association lot including new road and demolition over three stages
Street Address	Lot 105 DP 658289 and Lot 1 DP 136172, 14-16 Nelson Road, Box Hill
Applicant	Senoc Pty Limited C/- Mr Rudi Valla
Owner	14 Nelson Road – Senoc Pty Limited 16 Nelson Road – Mr Steven John Tsakos and Mrs Sonia Sotiria Tsakos
Date of DA lodgement	16 October 2017
Number of Submissions	One submission received to the original proposal. No submissions received to the amended proposal
Recommendation	Deferred commencement approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value (CIV) exceeding $20 million (noting the Development Application was lodged and registered with the Panel prior to the changes to the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (State and Regional Development) 2011 being implemented on 1 March 2018 to increase this threshold to $30 million)
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 — Remediation of Land • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) • North West Priority Growth Area Land Use and Infrastructure Implementation Plan • Box Hill Growth Centre Precincts Development Control Plan
List all documents submitted with this report for the Panel's consideration	• Architectural Plans (Site Plan, Staging Plan, Floor Plans, Elevations, Sections and Shadow Diagrams) • Staged Plan of Subdivision • Subdivision Works Concept Plan • Landscape Plans • Copy of Submission
Clause 4.6 requests	Not applicable for the proposed development
Summary of key submissions	• Deletion of a road identified on the Indicative Layout Plan in Box Hill Growth Centre Precincts Development Control Plan
Report prepared by	Senior Town Planner Gannon Cuneo
Report date	19 March 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? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**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?	**Not Applicable**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S7.24)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	**Yes**
Conditions Have draft conditions been provided to the applicant for comment? *Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report*	**Yes**

EXECUTIVE SUMMARY

The Development Application is for a small lot housing development and subdivision creating 39 community title residential lots along with a dwelling on each lot. The proposal also includes demolition, tree removal, subdivision works (roads, stormwater and services) and landscaping. The proposed development will be undertaken over three stages. The proposed development relates to two properties known as 14-16 Nelson Road, Box Hill. The subject site is located within Box Hill Growth Centre Precinct and is subject to the requirements outlined in Appendix 11 The Hills Growth Centre Precincts Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP) and the Box Hill Growth Centre Precincts Development Control Plan (DCP).

The proposed development was reported to the Sydney Central City Planning Panel (SCCPP) on 21 November 2019 with a recommendation that deferred commencement consent be issued. The Panel resolved to defer the determination of the proposed development due to concern with the proposed removal of a pre-planned road included on the Indicative Layout Plan (ILP) for the precinct being removed as part of the proposed development. The reasons for deferral are provided in Attachment 2.

The proposed development has been amended to address the concerns raised through the submission and the reasons for deferral. This has also resulted in the removal of one lot/ dwelling. The portion of the pre-planned road included on the ILP along the eastern side boundary is now proposed as part of the proposed development. The removal of the pre-planned road along the northern boundary remains along with another DCP variation relating to cut and fill levels. The removal of the road along the northern boundary does not result in any adverse impact on adjoining properties relating to access. A private (but publically accessible) open access way is proposed in its place whilst the land directly to the north is zoned E2 Environmental Conservation. This land is a vegetated riparian corridor which will remain in private ownership. This land has access from Palazzo View and Morningside Street within 8 and 10 Hynds Road. Notwithstanding this the proposed development (as amended) is satisfactory with regard to the SEPP and DCP and this report provides an assessment of the proposal against the relevant requirements and addresses the DCP variations.

Following receipt of amended plans and additional information the proposed development was re-notified to nearby and adjoining properties between 20 January 2020 and 10 February 2020 (including the author of the original submission). No submissions were received in response to the notification of the amended plans.

The proposed development is integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as it seeks consent for works within 40 metres of an identified mapped natural watercourse and relates to the residential subdivision of land mapped as being bushfire prone. The Natural Resources Access Regulator and Rural Fire Service have both issued their general terms of approval subject to conditions.

The application is recommended for deferred commencement approval subject to conditions. The deferred commencement condition recommended relates to the need for a temporary stormwater easement.

BACKGROUND

The proposed development was previously reported to the Sydney Central City Planning Panel (SCCPP) on 21 November 2019. That planning report is included as Attachment 1. The Panel resolved to defer the determination of the proposed development on the basis of a pre-planned road included on the Indicative Layout Plan (ILP) being removed as part of the proposed development. The reasons for deferral are provided in Attachment 2.

Following the meeting the applicant prepared amended plans which were forwarded to the Panel for comment. The response provided by a member of the Panel noted that the change to the road pattern looks to meet the needs of the Panel's deferral decision. The proposed development was subsequently formally amended and re-notified to nearby and adjoining properties. No submissions were received.

The response from the Panel member also queried whether adequate open space was still provided. Two areas of communal open space were initially proposed however the amended road layout required the removal of one of these areas in the northern corner of the site to accommodate the pre-planned road included on the ILP along the eastern side boundary. One area of communal open space is proposed within the association property still. It is noted the site is opposite RE1 Public Recreation zoned land where Council is planning sporting fields as identified in Contribution Plan No. 15 – Box Hill.

DETAILS AND SUBMISSIONS

Zoning:	R3 Medium Density Residential
Area:	19,638m^2
Existing Development:	Two single storey dwellings, outbuildings, swimming pool, dam and remnant vegetation
Section 7.11 Contribution	$45,000 per additional lot in accordance with CP No. 15 – Box Hill Precinct (capped until 01/07/2020) Total of $1,665,000.00 - Stage 2 - $675,000.00 - Stage 3 - $990,000.00
Exhibition:	9 November 2017
Notice Adjoining Owners:	9 November 2017 to 10 December 2017
Number Advised:	10
Submissions Received:	One
Renotification to Adjoining Owners:	20 January 2020 to 10 February 2020
Number Advised:	10
Submissions Received:	Nil

PROPOSAL

The Development Application as amended seeks consent for the following:

- Demolition of existing buildings/ structures on the site and dewatering of the existing dam;
- Subdivision creating 39 community title residential lots and one community association lot over three stages;
- Construction of 13 detached dwellings, 22 attached dwellings and four semi-detached dwellings over three stages;
- Construction and dedication of two new public roads (Palazzo View and Baluster Street) and construction of three new private roads in the proposed community association lot;
- Subdivision works including earthworks, stormwater drainage, construction of a temporary stormwater management basin and utility servicing;
- Tree removal; and
- Landscaping.

The subdivision component of the application will be undertaken over three stages as outlined below:

Stage 1	Subdivision of two existing lots creating two residue community title lots, one community lot and public road
Stage 2	Subdivision of one of the residue lots created in Stage 1 into 16 community title residential lots
Stage 3	Subdivision of the other residue lot created in Stage 1 into 23 community title residential lots

Construction of the dwellings will also be undertaken over three stages as outlined below:

Stage 1	Construction of 12 detached dwellings on lots 2-12 and 17 and construction of four semi-detached dwellings on lots 13-16 created in Stage 2 of the subdivision
Stage 2	Construction of 22 attached dwellings on lots 18-39 created in Stage 3 of the subdivision excepting lot 40 which contains the temporary stormwater management basin
Stage 3	Construction of one detached dwelling on lot 40 created in Stage 3 of the subdivision once the temporary stormwater management basin is able to be removed

The proposed development works include earthworks predominantly comprising cut from the site to achieve appropriate levels for the dwellings to be constructed and provide a drainage design that complies with Council's requirements.

The proposed development includes the construction and dedication of two new roads which are identified as Palazzo View and Baluster Street in the DCP. Palazzo View is required to be constructed as a Perimeter Road along a Park as identified in Figure 25 of the DCP. The road has been designed to provide a 16.5 metre road reserve with a 2.5 metre wide shared path within a 4.5 metre wide verge adjoining the RE1 zoned land to the west. A pavement width of 8.5 metres is provided for two way traffic and on street parking which complies with the DCP.

The proposed development (as amended) also includes the partial width construction of Baluster Street along the eastern boundary. The road is required to be constructed as a Local

Street as identified in Figure 21 of the DCP. The construction incorporates the existing 10.05 metre wide unformed public road (Robbins Road) and an additional 7.95 metres from within the subject site. The road will be constructed and dedicated as public road at no cost to Council. The remaining construction will need to occur when 18 Nelson Road to the east is developed as per the DCP.

The proposed private road provides a pavement width of 6 metres to facilitate two way traffic movements. Verge widths vary between 1.5 metres and 3.5 metres which is considered suitable for a community title development. There are no DCP controls relating to private roads.

The proposed stormwater works include the construction of a temporary stormwater basin on proposed lot 40 and the construction of a pit and pipe network within the public and private roads which direct stormwater runoff from the development to this planned basin. The stormwater captured from the dwellings and private road is to the proposed drainage basin on proposed lot 40. A tail out drain is proposed over one of the downstream properties fronting Hynds Road and the cause of the recommended deferred commencement condition below. Consent has not been provided by the property owners for these works. The basin will remain in place until future connection is provided to the creek along the length of Palazzo View within the property to the north (and eventually the planned basin to the west). A dwelling is proposed for lot 40 which will be constructed following decommissioning of the stormwater basin.

Services including sewer, water, electricity and telecommunications will be provided to each dwelling. Certificates will be required by conditions of consent to be provided prior to issue of a Subdivision Certificate/ Occupation Certificate.

The proposal also includes tree removal from the subject site. Further tree removal will be required over one or more adjoining properties to make way for the final stormwater tail-out drain/ design and is subject to consent from adjoining land owners in response to the deferred commencement condition recommended. Landscaping works are proposed which include a range of small, medium and large plants to replace those being removed and also to provide a buffer between the proposed development and the heritage item located to the east of the subject site.

ISSUES FOR CONSIDERATION

1. SEPP (State and Regional Development) 2011

The proposed development complies with the requirements of SEPP (State and Regional Development) 2011. Refer to the previous planning report in Attachment 1.

2. SEPP (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan

i. Permissibility

The proposed development is permissible in accordance with the SEPP. Refer to the previous planning report in Attachment 1.

ii. Zone Objectives

The proposed development meets the objectives of the R3 Medium Density Residential zone. Refer to the previous planning report in Attachment 1.

iii. Minimum lot size

The minimum lot size does not apply to the proposed development. Refer to the previous planning report in Attachment 1.

iv. Minimum lot sizes for residential development in certain residential zones

The proposed development complies with this requirement. Refer to the previous planning report in Attachment 1.

v. Exceptions to minimum lot sizes for dwelling houses

Clause 4.1AC of the SEPP establishes that consent may be granted to the erection of a dwelling house on a lot with an area of 225m^2 if the development application includes the subdivision of land into two or more lots and the erection of the dwelling house on one of the lots resulting from the subdivision.

The initial proposed development included construction of dwellings on each of the lots within the subdivision which ranged in area from 225.4m^2 to 422.4m^2. The proposed development includes construction of a dwelling on each lot within the subdivision with lots ranging in area from 225.4m^2 to 656.5m^2. As such, the proposed development complies with the requirements of Clause 4.1AC.

vi. Residential density

Clause 4.1B of the SEPP establishes the minimum density to be achieved in association with the Residential Density Map. The proposed development is required to achieve a minimum density of 18 dwellings per hectare. The subject site has a net developable area of 2 hectares. Based on the minimum requirement under the SEPP, the proposed development would be required to provide a minimum of 36 dwellings. The proposed development includes construction of 39 residential lots/ dwellings resulting in a density of 19.5 dwellings per hectare and therefore complies with the density requirement.

vii. Height of buildings

Clause 4.3 of the SEPP establishes the maximum height of any building permitted on the subject site in association with the Height of Buildings Map. The maximum height permitted is 14 metres. The proposed development includes dwellings constructed to a height of 11 metres measured from natural ground level. The proposal complies with the requirements of Clause 4.3 of the SEPP.

viii. Other provisions

The proposed development has been considered against the relevant provisions of the SEPP. Specific regard has been given to clauses:

- 5.9 Preservation of trees or vegetation
- 5.10 Heritage Conservation
- 6.2 Public utility infrastructure

The proposed development satisfies each of the standards and objectives relating to each of the clauses.

3. North West Priority Growth Area Land Use and Infrastructure Implementation Plan

The draft amendments to the SEPP propose to amend Clause 4.1B and the associated density maps to include both a minimum and maximum density for residential zoned land.

The proposed density band/ range for the site is as follows:

- Minimum density control: 15 dwellings per hectare; and
- Maximum density control: 30 dwellings per hectare.

The proposed density is 19.5 dwellings per hectare which complies with the draft amending SEPP.

4. State Environmental Planning Policy No 55 Remediation of Land

The proposed development complies with the requirements of State Environmental Planning Policy No 55 Remediation of Land. Refer to the previous planning report in Attachment 1.

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

The proposed development complies with the requirements of Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997). Refer to the previous planning report in Attachment 1.

6. Compliance with Box Hill Growth Centre Precincts Development Control Plan

Control:	**Proposal:**	**Compliance:**
2.0 – Vision and Character		
2.2 – Indicative Layout Plan	The subdivision layout proposes a variation to the ILP.	No, but satisfactory. See discussion below.
3.0 – Land Development		
3.1.1 – Residential Density Minimum of 18 dwellings per hectare	The proposed development includes construction of 39 lots/ dwellings over 2 hectares, resulting in a density of 19.5 dwellings per hectare and therefore complying with the density requirement.	Yes
3.1.2 – Block and Lot Layout	The proposal complies with the block and lot layout requirements in the DCP.	Yes
3.1.2 (5) Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as Table 6. In certain density bands, variations to some lot sizes may be possible subject to clauses	The proposal is consistent with the SEPP with respect to minimum lot size and therefore satisfies this control.	Yes

<table>
<tr>
<td>4.1AC, 4.1AD and 4.1AE in the Sydney Region Growth Centres SEPP.
<table>
<tr><td></td><td>R3 Medium Density Residential</td></tr>
<tr><td>Minimum Net Residential Target (dwellings/ ha)</td><td>18</td></tr>
<tr><td>Dwelling House (base control)</td><td>300 square metres</td></tr>
<tr><td>With BEP</td><td>225 square metres</td></tr>
<tr><td>As Integrated DA</td><td>225 square metres</td></tr>
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<tr>
<td>3.1.2 (6) Minimum lot frontages applying to each density band will comply with Table 7. Lot frontage is measured at the street facing building line as indicated in Figure 7.
<table>
<tr><td></td><td colspan="2">Net Residential Density Target (dw/Ha)</td></tr>
<tr><td></td><td>15</td><td>20-45</td></tr>
<tr><td>Front Loaded</td><td>9m</td><td>7m</td></tr>
<tr><td>Rear Loaded</td><td>4.5m</td><td>4.5m</td></tr>
</table>
</td>
<td>The subject site requires a minimum density of 18 dwellings per hectare and a maximum of 30 dwellings per hectare under the draft amendments. Given the DCP does not provide a control specifically related to this density band, a merit based assessment has been undertaken.

The proposal is generally compliant with all detached dwellings having a frontage width of 10 metres or greater. The proposed attached dwellings have frontages ranging between 7 and 10 metres.

One proposed lot has a frontage of approximately 5 metres which is due to the shape of the lot. The built form on each of these lots is considered reasonable.</td>
<td>Yes</td>
</tr>
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<td>3.1.2 (7) A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes</td>
<td>The proposal includes subdivision and dwelling construction thereby giving the certainty of the built form outcome. The proposal provides a variety of frontages and dwelling types.</td>
<td>Yes</td>
</tr>
</table>

with distinctive garden suburban, suburban and urban characters across a neighbourhood.		
3.1.2 (8) In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in a street block may have a frontage of less than 10m wide.	The site has a density range of between 15-30 dwellings per hectare. The proposal provides for a range of frontages between 7 metres and 14 metres across the site.	Yes
3.1.2 (9) In density bands ≤25dw/Ha, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.	Lots with a frontage of between 7 and 9 metres are rear accessed and therefore to not contribute to garage dominance or reduce on street parking.	Yes
3.1.2 (10) Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Lots are generally rectangular in shape. Regardless, dwelling construction is proposed and ensures the built form is suitable for any irregular shaped lots.	Yes
3.1.2 (11) Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.	Dwellings with frontage to Palazzo View have been designed with the main residential entry facing the RE1 zoned land opposite.	Yes
3.1.2 (15) The location of a zero lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at Figure 39.	Easements for maintenance/ repairs have been shown on the draft plan of subdivision as being on the lower side of lots. This will be confirmed by the final levels and on the final plan of subdivision.	Yes
3.1.2 (16) On all lots where a zero lot line is permitted, the	All lots requiring a zero lot line have been nominated on the	Yes

side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.	plan of subdivision.	
3.1.2 (17) Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.	A condition of consent has been recommended which recommends a 900mm wide (minimum) easement for access and maintenance to be provided over those lots adjacent to the zero-lot line dwellings using Council's standard easement terms.	Yes
3.1.2 (18) The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.	A condition of consent has been recommended which requires a 900mm wide (minimum) easement for repairs to be provided over those lots adjacent to the zero-lot line dwellings using Council's standard easement terms.	Yes
3.1.2 (19) Shallow lots (typical depth 14-18m, typical area <200m2) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots, such as overshadowing and overlooking of private open space, satisfy the	This does not apply here.	N/A

requirements of the DCP. For lots over 225m2 where development is not Integrated Assessment, the Building Envelope Plan should demonstrate in principle how DCP requirements such as solar access and privacy to neighbouring private open spaces will be satisfied.		
3.1.3 – Battle-axe Lots 3.1.3 (2) Subdivision layout should minimise the use of battle-axe lots without public frontage to resolve residual land issues.	No battle-axe proposed.	N/A
3.1.4 – Corner Lots 3.1.4 (1) Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	The proposed lots are in accordance with AS 2890 and Council's Engineering Specifications.	Yes
3.3.1 – Street Network, Design and Hierarchy 3.3.1 (1) The street network and road hierarchy is to be provided generally in accordance with Figure 14 and Table 9.	The proposal is not in accordance with the street network and design as outlined in the DCP.	No, but satisfactory. See discussion below.
3.3.1 (2) Roads are to be at the cost of the developer unless the Section 94 plan makes provision for the road construction.	The application includes the construction and dedication of Palazzo View and part of Baluster Street which are new public roads not covered by the Contribution Plan/ Section 7.11 fees. Palazzo View is identified in the ILP and are required to be constructed and dedicated to the public/ Council at no cost. The application includes partial width reconstruction of Nelson Road which is an existing public road fronting the site which is not covered by the Contribution Plan/ Section 7.11 fees. Therefore this road is required to be reconstructed and any associated road widening	Yes

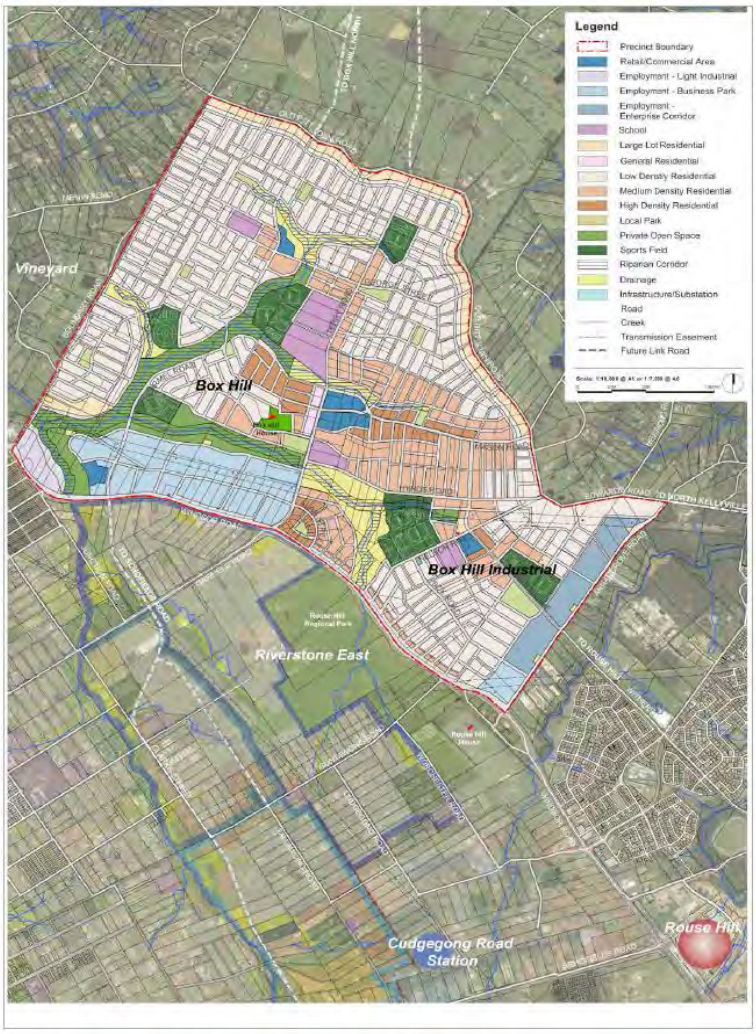
	dedicated to the public/ Council at no cost. The applicant has submitted a draft plan of subdivision which identifies Palazzo View and Baluster Street as being public roads and a small portion of road widening to Nelson Road, both of which will be constructed and dedicated at no cost to the public/ Council. It is clear that the applicant is proposing to construct and dedicate the planned public roads within the development as well as reconstruct the existing public road fronting the site that services the development. The construction (or reconstruction) and dedication of these roads to the public/ Council is a fundamental aspect of the application as it provides access to the proposed development. Without this component forming part of the application the application would instead have been refused.	
3.5 – Residue Lots Any development proposal including creation of residue lots for future subdivision must: Include documentation demonstrating how the minimum density can be achieved across each residue lot through future subdivision. Demonstrate how the future development of each residue lot can be consistent with the character statement for the local area in terms of the built form, dwelling types, bulk and scale, height and other public domain considerations.	The proposal does not include creation of any residue lots.	Yes

Demonstrate that the residue lot can be serviced and accessed in accordance with Figure 2. Demonstrate that development of the residue lot can be undertaken without compromising the other objectives and controls of this DCP. Demonstrate that the residue lot shall be connected to the reticulated public sewer.		
4.0 – Residential Development		
4.1.1 Cut and Fill 4.1.1 (6) Retaining walls within residential allotments are to be no greater than 500 mm high at any point on the edge of any residential allotment. A combined 1 m maximum retaining wall height is permissible between residential lots (2 x 500 mm).	The proposal involves minor earthworks to provide suitable platforms and levels for the built form included with the proposal. These earthworks do exceed 500mm with some areas requiring cut/ fill beyond this requirement.	No, but satisfactory. See discussion in previous planning report include as Attachment 1.
7.0 – Managing the Environment		
7.1 – Integrated Stormwater Management (3) All stormwater drainage designs are to comply with the most up to date revision of council's "Design Guidelines Subdivision/ Developments".	The proposal includes construction of a stormwater management system that generally complies with Council's guidelines, however this includes works over adjoining land to which the owner/s have not provided consent.	Yes, however consent has not been provided for works on adjoining land. See discussion in previous planning report include as Attachment 1 and recommended Condition 1 below.
7.2 – Aboriginal Heritage (5) Areas of moderate archaeological sensitivity as shown in Figure 53 warrant an Aboriginal archaeological due diligence assessment. This assessment is to be conducted in accordance with the relevant code of practice stipulated in the NPW Regulation.	An Archaeological Assessment of the site has been undertaken and the report concludes that no aboriginal cultural heritage was identified within the study area.	Yes
7.4 – Bush Fire Management	The subject site is identified as partly bushfire prone land. A response has been	Yes

	provided by the RFS raising no objections to the proposed development subject to conditions.	
7.6 – Contamination Management	A Contamination Assessment of the site has been undertaken and the report submitted to Council. The report concludes that the site does not present a risk of harm to human health or the environment and there is no contamination requiring remediation.	Yes

Variation to Indicative Layout Plan

Section 2.2 of the DCP provides the ILP for the Precinct. The objective is to ensure the development of Box Hill is undertaken in a coordinated manner. Figure 2 of the DCP (see below) illustrates the indicative layout for the Precinct.



Subject Site

Site Plan

Figure 2 Box Hill Growth Centre Precincts Indicative Layout Plan

The proposed development (as amended) includes a variation to the ILP by removing the northern portion of Baluster Street along the northern site boundary, with a private (but publically accessible) open access way proposed in its place. The proposed development originally sought to remove the portion of this road along the eastern side boundary too; however this is has been reinstated in response to the concerns raised through the submission and the reasons for deferral. The road identified in the ILP frames the subject site. The road is identified in the DCP as it originally intended to address the orderly development of Nos. 14 and 16 Nelson Road assuming they would be developed separately. Given that the properties are being developed together it is considered the need for the perimeter public road along the northern boundary is unnecessary.

Further the land directly north of Baluster Street within 8 and 10 Hynds Road is zoned E2 Environmental Conservation. That land will be preserved/ managed under a Vegetation Management Plan and there is no access required from Baluster Street which frames the northern boundary of the subject site. The E2 Environmental Protection zoned land can be accessed and maintained from Palazzo View and/ or Morningside Street.

The variation to the ILP is shown in the site plan/ plan of subdivision (extract above). The proposed development replaces this 18m wide public road with a 12.5m wide private road connecting Palazzo View and Baluster Street. The site adjoins E2 Environmental Protection zoned land to the north. The removal of Baluster Street from the northern boundary adjoining the E2 Environmental Protection land has no implications on the ability for adjoining properties to the north to develop noting those properties will develop in a way whereby access is provided to/ from Hynds Road as per the DCP and ILP. The E2 Environmental Protection zoned land to the north is required to be conserved by that land owner as per the SEPP.

Based on the above assessment the proposed variation to the ILP is supported in this instance.

7. Issues Raised in Submissions

Following receipt of amended plans and additional information the proposed development was re-notified to nearby and adjoining properties between 20 January 2020 and 10 February 2020 (including the author of the original submission). No submissions were received in response to the notification of the amended plans.

The concerns raised in the original submission outlined in the previous planning report have been addressed by the amended plans.

ENGINEERING COMMENTS

No objection is raised to the proposed development subject to conditions. The conditions include deferred commencement which is subject to consent being provided from the adjoining property owner/s affected by the proposed drainage works.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions. The conditions include deferred commencement which is subject to consent being provided from the adjoining property owner/s affected by the proposed drainage works and tree removal.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions. Each lot within the subdivision will be serviced by Council's three bin waste collection scheme. An area is to be provided in front of each dwelling providing adequate space for three bins to be collected via the planned internal/ private road.

NSW RURAL FIRE SERVICE COMMENTS

The amended plans were referred to NSW Rural Fire Service on An updated Bush Fire Safety Authority dated 3 March 2020 has been provided by the Rural Fire Service which reflects the current subdivision plan and lot numbering. The general terms of approval form part of the consent and are provided in the recommended conditions below.

DEVELOPER CONTRIBUTIONS

The amendments to the proposed development reduced the number of residential lots/ dwellings from 40 to 39. As such the following contributions apply:

	Rate x No. of lots/ dwellings	Total
Stage 1	No contribution applicable.	N/A
Stage 2	$45,000 x 16 residential lots/ dwellings	$720,000.00
	- $45,000 x 1 existing lot	**$675,000.00**
Stage 3	$45,000 x 23 residential lots/ dwellings	$1,035,000.00
	- $45,000 x 1 existing lot	**$990,000.00**

CENTRAL CITY DISTRICT PLAN

The Central City District Plan sets out planning priorities and actions for improving the quality of life for residents as the District grows and changes. The plan aims to provide residents in the Central City District with quicker and easier access to a wider range of jobs, housing types and activities as part of the transformation of the District. The proposed development aligns with the vision of the district plan by contributing to the medium density housing stock in a land release area. The proposal contributes to housing diversity in the Central City district within close proximity to employment opportunities and key transport corridors. The proposal is considered satisfactory with regard to the district plan.

CONCLUSION

The development application has been evaluated against the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Box Hill Growth Centre Precincts Development Control Plan. All key issues raised in submissions or by the Panel at the meeting on 21 November 2019 have been identified, addressed by the amendments made to the proposed development or suitably conditioned and is considered satisfactory.

IMPACTS:

Financial

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

The Hills Future – Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined in The Hills Future – Community Strategic Plan as the proposal will enable the creation of a range of housing options to suit the different needs of people living in our Shire whilst ensuring the future built environment blends with our natural beauty.

RECOMMENDATION

The Development Application be approved subject to the conditions below which include a deferred commencement condition relating to the need for a temporary stormwater easement over one or more downstream properties.

DEFERRED COMMENCEMENT

1. Deferred Commencement – Registration of Easement

A. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

   1 The registration of a temporary 5m wide and 30m long (minimum) drainage easement over the downstream property, 10 Hynds Road Box Hill. Alternatively an easement over both 12 Nelson Road and 12 Hynds Road will also suffice. Both options/ possible temporary outlets are shown on the temporary stormwater drainage discharge options plan 01843_203 by C&M Revision 02 dated 09/10/2019. The temporary easement is required until such time as Palazzo View (and the associated street drainage) is extended north the natural watercourse running east-west within 10 Hynds Road by others.

B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.

C. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

2. Approved Plan of Subdivision

The subdivision must be carried out in accordance with the approved plan of subdivision prepared by Stuart N de Nett Reference 11867-6 Sheets 1 to 3 of 3 dated 14/01/2020 and other supporting documentation including the undertaking within the Statement of Environmental Effects submitted relating to the dedication of Palazzo View, Baluster Street and part of the subject site fronting Nelson Road for road widening except where amended by other conditions of consent.

3. Approved Building Plan

Building works must be carried out in accordance with the approved plans listed except where amended in red or by other conditions of consent.

Title	Reference	Revision	Author	Date
Demolition Plan	ar-0001	a04	dem	10/01/19
Masterplan 00	ar-0100	a07	dem	10/01/19
Masterplan 01	ar-0101	a06	dem	10/01/19
Masterplan 02	ar-0102	a05	dem	10/01/19
Masterplan 03	ar-0103	a04	dem	10/01/19
Elevations	ar-0200	a05	dem	10/01/19
Internal Elevations	ar-0201	a05	dem	10/01/19
Overall Sections	ar-0202	a03	dem	10/01/19
Dwelling Type A1	ar-1200	a04	dem	10/01/19
Dwelling Type	ar-1201	a04	dem	10/01/19

A2				
Dwelling Type B1	ar-1202	a04	dem	10/01/19
Dwelling Type B2	ar-1203	a04	dem	10/01/19
Dwelling Type B3	ar-1204	a04	dem	10/01/19
Dwelling Type C1	ar-1205	a04	dem	10/01/19
Dwelling Type C2	ar-1206	a04	dem	10/01/19
Dwelling Type C3	ar-1207	a04	dem	10/01/19
Dwelling Type C4	ar-1208	a04	dem	10/01/19
Dwelling Type D1	ar-1209	a04	dem	10/01/19
Dwelling Type E1	ar-1210	a04	dem	10/01/19
Dwelling Type F1	ar-1211	a04	dem	10/01/19
Dwelling Type F2	ar-1212	a03	dem	10/01/19
Dwelling Type F6	ar-1216	a02	dem	10/01/19
Dwelling Type F7	ar-1217	a02	dem	10/01/19
Landscape Cover Sheet	la-cv01	A08	dem	14/01/20
Landscape Tree Survey	la-0001	A05	dem	08/11/18
Landscape Concept Plan	la-0501	A08	dem	14/01/20
Public Domain Plan	la-0502	A06	dem	14/01/20
Landscape Details	la-8901	A07	dem	14/01/20
Landscape Tree Species Location, Planting and Materials Palette	lask0001	a06	dem	14/01/20

No works are permitted to occur until a Construction Certificate has been issued and a Principal Certifier appointed.

4. Compliance with Rural Fire Service Requirements
Compliance with the requirements of the Rural Fire Service throughout all stages of the subdivision as outlined in their letter dated 03/03/2020 Reference DA-2018-04815-CL55-1 attached to this consent as Appendix 1.

5. Compliance with Natural Resources Access Regulator Requirements
Compliance with the requirements of the Natural Resources Access Regulator throughout all stages of the subdivision as outlined in their letter dated 17 August 2018 Reference IDAS1103022 attached to this consent as Appendix 2.

6. Compliance with TransGrid Requirements
Compliance with the requirements of TransGrid throughout all stages of the subdivision as outlined in their response dated 29 October 2019 reference 2019-453 attached to this consent as Appendix 3.

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

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

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

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

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

9. External Finishes
External finishes and colours must comply with the details submitted with the development application and approved with this consent.

10. Australia Post Mailbox Requirements
Australia Post has specific requirements for mail deliveries on private roads. Separate approval from Australia Post is required before installing individual mailboxes for this development.

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

Australia Post has advised that they cannot guarantee that mail will be delivered to the front of individual lots in a community plan in rural areas. For all subdivisions in rural areas that include a private road a bank of clustered letterboxes and a stopping bay in front must be provided for as part of the subdivision works. Where applicable, this includes the mailbox for the association lot required above.

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

12. Dam Dewatering Requirements

The recommendations of the Dam Dewatering Report prepared by Geotechnique Pty Ltd referenced as 14096/3-AB dated 1 Feb 2018 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Prior to dewatering construct silt/ bunds around the irrigation area as per the drawing no 14096/3-AB.
- Using a sump pump, dewater the dam and spread the water in the grassed area bounded by the silt fences/ bunds. Spreading the water should start from the higher side of the site and progressively move towards the lower side.
- Based on average permeability of existing soils and evapotranspiration data, it is recommended that the flow rate over the area should be in the range of 40m3/ day (40,000 litres/ day).
- When pumping the water close to the bottom of the dams, the sediments might be disturbed. In such case, pumping should be stopped and the following measures should be taken before dewatering can continue; allow the sediment to naturally settle in a day or so and/ or flocculate the dam water by adding some lime/ gypsum.
- Also dam water can be used for moisture conditioning of fill or for dust control during earth works.

13. Contamination Assessment and Site Remediation

The recommendations of the Site Assessment and Report prepared by Geotechnique Pty Ltd referenced as 14096/1-AA dated 29 September 2017 and submitted as part of the Development Application are to be implemented as part of this approval.

14. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

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

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

www.wastelocate.epa.nsw.gov.au

15. Disposal of Surplus Excavated Material

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

16. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

17. Provision of Domestic Waste Storage Areas

A bin storage area sized for a minimum of 3 x 240 litre bins must be provided within the lot boundaries. Two areas are required where there is a secondary dwelling. The area(s) 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 area(s) to the approved bin collection point along the kerbside. 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/ 1080mm high.

18. Tree Removal

Approval is granted for the removal of trees as indicated on Demolition Plan Drawing ar-0001 Rev no a04 prepared by DEM dated 10/01/2020.

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

19. 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 per square metre.

20. Retention of Trees

All trees 1 to 26 to neighbouring property plus trees 75, 76 and 77 within the site are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Naturally Trees dated 12/12/2017 and the following requirements:

- Section 4 Arboricultural Method Statement setting out management and protection details that must be implemented to secure successful tree retention.

21. Minor Engineering Works

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.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's residential standard.

The driveway/s must be no wider than 4m.

The detailed design/ Construction Certificate drawings for each unit must include a driveway long-section demonstrating compliance with the above (and accounting for the narrowed verge along the length of the private roads).

b) Rainwater Reuse Tanks

Each of the 39 units/ dwellings must be provided with a 3,000 litre rainwater reuse tank (minimum) as per the DCP.

c) Site Stormwater Drainage

The entire site area of each lot/ unit must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

22. Subdivision Works Approval

Before any works are carried out a Subdivision Works Certificate must be obtained and a Principal Certifier appointed. The plans and accompanying information submitted with the Subdivision Works Certificate must comply with the conditions included with this consent.

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

23. Proposed Street Naming – Private Roads 1, 2 and 3

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

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

24. Approved Street Naming – Palazzo View and Baluster Street

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

25. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

26. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;

- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

27. Road Opening Permit

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

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

28. Zero Lot Line Dwellings – Easement Encroachment

No element of those dwellings located on the boundary line with an adjoining lot (zero lot line dwellings) can be located within that adjoining lot. Construction tolerances should be accounted for when surveying and constructing these dwellings.

Similarly, the dwellings on the lots adjacent, being those lots burdened by an easement for repair; must be located wholly outside of the easement except where it is shown on the approved plans that the encroaching eaves/ guttering does not impede maintenance access to either dwelling and that the encroachment is no closer than 450mm to the boundary.

29. BCA Compliance

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

30. Protection of Public Infrastructure

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

31. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.

- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE/ SUBDIVISION WORKS CERTIFICATE

32. Engineering Works and Design

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

Engineering works can be classified as either "subdivision works" or "building works".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept engineering plan prepared by C&M Revision 06 dated 08/01/2020 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent. Specifically:

- The private roads need to be delineated from the public roads (Palazzo View and Baluster Street) through the use of a gutter crossing as opposed to the extension of the road pavement/ kerb returns shown on the concept subdivision works plan.
- The detailed design must include longitudinal and cross sections and stormwater/ street drainage details for the partial width construction of Nelson Road fronting the site missing from the concept subdivision works plan now.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

The following engineering works are required:

a) Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Palazzo View	Road Type: DCP Perimeter Road along Park 4.5m/ 8.5m/ 3.5m (16.5m) Pavement Design: Local/ Access (Design Guidelines 3.12)
Road 1	Road Type: Private Road 1.5m/ 6m/ 3m (10.5m)

	Pavement Design: Local/ Access (Design Guidelines 3.12)
Road 2	Road Type: Private Road 1.5m/ 6m/ 3m (10.5m) Pavement Design: Local/ Access (Design Guidelines 3.12)
Road 3	Road Type: Private Road 3.5m/ 6m/ 3m (12.5m) Pavement Design: Local/ Access (Design Guidelines 3.12)

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

The wider 4.5m verge must be located on the western side of Palazzo View correlating with the cycleway required at this location.

The wider 3.5m verge must be located on the northern side of Road 3 facing the creek adjacent.

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. The only exception to this is Palazzo View to account for the narrowed carriageway/ parking on one side only.

b) Partial Width Road Construction

The partial width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Baluster Street	Road Type: DCP Local Street 3.5m/ 11m/ 3.5m (18m) Pavement Design: Local/ Access (Design Guidelines 3.12)

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

Where partial width construction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width construction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the construction of 6m of road pavement.

Any requirements relating to partial width road construction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.

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.

c) Partial Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Nelson Road	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

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

The final vertical alignment of Nelson Road must reflect the latest detailed concept design for Nelson Road prepared by JWP for Council and must be rechecked prior to approval.

The formation nominated in the table above relates to the mid-block formation of this road. The actual required carriageway/ formation towards the eastern end of the site closer to the planned traffic lights at Nelson Road/ The Water Lane is wider as per the latest detailed concept design for Nelson Road prepared by JWP and the latest detailed concept design for The Water Lane for Council. Both plans have been provided previously. The partial width reconstruction of Nelson Road fronting 17 Nelson Road approved diagonally opposite separately needs to be accounted for in the detailed design also.

With respect to Nelson Road the level difference at either end of the works will need to be transitioned back to the existing road surface level.

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

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 7m of road pavement. For any section of this road unable to transition into the existing road pavement opposite noting the required vertical alignment your works must also include a 1m wide (minimum) temporary shoulder/ verge on the opposite side.

Any requirements relating to partial width road reconstruction from the DCP must also be complied with. All works must be carried out in accordance with a traffic safety report required to accompany the detailed design as required by the DCP.

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.

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.

d) Signage and Line Marking Requirements/ Plan

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

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

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

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

e) Concrete Footpath

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

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

f) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the northern side of Nelson Road fronting the site in accordance with the DCP and the above documents.

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the western side of Palazzo View within the site in accordance with the DCP and the above documents.

g) Gutter Crossings

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

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

h) Disused Layback/ Driveway Removal

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

i) Service Conduits

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

j) Earthworks/ Site Regrading

Earthworks are limited to that shown on the concept subdivision works plan. Where earthworks are not shown on the concept subdivision works plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept subdivision works plan.

Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

k) Stormwater Drainage – Temporary Works

A tail out drain over either 10 Hynds Road or 12 Nelson Road and 12 Hynds Road is required. The tail out drain must have sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets generally as shown on the temporary stormwater drainage discharge options plan 01843_203 by C&M Revision 02 dated 09/10/2019. The tail out drain is required until such time as Palazzo View (and the associated street drainage) is extended north the natural watercourse running east-west within 10 Hynds Road by others.

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

l) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the Natural Resources Access Regulator.

m) Inter-allotment Stormwater Drainage

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

n) Stormwater Drainage – Temporary Management (Box Hill)

Temporary stormwater management in the form of a temporary basin within proposed lot 41 in the bottom/ rear corner of the site is required as shown on the concept subdivision works plan and as referenced in the stormwater management report by C&M Revision E dated January 2020.

The basin must have a minimum detention volume of 295 cubic metres and a minimum surface treatment/ bio-retention area of 235 square metres. The temporary works also extent to the discharge control pit, overflow wier, capping of the pipework in Palazzo View to direct this street drainage/ runoff into the basin and the temporary outlet within either 10 Hynds Road or 12 Nelson Road and 12 Hynds Road referred to above.

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 to the west on the opposite side of the adjacent park 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.

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.

33. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

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

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

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

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

34. Registration of Subdivision

The registration of Stage 1 of the subdivision component of this consent must occur prior to a Construction Certificate being issued for any dwelling construction.

35. Controlled Activity Authority – Natural Resources Access Regulator

A copy of the Controlled Activity Authority must be submitted before a Construction Certificate is issued.

36. Internal Pavement Structural Design Certification (Private Internal Roads)

Prior to a Construction Certificate being issued an accredited engineer must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

37. Garage Bin Storage Provision (Lots 19 to 27 and 28 to 39)

Prior to a Construction Certificate being issued amended plans must be submitted to and approved by Council's Resource Recovery Project Officer demonstrating that the approved bin storage areas can hold 3 x 240 litre bins for lots 18 to 27 and 28 to 39. Amended plans must also show space for 3 x 240 litre bins within the side or rear of the dwellings for all other remaining lots.

The measurements of a 240 litre bin are 735mm (d)/ 580mm (w)/ 1080mm (h). The bins must be able to be wheeled to the street over flat or ramped surfaces and not over steps or through the unit.

38. Section 7.11 Contribution

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

Payments comprise of the following:

Stage 2

Stage 2	*Purpose: Subdivision*	*Purpose: Credit*	*No. of Lots: 16*	*No. of Credits: 1*	*Total S7.11*
Open Space - Land	$ 16,909.41	$ 16,909.41	$ 270,550.56	$ 16,909.41	**$ 253,641.15**
Open Space - Capital	$ 8,201.37	$ 8,201.37	$ 131,221.92	$ 8,201.37	**$ 123,020.55**
Transport Facilities - Land	$ 1,302.50	$ 1,302.50	$ 20,840.00	$ 1,302.50	**$ 19,537.50**
Transport Facilities - Capital	$ 4,607.27	$ 4,607.27	$ 73,716.32	$ 4,607.27	**$ 69,109.05**
Water Management - Land (KCP)	$ 246.92	$ 246.92	$ 3,950.72	$ 246.92	**$ 3,703.80**
Water Management - Capital (KCP)	$ 7,452.79	$ 7,452.79	$ 119,244.64	$ 7,452.79	**$ 111,791.85**
Administration	$ 6,279.74	$ 6,279.74	$ 100,475.84	$ 6,279.74	**$ 94,196.10**
Total	**$ 45,000.00**	**$ 45,000.00**	**$ 720,000.00**	**$ 45,000.00**	**$ 675,000.00**

Stage 3

Stage 3	*Purpose: Subdivision*	*Purpose: Credit*	*No. of Lots: 23*	*No. of Credits: 1*	*Total S7.11*
Open Space - Land	$ 16,909.41	$ 16,909.41	$ 388,916.43	$ 16,909.41	**$ 372,007.02**
Open Space - Capital	$ 8,201.37	$ 8,201.37	$ 188,631.51	$ 8,201.37	**$ 180,430.14**
Transport Facilities - Land	$ 1,302.50	$ 1,302.50	$ 29,957.50	$ 1,302.50	**$ 28,655.00**
Transport Facilities - Capital	$ 4,607.27	$ 4,607.27	$ 105,967.21	$ 4,607.27	**$ 101,359.94**
Water Management - Land (KCP)	$ 246.92	$ 246.92	$ 5,679.16	$ 246.92	**$ 5,432.24**
Water Management - Capital (KCP)	$ 7,452.79	$ 7,452.79	$ 171,414.17	$ 7,452.79	**$ 163,961.38**
Administration	$ 6,279.74	$ 6,279.74	$ 144,434.02	$ 6,279.74	**$ 138,154.28**
Total	**$ 45,000.00**	**$ 45,000.00**	**$ 1,035,000.00**	**$ 45,000.00**	**$ 990,000.00**

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.

39. Security Bond Requirements

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

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

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

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

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

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

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

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

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

A SWMP is required for this development.

41. Construction Management Plan (Staged Applications)

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

42. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of $200,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of $88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road and then reduced to account for the fact the roads fronting the development are being constructed/ reconstructed as part of the development.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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

43. Security Bond – External Works

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

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

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

PRIOR TO WORK COMMENCING ON THE SITE

44. Bushland Protection Fencing

Prior to any works commencing on site temporary Bushland Protection Fencing must be in place at the following locations:

- Along the entire northern boundary of the site to protect the vegetation within the riparian protection area.

The temporary fence is to be a minimum 1.8 metre construction fence or similar and be suitable to restricted unauthorised entry. The fence is to remain in place until all construction works have been completed

The temporary fence is to stop the following occurring:

- Stockpiling of materials within the riparian protection area.
- Placement of fill within the riparian protection area.
- Parking of vehicles within the riparian protection area.
- Compaction of soil within the riparian protection area.
- Cement washout and other chemical or fuel contaminants within the riparian protection area.

45. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

46. Discontinuation of Domestic Waste Services

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

47. Construction and Demolition Waste Management Plan Required

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

48. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention, in particular trees to adjacent site to north boundary. In order of precedence the location of fencing shall be a) As per Tree Protection Plan Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 12 December 2017 for the project or b) Tree Protection Zone (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites or c) a minimum of 3m radius from the trunk.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

49. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating “Tree Protection Zone No Access” (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

50. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

51. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention without supervision of a project arborist. Trenchless installation or excavation by hand for services within TPZ of trees to be retained in accordance with Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 12 December 2017.

Certification of supervision must be provided to the Principal Certifier within 14 days of completion of trenching works.

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

52. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan

must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

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

53. Erection of Signage – Supervision of Subdivision Work

In accordance with the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

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

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

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

54. Contractors Details

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

55. Erosion and Sediment Control/ Soil and Water Management

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

56. Service Authority Consultation – Subdivision Works

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

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

57. Pavement Design

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

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

58. Builder and Principal Certifier Details

The builders name, address, telephone and fax numbers must be submitted to the Principal Certifier before building works commence. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations.

59. Property Condition Report – Public Assets

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

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

DURING CONSTRUCTION

60. Critical Stage Inspections/ Inspections Nominated by the Principal Certifier

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

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

61. Tree Removal and Fauna Protection

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine.

Any injured fauna is to be placed into the hands of a wildlife carer (please note only appropriately vaccinated personnel are to handle bats).

62. Dam Dewatering – Fauna Requirements

The decommissioning of the dam is to be undertaken in accordance with the Fauna Management Protocol for Construction Sites prepared by Abel Ecology dated 22 September 2017 and the following requirements:

- An appropriately qualified aquatic ecologist is to oversee the dewatering of the dam.
- The de-watering dam process is to cease immediately and an appropriately qualified aquatic ecologist is to be made available at the subject site should evidence of aquatic or terrestrial fauna be present. The aquatic ecologist is to ensure that any native species (such as eels and eastern snake-necked turtles) are captured and relocated to a suitable waterway and pest species (such as carp and mosquito fish) are humanely removed and euthanased in a manner consistent with the Prevention of Cruelty to Animals Act 1979.
- If the aquatic ecologist is required to relocate any terrestrial or aquatic fauna, then a licence under the Fisheries Management Act 1994 or the National Parks and Wildlife Act 1974 must be obtained.

- Water is to be pumped from the dam and irrigated onto adjacent grassed areas to minimise the risk of invasive and exotic pest species from entering the natural waterways.
- The intake pipe for the irrigation is to be monitored to prevent injury to aquatic fauna.
- The dewatered dam must be inspected for fauna which may be buried in the sediments on the bottom of the dam by the aquatic ecologist.
- Following dewatering, fauna is to be provided with an opportunity to relocate prior to reshaping. A minimum of 72 hours is to be provided.
- If large numbers of predatory fish (for example Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.
- Any rescued fauna is to be released at a suitable nearby location or if injured, placed into the care of a wildlife carer.
- The fauna ecologist is to submit a report to Council's Manager – Environment and Health following their site inspection and any subsequent action taken relating to the development. The report is to include tallies of fauna removed from the dam with details of their relocation destination (or destruction).

63. Contamination

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

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

64. Further Contamination Assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment and Health.

65. Breaching and Filling of Dam

The earth dam is to be breached in accordance with the requirements of the Office of Environment and Heritage.

All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development.

All fill must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. The source of the VENM material and relevant certificates are to be obtained and provided to Council.

66. Removal of Septic Tank and Effluent Disposal Area

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

Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health "Advisory Note 3 – Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)" available from the NSW Health website:

http://www.health.nsw.gov.au

Methods 1.1 and 2.1 (Demolition) are not permissible.

67. Project Arborist

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

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

68. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

69. Critical Stage Inspections – Subdivision Works

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

70. Aboriginal Archaeological Sites or Relics

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

71. Aboriginal Heritage Impact Permit

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

72. European Sites or Relics

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

73. Working Hours

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

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

74. Confirmation of Compliance with Zero Lot Line

Prior to the installation of the external roof tiles or sheeting, written advice from a registered surveyor must be provided to the Principal Certifier confirming that the constructed guttering and fascia to the wall for each property using a zero lot line, is located wholly within the property boundary.

75. Location of Dwelling

The dwellings on lots burdened by an easement for repair in response to an adjacent zero lot line dwelling must be located wholly outside of the easement except where Council has permitted an encroachment (limited to eaves/ guttering). This includes all services, equipment and utilities.

76. Compliance with BASIX Certificate

Under Clause 97A of the Environmental Planning and Assessment Regulation 2000 all commitments listed in the following BASIX Certificates (and any subsequent revisions of the same certificate number) submitted with the application must be complied with:

Lot/ Dwelling	BASIX Certificate
Stage 1 Lots 2 to 17	1026973M_02
Stage 2 Lots 18 to 39	864620M_03
Stage 3 Lot 40	1027615M_02

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE/ SUBDIVISION CERTIFICATE

77. Compliance with Rural Fire Service Requirements
A report/ letter from a bushfire consultant must be submitted confirming that the requirements of the Rural Fire Service have been complied with.

78. Compliance with Natural Resources Access Regulator Requirements
A letter from the Natural Resources Access Regulator must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

79. Subdivision Certificate Application
When submitted, the Subdivision Certificate application must include:

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

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

- Arrangements for the approval and carrying out of hazard reduction works when and where proposed by the Hills District Rural Fire Service and the Hills District Bushfire Management Committee.
- Arrangements for community engagement with the Hills District Rural Fire Service and the association.
- The preparation, distribution, implementation and auditing of a Bushfire Emergency Evacuation Plan.
- The recording, maintenance and provision of access for firefighting purposes of the fire trails and asset protection zones. With respect to fire trails, a "plan of fire trails" or similar will need to be included as part of the management statement.

81. Landscaping
The landscaping of the site must be finalised as per the approved plan. Landscaping must be maintained at all times.

82. Satisfactory Final Inspection
A final inspection must be carried out before an Occupation Certificate is issued. An Occupation Certificate must be issued before the dwellings are occupied.

83. Maintenance of BASIX Commitments

All BASIX requirements must be implemented before an Occupation Certificate is issued and maintained throughout the life of the proposed development in accordance with the approved BASIX Certificates.

84. Biodiversity Compliance

Certification that the following measures have been undertaken must be submitted to Council's Manager – Environment and Health:

- Dam Dewatering – Details prepared by the project ecologist outlining fauna rescue and relocation undertaken during the dam dewatering.
- Tree Removal and Fauna Protection – Details prepared by the project ecologist demonstrating compliance with the Tree Removal and Fauna Protection condition/s of this consent.

85. Internal Pavement Construction (Private Internal Roads)

Prior to any Occupation Certificate being issued an accredited engineer must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long heavy rigid waste collection vehicle when fully laden (28 tonnes gross vehicle mass).

86. Landscaping

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager – Environment and Health. All landscaping is to be maintained at all times in accordance with the DCP and the approved landscape plan.

87. Completion of Subdivision Works/ Satisfactory Final Inspection

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

88. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

89. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

90. Subdivision Works – Submission Requirements

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

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

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

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

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

91. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is $5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

92. Confirmation of Pipe Locations

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

93. Section 73 Compliance Certificate

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

94. Provision of Electrical Services

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

95. Provision of Telecommunication Services

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

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

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

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

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

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

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

96. Site/ Lot Classification Report – Vacant Residential Lots

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

97. Building Adjacent to Proposed Boundary

Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

98. Building Services

A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

99. Final Plan and Section 88B Instrument

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

a) Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication. This relates to Palazzo View.

b) Dedication – Road Widening

The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to dedication. This relates to Baluster Street and Nelson Road.

c) Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

d) Easement – Repairs/ Zero Lot Line Dwellings

A 900mm wide (minimum) easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan using the "zero lot line dwellings" terms included in the standard recitals.

e) Restriction – Restricted Access

Lots 18 to 27 must be burdened with a restriction precluding direct vehicular access to/ from Nelson Road using the "restricted access" terms included in the standard recitals.

f) Restriction – Rainwater Tanks

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

g) Covenant – Onsite Waste Collection

Lot 1 must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

h) Easement – Temporary Stormwater Management (Box Hill)

Lot 40 in Stage 3 (or part of lot 103 in Stage 1) must be burdened with an easement over the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

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

Lot 40 in Stage 3 (or part of lot 103 in Stage 1) must be burdened with a restriction and a positive covenant that refers to the temporary stormwater management measures referred to earlier in this consent using the “temporary stormwater management” terms included in the standard recitals.

j) Restriction/ Covenant – Asset Protection Zone

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

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

k) Restriction – Dwelling on Lot 40

Lot 40 in Stage 3 must be burdened with a restriction stating no development shall be permitted on the lot hereby burdened except for development in accordance with Development Consent DA 716/2018/JPZ.

APPENDIX 1

NSW GOVERNMENT

NSW RURAL FIRE SERVICE

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

Your reference: (none)
Our reference: DA-2018-04815-CL55-1

ATTENTION: Gannon Cuneo

Date: Tuesday 3 March 2020

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
14 Nelson Rd Box Hill NSW 2765 AUS, 105//DP658289

I refer to your correspondence dated 17/02/2020 seeking general terms of approval for the above Integrated Development Application.

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

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

1. At the issue of a subdivision certificate, and in perpetuity, the entire site must be managed as an inner protection area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass must be mowed or grazed to a maximum of a 100mm;
- Trees and shrubs are retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs are located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs are not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover is not more than 15% of the area;
- Tree canopies are not located within 2 metres of the building;
- Trees are separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

Construction Standards

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

2. Proposed Lots 2-8, 40

New construction on the entire roof, and the northern, eastern and western elevations, and the entire roof, must comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

New construction on the southern elevations must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

3. Proposed Lot 39

New construction on the northern, eastern and western elevations, and the entire roof must comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

New construction on the southern elevations must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

4. Proposed Lots 9-17, 28-38

New construction must comply with section 3 and section 5 (BAL 12.5) Australian Standard AS3959-2009 *Construction of buildings in bush fire-prone areas* or NASH Standard (1.7.14 updated) *National Standard Steel Framed Construction in Bushfire Areas – 2014* as appropriate and section A3.7 Addendum Appendix 3 of *Planning for Bush Fire Protection 2006*.

Access – Public Roads

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

5. Public road access shall comply with section 4.1.3 (1) of *Planning for Bush Fire Protection 2006*:
- Public roads 5.5 to 6.5 metres wide (kerb to kerb) are to provide parking within parking bays located outside the kerb to kerb space and located services outside of parking bays to ensure accessibility to reticulated water for fire suppression.

Water and Utility Services

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

6. The provision of water, electricity and gas must comply with the following:
- Fire hydrant design, spacing, sizing and pressures must comply with AS2419.1. Fire hydrants must not be located within any road carriageway.
- Ring main systems must be used for urban subdivisions with perimeter roads.
- Fire hose reels must be constructed and installed in accordance with AS/NZS1221 and AS2441.

- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Electrical transmission lines should be located underground where possible.
- Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 *Guideline for Managing Vegetation Near Power Lines*.
- Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

Landscaping Assessment
The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

7. Landscaping of the site should comply with following principles of Appendix 5 of *Planning for Bush Fire Protection 2006*:

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note
Performance-based modelling has been used to determine the BAL rating for the proposed Lots.
This letter is in response to a request for further assessment of the application and supercedes our previous advice dated 31 October 2019.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Nika Fomin
Manager Planning & Environment Services
Planning and Environment Services

NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
14 Nelson Rd Box Hill NSW 2765 AUS, 105//DP658289
RFS Reference: DA-2018-04815-CL55-1
Your Reference: (none)

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority (none) issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Nika Fomin
Manager Planning & Environment Services
Planning and Environment Services

Tuesday 3 March 2020

APPENDIX 2

Natural Resources Access Regulator

Contact: Irene Zinger
Phone: 02 9842 8513
Email: irene.zinger@nrar.nsw.gov.au

General Manager
The Hills Shire Council
Attn: Anthony Donaldson
PO Box 7064
Baulkham Hills BC
BAULKHAM HILLS NSW 2153

Our ref: IDAS1103022
Our file: NA
Your ref: DA716/2018/JPZ

Attention: Simon Turner

17 August 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA716/2018/JPZ
Description: 38 Lot Residential Subdivision and Integrated Housing
Location: 12-14 Nelson Road Box Hill NSW 2765

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

  NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.55 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000.* The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au » Water » Licensing & Trade » Approvals.

NRAR also requests a copy of the determination for this development application be provided NRAR requests that Council provide a copy of this letter to the development consent holder. by Council as required under section 4.47 (6) of the EPA Act.

Yours Sincerely

P.P.

Irene Zinger
Manager Regional Water Regulation (East)
Water Regulatory Operations
Natural Resources Access Regulator

Natural Resources Access Regulator

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1103022
Issue date of GTA:	17 August 2018
Type of Approval:	Controlled Activity
Description:	38 Lot Residential Subdivision and Integrated Housing
Location of work/activity:	12-14 Nelson Road Box Hill NSW 2765
DA Number:	DA716/2018/JPZ
LGA:	The Hills Shire Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
	Design of works and structures
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
	Erosion and sediment controls
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed, surplus materials must be removed from waterfront land.
	Plans, standards and guidelines
GT0002-00472	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 716.2018 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00212	A. The application for a controlled activity approval must include the following plan(s): - i. Detailed Civil Construction and Drainage Plans; ii. Erosion and Sediment Control Plans; iii. Landscape Plans; iv. Stormwater Management Plans; and v. Detailed Stormwater Outlet Structure Plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably

Reference Number:	IDAS1103022
Issue date of GTA:	17 August 2018
Type of Approval:	Controlled Activity
Description:	38 Lot Residential Subdivision and Integrated Housing
Location of work/activity:	12-14 Nelson Road Box Hill NSW 2765
DA Number:	DA716/2018/JPZ
LGA:	The Hills Shire Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

	qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.

	Rehabilitation and maintenance
GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

	Reporting requirements
GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA716/2018/JPZ as provided by Council:

- 1) Statement of Environmental Effects;
- 2) Engineering Plans; and
- 3) Subdivision Plans.

APPENDIX 3

From: Easements&Development <Easements&Development@transgrid.com.au> Sent: Tue 29/10/2019 12:43 PM
To: Gannon Cuneo
Cc:
Subject: (DWS Doc No 189076040) 2019-453 Re-referral of development application - DA 716/2018/JPZ 14-16 Nelson Road, Box Hill (Lot 105 in DP 658289 and Lot 1 in DP 136172)

Message | TG Easement Guidelines for Third Party Development (V10).pdf (261 KB) | TransGrid Fencing Guidelines.pdf (1 MB) | Work-near-overhead-power-lines-code-of-practice.pdf (3 MB)

Good Afternoon,

TransGrid Reference Number: 2019-453

Location: **Re-referral of development application - DA 716/2018/JPZ 14-16 Nelson Road, Box Hill (Lot 105 in DP 658289 and Lot 1 in DP 136172)**

Proposal: **Temporary drainage proposed within Lot 104 in DP 10157, Lot 103 in DP 10157, Lot B in DP 184031**

TransGrid: **Transmission Line 14 Span 31 – 32**

Thank you for referring the above mentioned Development Application to TransGrid for review.

Please be advised after reviewing the proposed works at **DA 716/2018/JPZ 14-16 Nelson Road, Box Hill (Lot 105 in DP 658289 and Lot 1 in DP 136172)**

TransGrid has determined the proposed works **acceptable** subject to the following conditions of approval being met:

1. Technical Conditions:

Proposed work to be located at TL 14 span 31 – 32. As per drawing "01843_203.pdf", proposed work includes temporary drainages as a thoroughfare of transmission line easement, approx. 23m and 42m from Str 32.

a) As per TransGrid easement guidelines, this distance is acceptable.

b) The proponent has advised that as the temporary drainage easement channels will sit below the existing ground levels **there will be no change at all to the overhead TransGrid line clearances that currently exist.**

c) They also noted that eventually the future Palazzo View road corridor and carriageway will be built in these locations as part of future site developments so there will inevitably be some regrading of ground levels on adjacent sites which are linked to future redevelopments.

d) Proposed work is acceptable from TLCD point of view

Figure: Proposed work located in span TL 14 Span 31 - 32

Please find attached TransGrid's easement Guidelines, Fencing Guidelines for your information

Regards

Michael

Michael Platt
Development Assessment and Control Officer | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766
T: (02) 9620 0161 **M:** 0427 529 997
E: Michael.Platt@transgrid.com.au **W:** www.transgrid.com.au

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ATTACHMENTS

Attachment 1 – Previous Planning Panel Assessment Report
Attachment 2 – Planning Panel Reasons for Deferral
Attachment 3 – Plan of Subdivision (Amended)
Attachment 4 – Site Plan (Amended)
Attachment 5 – Subdivision Works Concept Plan (Amended)
Attachment 6 – Elevations (Amended)
Attachment 7 – Sections (Amended)
Attachment 8 – Solar Access/ Shadow Diagrams (Amended)
Attachment 9 – Landscape Plan (Amended)

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC019
DA Number	716/2018/JPZ
LGA	The Hills Shire Council
Proposed Development	Small lot housing development and subdivision creating 40 community title residential lots containing 16 detached dwellings, 22 attached dwellings and two semi-detached dwellings and one association lot including new road and demolition over four stages
Street Address	Lot 105 DP 658289 and Lot 1 DP 136172, 14-16 Nelson Road, Box Hill
Applicant	Senoc Pty Limited C/- Mr Rudi Valla
Owner	14 Nelson Road – Senoc Pty Limited 16 Nelson Road – Mr Steven John Tsakos and Mrs Sonia Sotiria Tsakos
Consultants	Helen Mulcahy Urban Planning Stuart de Nett Pty Ltd DEM (Aust) Pty Ltd Victor Lin and Associates Pty Ltd Australian Bushfire Protection Planners Pty Ltd Transport and Traffic Planning Associates Pty Ltd Geotechnique Pty Ltd C&M Consulting Engineers Pty Ltd Paul Davies Pty Ltd Austral Archaeology Abel Ecology Pty Ltd Clifton Morgan Naturally Trees Arboricultural Consulting
Date of DA lodgement	16 October 2017
Number of Submissions	One submission received
Recommendation	Deferred commencement approval
Regional Development Criteria	Capital Investment Value (CIV) exceeding $20 million (noting the Development Application was lodged and registered with the Panel prior to the changes to the Environmental Planning and Assessment Act 1979 and State Environmental Planning Policy (State and Regional Development) 2011 being implemented on 1 March 2018 to increase this threshold to $30 million)
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No 55 — Remediation of Land • Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997) • North West Priority Growth Area Land Use and Infrastructure Implementation Plan • Box Hill Growth Centre Precincts Development Control Plan

List all documents submitted with this report for the Panel's consideration	• Architectural Plans (Site Plan, Staging Plan, Floor Plans, Elevations, Sections and Shadow Diagrams) • Staged Plan of Subdivision • Subdivision Works Concept Plan • Landscape Plans • Copy of Submission
Report prepared by	Senior Town Planner Gannon Cuneo
Report date	21 November 2019

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	**Yes**
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	**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?	**No**
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)?	**Yes**
Conditions Have draft conditions been provided to the applicant for comment?	**Yes**

EXECUTIVE SUMMARY

The Development Application is for a small lot housing development and subdivision creating 40 community title residential lots along with a dwelling on each lot. The proposal also includes demolition, tree removal, subdivision works (roads, stormwater and services) and landscaping. The development will be undertaken over four stages.

The proposal relates to two properties known as 14-16 Nelson Road, Box Hill. The subject site is located within Box Hill Growth Centre Precinct and is subject to the requirements outlined in Appendix 11 The Hills Growth Centre Precincts Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP) and the Box Hill Growth Centre Precincts Development Control Plan (DCP). Variations to the DCP are proposed relating to the removal of a road along the northern and eastern site boundary included on the Indicative Layout Plan (ILP), cut and fill levels and stormwater management/ works on adjoining land. The proposal is satisfactory with regard to the SEPP and DCP and this report provides an assessment of the proposal against the relevant requirements and addresses the DCP variations.

The Development Application is integrated development under Section 4.46 of the Environmental Planning and Assessment Act 1979 as it seeks consent for works within 40 metres of an identified mapped natural watercourse. The Natural Resources Access Regulator has issued their general terms of approval subject to conditions.

The Development Application was notified to nearby and adjoining properties between 1 November and 10 December 2017. The Development Application was advertised as nominated integrated development between 9 November and 10 December 2017. A site

notice was erected during the advertising period. One submission was received after the exhibition period had closed in response to a change to the plan. The submission raises concern with the DCP variation concerning the change to the ILP noted above.

The application is recommended for deferred commencement approval subject to conditions. The deferred commencement condition recommended relates to the need for a temporary stormwater easement.

BACKGROUND

The subject site is bound by Nelson Road to the south, Robbins Road to the east and existing rural residential lots to the north and west. Nelson Road is an existing rural road. Robbins Road is an unformed track. The subject site contains two existing single storey dwellings (one on each lot) and associated structures including sheds and garages. The rear of the site also contains an existing dam.

The site has a slope from the south-east toward the north-west where the dam is located. The slope follows the natural fall of the land which is directed toward Killarney Chain of Ponds which is a mapped watercourse located 500 metres west of the site.

The property to the east (18 Nelson Road) is identified as an item of heritage significance. The property is known as Marklye and includes specific development controls in Section 8.1.10 and Figure 74 of the DCP. The controls aim to conserve and protect the heritage significance of the property and ensure surrounding developments have consideration for the heritage value of the building. The subject site falls within the curtilage of the building and the proposal has considered this.

DETAILS AND SUBMISSIONS

Zoning:	R3 Medium Density Residential
Area:	19,638m^2
Existing Development:	Two single storey dwellings, outbuildings, swimming pool, dam and remnant vegetation
Section 94 Contribution	$45,000 per additional lot in accordance with CP No. 15 – Box Hill Precinct (capped until 01/07/2020) Total of $1,710,000.00 - Stage 2 - $720,000.00 - Stage 3 - $990,000.00
Exhibition:	9 November 2017
Notice Adjoining Owners:	9 November 2017 to 10 December 2017
Number Advised:	10
Submissions Received:	One

Concerns Raised:	Response:
The required public road width as per the DCP is 18 metres wide. The deletion of Baluster Street as a result of DA 716/2018/JPZ would result in Robbins Lane being left with a public road width of 10.05 metres. The deletion of Baluster Street impedes access and development potential to the adjoining land to the east (18 Nelson Road).	Whilst a local public road required by Box Hill DCP cannot be contained to the existing road reserve a narrower road can. There is opportunity for 18 Nelson Road to be developed to have lots fronting The Water Lane and Nelson Road via rear loaded garages from a laneway being Robbins Lane. Access can be provided to the R2 portion of the site from Morningside Street to the north once that is constructed.

	Conversely by including the partial width of Baluster Street as part of this planned development the remaining part will have to be delivered as part of any planned development of 18 Nelson Road. Noting the highly constrained nature of that adjoining property (and limited development potential arising from this) it is considered that the change actually provides that neighbour more flexibility as to how they seek to develop their land.
If the required 18 metre road width was required to be absorbed into Lot 2 DP 712726 (18 Nelson Road), this would significantly impact the heritage dwelling known as 'Marklye'. The site at 18 Nelson Road is also heavily constrained by a Transmission Easement and SP2 zoned land for The Water Lane construction which bisects the site.	The requirement for a public road is dependent on the form of development and number of lots being serviced by that road. As mentioned above there is potential for rear loaded lots to be serviced by a laneway within the existing road reserve in Robbins Lane. The proposal seeks to remove this DCP road not push it across further into 18 Nelson Road.
Support for DA 716/2018/JPZ would result in the R2 land to the east being inaccessibly from Nelson Road which is not practical or viable.	The R2 land within the boundaries of 18 Nelson Road and part of 16 Nelson Road falls within the heritage curtilage as outlined in Figure 74 of the DCP shown below. The site at 18 Nelson Road is constrained by a number of factors. Deletion of Baluster Street does not impede the access to that site any more so than the heritage curtilage would inhibit the development potential. Given The Water Lane is an access denied road (sub-arterial category) and the proximity of the site to planned signalised intersection between Nelson Road/ The Water Lane the only means of access to the rear of the site would be via Baluster Street/ Robbins Lane. As mentioned there is potential for access to be provided to this part of the site which is subject to a development application being lodged over that site.

	Further to the above, the ILP requires half road construction of Baluster Street to be provided within 16 Nelson Road. There is no guarantee if and when 18 Nelson Road would be developed which may result in half a road being constructed within 16 Nelson Road and the half road within existing Robbins Lane not being constructed. On balance it is considered appropriate for Baluster Street to be removed from the development and this does not have any adverse impacts on the development potential of 18 Nelson Road as a result. In fact as above it is considered that the change actually provides that neighbour more flexibility as to how they seek to develop their land. This matter is discussed in further detail later in this report.

PROPOSAL

The Development Application seeks consent for the following:

- Demolition of existing buildings/ structures on the site and dewatering of the existing dam;
- Subdivision creating 40 community title residential lots and one community association lot over four stages;
- Construction of 16 detached dwellings, 22 attached dwellings and two semi-detached dwellings over four stages;
- Construction and dedication of a new public road and construction of a new private road in the proposed community association lot;
- Subdivision works including earthworks, stormwater drainage, construction of a temporary stormwater management basin and utility servicing;
- Tree removal;
- Landscaping.

The subdivision component of the application will be undertaken over three stages as outlined below:

Stage 1	Subdivision of two existing lots creating two residue community title lots, one community lot and public road.
Stage 2	Subdivision of residue Lot 102 created in Stage 1 into 17 community title residential lots
Stage 3	Subdivision of residue Lot 103 created in Stage 1 into 23 community title residential lots

Construction of the dwellings will also be undertaken over three stages as outlined below:

Stage 1	Construction of 17 detached dwellings on each lot created in Stage 2 of the subdivision.
Stage 2	Construction of 22 attached dwellings on each lot created in Stage 3 of the subdivision excepting Lot 41 which contains the temporary stormwater management basin.
Stage 3	Construction of one detached dwelling on Lot 41 created in Stage 3 of the subdivision once the temporary stormwater management basin can be justifiably removed.

The proposed subdivision works include minor earthworks predominantly comprising cut from the site to achieve appropriate levels for the dwellings to be constructed and provide a drainage design that complies with Council's requirements.

The proposal includes the construction and dedication of a new road which is identified as Palazzo View in the DCP. The road is required to be constructed as a Perimeter Road along a Park as identified in Figure 25 of the DCP. The road has been designed to provide a 16.5 metre road reserve with a 2.5 metre wide shared path within a 4.5 metre wide verge adjoining the RE1 zoned land to the west. A pavement width of 8.5 metres is provided for two way traffic and on street parking which complies with the DCP.

The proposed private road provides a pavement width of 6 metres to facilitate two way traffic movements. Verge widths vary between 1.5 metres and 3.5 metres which is considered suitable for a community title development. There are no DCP controls relating to private roads.

The proposed stormwater works include the construction of a temporary stormwater basin on proposed Lot 41 and the construction of a pit and pipe network within the public and private roads which direct stormwater runoff from the development to this planned basin. The stormwater captured from the dwellings and private road is to the proposed drainage basin on proposed Lot 41. A tail out drain is proposed over one of the downstream properties fronting Hynds Road and the cause of the recommended deferred commencement condition below. Consent has not been provided by the property owners for these works and this is discussed in further detail in this report. The basin will remain in place until future connection is provided to the creek along the length of Palazzo View within the property to the north (and eventually the planned basin to the west). A dwelling is proposed for Lot 41 which will be constructed following decommissioning of the stormwater basin.

Services including sewer, water, electricity and telecommunications will be provided to each dwelling. Certificates will be required by conditions of consent to be provided prior to issue of a Subdivision Certificate/ Occupation Certificate.

The proposal also includes tree removal from the subject site. Further tree removal will be requried over one or more adjoining properties to make way for the final stormwater tail-out drain/ design and is subject to consent from adjoining land owners in response to the deferred commencement condition recommended later. Landscaping works are proposed which include a range of small, medium and large plants to replace those being removed and also to provide a buffer between the proposed development and the heritage item located to the west of the subject site.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (State and Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and Schedule 2 of the Environmental Planning and Assessment Act 1979 outlines the referral requirements to a regional planning panel. The development application has a Capital Investment Value (CIV) of $20,974,152.00 and is therefore not considered regionally significant development under the current legislated controls. Notwithstanding the above, the application was lodged on 16 October 2017 which is prior to the amendments to SEPP (State and Regional Development) on 1 March 2018 which identified regionally significant development as development with a CIV of more than $20 million. Advice has been provided by the Panel secretariat which states that applications registered with the Panel prior to the amendments to the SEPP are to be determined by the Panel. The application was registered with the panel prior to the changes and therefore the application has been referred to the Panel for determination.

2. Compliance with SEPP (Sydney Region Growth Centres) 2006 – Appendix 11 The Hills Growth Centre Precincts Plan

i. Permissibility

The subject site is zoned R3 Medium Density Residential under the SEPP. The proposal is a small lot housing development which includes subdivision, dwelling houses, semi-detached dwellings and attached dwellings.

Subdivision is permitted with consent under Clause 2.6 of the SEPP.

Dwelling houses, semi-detached dwellings and attached dwellings are all permitted with consent in the R3 zone as identified in the Land Use Table in the SEPP.

ii. Zone Objectives

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

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

The proposed small lot housing development is consistent with the objectives of the zone. The proposed development provides additional housing in a medium density environmental with a range for facilities and services in close proximity such as the planned playing fields adjacent to the south-west and includes a community park for residents within the proposed development itself.

The proposed small lot housing development complies with the objectives of the R3 zone.

iii. Minimum lot size

Clause 4.1 of SEPP establishes the minimum lot size in association with the Lot Size Map. The size of any lot resulting from a subdivision of land must not be less than the minimum size shown on the Lot Size Map.

There is no lot size shown on the Lot Size Map and therefore no minimum lot size applies under Clause 4.1.

iv. Minimum lot sizes for residential development in certain residential zones

Clause 4.1A of the SEPP establishes the minimum lot sizes for residential development in the R2, R3 and R4 zones. The subject site is zoned R3 and the proposal includes three forms of residential development; dwellings houses, semi-detached dwellings and attached dwellings.

In accordance with Clause 4.1A(3) the minimum lot size for a dwelling house on the subject site is $300m^2$. The proposal seeks to construct dwellings on a lot with an area of $250m^2$ which does not comply with this requirement. The proposed development relies on the provisions of Clause 4.1AC which is discussed below.

In accordance with Clause 4.1A(5), the minimum lot size for a semi-detached dwelling is $150m^2$ if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 18. The proposal includes dwellings on a lot size of $225.4m^2$ or greater and therefore complies with this requirement.

v. Exceptions to minimum lot sizes for dwelling houses

Clause 4.1AC of the Growth Centres SEPP establishes the exceptional circumstances in which consent may be granted to lots below the minimum lot size shown on the Minimum Lot Size Map.

Consent may be granted to the erection of a dwelling house a lot in the R3 Zone that has an area of not less than $225m^2$ if the land is subdivided into two or more lots and the proposal includes the erection of a dwelling on one of the lots. The proposal is for the subdivision of two existing lots into 40 residential lots with an area of $225m^2$ or greater, includes construction of a dwelling on each lot and is located in the R3 zone. The proposed development complies with the requirements of Clause 4.1AC of the SEPP and is supported.

vi. Residential density

Clause 4.1B of the SEPP establishes the minimum density to be achieved in association with the Residential Density Map. The proposed development is required to achieve a minimum density of 18 dwellings per hectare.

The subject site has a net developable area of approximately 2 hectares. Based on the minimum requirement under the SEPP, the proposed development would be required to provide a minimum of 36 dwellings. The proposal includes construction of 40 lots/ dwellings resulting in a density of 20 dwellings per hectare and therefore complies with the density requirement.

vii. Height of buildings

Clause 4.3 of the SEPP establishes the maximum height of any building permitted on the subject site in association with the Height of Buildings Map. The maximum height permitted is 16 metres.

The proposal includes dwellings constructed to a height of 11 metres measured from natural ground level. The proposal complies with the requirements of Clause 4.3 of the SEPP.

viii. Other provisions

The proposal has been considered against the relevant provisions of the SEPP. Specific regard has been given to clauses:

- 5.9 Preservation of trees or vegetation;
- 5.10 Heritage Conservation;
- 6.2 Public utility infrastructure; and

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses.

3. Compliance with North West Priority Growth Area Land Use and Infrastructure Implementation Plan

The draft amendments to the SEPP propose to amend Clause 4.1B and the associated density maps to include both a minimum and maximum density for residential zoned land.

The proposed density band/ range for the site is as follows:

- Minimum density control: 15 dwellings per hectare; and
- Maximum density control: 30 dwellings per hectare.

As discussed earlier, the density here is 20 dwellings per hectare which complies with the draft. The proposed development is considered satisfactory with respect to the above development standards (or applicable clauses) from the draft amending SEPP.

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 states:

1) A consent authority must not consent to the carrying out of any development on land unless:

(a) it has considered whether the land is contaminated, and
(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

A Preliminary Contamination Assessment (Report No. 14096/1-AA dated 29 September 2017) has been undertaken by Geotechnique Pty Ltd and submitted in support of the Development Application. The report concludes that the site does not present a risk of harm to human health or the environment.

Conditions are recommended which require inaccessible areas to be assessed following demolition and removal. These areas include footprints of dwellings, sheds, swimming pool,

water tanks, septic tanks, driveways and any hard stand areas. Assessment of the dam walls following dewatering will also be required to identify any potential contaminants.

Conditions are also recommended requiring an unexpected finds protocol to be established in the event any contaminants are uncovered during works.

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of this SEPP.

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

In accordance with Clause 3 of the Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997), the aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Subject to the imposition of the recommended development consent conditions, which include erosion and sediment control measures, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

6. Compliance with Box Hill Growth Centre Precincts Development Control Plan

Control:	Proposal:	Compliance:
2.0 – Vision and Character		
2.2 – Indicative Layout Plan	The subdivision layout proposes a variation to the ILP.	No, but satisfactory. See discussion below.
3.0 – Land Development		
3.1.1 – Residential Density Minimum of 18 dwellings per hectare	The proposed development includes construction of 40 lots/ dwellings over 2 hectares, resulting in a density of 20 dwellings per hectare and therefore complying with the density requirement.	Yes
3.1.2 – Block and Lot Layout	The proposal complies with the block and lot layout requirements in the DCP.	Yes
3.1.2 (5) Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as Table 6. In certain density bands, variations to some lot sizes may be possible subject to clauses 4.1AC, 4.1AD and 4.1AE in the Sydney Region Growth Centres SEPP. [ ] | R3 Medium Density Residential Minimum Net Residential | 18	The proposal is consistent with the SEPP with respect to minimum lot size and therefore satisfies this control.	Yes

Target (dwellings/Ha) Dwelling House (base control): 300 square metres With BEP: 225 square metres As Integrated DA: 225 square metres		
3.1.2 (6) Minimum lot frontages applying to each density band will comply with Table 7. Lot frontage is measured at the street facing building line as indicated in Figure 7. Net Residential Density Target (dw/Ha): 15 / 20-45 Front Loaded: 9m / 7m Rear Loaded: 4.5m / 4.5m	The subject site requires a minimum density of 18 dwellings per hectare and a maximum of 30 dwellings per hectare under the draft amendments. Given the DCP does not provide a control specifically related to this density band, a merit based assessment has been undertaken. The proposal is generally compliant with all detached dwellings having a frontage width of 10 metres or greater. The proposed semi-detached dwellings have frontages that range in width between 7m and 10m. Two proposed lots have a width of approximately 5 metres which is due to the shape of the lot. The built form on each of these lots is considered	
3.1.2 (7) A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	The proposal includes subdivision and dwelling construction thereby giving the certainty of the built form outcome. The proposal provides a variety of frontages and dwelling types.	Yes
3.1.2 (8) In areas with a minimum residential density of ≤20dw/ha no more than 40% of the total residential lots proposed in a street block may have a frontage of less than 10m wide.	The site has a density range of between 15-30 dwellings per hectare. The proposal provides for a range of frontages between 7 metres and 14 metres across the site.	Yes
3.1.2 (9) In density bands ≤25dw/Ha, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.	Lots with a frontage of between 7 and 9 metres are rear accessed and therefore to not contribute to garage dominance or reduce on street parking.	Yes

3.1.2 (10) Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	Lots are generally rectangular in shape. Regardless, dwelling construction is proposed and ensures the built form is suitable for any irregular shaped lots.	Yes
3.1.2 (11) Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.	Dwellings with frontage to Palazzo View have been designed with the main residential entry facing the RE1 zoned land opposite.	Yes
3.1.2 (15) The location of a zero lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at Figure 39.	Easements for maintenance/ repairs have been shown on the draft plan of subdivision as being on the lower side of lots. This will be confirmed by the final levels and on the final plan of subdivision.	Yes
3.1.2 (16) On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.	All lots requiring a zero lot line have been nominated on the plan of subdivision.	Yes
3.1.2 (17) Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.	A condition of consent has been recommended which recommends a 900mm wide (minimum) easement for access and maintenance to be provided over those lots adjacent to the zero-lot line dwellings using Council's standard easement terms.	
3.1.2 (18) The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the	A condition of consent has been recommended which requires a 900mm wide (minimum) easement for repairs to be	

potential for a building to have a zero lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between adjoining allotments.	provided over those lots adjacent to the zero-lot line dwellings using Council's standard easement terms.	
3.1.2 (19) Shallow lots (typical depth 14-18m, typical area <200m^2) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots, such as overshadowing and overlooking of private open space, satisfy the requirements of the DCP. For lots over 225m2 where development is not Integrated Assessment, the Building Envelope Plan should demonstrate in principle how DCP requirements such as solar access and privacy to neighbouring private open spaces will be satisfied.	This does not apply here.	N/A
3.1.3 – Battle-axe Lots 3.1.3 (2) Subdivision layout should minimise the use of battle-axe lots without public frontage to resolve residual land issues.	No battle-axe lots are proposed.	N/A
3.1.4 – Corner Lots 3.1.4 (1) Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	The proposed lots are in accordance with AS 2890 and Council's engineering specifications.	Yes
3.3.1 – Street Network, Design and Hierarchy 3.3.1 (1) The street network and road hierarchy is to be provided generally in accordance with Figure 14 and Table 9	The proposal is not in accordance with the street network and design as outlined in the DCP.	No, but satisfactory. See discussion below.
3.3.1 (2) Roads are to be at the cost of the developer unless the Section 94 plan makes provision for the road construction.	The application includes the construction and dedication of Palazzo View which is a new public road and is not covered by the Contribution Plan/ Section 7.11 fees. Palazzo View is identified in the ILP and is required to be constructed and dedicated to the public/ Council at no cost. The application includes partial width reconstruction of Nelson Road which is an existing public road fronting the site which is	Yes

	not covered by the Contribution Plan/ Section 7.11 fees. Therefore this road is required to be reconstructed and any associated road widening dedicated to the public/ Council at no cost. The applicant has submitted a draft plan of subdivision which identifies Palazzo View as being a public road and a small portion of road widening to Nelson Road, both of which will be constructed and dedicated at no cost to the public/ Council. It is clear that the applicant is proposing to construct and dedicate the planned public roads within the development as well as reconstruct the existing public road fronting the site that services the development. The construction (or reconstruction) and dedication of these roads to the public/ Council is a fundamental aspect of the application as it provides access to the proposed development. Without this component forming part of the application the application would instead have been refused.	
3.5 – Residue Lots Any development proposal including creation of residue lots for future subdivision must: Include documentation demonstrating how the minimum density can be achieved across each residue lot through future subdivision. Demonstrate how the future development of each residue lot can be consistent with the character statement for the local area in terms of the built form, dwelling types, bulk and scale, height and other public domain considerations. Demonstrate that the residue lot can be serviced and accessed in accordance with Figure 2. Demonstrate that development of the residue lot can be undertaken without compromising the other	The proposal does not include creation of any residue lots.	Yes

objectives and controls of this DCP. Demonstrate that the residue lot shall be connected to the reticulated public sewer.		
4.0 – Residential Development		
4.1.1 Cut and Fill 4.1.1 (6) Retaining walls within residential allotments are to be no greater than 500 mm high at any point on the edge of any residential allotment. A combined 1 m maximum retaining wall height is permissible between residential lots (2 x 500 mm).	The proposal involves minor earthworks to provide suitable platforms and levels for the built form included with the proposal. These earthworks do exceed 500mm with some areas requiring cut/ fill beyond this requirement.	No, but satisfactory. See discussion below.
7.0 – Managing the Environment		
7.1 – Integrated Stormwater Management (3) All stormwater drainage designs are to comply with the most up to date revision of council's "Design Guidelines Subdivision/ Developments".	The proposal includes construction of a stormwater management system that generally complies with Council's guidelines, however this includes works over adjoining land to which the owner/s have not provided consent.	Yes, however consent has not been provided for works on adjoining land. See discussion/ recommendation below.
7.2 – Aboriginal Heritage (5) Areas of moderate archaeological sensitivity as shown in Figure 53 warrant an Aboriginal archaeological due diligence assessment. This assessment is to be conducted in accordance with the relevant code of practice stipulated in the NPW Regulation.	An Archaeological Assessment of the site has been undertaken and the report concludes that no aboriginal cultural heritage was identified within the study area.	Yes
7.4 – Bush Fire Management	The subject site is identified as partly bushfire prone land. A response has been provided by the RFS raising no objections to the proposed development subject to conditions.	Yes
7.6 – Contamination Management	A Contamination Assessment of the site has been undertaken and the report submitted to Council. The report concludes that the site does not present a risk of harm to human health or the environment and there is no contamination requiring remediation.	Yes

Variation to Indicative Layout Plan

Section 2.2 of the DCP provides the indicative layout plan for the Precinct. The objective is to ensure the development of Box Hill is undertaken in a co-ordinated manner. Figure 2 of the DCP (see below) illustrates the indicative layout for the Precinct.

Figure 2 Box Hill Growth Centre Precincts Indicative Layout Plan

The proposed development includes a variation to the ILP by removing a road bordering the subject site to the north and east. The road identified in the ILP is Baluster Street and frames the subject site. The road is identified in the DCP as it originally intended to address the orderly development of Nos. 14 and 16 Nelson Road assuming they would be developed separately. Given that the properties are being developed together it is considered the need for the perimeter public road is unnecessary.

The variation to the ILP is shown in the plan of subdivision (extract above) which proposes an internal private road accessed from Palazzo View. The site adjoins E2 zoned land to the north and Robbins Road to the east. The removal of Baluster Street from the ILP has no implications on the ability for adjoining properties to develop. The E2 land to the north will be conserved by the land owner and Robbins Road to the east will remain in Council ownership unless otherwise closed/ purchased by the adjoining land owner which will be subject to separate negotiations.

Further to the above and as mentioned in the submission table the provision of Baluster Street would require half width road construction within the boundaries of 16 Nelson Road and would rely on the other half width road construction to be provided at a time when 18 Nelson Road develops. If and when 18 Nelson Road is developed there is still no guarantee that this half road would be constructed within the existing road reserve being Robbins Lane. The deletion of Baluster Street results in a balanced outcome and does not inhibit the development potential of 18 Nelson Road more than the DCP would with regard to road construction, heritage curtilage and the existing transmission easement.

Based on the above assessment, the proposed variation to the ILP is supported in this instance.

Variation to Cut and Fill

In order to achieve the required levels for roads and stormwater drainage basin/ discharge to the north the proposed development involves minor earthworks across the site. The DCP permits a maximum of 500mm of cut and fill to provide a suitable building platform for future development. Up to 500mm of cut and fill is proposed across the site to achieve this which complies with the requirements.

An earthworks plan has been submitted with the application and is provided below. The proposed earthworks include excavations exceeding the 500mm cut/ fill permitted by the DCP. This is predominantly located in areas where the existing topography creates issues with final levels of roads or stormwater infrastructure.

Based on the above plan it is clear that the temporary stormwater basin accounts for the area where the deepest excavation is proposed. The remainder of the site will be cleared to prepare the lots for dwelling construction with Stages 2 and 3.

It would be onerous to request the earthworks plan to be amended to comply with the DCP. Amendments to the plan would result in a steeper slope of the site and potentially require retaining walls. Based on the information submitted with the application, the proposed variation is suitable in this instance and is supported.

Stormwater Management

The proposed development includes a stormwater management strategy which relies on works on adjoining land. The applicant has approached two land owners to the north requesting consent for a tail out drain and easement to drain water over one of the two properties. The owners of the properties have not provided consent. The applicant has submitted documentation outlining the attempts to contact land owners in order to obtain a lawful discharge point.

The applicant has satisfactorily demonstrated attempt to procure an easement which has proven to be unsuccessful. A deferred commencement condition is recommended requiring the easement be established over a downstream property. In the event the owners do not agree it is not without precedent and the applicant/ developer may apply to the Supreme Court of NSW for an easement to be imposed under Section 88K of the Conveyancing Act 1919.

A case recently brought before the Supreme Court of NSW McGrath v Mestousis [2017] NSWSC 995 sets out the proceedings and procedures in order for a plaintiff to obtain an easement on land outside of the subject site where it is required in order for the development to proceed. The applicant has expressed their desire to proceed on the basis with a deferred commencement condition to allow them to continue discussions with the neighbour outside of the assessment process. In the event the owner does not provide consent; the applicant will seek legal advice on the path forward.

The stormwater drainage design has been reviewed and complies with Council's Design Guidelines for Subdivision/ Developments. On this basis, a deferred commencement condition is recommended which requires owners consent to be obtained from the downstream properties for the stormwater drainage works.

7. Issues Raised in Submissions

The application was notified to nearby and adjoining properties between 1 November and 10 December 2017. The application was also advertised in the local newspaper on 9 November 2017 and a notice was placed on site. One submission was received and that submission has been addressed earlier in this report.

ENGINEERING COMMENTS

No objection is raised to the proposed development subject to conditions. The conditions include deferred commencement which is subject to consent being provided from the adjoining property owner/s affected by the proposed drainage works.

TRAFFIC COMMENTS

Comments received relating to traffic management were considered in conjunction with the comments received from Parks and Recreation as below.

TREE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions. The conditions include deferred commencement which is subject to consent being provided from the adjoining property owner/s affected by the proposed drainage works and tree removal.

ECOLOGY COMMENTS

The subject site is entirely biodiversity certified. No objections are raised to the proposed development subject to conditions of consent.

ENVIRONMENT AND HEALTH COMMENTS

No objection is raised to the proposed development subject to conditions. The site is not contaminated and does not require remediation. Conditions have been provided recommending ongoing monitoring of the site and further investigations following demolition of the existing structures.

WASTE MANAGEMENT COMMENTS

No objection is raised to the proposed development subject to conditions. Each lot within the subdivision will be serviced by Council's three bin waste collection scheme. An area is to be provided in front of each dwelling providing adequate space for three bins to be collected via the planned internal/ private road.

HERITAGE COMMENTS

No objection is raised to the proposed development subject to conditions. Conditions are recommended which require colours/ materials, fencing and landscaping to be in accordance with the plans prepared by DEM. These plans form part of the stamped approved package and are to be complied with to ensure the heritage component of the application is satisfactorily addressed.

PARKS AND RECREATION COMMENTS

Comments have been received from the Parks and Recreation team who recommend Palazzo View be widened to provide two way traffic and on street parking on both sides of the road. The DCP identifies Palazzo View as a Perimeter Road adjoining a Park and is only required to provide on street parking to one side of the road. It is considered unreasonable to require the developer to provide additional on street parking within their development site when the DCP does not call for this and the development provides for sufficient off-street parking via the front setbacks/ garages and four dedicated parallel visitor spaces along the length of the internal private road.

NSW RURAL FIRE SERVICE COMMENTS

The application was lodged prior to the current bushfire prone land mapping which did not identify the subject site as being bushfire prone land. The bushfire prone land mapping was updated on 29 June 2018 and identified the subject site as being bushfire prone land. As a result, the application was referred to the Rural Fire Service on 13 December 2018. A response was issued dated 4 January 2019 providing general terms of approval for the development relating to asset protection zones, service utilities, access, design/ construction and landscaping. An updated Bush Fire Safety Authority dated 31 October 2019 has been provided by the Rural Fire Service which reflects the current subdivision plan and lot numbering. The general terms of approval form part of the consent and are provided in Appendix 1.

NATURAL RESOURCES ACCESS REGULATOR COMMENTS

The application was referred to the Natural Resources Access Regulator on 1 November 2017. A response was provided on 17 August 2018 raising no objections to the proposal and providing general terms of approval for the development. A controlled activity approval is required to be obtained for the development as required by the general terms of approval which are provided in Appendix 2.

TRANSGRID COMMENTS

The proposal is immediately adjacent to a transmission line owned/ operated by TransGrid. A response provided by TransGrid dated 29 October 2019 confirms no objection is raised to the proposed development, subject to conditions. The conditions are provided in Appendix 3.

SYDNEY WATER COMMENTS

The application was referred to Sydney Water on 1 November 2017. A response was provided on 4 January 2019 raising no objections to the proposed development, subject to conditions. Conditions are recommended requiring building plan approval to ensure the development does not impact Sydney Water assets and a Section 73 Certificate be obtained prior to release of a Subdivision Certificate.

CENTRAL CITY DISTRICT PLAN

The Central City District Plan sets out planning priorities and actions for improving the quality of life for residents as the District grows and changes. The plan aims to provide residents in the Central City District with quicker and easier access to a wider range of jobs, housing types and activities as part of the transformation of the District. The proposed development aligns with the vision of the district plan by contributing to the medium density housing stock in a land release area. The proposal contributes to housing diversity in the Central City district within close proximity to employment opportunities and key transport corridors. The proposal is considered satisfactory with regard to the district plan.

CONCLUSION

The development application has been evaluated against the matters for consideration contained within Section 4.15 of the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the Box Hill Growth Centre Precincts Development Control Plan. All key issues have been identified, addressed or suitably conditioned and is considered satisfactory.

IMPACTS:

Financial

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

The Hills Future – Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined in The Hills Future – Community Strategic Plan as the proposal will enable the creation of a range of housing options to suit the different needs of people living in our Shire whilst ensuring the future built environment blends with our natural beauty.

RECOMMENDATION

The Development Application be approved subject to the conditions below which include a deferred commencement condition relating to the need for a temporary stormwater easement over one or more downstream properties.

DEFERRED COMMENCEMENT

1. Deferred Commencement – Registration of Easement

A. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

1 The registration of a temporary 5m wide and 30m long (minimum) drainage easement over the downstream property, 10 Hynds Road Box Hill. Alternatively an easement over both 12 Nelson Road and 12 Hynds Road will also suffice. Both options/ possible temporary outlets are shown on the temporary stormwater drainage discharge options plan 01843_203 by C&M Revision 01 dated 20/09/2019. The temporary easement is required until such time as Palazzo View (and the associated street drainage) is extended north the natural watercourse running east-west within 10 Hynds Road by others.

B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.

C. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

2. Approved Plan of Subdivision

The subdivision must be carried out in accordance with the approved plan of subdivision prepared by Stuart N de Nett Reference 11867-5 Sheets 1 to 3 of 3 and other supporting documentation including the undertaking within the Statement of Environmental Effects submitted relating to the dedication of Palazzo View and part of the subject site fronting Nelson Road for road widening except where amended by other conditions of consent.

The plan must be amended to include sequential numbering starting at 1 (which must be the association property) in accordance with the requirements of Land Registry Services relating to community plans.

3. Approved Building Plan

Building works must be carried out in accordance with the approved plans listed except where amended in red or by other conditions of consent.

Title	Reference	Revision	Author	Date
Demolition Plan	ar-0001	a03	dem	08/11/18
Masterplan 00	ar-0100	a05	dem	25/06/19
Masterplan 01	ar-0101	a04	dem	25/06/19
Masterplan 02	ar-0102	a04	dem	25/06/19
Masterplan 03	ar-0103	a03	dem	25/06/19
Elevations	ar-0200	a04	dem	25/06/19
Internal Elevations	ar-0201	a04	dem	25/06/19
Overall Sections	ar-0202	a02	dem	25/06/19
Dwelling Type A1	ar-1200	a03	dem	25/06/19
Dwelling Type A2	ar-1201	a03	dem	25/06/19
Dwelling Type B1	ar-1202	a03	dem	25/06/19
Dwelling Type B2	ar-1203	a03	dem	25/06/19
Dwelling Type B3	ar-1204	a03	dem	25/06/19
Dwelling Type C1	ar-1205	a03	dem	25/06/19
Dwelling Type C2	ar-1206	a03	dem	25/06/19
Dwelling Type C3	ar-1207	a03	dem	25/06/19

Dwelling Type C4	ar-1208	a03	dem	25/06/19
Dwelling Type D1	ar-1209	a03	dem	25/06/19
Dwelling Type E1	ar-1210	a03	dem	25/06/19
Dwelling Type F1	ar-1211	a03	dem	25/06/19
Dwelling Type F2	ar-1212	a02	dem	25/06/19
Dwelling Type F3	ar-1213	a02	dem	25/06/19
Dwelling Type F4	ar-1214	a02	dem	25/06/19
Dwelling Type F5	ar-1215	a01	dem	25/06/19
Dwelling Type F6	ar-1216	a01	dem	25/06/19
Dwelling Type F7	ar-1217	a01	dem	25/06/19
Landscape Cover Sheet	la-cv01	A07	dem	21/08/19
Landscape Tree Survey	la-0001	A05	dem	08/11/18
Landscape Concept Plan	la-0501	A07	dem	21/08/19
Public Domain Plan	la-0502	A05	dem	21/08/19
Landscape Details	la-8901	A06	dem	28/06/19
Landscape Tree Species Location, Planting and Materials Palette	lask0001	a05	dem	29/06/19

No works are permitted to occur until a Construction Certificate has been issued and a Principal Certifying Authority (PCA) appointed.

4. Compliance with Rural Fire Service Requirements

Compliance with the requirements of the Rural Fire Service throughout all stages of the subdivision as outlined in their letter dated 31/10/2019 Reference DA-2018-05441 attached to this consent as Appendix 1.

5. Compliance with Natural Resources Access Regulator Requirements

Compliance with the requirements of the Natural Resources Access Regulator throughout all stages of the subdivision as outlined in their letter dated 17 August 2018 Reference IDAS1103022 attached to this consent as Appendix 2.

6. Compliance with TransGrid Requirements
Compliance with the requirements of TransGrid throughout all stages of the subdivision as outlined in their response dated 29 October 2019 reference 2019-453 attached to this consent as Appendix 3.

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

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

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

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

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

9. External Finishes
External finishes and colours must comply with the details submitted with the development application and approved with this consent.

10. Australia Post Mailbox Requirements
Australia Post has specific requirements for mail deliveries on private roads. Separate approval from Australia Post is required before installing individual mailboxes for this development.

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

Australia Post has advised that they cannot guarantee that mail will be delivered to the front of individual lots in a community plan in rural areas. For all subdivisions in rural areas that include a private road a bank of grouped letterboxes and a stopping bay in front must be provided for as part of the subdivision works. Where applicable, this includes the mailbox for the association lot required above.

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

12. Dam Dewatering Requirements
The recommendations of the Dam Dewatering Report prepared by Geotechnique Pty Ltd referenced as 14096/3-AB dated 1 Feb 2018 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Prior to dewatering construct silt/ bunds around the irrigation area as per the drawing no 14096/3-AB.
- Using a sump pump, dewater the dam and spread the water in the grassed area bounded by the silt fences/ bunds. Spreading the water should start from the higher side of the site and progressively move towards the lower side.

- Based on average permeability of existing soils and evapotranspiration data, it is recommended that the flow rate over the area should be in the range of 40m3/ day (40,000 litres/ day).
- When pumping the water close to the bottom of the dams, the sediments might be disturbed. In such case, pumping should be stopped and the following measures should be taken before dewatering can continue; allow the sediment to naturally settle in a day or so and/ or flocculate the dam water by adding some lime/ gypsum.
- Also dam water can be used for moisture conditioning of fill or for dust control during earth works.

13. Contamination Assessment and Site Remediation

The recommendations of the Site Assessment and Report prepared by Geotechnique Pty Ltd referenced as 14096/1-AA dated 29 September 2017 and submitted as part of the Development Application are to be implemented as part of this approval.

14. Management of Construction and/ or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

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

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

www.wastelocate.epa.nsw.gov.au

15. Disposal of Surplus Excavated Material

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

16. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

17. Provision of Domestic Waste Storage Areas

A bin storage area sized for a minimum of 3 x 240 litre bins must be provided within the lot boundaries. Two areas are required where there is a secondary dwelling. The area(s) 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 area(s) to the approved bin collection point along the kerbside. 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/ 1080mm high.

18. Tree Removal

Approval is granted for the removal of trees as indicated on Demolition Plan Drawing ar-0001 prepared by DEM dated 8 November 2018.

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

19. 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 per square metre.

20. Retention of Trees

All trees 1 to 26 to neighbouring property plus trees 75, 76 and 77 within the site are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Naturally Trees dated 12/12/2017 and the following requirements:

- Section 4 Arboricultural Method Statement setting out management and protection details that must be implemented to secure successful tree retention.

21. Minor Engineering Works

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.

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's Driveway Specifications.

The proposed driveway/s must be built to Council's residential standard.

The driveway must be no wider than 4m except for the shared driveway for units/ lots 17 and 18. The driveways are to be splayed within the site to match the width of the single/ double garages shown on the stamped approved plans.

The detailed design/ Construction Certificate drawings for each unit must include a driveway long-section demonstrating compliance with the above (and accounting for the narrowed verge along the length of the private roads).

b) Rainwater Reuse Tanks

Each of the 40 units/ dwellings must be provided with a 3,000 litre rainwater reuse tank (minimum) as per the DCP.

c) Site Stormwater Drainage

The entire site area of each lot/ unit must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

22. Construction Certificate – Subdivision Works

Before any works are carried out a Construction Certificate must be obtained and a Principal Certifying Authority appointed. The plans and accompanying information submitted with the Construction Certificate must comply with the conditions included with this consent.

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

23. Proposed Street Naming – Private Roads 1 and 2

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

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

24. Approved Street Naming – Palazzo View

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

25. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

26. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

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

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

28. Zero Lot Line Dwellings – Easement Encroachment
No element of those dwellings located on the boundary line with an adjoining lot (zero lot line dwellings) can be located within that adjoining lot. Construction tolerances should be accounted for when surveying and constructing these dwellings.

Similarly, the dwellings on the lots adjacent, being those lots burdened by an easement for repair; must be located wholly outside of the easement except where it is shown on the approved plans that the encroaching eaves/ guttering does not impede maintenance access to either dwelling and that the encroachment is no closer than 450mm to the boundary.

29. BCA Compliance
All building work must be carried out in accordance with the provisions of the Building Code of Australia.

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

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

32. Engineering Works and Design

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

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

The subdivision works required by this consent are those shown on the concept subdivision works plan prepared by C&M Revision 5 dated 13/06/2019 subject to the following amendments and requirements:

- The private road/s need to be delineated from the public road (Palazzo View) through the use of a gutter crossing as opposed to the extension of the road pavement/ kerb returns shown on the concept subdivision works plan.
- The four parallel parking spaces shown along the private road must be included. Two of these spaces are missing from drawing 01843_202 included as part of the concept subdivision works plan.
- The detailed design must include longitudinal and cross sections and stormwater/ street drainage details for the partial width construction of Nelson Road fronting the site missing from the concept subdivision works plan now.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

The following engineering works are required:

a) Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Palazzo View	Road Type: DCP Perimeter Road along Park 4.5m/ 8.5m/ 3.5m (16.5m) Pavement Design: Local/ Access (Design Guidelines 3.12)
Road 1 (1)	Road Type: Private Road 3m/ 6m/ 3m (12m) Pavement Design: Local/ Access (Design Guidelines 3.12)

Road 1 (2)	Road Type: Private Road 3.5m/ 6m/ 3m (12.5m) Pavement Design: Local/ Access (Design Guidelines 3.12)
Road 2	Road Type: Private Road 1.5m/ 6m/ 3m (10.5m) Pavement Design: Local/ Access (Design Guidelines 3.12)

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

The wider 4.5m verge must be located on the western side of Palazzo View correlating with the cycleway required at this location.

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. The only exception to this is Palazzo View to account for the narrowed carriageway/ parking on one side only.

Road 1 (2) relates to the section of this road along the northern site boundary. Road 1 (1) relates to the remainder of this road internal to the site.

b) Partial Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Nelson Road	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)

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

The final vertical alignment of Nelson Road must reflect the latest detailed concept design for Nelson Road prepared by JWP for Council and must be rechecked prior to approval.

The formation nominated in the table above relates to the mid-block formation of this road. The actual required carriageway/ formation towards the eastern end of the site closer to the planned traffic lights at Nelson Road/ The Water Lane is wider as per the latest detailed concept design for Nelson Road prepared by JWP and the latest detailed concept design for The Water Lane for Council. Both plans have been provided previously. The partial width reconstruction of Nelson Road fronting 17 Nelson Road approved diagonally opposite separately needs to be accounted for in the detailed design also.

With respect to Nelson Road the level difference at either end of the works will need to be transitioned back to the existing road surface level.

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

Where partial width reconstruction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width reconstruction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the reconstruction of 7m of road pavement. For any section of this road unable to transition into the existing road pavement opposite noting the required vertical alignment your works must also include a 1m wide (minimum) temporary shoulder/ verge on the opposite side.

Any requirements relating to partial width road reconstruction from the DCP must also be complied with. All works must be carried out in accordance with a traffic safety report required to accompany the detailed design as required by the DCP.

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.

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.

c) Signage and Line Marking Requirements/ Plan

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

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

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

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

d) Concrete Footpath

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

e) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the northern side of Nelson Road fronting the site in accordance with the DCP and the above documents.

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the western side of Palazzo View within the site in accordance with the DCP and the above documents.

f) Gutter Crossings

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

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

g) Disused Layback/ Driveway Removal

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

h) Service Conduits

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

i) Earthworks/ Site Regrading

Earthworks are limited to that shown on the concept subdivision works plan. Where earthworks are not shown on the concept subdivision works plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept subdivision works plan.

Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.

j) Stormwater Drainage – Temporary Works

A tail out drain over either 10 Hynds Road or 12 Nelson Road and 12 Hynds Road is required. The tail out drain must have sufficient length and width to dissipate stormwater flows to an acceptable level from the end of all stormwater outlets generally as shown on the temporary stormwater drainage discharge options plan 01843_203 by C&M Revision 01 dated 20/09/2019. The tail out drain is required until such time as Palazzo View (and the associated street drainage) is extended north the natural watercourse running east-west within 10 Hynds Road by others.

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

k) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the Natural Resources Access Regulator.

l) Inter-allotment Stormwater Drainage

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

m) Stormwater Drainage – Temporary Management (Box Hill)

Temporary stormwater management in the form of a temporary basin within proposed lot 41 in the bottom/ rear corner of the site is required as shown on the concept subdivision works plan and as referenced in the stormwater management report by C&M Revision D dated June 2019.

The basin must have a minimum detention volume of 295 cubic metres and a minimum surface treatment/ bio-retention area of 235 square metres. The temporary works also extent to the discharge control pit, overflow wier, capping of the pipework in Palazzo View to direct this street drainage/ runoff into the basin and the temporary outlet within either 10 Hynds Road or 12 Nelson Road and 12 Hynds Road referred to above.

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 to the west on the opposite side of the adjacent park 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.

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.

33. Western Sydney Growth Areas – Payment of Special Infrastructure Contribution

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

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

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

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

34. Registration of Subdivision

The registration of Stage 1 of the subdivision component of this consent must occur prior to a Construction Certificate being issued for any dwelling construction.

35. Controlled Activity Authority – Natural Resources Access Regulator

A copy of the Controlled Activity Authority must be submitted before a Construction Certificate is issued.

36. Internal Pavement Structural Design Certification (Private Internal Roads)

Prior to a Construction Certificate being issued an accredited engineer must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 12.5m long heavy rigid waste collection vehicle (28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

37. Garage Bin Storage Provision (Lots 19 to 27 and 28 to 39)

Prior to a Construction Certificate being issued amended plans must be submitted to and approved by Council's Resource Recovery Project Officer demonstrating that the approved bin storage areas can hold 3 x 240 litre bins for lots 18 to 27 and 28 to 39. Amended plans must also show space for 3 x 240 litre bins within the side or rear of the dwellings for all other remaining lots.

The measurements of a 240 litre bin are 735mm (d)/ 580mm (w)/ 1080mm (h). The bins must be able to be wheeled to the street over flat or ramped surfaces and not over steps or through the unit.

38. Section 7.11 Contribution

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

Payments comprise of the following:

Stage 2

Stage 2	*Purpose: Dwelling*	*Purpose: Credit*	*No. of Dwellings: 17*	*No. of Credits: 1*	*Total S7.11*
Open Space - Land	$16,909.41	$16,909.41	$ 287,459.97	$ 16,909.41	**$ 270,550.56**
Open Space - Capital	$8,201.37	$8,201.37	$ 139,423.29	$ 8,201.37	**$ 131,221.92**
Transport Facilities - Land	$1,302.50	$1,302.50	$ 22,142.50	$ 1,302.50	**$ 20,840.00**
Transport Facilities - Capital	$4,607.27	$4,607.27	$ 78,323.59	$ 4,607.27	**$ 73,716.32**
Water Management - Land (KCP)	$246.92	$246.92	$ 4,197.64	$ 246.92	**$ 3,950.72**
Water Management - Capital (KCP)	$7,452.79	$7,452.79	$ 126,697.43	$ 7,452.79	**$ 119,244.64**
Administration	$6,279.74	$6,279.74	$ 106,755.58	$ 6,279.74	**$ 100,475.84**
Total	**$ 45,000.00**	**$ 45,000.00**	**$ 765,000.00**	**$ 45,000.00**	**$ 720,000.00**

Stage 3

Stage 3	*Purpose: Dwelling*	*Purpose: Credit*	*No. of Dwellings: 23*	*No. of Credits: 1*	*Total S7.11*
Open Space - Land	$16,909.41	$16,909.41	$ 388,916.43	$ 16,909.41	**$ 372,007.02**
Open Space - Capital	$8,201.37	$8,201.37	$ 188,631.51	$ 8,201.37	**$ 180,430.14**
Transport Facilities - Land	$1,302.50	$1,302.50	$ 29,957.50	$ 1,302.50	**$ 28,655.00**
Transport Facilities - Capital	$4,607.27	$4,607.27	$ 105,967.21	$ 4,607.27	**$ 101,359.94**
Water Management - Land (KCP)	$246.92	$246.92	$ 5,679.16	$ 246.92	**$ 5,432.24**
Water Management - Capital (KCP)	$7,452.79	$7,452.79	$ 171,414.17	$ 7,452.79	**$ 163,961.38**
Administration	$6,279.74	$6,279.74	$ 144,434.02	$ 6,279.74	**$ 138,154.28**
Total	**$ 45,000.00**	**$ 45,000.00**	**$ 1,035,000.00**	**$ 45,000.00**	**$ 990,000.00**

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.

39. Security Bond Requirements

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

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

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

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

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

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

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

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

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

A SWMP is required for this development.

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

42. Security Bond – Road Pavement and Public Asset Protection
In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of $200,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of $88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side multiplied by the width of the road and then reduced to account for the fact the roads fronting the development are being constructed/ reconstructed as part of the development.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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

43. Security Bond – External Works
In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is $10,000.00. The bond amount must be confirmed with Council prior to payment.

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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

PRIOR TO WORK COMMENCING ON THE SITE

44. Bushland Protection Fencing
Prior to any works commencing on site temporary Bushland Protection Fencing must be in place at the following locations:

- Along the entire northern boundary of the site to protect the vegetation within the riparian protection area.

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

49. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

50. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

51. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention without supervision of a project arborist. Trenchless installation or excavation by hand for services within TPZ of trees to be retained in accordance with Arboricultural Impact Appraisal and Method Statement prepared by Naturally Trees dated 12 December 2017.

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

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

52. Traffic Control Plan

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

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

53. Erection of Signage – Supervision of Subdivision Work

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

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

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

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

54. Contractors Details

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

55. Erosion and Sediment Control/ Soil and Water Management

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

56. Service Authority Consultation – Subdivision Works

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

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

57. Pavement Design

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

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

58. Builder and PCA Details

The builders name, address, telephone and fax numbers must be submitted to the Principal Certifying Authority (PCA) before building works commence. Where Council is not the PCA, Council must be notified of the PCA in writing two days before building works commence in accordance with the Regulations.

59. Property Condition Report – Public Assets

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

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

DURING CONSTRUCTION

60. Critical Stage Inspections/ Inspections Nominated by the PCA

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

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

61. Tree Removal and Fauna Protection

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the "grab" attachment of a machine.

62. Dam Dewatering – Fauna Requirements

The decommissioning of the dam is to be undertaken in accordance with the Fauna Management Protocol for Construction Sites prepared by Abel Ecology dated 22 September 2017 and the following requirements:

- An appropriately qualified aquatic ecologist is to oversee the dewatering of the dam.
- The de-watering dam process is to cease immediately and an appropriately qualified aquatic ecologist is to be made available at the subject site should evidence of aquatic or terrestrial fauna be present. The aquatic ecologist is to ensure that any native species (such as eels and eastern snake-necked turtles) are captured and relocated to a suitable waterway and pest species (such as carp and mosquito fish) are humanely removed and euthanased in a manner consistent with the Prevention of Cruelty to Animals Act 1979.
- If the aquatic ecologist is required to relocate any terrestrial or aquatic fauna, then a licence under the Fisheries Management Act 1994 or the National Parks and Wildlife Act 1974 must be obtained.
- Water is to be pumped from the dam and irrigated onto adjacent grassed areas to minimise the risk of invasive and exotic pest species from entering the natural waterways.
- The intake pipe for the irrigation is to be monitored to prevent injury to aquatic fauna.
- The dewatered dam must be inspected for fauna which may be buried in the sediments on the bottom of the dam by the aquatic ecologist.
- Following dewatering, fauna is to be provided with an opportunity to relocate prior to reshaping. A minimum of 72 hours is to be provided.
- If large numbers of predatory fish (for example Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.
- Any rescued fauna is to be released at a suitable nearby location or if injured, placed into the care of a wildlife carer.
- The fauna ecologist is to submit a report to Council's Manager – Environment and Health following their site inspection and any subsequent action taken relating to the development. The report is to include tallies of fauna removed from the dam with details of their relocation destination (or destruction).

63. Contamination

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

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

64. Further Contamination Assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment and Health.

65. Breaching and Filling of Dam

The earth dam is to be breached in accordance with the requirements of the Office of Environment and Heritage.

All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development.

All fill must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. The source of the VENM material and relevant certificates are to be obtained and provided to Council.

66. Removal of Septic Tank and Effluent Disposal Area

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

Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health "Advisory Note 3 – Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)" available from the NSW Health website:

http://www.health.nsw.gov.au

Methods 1.1 and 2.1 (Demolition) are not permissible.

67. Project Arborist

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

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

68. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

69. Critical Stage Inspections – Subdivision Works

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

70. Aboriginal Archaeological Sites or Relics

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

71. Aboriginal Heritage Impact Permit
Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

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

73. Working Hours
All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

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

74. Confirmation of Compliance with Zero Lot Line
Prior to the installation of the external roof tiles or sheeting, written advice from a registered surveyor must be provided to the Principal Certifying Authority confirming that the constructed guttering and fascia to the wall for each property using a zero lot line, is located wholly within the property boundary.

75. Location of Dwelling
The dwellings on lots burdened by an easement for repair in response to an adjacent zero lot line dwelling must be located wholly outside of the easement except where Council has permitted an encroachment (limited to eaves/ guttering). This includes all services, equipment and utilities.

76. Compliance with BASIX Certificate
Under Clause 97A of the Environmental Planning and Assessment Regulation 2000 all commitments listed in the following BASIX Certificates (and any subsequent revisions of the same certificate number) submitted with the application must be complied with:

Lot/ Dwelling	BASIX Certificate
Stage 2 Lots 2 to 18	1026973M
Stage 3 Lots 19 to 40	864620M_02
Stage 4 Lot 41	1027615M

PRIOR TO ISSUE OF AN OCCUPATION AND/ OR SUBDIVISION CERTIFICATE

77. Compliance with Rural Fire Service Requirements
A report/ letter from a qualified bushfire consultant must be submitted confirming that the requirements of the Rural Fire Service have been complied with.

78. Compliance with Natural Resources Access Regulator Requirements
A letter from the Natural Resources Access Regulator must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

79. Subdivision Certificate Application
When submitted, the Subdivision Certificate application must include:

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

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

- Arrangements for the approval and carrying out of hazard reduction works when and where proposed by the Hills District Rural Fire Service and the Hills District Bushfire Management Committee.
- Arrangements for community engagement with the Hills District Rural Fire Service and the association.
- The preparation, distribution, implementation and auditing of a Bushfire Emergency Evacuation Plan.
- The recording, maintenance and provision of access for firefighting purposes of the fire trails and asset protection zones. With respect to fire trails, a "plan of fire trails" or similar will need to be included as part of the management statement.

81. Landscaping
The landscaping of the site must be finalised as per the approved plan. Landscaping must be maintained at all times.

82. Satisfactory Final Inspection
A final inspection must be carried out before an Occupation Certificate is issued. An Occupation Certificate must be issued before the dwellings are occupied.

83. Maintenance of BASIX Commitments
All BASIX requirements must be implemented before an Occupation Certificate is issued and maintained throughout the life of the proposed development in accordance with the approved BASIX Certificates.

84. Biodiversity Compliance
Certification that the following measures have been undertaken must be submitted to Council's Manager – Environment and Health:

- Dam Dewatering – Details prepared by the project ecologist outlining fauna rescue and relocation undertaken during the dam dewatering.
- Tree Removal and Fauna Protection – Details prepared by the project ecologist demonstrating compliance with the Tree Removal and Fauna Protection condition/s of this consent.

85. Internal Pavement Construction (Private Internal Roads)
Prior to any Occupation Certificate being issued an accredited engineer must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 12.5m long heavy rigid waste collection vehicle when fully laden (28 tonnes gross vehicle mass).

86. Landscaping Prior to Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The landscaping shall be either certified to be in accordance with the approved plan by an Accredited Landscape Architect or be to the satisfaction of Council's Manager – Environment and Health. All landscaping is to be maintained at all times in accordance with the DCP and the approved landscape plan.

87. Completion of Subdivision Works/ Satisfactory Final Inspection

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

88. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

89. Property Condition Report – Public Assets

Before an Occupation Certificate is issued, an updated property condition report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.

90. Subdivision Works – Submission Requirements

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

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

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

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

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

91. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is $5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

92. Confirmation of Pipe Locations

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

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

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

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

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

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

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

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

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

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

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

97. Building Adjacent to Proposed Boundary
Where any part of an existing/ partially constructed building is located within 2m of a proposed boundary the location of such must be determined by a registered surveyor and shown on the final plan.

98. Building Services
A letter from a registered surveyor must be submitted certifying that all facilities servicing the existing/ partially constructed buildings are located wholly within their respective lot or are otherwise contained within a suitable easement.

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

a) Dedication – New Road

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

b) Dedication – Road Widening

The dedication of the proposed road widening must be included on the final plan in accordance with the undertaking submitted relating to dedication.

c) Easement – Private Stormwater Drainage

Inter-allotment drainage easements must be created to ensure each and every lot is provided with a legal point of discharge. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

d) Easement – Repairs/ Zero Lot Line Dwellings

A 900mm wide (minimum) easement for repairs is required over those lots adjacent to the zero-lot line dwellings identified on the approved plan using the "zero lot line dwellings" terms included in the standard recitals.

e) Restriction – Restricted Access

Lots 19 to 28 must be burdened with a restriction precluding direct vehicular access to/ from Nelson Road using the "restricted access" terms included in the standard recitals.

f) Restriction – Rainwater Tanks

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

g) Covenant – Onsite Waste Collection

Lot 1 must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

h) Easement – Temporary Stormwater Management (Box Hill)

Lot 41 in Stage 3 (or part of lot 103 in Stage 1) must be burdened with an easement over the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

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

Lot 41 in Stage 3 (or part of lot 103 in Stage 1) must be burdened with a restriction and a positive covenant that refers to the temporary stormwater management measures referred to earlier in this consent using the "temporary stormwater management" terms included in the standard recitals.

j) Restriction/ Covenant – Asset Protection Zone

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

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

APPENDIX 1

NSW GOVERNMENT

NSW RURAL FIRE SERVICE

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

Your reference: 716/2018/JPZ
Our reference: DA-2018-05441

ATTENTION: Gannon Cuneo

Date: Thursday 31 October 2019

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Torrens Title Subdivision
105//658289 & 1//136172 - 14 & 16 NELSON ROAD BOX HILL 2765 NSW Australia, 105//658289 & 1//136172 - 14 & 16 NELSON ROAD BOX HILL 2765

I refer to your correspondence dated 27/09/2019 seeking general terms of approval for the above Integrated Development Application.

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

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

[APZ 2.2]

At the commencement of building works or the issue of a subdivision certificate (whichever comes first), the entire site must be managed as an Inner Protection Area (IPA). The IPA must comprise:

- Minimal fine fuel at ground level;
- Grass mowed or grazed;
- Trees and shrubs retained as clumps or islands and do not take up more than 20% of the area;
- Trees and shrubs located far enough from buildings so that they will not ignite the building;
- Garden beds with flammable shrubs not located under trees or within 10 metres of any windows or doors;
- Minimal plant species that keep dead material or drop large quantities of ground fuel;
- Tree canopy cover not more than 15%;
- Tree canopies not located within 2 metres of the building;

Postal address
NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address
NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au

- Trees separated by 2-5 metres and do not provide a continuous canopy from the hazard to the building; and,
- Lower limbs of trees removed up to a height of 2 metres above the ground.

Construction Standards
The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack. To achieve this, the following conditions shall apply:

[D&C 1.0]

Proposed Units 2-5, 12, 40:
New construction on the entire roof, and the northern, eastern and western elevations shall comply with section 3 and section 7 (BAL 29) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

New construction on the southern elevations shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

[D&C 1.1]

Proposed Units 13, 39:
New construction on the entire roof, and the northern, eastern and western elevations shall comply with section 3 and section 6 (BAL 19) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone area' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

New construction on the southern elevations shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

[D&C 1.2]

Proposed Units 6-11, 14-20, 28-38:
New construction shall comply with Sections 3 and 5 (BAL 12.5) Australian Standard AS3959-2009 'Construction of buildings in bush fire-prone areas' or NASH Standard (1.7.14 updated) 'National Standard Steel Framed Construction in Bushfire Areas – 2014' as appropriate and section A3.7 Addendum Appendix 3 of 'Planning for Bush Fire Protection 2006'.

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

[ACC 1.0]

Public road access shall comply with section 4.1.3 (1) of 'Planning for Bush Fire Protection 2006'.

- Public roads 5.5 to 6.5 metres wide (kerb to kerb) provide parking within parking bays located outside the kerb to kerb space and located services outside of the parking bays to ensure accessibility to reticulated water for fire suppression.

Water and Utility Services

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

[W&U 4.2]

Water, electricity and gas must comply with the following:

- Fire hydrant design, spacing, sizing and pressures must comply with AS2419.1. Fire hydrants must not be located within any road carriageway.
- Ring main systems must be used for urban subdivisions with perimeter roads.
- Fire hose reels must be constructed and installed in accordance with AS/NZS1221 and AS2441.
- All aboveground water pipes external to the building must be metal including and up to any taps/outlets/fittings.
- Electrical transmission lines should be located underground where possible.
- Overhead electricity lines must have short pole spacing (i.e. 30 metres) except where crossing gullies, gorges or riparian areas. No tree may be closer to an electricity line than the distance set out in in ISSC3 Guideline for Managing Vegetation Near Power Lines.
- Gas must be installed and maintained as set out in the relevant standard and all pipes external to the building must be metal including and up to any taps/outlets/fittings. Polymer-sheathed flexible gas supply lines must not be used.

Landscaping Assessment
The intent of measures is for landscaping. To achieve this, the following conditions shall apply:

[L 1.0]

Landscaping of the site should comply with following principles of Appendix 5 of 'Planning for Bush Fire Protection 2006':

- Suitable impervious areas are provided immediately surrounding the building such as courtyards, paths and driveways.
- Grassed areas, mowed lawns or ground cover plantings are provided in close proximity to the building.
- Planting is limited in the immediate vicinity of the building.
- Planting does not provide a continuous canopy to the building (i.e. trees or shrubs should be isolated or located in small clusters).
- Landscape species are chosen in consideration needs of the estimated size of the plant at maturity.
- Species are avoided that have rough fibrous bark, or which keep/shed bark in long strips or retain dead material in their canopies.
- Smooth bark species of tree are chosen which generally do not carry a fire up the bark into the crown.
- Planting of deciduous species is avoided which may increase fuel at surface/ ground level (i.e. leaf litter).
- Climbing species are avoided to walls and pergolas.
- Combustible materials such as woodchips/mulch and flammable fuel are stored away from the building.
- Combustible structures such as garden sheds, pergolas and materials such timber garden furniture are located way from the building.
- Low flammability vegetation species are used.

General Advice – Consent Authority to Note
Performance-based modelling has been used to determine the BAL rating for the proposed units.

This letter is in response to a request for a further assessment of the application and supercedes our previous advice dated 4 January 2019.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated .

For any queries regarding this correspondence, please contact Adam Small on 1300 NSW RFS.

Yours sincerely,

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Torrens Title Subdivision
105//658289 & 1//136172 - 14 & 16 NELSON ROAD BOX HILL 2765 NSW Australia, 105//658289 & 1//136172 - 14 & 16 NELSON ROAD BOX HILL 2765
RFS Reference: DA-2018-05441
Your Reference: 716/2018/JPZ

This Bush Fire Safety Authority is issued on behalf of the Commissioner of the NSW Rural Fire Service under s100b of the Rural Fires Act (1997) subject to the attached General Terms of Approval.

This authority supersedes the previous Bush Fire Safety Authority issued on and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under *s100b of the Rural Fires Act 1997*.

Kalpana Varghese
Team Leader, Dev. Assessment & Planning
Planning and Environment Services

Thursday 31 October 2019

APPENDIX 2

Natural Resources Access Regulator

Contact: Irene Zinger
Phone: 02 8842 8513
Email: irene.zinger@nrar.nsw.gov.au

General Manager
The Hills Shire Council
Attn: Anthony Donaldson
PO Box 7064
Baulkham Hills BC
BAULKHAM HILLS NSW 2153

Our ref: IDAS1103022
Our file: NA
Your ref: DA716/2018/JPZ

Attention: Simon Turner

17 August 2018

Dear Sir/Madam

Re: Integrated Development Referral – General Terms of Approval
Dev Ref: DA716/2018/JPZ
Description: 38 Lot Residential Subdivision and Integrated Housing
Location: 12-14 Nelson Road Box Hill NSW 2765

I refer to your recent letter regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA.

Please note Council's statutory obligations under section 4.47 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires a consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

If the proposed development is approved by Council, NRAR requests these GTA be included (in their entirety) in Council's development consent. Please also note NRAR requests notification:

- if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works or activities (i) in the bed of any river, lake or estuary; (ii) on the banks of any river lake or estuary, (iii) on land within 40 metres of the highest bank of a river lake or estuary; or (iv) any excavation which interferes with an aquifer.

  NRAR will ascertain from the notification if the amended plans require review of or variation/s to the GTA. This requirement applies even if the amendment is part of Council's proposed consent conditions and do not appear in the original documentation.

- if Council receives an application under s4.55 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the original DA.
- of any legal challenge to the consent.

As the proposed work or activity cannot commence before the applicant applies for and obtains an approval, NRAR recommends the following condition be included in the development consent:

The attached GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for a Controlled Activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity.

A completed application form must be submitted to NRAR together with any required plans, documents, application fee, security deposit or bank guarantee (if required) and proof of Council's development consent. Finalisation of an approval can take up to eight (8) weeks from the date the application and all required supporting documentation is received.

Application forms are available from the NRAR website at:

www.industry.nsw.gov.au » Water » Licensing & Trade » Approvals.

NRAR also requests a copy of the determination for this development application be provided NRAR requests that Council provide a copy of this letter to the development consent holder. by Council as required under section 4.47 (6) of the EPA Act.

Yours Sincerely

P.P.

Irene Zinger
Manager Regional Water Regulation (East)
Water Regulatory Operations
Natural Resources Access Regulator

Natural Resources Access Regulator

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1103022
Issue date of GTA:	17 August 2018
Type of Approval:	Controlled Activity
Description:	38 Lot Residential Subdivision and Integrated Housing
Location of work/activity:	12-14 Nelson Road Box Hill NSW 2765
DA Number:	DA716/2018/JPZ
LGA:	The Hills Shire Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after development consent** has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
	Design of works and structures
GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
GT0019-00003	Any proposed excavation on waterfront land must be undertaken in accordance with a plan submitted as part of a controlled activity approval, to be approved by Natural Resources Access Regulator.
	Erosion and sediment controls
GT0014-00007	A. The consent holder must ensure that any proposed materials or cleared vegetation, which may: i. obstruct water flow, or ii. wash into the water body, or iii. cause damage to river banks, are not stored on waterfront land, unless in accordance with a plan held by Natural Resources Access Regulator as part of a controlled activity approval. B. When the carrying out of the controlled activity has been completed. surplus materials must be removed from waterfront land.
	Plans, standards and guidelines
GT0002-00472	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application 716.2018 provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0005-00212	A. The application for a controlled activity approval must include the following plan(s): - i. Detailed Civil Construction and Drainage Plans; ii. Erosion and Sediment Control Plans; iii. Landscape Plans; iv. Stormwater Management Plans; and v. Detailed Stormwater Outlet Structure Plans. B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.
GT0010-00006	All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably

Natural Resources Access Regulator

General Terms of Approval

for proposed development requiring approval under s89, 90 or 91 of the Water Management Act 2000

Reference Number:	IDAS1103022
Issue date of GTA:	17 August 2018
Type of Approval:	Controlled Activity
Description:	38 Lot Residential Subdivision and Integrated Housing
Location of work/activity:	12-14 Nelson Road Box Hill NSW 2765
DA Number:	DA716/2018/JPZ
LGA:	The Hills Shire Council
Water Sharing Plan Area:	Greater Metropolitan Region Unregulated River Water Sources

	qualified person.
GT0012-00004	Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator.
GT0030-00006	The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities.

Rehabilitation and maintenance

GT0023-00001	Vegetation clearance associated with the proposed controlled activity must be limited to where the controlled activity is to be carried out, as shown on the approved plan(s).

Reporting requirements

GT0016-00003	The consent holder must inform Natural Resources Access Regulator in writing when any proposed controlled activity carried out under a controlled activity approval has been completed.

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with DA718/2018/JPZ as provided by Council:

- 1) Statement of Environmental Effects;
- 2) Engineering Plans; and
- 3) Subdivision Plans.

APPENDIX 3

From: Easements&Development <Easements&Development@transgrid.com.au> Sent: Tue 29/10/2019 12:43 PM
To: Gannon Cuneo
Cc:
Subject: (DWS Doc No 189076040) 2019-453 Re-referral of development application - DA 716/2018/JPZ 14-16 Nelson Road, Box Hill (Lot 105 in DP 658289 and Lot 1 in DP 136172)
Message TG Easement Guidelines for Third Party Development (V10).pdf (261 KB) TransGrid Fencing Guidelines.pdf (1 MB)
Work-near-overhead-power-lines-code-of-practice.pdf (3 MB)

Good Afternoon,

TransGrid Reference Number: 2019-453

Location: **Re-referral of development application - DA 716/2018/JPZ 14-16 Nelson Road, Box Hill (Lot 105 in DP 658289 and Lot 1 in DP 136172)**

Proposal: **Temporary drainage proposed within Lot 104 in DP 10157, Lot 103 in DP 10157, Lot B in DP 184031**

TransGrid: **Transmission Line 14 Span 31 – 32**

Thank you for referring the above mentioned Development Application to TransGrid for review.

Please be advised after reviewing the proposed works at **DA 716/2018/JPZ 14-16 Nelson Road, Box Hill (Lot 105 in DP 658289 and Lot 1 in DP 136172)**

TransGrid has determined the proposed works **acceptable** subject to the following conditions of approval being met:

1. Technical Conditions:

Proposed work to be located at TL 14 span 31 – 32. As per drawing "01843_203.pdf", proposed work includes temporary drainages as a thoroughfare of transmission line easement, approx. 23m and 42m from Str 32.

a) As per TransGrid easement guidelines, this distance is acceptable.

b) The proponent has advised that as the temporary drainage easement channels will sit below the existing ground levels **there will be no change at all to the overhead TransGrid line clearances that currently exist.**

c) They also noted that eventually the future Palazzo View road corridor and carriageway will be built in these locations as part of future site developments so there will inevitably be some regrading of ground levels on adjacent sites which are linked to future redevelopments.

d) Proposed work is acceptable from TLCD point of view

Figure: Proposed work located in span TL 14 Span 31 – 32

Please find attached TransGrid's easement Guidelines, Fencing Guidelines for your information

Regards

Michael

Michael Platt
Development Assessment and Control Officer | Network Planning and Operations

TransGrid | 200 Old Wallgrove Road, Wallgrove, NSW, 2766
T: (02) 9620 0161 **M:** 0427 529 997
E: Michael.Platt@transgrid.com.au **W:** www.transgrid.com.au

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ATTACHMENTS

Attachment 1 – Locality Plan
Attachment 2 – Aerial Photo
Attachment 3 – SEPP (SRGC) Land Zoning Map
Attachment 4 – SEPP (SRGC) Height of Buildings Map
Attachment 5 – SEPP (SRGC) Residential Density Map
Attachment 6 – SEPP (SRGC) Draft Density Map
Attachment 7 – Box Hill Precinct Indicative Layout Plan
Attachment 8 – Plan of Subdivision (Stages 1 to 3)
Attachment 9 – Dwelling Staging Plan
Attachment 10 – Site Plan
Attachment 11 – Subdivision Works Concept Plan
Attachment 12 – Elevations
Attachment 13 – Sections
Attachment 14 – Solar Access/ Shadow Diagrams
Attachment 15 – Landscape Plan

ATTACHMENT 1 – LOCALITY PLAN

☐ **SUBJECT SITE**

✓ **PROPERTIES NOTIFIED**

● **SUBMISSION RECEIVED**

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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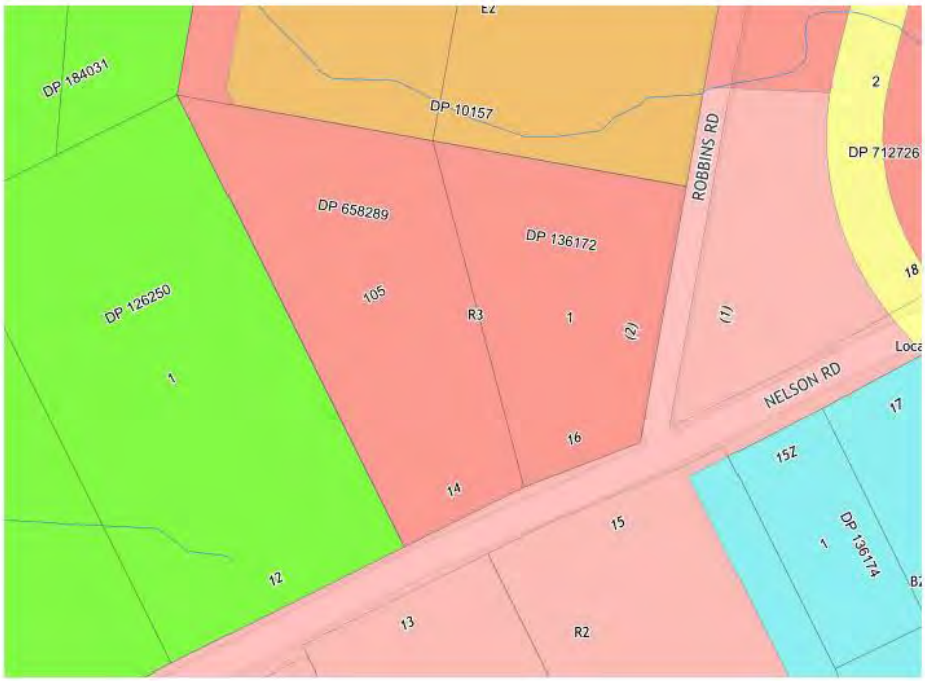
ATTACHMENT 2 – AERIAL PHOTO

ATTACHMENT 3 – SEPP (SRGC) LAND ZONING MAP



ATTACHMENT 4 – SEPP (SRGC) HEIGHT OF BUILDINGS MAP

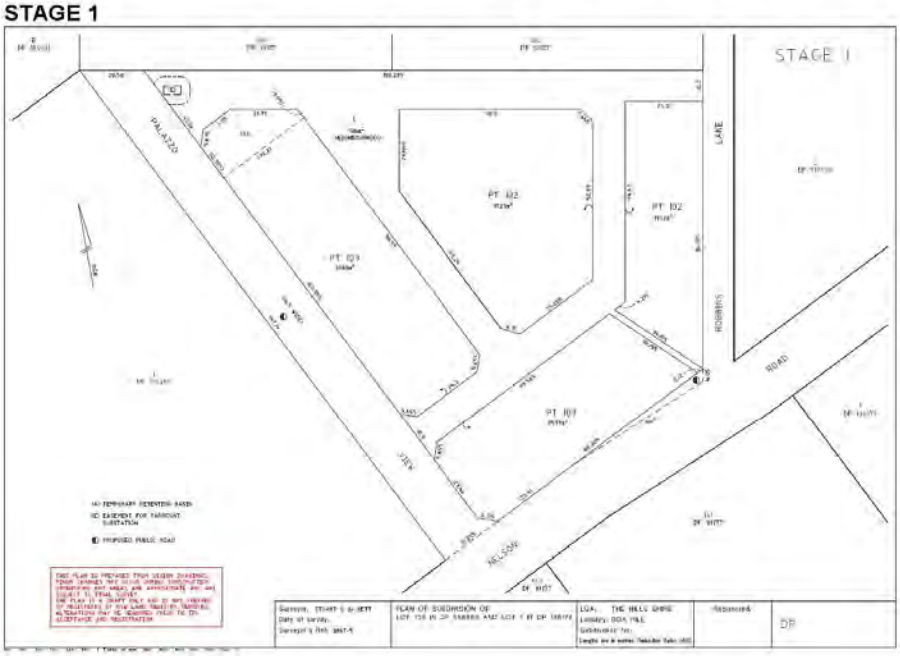
ATTACHMENT 5 – SEPP (SRGC) RESIDENTIAL DENSITY MAP

ATTACHMENT 6 – SEPP (SRGC) DRAFT RESIDENTIAL DENSITY MAP

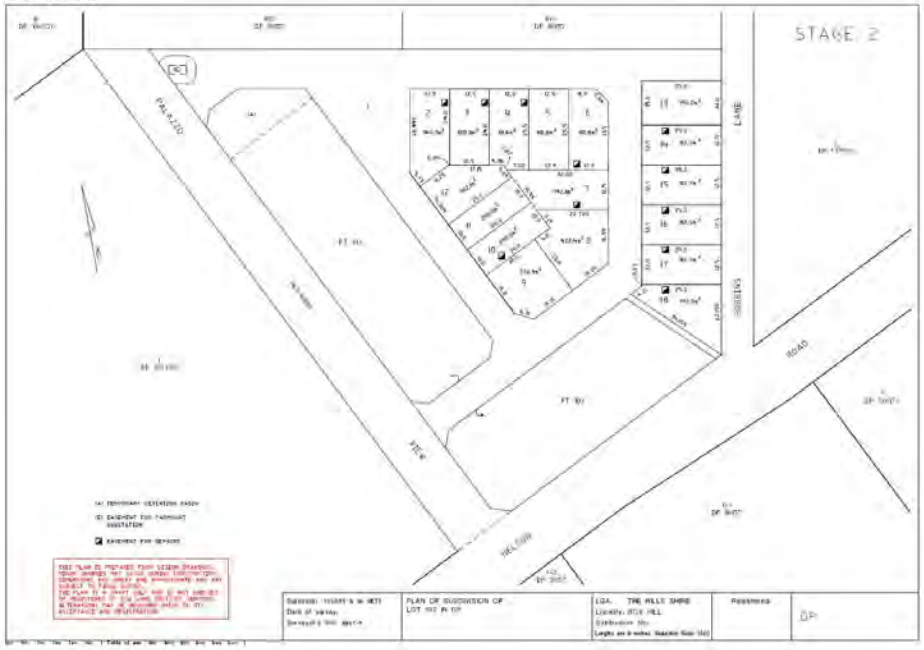
ATTACHMENT 7 – BOX HILL PRECINCT INDICATIVE LAYOUT PLAN

ATTACHMENT 8 – PLAN OF SUBDIVISION

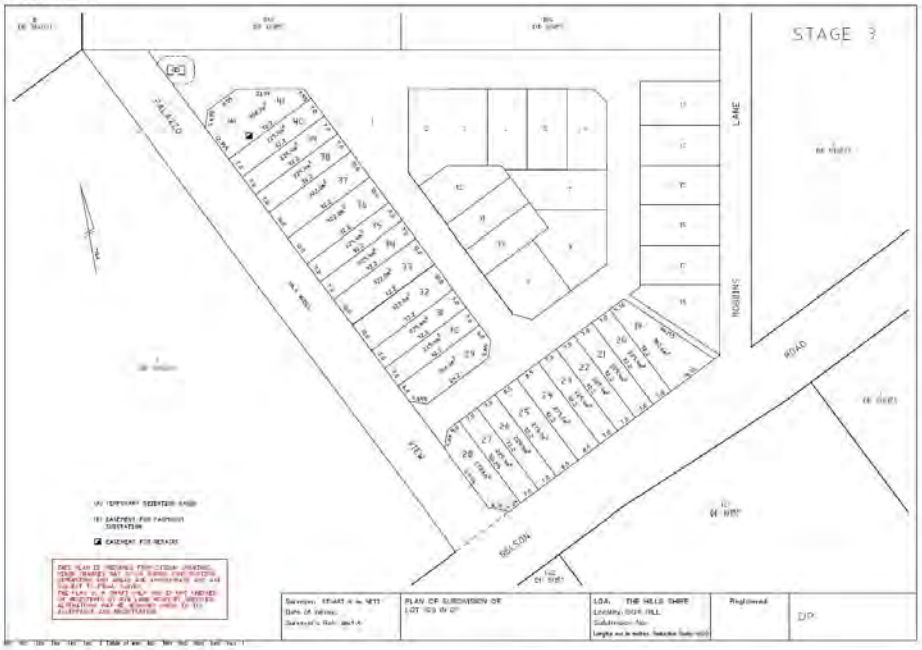
STAGE 1



STAGE 2



STAGE 3


STAGE 3
LANE
NOBBINS
ROAD
FALKLAND
SYDNEY
WILSON
PLAN OF SUBDIVISION OF
LOT 103 IN DP
Registered
DP

ATTACHMENT 9 – DWELLING STAGING PLAN

ATTACHMENT 10 – SITE PLAN

ATTACHMENT 11 – SUBDIVISION WORKS CONCEPT PLAN

ATTACHMENT 12 – ELEVATIONS

1 SOUTHWEST ELEVATION

2 SOUTHEAST ELEVATION

3 EAST ELEVATION

4 NORTH ELEVATION

1 INTERNAL STREET ELEVATION

2 INTERNAL STREET ELEVATION

3 INTERNAL STREET ELEVATION

4 INTERNAL STREET ELEVATION

5 INTERNAL STREET ELEVATION

ATTACHMENT 13 – SECTIONS

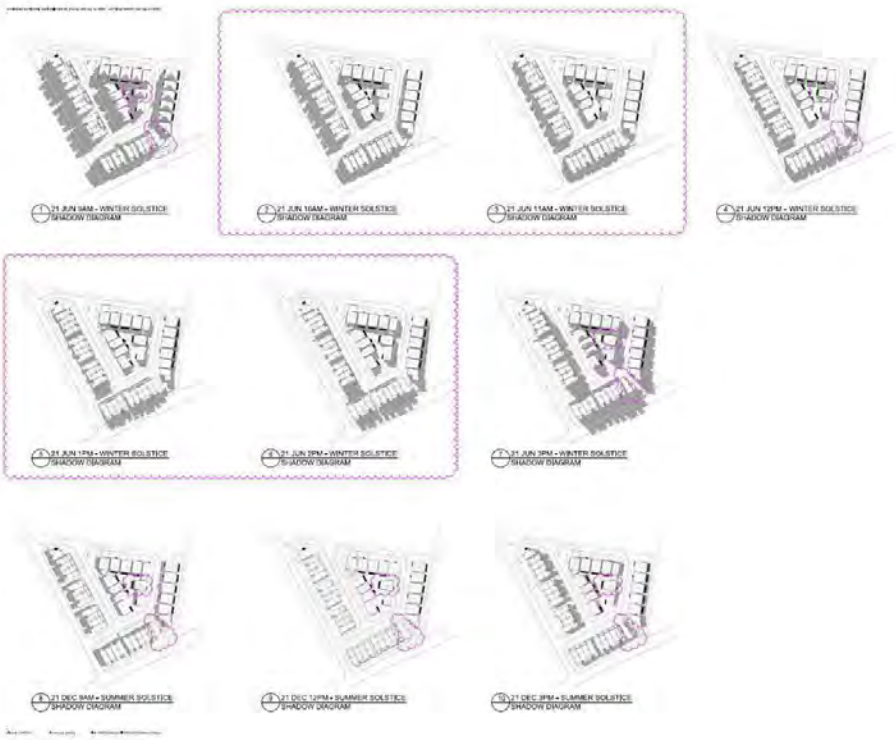
1 OVERALL SECTION

2 OVERALL SECTION

3 OVERALL SECTION

4 OVERALL SECTION

ATTACHMENT 14 – SOLAR ACCESS/ SHADOW DIAGRAMS



ATTACHMENT 15 – LANDSCAPE PLAN

NSW GOVERNMENT | Planning Panels

REOCRD OF DEFERRAL
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	Thursday, 21 November 2019
PANEL MEMBERS	Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Julie Savet Ward
APOLOGIES	Mark Colburt, Chandi Saba and Stewart Seale
DECLARATIONS OF INTEREST	None

Public meeting held at The Hills Shire Council, Administration Centre, 3 Columbia Court, Norwest on 21 November 2019, opened at 12.37pm and closed at 2.00pm.

MATTER DEFERRED
2018SWC019 – The Hills Shire Council – DA716/2018/JPZ at 14-16 Nelson Road, Box Hill – Small lot housing development and subdivision (as described in Schedule 1)

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

REASONS FOR DEFERRAL

1. The Panel believes the public should be able to rely on publicly available planning reports such as an Indicative Layout Plan (ILP).
2. The Panel is concerned that this DA proposes the removal of two roads shown in an ILP.
3. The Panel believes removal of such roads may be appropriate for the subject application alone but not for the broader locality and that the development potential of 18 Nelson Road may be constrained as a result of the two roads being removed.
4. Accordingly, the Panel defers this application and invites the applicant to redesign to enable more secure access options for neighbouring properties such as making its proposed northern road a public road that extends to Robins Road or constructing Robins Road to a greater width.

   As a result of the above decision, the Panel recommends that the Council consider more fully the development potential of neighbouring properties including 18 Nelson Road, particularly given its heritage significance in Council's LEP. The Panel also recommends that the owners of 18 Nelson Road advance their plans so that more meaningful dialogue with the Council can occur.

When this information has been received, the Panel will hold another public determination meeting.

The decision to defer the matter was unanimous.

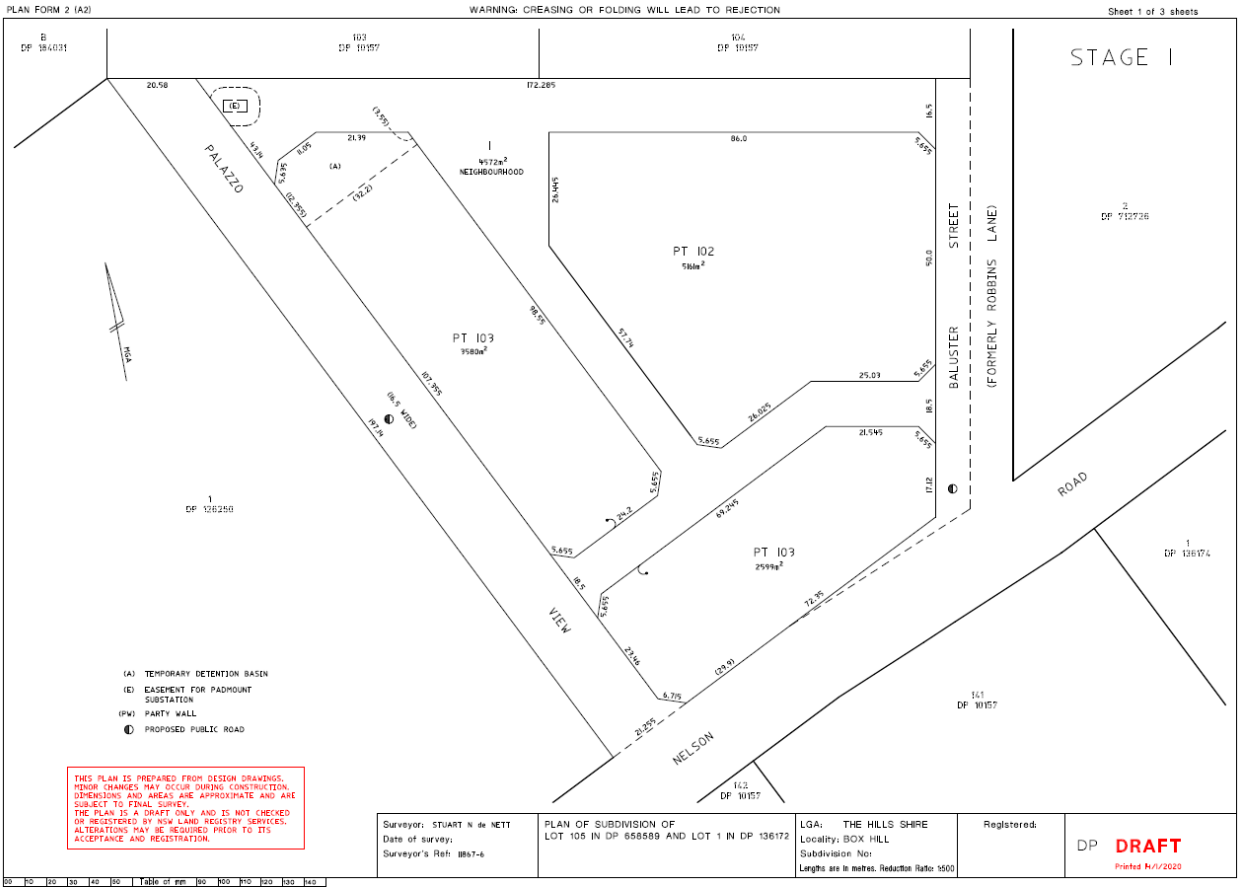
PANEL MEMBERS	
Paul Mitchell (Acting Chair)	Mary-Lynne Taylor
Julie Savet Ward	

SCHEDULE 1		
1	**PANEL REF – LGA – DA NO.**	2018SWC019 – The Hills Shire Council – DA716/2018/JPZ
2	**PROPOSED DEVELOPMENT**	Small lot housing development and subdivision creating 40 community title residential lots containing 16 detached dwellings, 22 attached dwellings and two semi-detached dwellings and one association lot including new road and demolition over four stages.
3	**STREET ADDRESS**	Lot 105 DP 658289 and Lot 1 DP 136172, 14-16 Nelson Road, Box Hill
4	**APPLICANT/OWNER**	Senoc Pty Limited, Mr Steven John Tsakos and Mrs Sonia Sotiria Tsakos
5	**TYPE OF REGIONAL DEVELOPMENT**	Capital Investment Value over $20M (DA lodged before 1 March 2018)
6	**RELEVANT MANDATORY CONSIDERATIONS**	• Environmental planning instruments: ○ State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ○ State Environmental Planning Policy (State and Regional Development) 2011 ○ State Environmental Planning Policy No. 55 – Remediation of Land ○ Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River ○ North West Priority Growth Area and Land Use and Infrastructure Implementation Plan • Draft environmental planning instruments: Nil • Development control plans: ○ Box Hill Growth Centre Precincts Development Control Plan • Planning agreements: Nil • Provisions of the *Environmental Planning and Assessment Regulation 2000*: Nil • Coastal zone management plan: [Nil] • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality • The suitability of the site for the development • Any submissions made in accordance with the *Environmental Planning and Assessment Act 1979* or regulations • The public interest, including the principles of ecologically sustainable development
7	**MATERIAL CONSIDERED BY THE PANEL**	• Council assessment report: November 2019 • Written submissions during public exhibition: 1 • Verbal submissions at the public meeting: ○ In support – Nil

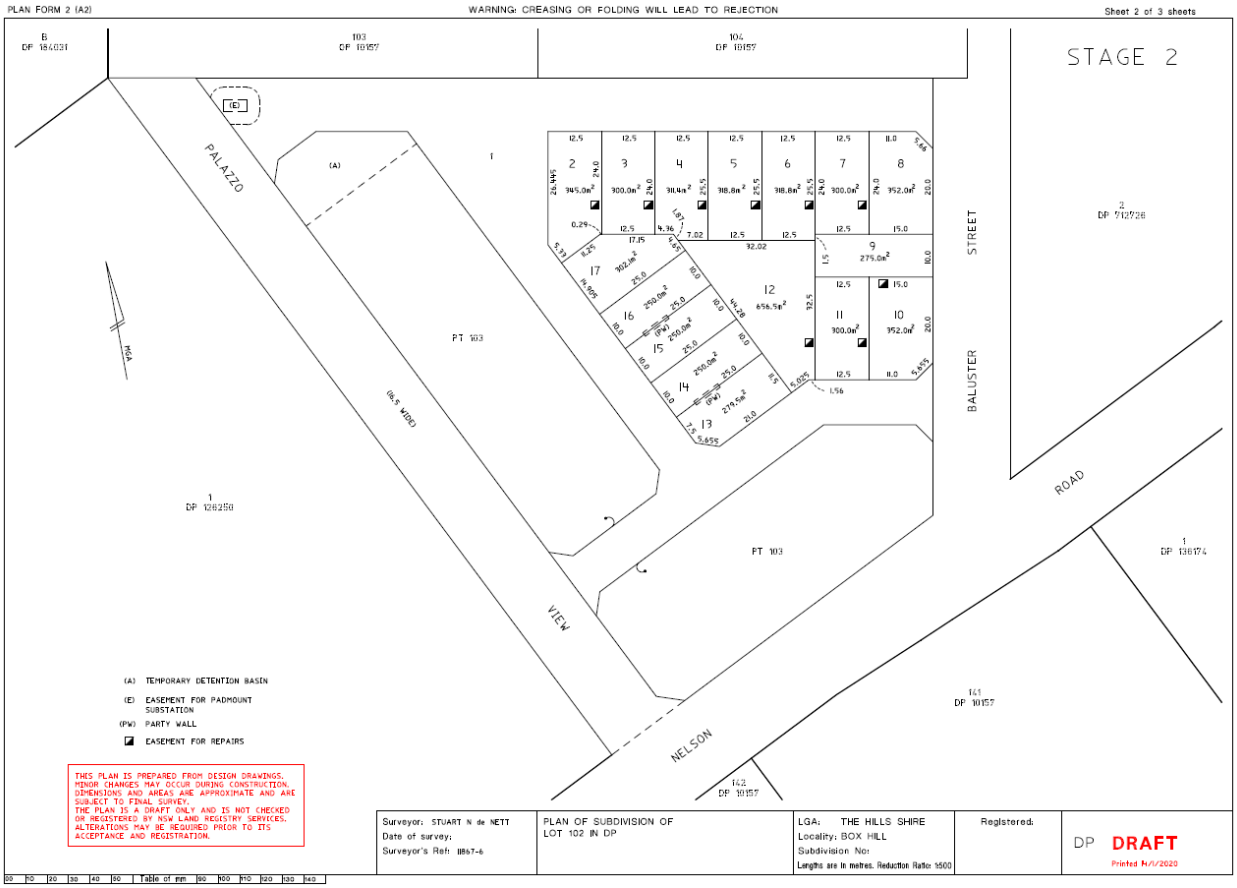
		○ In objection – Peter Graham on behalf of Blue Moon 8 Pty Ltd ○ Council assessment officer – Gannon Cuneo, Ben Hawkins and Cameron McKenzie ○ On behalf of the applicant – Rudi Valla
8	**MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL**	• Electronic Briefing: 16 March 2018 ○ Panel members: Paul Mitchell (Acting Chair), Mary-Lynne Taylor, Michael Edgar and Stewart Seale ○ Council assessment staff: Simon Turner • Site inspection: 21 November 2019 ○ Panel members: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Julie Savet Ward ○ Council assessment staff: Gannon Cuneo, Ben Hawkins and Cameron McKenzie • Final briefing to discuss council's recommendation, 21 November 2019, 12.00pm. Attendees: ○ Panel members: Paul Mitchell (Acting Chair), Mary-Lynne Taylor and Julie Savet Ward ○ Council assessment staff: Gannon Cuneo, Ben Hawkins and Cameron McKenzie
9	**COUNCIL RECOMMENDATION**	Deferred commencement approval
10	**DRAFT CONDITIONS**	Attached to the council assessment report

ATTACHMENT 3 – PLAN OF SUBDIVISION (AMENDED)

STAGE 1

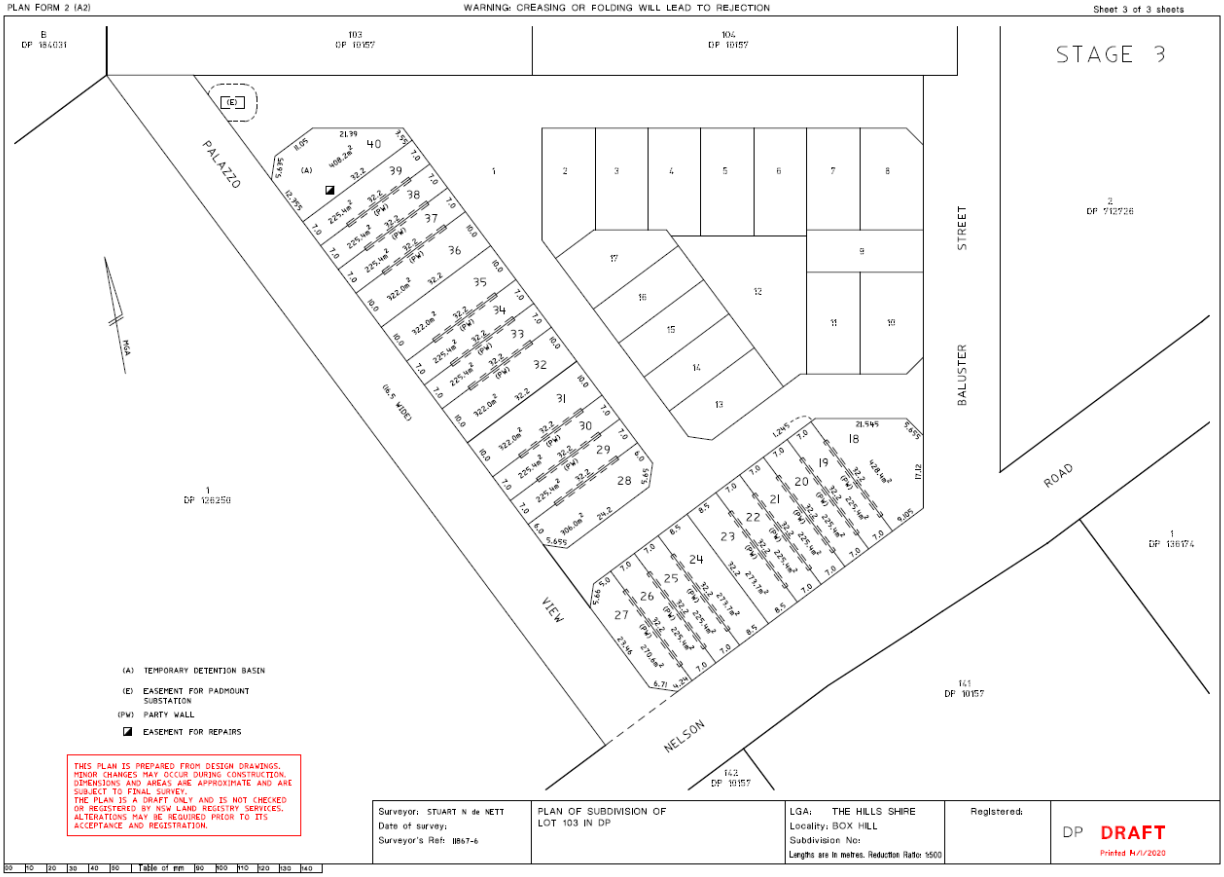


STAGE 2



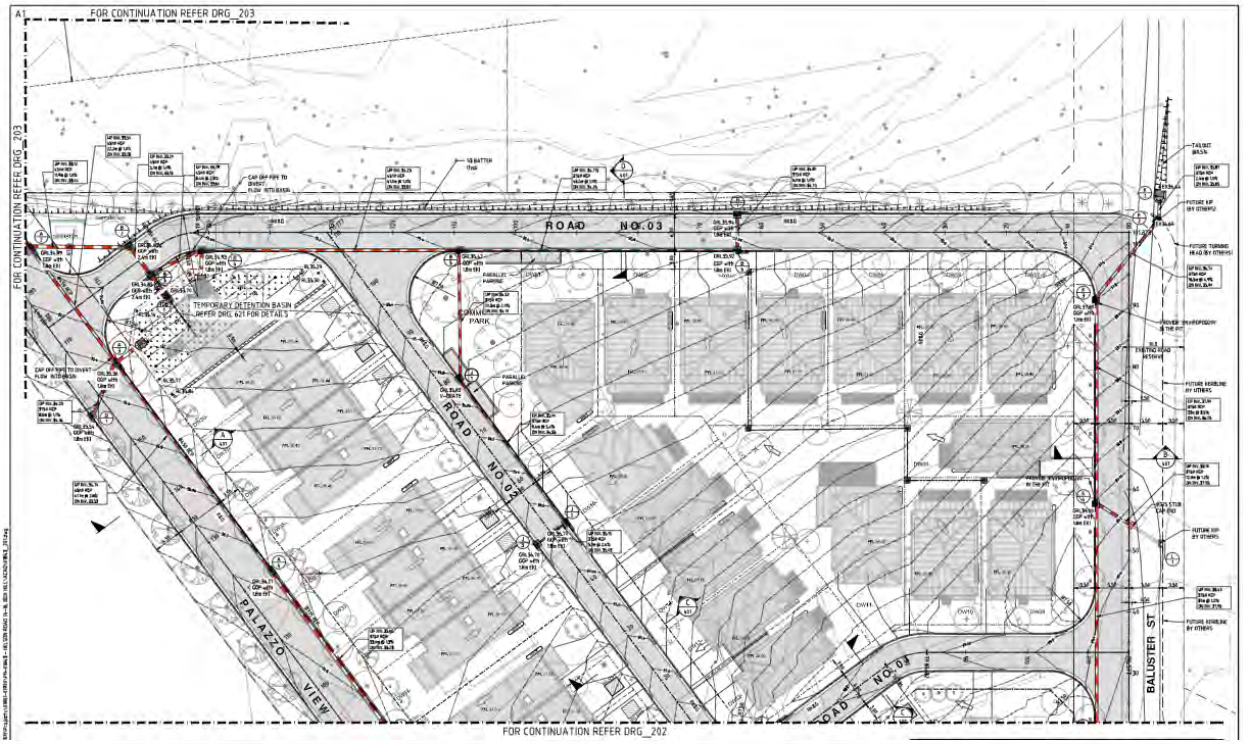
STAGE 3

PLAN FORM 2 (A2) WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION Sheet 3 of 3 sheets



ATTACHMENT 4 – SITE PLAN (AMENDED)

ATTACHMENT 5 – SUBDIVISION WORKS CONCEPT PLAN (AMENDED)



1 SOUTHWEST ELEVATION

2 SOUTHEAST ELEVATION

3 EAST ELEVATION

4 NORTH ELEVATION

colour and finishes legend

1 INTERNAL STREET ELEVATION

2 INTERNAL STREET ELEVATION

3 INTERNAL STREET ELEVATION

4 INTERNAL STREET ELEVATION

ATTACHMENT 7 – SECTIONS (AMENDED)

1 OVERALL SECTION

2 OVERALL SECTION

3 OVERALL SECTION

4 OVERALL SECTION

5 OVERALL SECTION

ATTACHMENT 8 – SOLAR ACCESS/ SHADOW DIAGRAMS (AMENDED)

1 21 JUN 9AM - WINTER SOLSTICE
SHADOW DIAGRAM

2 21 JUN 10AM - WINTER SOLSTICE
SHADOW DIAGRAM

3 21 JUN 11AM - WINTER SOLSTICE
SHADOW DIAGRAM

4 21 JUN 12PM - WINTER SOLSTICE
SHADOW DIAGRAM

5 21 JUN 1PM - WINTER SOLSTICE
SHADOW DIAGRAM

6 21 JUN 2PM - WINTER SOLSTICE
SHADOW DIAGRAM

7 21 JUN 3PM - WINTER SOLSTICE
SHADOW DIAGRAM

8 21 DEC 9AM - SUMMER SOLSTICE
SHADOW DIAGRAM

9 21 DEC 12PM - SUMMER SOLSTICE
SHADOW DIAGRAM

10 21 DEC 3PM - SUMMER SOLSTICE
SHADOW DIAGRAM

ATTACHMENT 9 – LANDSCAPE PLAN (AMENDED)