

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC035
DA Number	1545/2018/JP
LGA	The Hills Shire Council
Proposed Development	Subdivision into three lots, construction of roads, a residential flat building containing 58 units and multi dwelling housing (19 and 22 town houses).
Street Address	Lot 1 DP 655945 27 Mason Road Box Hill
Applicant/Owner	G M Architects Pty Ltd P and M Galea
Consultants Architect: Town Planner: Landscape Architect: Engineering: Surveyor: Accessibility: BASIX: Quantity Surveyor: Geotechnical/Salinity: Contamination: Aboriginal Due Diligence: Traffic:	GM Architects Daniel McNamara Planning Solutions SD Studios Australian Consulting Engineers North Point Surveys Vista Access Architects Pty Ltd Outsource Ideas Pty Ltd GM Architects Benviron Group Benviron Group / Envirotech Tocomwall Pty Ltd Motion Traffic Engineers
Date of DA lodgement	22 February 2018
Number of Submissions	Nil
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Capital Investment Value exceeding \$30 million (\$35,177,269)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings. • State Environmental Planning Policy No 55 — Remediation of Land. • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997. • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009. • Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan). • Central City District Plan. • Box Hill Development Control Plan 2018 • Environmental Planning and Assessment Act Regulation 2000
List all documents submitted with this report for the Panel's consideration	Nil

Clause 4.6 requests	<ul style="list-style-type: none"> State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Clause 4.3 Height of Buildings R4 High Density Residential zone
Summary of key submissions	N/A
Report prepared by	Kate Clinton Senior Town Planner
Report date	ELECTRONIC DETERMINATION

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?

Yes

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)?

Yes

Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions.

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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.

EXECUTIVE SUMMARY

1. The key issues that need to be considered by the Panel in respect of the development application are:
 - Whether the site is suitable for the development;
 - Proposed variation to Clause 4.3 Height of Buildings pursuant to Clause 4.6 Exceptions to Development Standards in relation to the residential flat building;
 - Proposed variations to the Box Hill Development Control Plan 2018 with respect to site coverage, private open space and front setback in relation to the residential flat building, and cut and fill in relation to all three development sites;
 - Proposed density with respect to draft amendments to SEPP (Sydney Region Growth Centres) 2006.
2. Assessment of the application against the relevant planning framework and consideration by technical staff (waste, engineering, health, land information, developer contributions, landscaping) has not identified any issues of concern that cannot be dealt with by conditions of consent.
3. The Development Application is therefore satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.

4. This report recommends that the Panel approve the application subject to the recommended conditions listed in Recommendation No. 2 of this report.

BACKGROUND

The subject site is a vacant allotment located on the southern side of Mason Road. The site is generally regular in shape, has a frontage of 51.255m to Mason Road and a depth ranging between 255.3m and 253.55m, with a total area of 13,026m². The site has significant changes in topography, falling from a central point to Mason Road (5.66 metres) and to the south (17.12 metres). The site is zoned part R4 High Density Residential and part R3 Medium Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Three roads, Tucana Street, Aries Way and half of Aurora Street, are shown on the Box Hill DCP's Indicative Layout Plan (refer Attachment No. 7) to traverse the property in an east-west direction. Future access to the site from Mason Road is denied by the DCP, therefore the consent of the adjoining land owner of No. 29 Mason Road has been obtained to gain access through that land via Ursa Street. A residential flat building and multi dwelling housing development has been approved at No. 29 Mason Road (Development Consent No. 79/2017/JP, 30 July 2018 and 79/2017/JP/A, 2 October 2019) and includes the construction of Ursa Street and the westernmost extent of Tucana Street and Aries Way (full width) and Aurora Street (partial width).

The proposed development includes the subdivision of land into three development lots, and one lot of 101m² at the north western corner which is to be dedicated to Council at no cost for road widening in accordance with the approved design for the future widening of Mason Road (refer Attachment No. 9). The proposed residential flat building is to be located on the R4 High Density Residential zoned land at the Mason Road / northern end of the site and will be accessed via Tucana Street. The proposed multi dwelling housing is to be located on two separate development lots (Town House Sites A and B) and will be accessed from Aries Way and Aurora Street.

The proposed development was lodged on 22 February 2018 and was briefed to the Panel on 29 August 2018. The application originally proposed 86 units within the residential flat building and 23 and 26 town houses within the two multi dwelling sites, resulting in densities of 217.2, 52.27 and 57.12 dwellings per hectare respectively. Shortly after lodgement the applicant was advised that the proposed densities would not be supported in the light of the release of the draft North West Land Use and Infrastructure Implementation Plan and associated draft amendments to SEPP (SRGC) 2006 including the introduction of density bands. Amended plans reduced the proposed unit and town house numbers to 58, 19 and 22 respectively, resulting in densities of 146.5, 43.19 and 48.34 dwellings per hectare.

In November 2018 the applicant was requested to submit additional information with respect to waste, engineering and landscaping matters. Concerns were also raised with regard to excessive fill and proposed levels of the town houses.

According to the Statement of Environmental Effects, the landowner initially intended to purchase a portion of redundant R4 High Density Residential Zone land, owned by Council, adjoining the north western corner of the site. Accounting for the planned road widening on Mason Road, the area of R4 zoned land that could be added to the site is approximately 60m² and forms part of a larger road reserve area (approximately 2311m² excluding area required for road widening) located in front of Nos. 21-27 Mason Road (refer Attachment No. 8). The applicant was advised in December 2018 to omit the acquisition of this land from the proposed plan of subdivision due to the likely delays it would cause and due to the small size and irregular shape of the land to be acquired.

In omitting this land from the development site, the slightly irregular boundary to Mason Road results in a minor variation to the front setback required under the Box Hill DCP. This matter is addressed further in the report. The omission of this land is also consistent with an approval granted for a residential flat building on the Mason Road frontage of land at No. 21 Mason Road (Development Consent No. 1984/2017/JP) which was approved by the Land and Environment Court in February 2019. A portion of the same road reserve zoned R4 (approximately 50m²) was not included in that site.

The remaining majority of the R4 zoned road reserve land located in front of adjoining properties Nos. 23 and 23A and 25 Mason Road exceeds the minimum site area (1,000m²) required to accommodate a residential flat building development. The future development of and access to that land is subject to consideration as part of development applications lodged on Nos. 23 and 23A and 25 Mason Road (DA Nos. 1894/2018/JP and 1895/2018/JP). Since access to the land is denied from Mason Road under the Box Hill Development Control Plan, the applicant is required to demonstrate that orderly development of the R4 land can be achieved if not included in the development sites at Nos 23, 23A and 25 Mason Road. The issue of future road access to this land is however not relevant to the subject development application for No. 27 Mason Road.

Amended plans were submitted by the applicant in February 2019. At this time the applicant was also requested to submit evidence that any public utility infrastructure (water, electricity and sewage) that is essential for the proposed development is available in order to satisfy Clause 6.1 Public Utility Infrastructure of the SEPP (Growth Centres) 2006.

In March 2019 the applicant was advised that the submitted plans are unclear and lacking information to enable the assessment of the proposal, particularly in terms of its relationship with approved and proposed development on adjoining land to the east and west of the site (Nos. 29 and 25 Mason Road respectively). Further information was also requested to clarify outstanding matters relating to waste and residential density.

Amended plans were submitted in June 2019. Further planning, landscaping and engineering comments were sent to the applicant in November 2019. It was advised that the proposed development did not adequately consider approved levels on adjoining land to the east in addition to existing and proposed levels on adjoining land to the west. It was requested that all plans show existing natural ground level of the subject site and adjoining land in addition to proposed levels and retaining walls. Additional sections were requested and cut and fill was requested to be minimised due to concerning level differences and incompatibility with adjoining land. Evidence of site servicing capabilities was again requested in addition to clarification of density calculations. Updated BASIX certificates were requested due to changes in proposed unit numbers, and the submission of floor plans for each level of the residential flat building were required along with other information. Engineering comments requested updated subdivision plan, revised stormwater management and civil engineering plans including a masterplan illustrating the compatibility of road design with approved developments in the locality and Mason Road Design. Electronic MUSIC and DRAINS models remained outstanding.

The applicant advised on 5 December 2019 that amended plans were being prepared. An update on the progress of amended plans was requested from the applicant on 11 March 2020, following which revised architectural, landscaping and civil engineering and stormwater plans were submitted on 19 March 2020. Following assessment, planning and landscaping comments were sent to the applicant on 30 April 2020. Outstanding matters included updated BASIX certificates, corrections to the subdivision plan, inadequate detail on plans including retaining walls, natural ground levels and height lines which did not enable proper assessment of the interface with adjoining land. A revised SEPP 65 certification and Adaptable Housing certification report were also required due to amendments to the built form.

Amended Plans together with revised BASIX certificate, Accessibility Report, Landscape Plans and SEPP 65 certification were submitted to Council on 15 May 2020. The amended plans were not found to be satisfactory with remaining planning, landscaping and engineering issues emailed to the applicant on 18 and 19 May 2020. Primary concerns were inadequate owner's consent for works proposed on adjoining land, insufficient civil and stormwater plans and unacceptable interfaces with adjoining land. Plans now also indicated a variation to the maximum building height of 21 metres as a result of the lift overrun and a rooftop pergola, therefore necessitating a request for variation pursuant to clause 4.6 – Exceptions to development standards of the SEPP. The application must demonstrate consistency with levels in the local road network approved to date, appropriate discharge of stormwater runoff, and a satisfactory relationship with the adjoining land.

Final amendments and information was submitted to Council on 15 June 2020. The plans now demonstrate a satisfactory built form outcome in relation to the adjoining land and all other matters have been satisfied.

DETAILS AND SUBMISSIONS

Owner:	P and M Galea
Zoning:	R3 Medium Density Residential R4 High Density Residential
Area:	10,651.8m ²
Existing Development:	Vacant
Section 7.11 Contribution	Site Subdivision: \$90,000 RFB and Town Houses: \$4,038,771.96
Exhibition:	21 days
Notice Adj Owners:	Yes, 21 days on two occasions. (April / May 2018, January / February 2019)
Number Advised:	14
Submissions Received:	Nil

PROPOSAL

The development application seeks consent for the following:

- Subdivision of land into three allotments (Lots 11, 12 and 13);
- Lot 11: Construction of 22 x townhouses (Site B) comprising 19 x 3 bedrooms and 3 x 4 bedrooms with basement parking for 49 cars;
- Lot 12: Construction of 19 x town houses (Site A) comprising 17 x 3 bedrooms and 2 x 4 bedrooms with basement parking for 42 cars;
- Lot 13: Construction of a 6-7 storey residential flat building comprising 58 units (6 x 1 bedrooms, 30 x 2 bedrooms, 22 x 3 bedrooms) with two and a half levels of basement car parking accommodating 94 car spaces.
- Full-width construction and dedication of Tucana Street and Aries Way;
- Partial-width construction and dedication of Aurora Street;
- Road widening and dedication in accordance with Council's approved 80% Mason Road design;
- The application proposes to construct 19 metre turning circles on adjoining land at No. 25 Mason Road which will remain in place until the development of that land will enable the continuation of Tucana Street, Aries Way and Aurora Street;
- Access to the site is proposed via Ursa Street off Mason Road via No. 29 Mason Road on which a development application has been approved (79/2017/JP/A), including the construction of Ursa Street, Tucana Street, Aries Way and part of Aurora Street;
- An easement for stormwater drainage to Hynds Road via Nova Street, approved on No. 25 Hynds Road (346/2019/ZA) is proposed;

- Consent of landowners at No. 25 Mason Road, No. 29 Mason Road and No. 25 Hynds Road has been obtained for the following:
 - Construction of temporary turning heads to Tucana Street, Aries Way and Aurora Street (within No. 25 Mason Road);
 - Construction of roads or partial width roads;
 - Associated earthworks and drainage;
 - Easement for drainage to Hynds Road.
- All roads and road widening are to be constructed and dedicated at no cost to Council.

The proposed road layout is consistent with the Indicate Layout Plan in the Box Hill Development Control Plan.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

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

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

The proposed development has a Capital Investment Value of \$35,177,269 thereby requiring referral to and determination by the SCCPP.

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

a. Permissibility

The land is zoned part R3 Medium Density Residential and part R4 High Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The proposed development is defined as multi dwelling housing and residential flat building.

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

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

Multi dwelling housing and residential flat buildings are permitted in the R3 Medium Density Residential zone and R4 High Density Residential zone respectively. In view of the above, the proposed development satisfies the provisions for permissibility with respect to SEPP (SRGC) 2006.

b. Zone Objectives

The part of the site on which the multi dwelling housing is proposed is zoned R3 Medium Density Residential under SEPP (SRGC) 2006. The objectives of the R3 zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

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

The proposed development is consistent with the objectives of the R3 Medium Density Residential zone as it provides housing needs of the community with a variety of dwelling sizes (3 and 4 bedrooms) within an environment that is envisaged to be characterised by medium density residential dwellings.

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

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

The proposed development is consistent with the objectives of the R4 High Density Residential zone as it provides a range of unit types (1, 2 and 3 bedroom dwellings) to meet the housing needs of the community, within an environment that is envisaged to be characterised by high density residential dwellings such as residential flat buildings.

In view of the above, it is considered that the development application satisfies the R3 Medium Density Residential and R4 High Density Residential zone objectives under SEPP (SRGC) 2006.

c. Development Standards

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

Residential Flat Building

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum lot sizes for development	Residential Flat buildings – 1,000m ²	3,507m ²	Yes
4.1B Residential Density	Minimum residential density – 30 dwellings per hectare	146.5 dwellings per hectare (based on net developable area of 3,959m ²).	Yes
4.3 Height of buildings	21 metres	21.8 and 21.3 metres (lift overrun and pergola)	No – Refer to Section 4 of the report.
4.4 Floor space ratio	2:1	1.5:1	Yes

Multi Dwelling Housing

CLAUSE	REQUIRED	PROPOSED	COMPLIES
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4.1AB Minimum lot sizes for development	Multi dwelling – 1,500m ²	Site A: 3,493m ² Site B: 3,649m ²	Yes
4.1B Residential Density	Minimum residential density - 18 dwellings per hectare (dw/ha)	Site A: 43.19 dw/ha Site B: 48.34 dw/ha (based on net developable areas of 4,399m ² and 4,551.5m ²).	Yes
4.3 Height of buildings	14 metres	Site A: 7.42 metres Site B: 11.05metres	Yes
4.4 Floor space ratio	N/A	N/A	N/A

d. Clause 5.10 - Heritage Conservation

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

The site is mapped as containing low sensitive Aboriginal archaeological areas under the Box Hill DCP. The applicant has submitted an Aboriginal Heritage Due Diligence Assessment, prepared by Artefact which advised that no Aboriginal archaeological sites, objects, PAD or Places were located within the site, which is situated on a landform that has been subjected to historic landscape modification and development. There were no areas considered to be potential archaeological deposits. It was concluded that the site therefore has no Aboriginal heritage constraints, and low to nil archaeological potential to retain any extant archaeological sites, objects, PAD or Places. There is no requirement for further Aboriginal heritage studies for the property prior to the commencement of works.

Conditions of consent have been recommended which requires that all work cease on site should an unexpected item of Aboriginal (or European) heritage be found at the site (refer to Condition Nos. 69 and 70).

e. Clause 6.1 Public Utility Infrastructure

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

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

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

The applicant also obtained a Notice of Requirements from Sydney Water, outlining the requirements for receiving a Section 73 Compliance Certificate for the development.

Therefore sufficient information been provided to demonstrate compliance with Clause 6.1 – Public Utility Infrastructure of the SEPP (SRGC) 2006. Conditions of consent will be imposed requiring that service utility infrastructure is suitably arranged prior to the release of a Subdivision Certificate.

4. Variation to Building Height

Clause 4.6 Exceptions to Development Standards states as follows:

(1) *The objectives of this clause are as follows:*

- (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

(2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

- (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) *the concurrence of the Director-General has been obtained.*

(5) *In deciding whether to grant concurrence, the Director-General must consider:*

- (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) *the public benefit of maintaining the development standard, and*
- (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

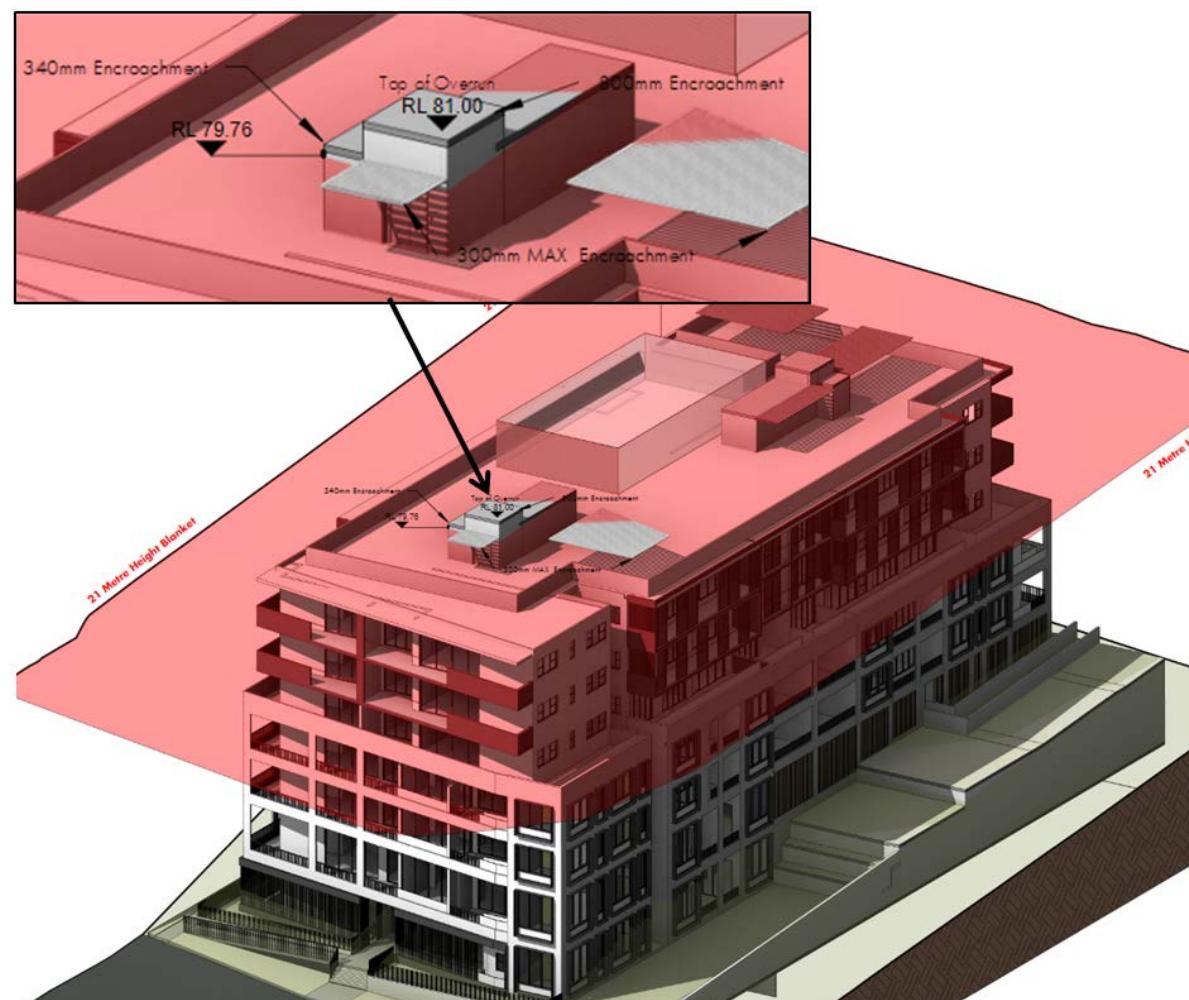
(6) *Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if:*

- (a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*

- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,
 - (c) clause 5.4.

Clause 4.3 – Height of buildings of Appendix 11 – The Hills Growth Centre Precinct Plan prescribes a maximum height of 21 metres for the land zoned R4 High Density Residential on which the residential flat building is proposed.

The residential flat building proposes a maximum height of 21.8 metres to the top of a lift overrun, and 21.3 metres to a rooftop pergola, resulting in a maximum variation of 3.8% as illustrated in the Building Height Plane diagram below.



Building Height Plane – Residential Flat Building

The applicant has submitted a detailed justification pursuant to Clause 4.6 – Exceptions to development standards (see Attachment No. 18) and is summarised as follows:

- *The proposal seeks flexibility in application of the standard where a breach is minor in nature (21.8 metres to the lift overrun and between and 21.3 metres to the stair structure and pergola), being limited to minor building elements atop the roof that facilitate access to the rooftop communal open space facilities;*
- *The remainder of the proposed residential flat building and townhouses are compliant with the maximum building heights prescribed for the site;*
- *The design response provides an appropriate allowance for both structure and minimum floor to ceiling heights to be achieved across each of the residential levels, and is considered an appropriate response to the site's topographic constraints;*
- *Significant landscaping and deep soil zones proposed allow for large trees in scale with the development;*
- *Due to the sloping nature of the site and desire to promote equitable access to all common facilities, 913m² of embellished communal open space is provided at the rooftop level;*
- *There are no adverse impacts upon adjoining properties as a result of the minor breach, as there are no overshadowing impacts and no loss of privacy, outlook or amenity;*
- *Compliance with the standard is unreasonable and unnecessary given the minor nature of the breach proposed, and the building's compatibility with the height and scale of the building approved at No. 29 Mason Road which has an approved maximum height of 22.86 metres resulting from the lift overrun, rooftop common open space and roof form / parapet;*
- *The proposal is consistent with the objectives of the building height standard;*
- *The proposal is consistent with the objectives of the R4 High Density Residential zone;*
- *As the proposal is consistent with the desired future character of development in the precinct there is no public benefit in maintaining the development standard given the very minor nature of the proposed variation.*

Comment:

The objectives of Clause 4.3 Height of Buildings of The Hills LEP 2012 are as follows:

- to establish the maximum height of buildings on land within the Box Hill Precinct or Box Hill Industrial Precinct,*
- to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
- to facilitate higher density development in and around commercial centres and major transport routes.*

The objectives of Clause 4.6 Exceptions to Development Standards are as follows:

- to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

The objectives of the R4 High Density Residential zone are as follows:

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

The proposed variations to the height standards have been reviewed with regard to the objectives of the applicable standards and of the R4 High Density Residential zone, the suitability of the development in its context and the impact of its bulk and scale on the surrounding land.

As shown on the building height plane diagram, the extent of the proposed building height variation is confined to minor rooftop elements, and the majority of the proposed development including all internal habitable floor space and the rooftop itself is under the 21 metre height limit. The development provides for a 6-7 storey residential flat building which is in accordance with the scale of the development envisaged by the planning controls. A similar variation was approved on the adjoining land at No. 29 Mason Road (Development Consent No. 79/2017/JP) where the lift overrun, roof and parapet exceeded the maximum building height by 1.86 metres, 400mm and 600mm respectively.

With regard to the objectives of Clause 4.3, the visual impact of the proposed maximum 800mm height non-compliance is considered minimal and acceptable within the context of the site. The proposed pergola will provide shade for residents utilising the rooftop common open space, and the lift overrun is necessary to allow residents to access the common open space. It is considered that the proposal responds appropriately to the topography of the site and the development incorporates a variety of finishes/colours and will result in an appropriate urban outcome. The proposed variations do not result in any adverse amenity impacts such as loss of privacy or solar access, and will not result in a detrimental impact on the streetscape. The development, as proposed, will be compatible with the built form on the adjoining land to the east, and the future Mason Road streetscape.

Specifically in relation to recent judgments of the Land and Environment Court, for the reasons identified above it is considered that:

- The applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Buildings and the objectives of the R4 High Density Residential zone;
- Compliance with the standard is unnecessary or unreasonable in this instance; and
- There are sufficient environmental planning grounds to justify contravening the standard.

Accordingly, the proposed height is considered satisfactory and can be supported in this instance.

It is also noted that in accordance with the Departments Circular PS 08-003 that Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

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

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

Clause 7 'Contamination and remediation to be considered in determining development application' of the SEPP states:-

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

(a) it has considered whether the land is contaminated, and

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

Comment:

The applicant submitted a Preliminary Site Investigation Report prepared by Benviron Group, dated January 2018. The report advised that the site “can be suitable” for the proposed development, subject to the preparation of a Detailed Environmental Site Investigation in order to further characterise the potential contaminants within the site.

A Phase 2 Environmental Site Assessment dated June 2018 and prepared by Envirotech was submitted to Council in October 2018. Soil samples were undertaken and it was concluded that “the soil does not require remedial actions and is considered suitable for the proposed land use.” Council’s Environmental Health staff reviewed the information and were satisfied.

The proposed development is therefore satisfactory with respect to SEPP No. 55 Remediation of Land.

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

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

The applicant has addressed this requirement through the preparation of a BASIX certificate for each development site. The certificates confirm the proposed multi dwelling housing and residential flat building will meet the NSW government’s requirements for sustainability.

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

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Subject to the imposition of the recommended conditions, the development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

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

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

The Explanation of Intended Effect states that “a consent authority is not required to apply the provisions of the Explanation of Intended Effects to a DA lodged before May 22 2017”. The

Development Application was lodged on 22 February 2018. The proposed amendments are required to be taken into consideration pursuant to Section 4.15 of the EP&A Act, being a “proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority ...”

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

“(1) *The objectives of this clause are as follows:*

- (a) *to establish minimum density requirements for residential development within the Box Hill Precinct or Box Hill Industrial Precinct,*
- (b) *to ensure that residential development makes efficient use of land and infrastructure, and contributes to the availability of new housing,*
- (c) *to ensure that the scale of residential development is compatible with the character of the precincts and adjoining land.*

(3) *The density of any development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.*

(4) *In this clause:*

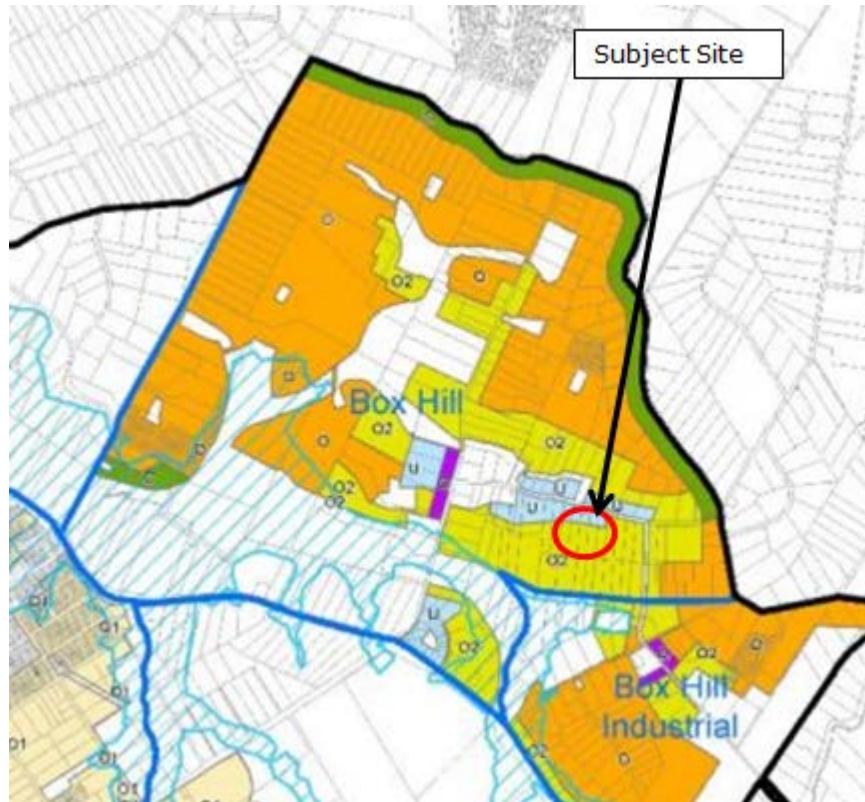
density means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land.

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

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

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

Appendix 1 of the 'Explanation of Intended Effect' provides an amended Residential Density Map for the North West Priority Land Release Area, which confirms that the subject site is to be located in the 15-30 and 30-100 dwelling density range (per hectare) for the R3 Medium Density and R4 High Density zoned land respectively.



The Growth Centres SEPP currently specifies a minimum density provision of 18 and 30 dwellings per hectare for the R3 and R4 zoned land respectively. The draft amendment to impose a maximum density range of 15-30 and 30-100 dwellings per hectare equates to the following for each of the proposed development sites:

- Townhouse Site A: Minimum of 6.59 and maximum of 13.19 townhouses
- Townhouse Site B: Minimum of 6.83 and maximum of 13.65 townhouses
- Residential Flat Building: Minimum of 11.87 units and maximum of 39.59 units

The proposed development results in the following densities:

- Townhouse Site A (19 townhouses): 43.19 dwellings per hectare
- Townhouse Site B (22 townhouses): 48.34 dwellings per hectare
- Residential Flat Building (58 units): 146.5 dwellings per hectare

The proposed development as originally lodged resulted in densities of 52.27, 57.12 and 217.2 dwellings per hectare respectively.

By way of comparison, the following development applications for town houses and residential flat buildings have been approved or are under evaluation in the vicinity of the subject site:

Town houses			
Property / Application	Dwellings	Density p/ha	Status / Approval
47 Hynds Road 709/2017/JP	90 town houses	53.8	Approved (SCCPP), 12 January 2018

19 Hynds Road 606/2018/HA	30 town houses	28.2	Approved (Delegated Authority, 19 March 2018)
29 Mason Road 79/2017/JP	40 town houses	46	Approved (Former JRPP, 30 July 2018)
17-21 Mason Road 1951/2017/JP	111 town houses	40.14	Approved (Land & Environment Court), 8 August 2018
39-43 Hynds Road 896/2018/JPZ (Stage 1)	46 town houses	28.48	Approved (Delegated Authority, 1 May 2019)
21 Terry Road 1252/2018/JPZ (Stage 2)	67 town houses	30.03	Approved (SCCPP), 20 June 2019
39-43 Hynds Road 984/2018/JP (Stage 3)	110 town houses	65.3	Approved (SCCPP), 20 June 2019
		Average: 41.27	
27 Hynds Road 1184/2018/ZE	14 detached dwellings and 28 semi-detached dwellings	32.5	Approved (Land & Environment Court, July 2019)
47 Hynds Road 709/2017/JP/A	81 town houses	48.4	Approved (SCCPP), 16 April 2020
29 Hynds Road 1103/2018/JP	78 town houses across three lots	37-43	Under evaluation
21 Hynds Road 1102/2018/HA	40 town houses across three lots	32-43	Under evaluation
23 & 23A Mason Road 1895/2018/JP	40 town houses	43.4	Under evaluation
25 Mason Road 1894/2018/JP	40 town houses	42.79	Under evaluation
<i>Average Density (approved) = 41.42 dwellings p/ha</i>			

Residential Flat Buildings			
Property / Application	Units	Density p/ha	Status / Approval
No. 29 Mason Road 79/20174/JP	71	179.4	Approved (SCCPP, 30 July 2018)
17-21 Mason Road 1984/2017/JP	255	153.5	Approved (Land & Environment Court, 27 February 2019)
13 Mason Road 1038/2018/JP	97	138.1	Approved (SCCPP, 24 October 2019)
20 Mason Road 863/2018/HA	63	82.84	Under evaluation
<i>Average Density (approved) = 156.93 dwellings p/ha</i>			

With regard to the proposed town houses, the average proposed density of 45.76 dwellings per hectare is generally consistent with the average approved density (41.42) of town houses that have been approved in the vicinity of the site and is on par with the immediately adjoining development site at No. 29 Mason Road which has an approved density of 46 dwellings per hectare for the town house component. The proposed residential flat building with a density of 146.5 dwellings per hectare is below the average of approved units in the vicinity.

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

The assessment of residential density against the draft provisions introduced in May 2017 also has regard to the status of the draft legislation which has been under review by the Department of Environment and Planning for a significant amount of time.

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

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

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

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

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

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

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

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

Comment:

The Central City District Plan seeks to provide housing supply which is diverse and affordable and which meets the needs of residents and which bring people together. The plan seeks to provide housing in locations which are easily accessible by public transport to reduce

commuting time. Housing should be located in places which are liveable, walkable and cycle friendly. Housing should also respond to the changing needs of residents and consider single person and aging households. Great places are defined as areas which have a unique combination of local people, built form and natural features which reflect shared community values and which attract residents, workers and visitors.

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

- The proposal will provide a range of residential units (1, 2 and 3 bedrooms) and townhouse types (3 and 4 bedrooms) which will assist in meeting housing demands;
- Being located within 500 metres of the B2 Local Centre zone, the proposed development will contribute to the viability of a future local centre in Box Hill;
- The site is located in an area to be increasingly serviced by public transport (buses);
- A total of twelve (12) accessible units and town houses are provided within the proposed development;
- Each town house is provided with more than the minimum required private open space, front and rear courtyards;
- Town houses are positioned around centralised common open space areas with direct links to both street frontages;
- Bicycle parking is provided to each development site; and
- A range of communal open spaces are provided within the development including rooftop and at-grade facilities.

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

10. Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guidelines

A Design Verification Statement prepared by GM Architects (N. Nasser, Registered Architect No. 9457) with regard to the provisions of SEPP 65 was submitted with the application. The proposed residential flat building has been assessed against the provisions of the Apartment Design Guidelines (ADG) as outlined below:

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes, 31% of the site is for communal open space.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes, 1,307m ² or 37 %
Separation	For habitable rooms, 12m (6m setback from boundary) for 4 storeys, 18m (9m setback from boundary) for 5-8 storeys and 24m (12m setback from boundary) for 9+ storeys.	The required boundary setbacks are provided for separation.
Visual privacy	Visual privacy is to be provided through use of setbacks,	Yes, Satisfactory

	window placements, screening and similar.	
Carparking	<p>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).</p> <p>Therefore, the requirement is: 6 x 1 bedroom units = 3.6 spaces 30 x 2 bedroom units = 27 spaces 22 x 3 bedroom units = 30.8 spaces = 61.4 spaces</p> <p>For 58 units, 12 visitor spaces required</p> <p>A total of 73.4 car spaces are required.</p>	Yes, 94 provided including 12 visitor parking spaces.
Designing the Building		
Solar and daylight access	<p>Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.</p>	Yes – 79.3% (46 units)
	<p>A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	Yes – 12% (7 units)
Natural ventilation	<p>At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.</p> <p>Overall depth of a cross-over or</p>	Yes, 79.3% (46 units) Yes

	<p>cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	
Ceiling heights	<p>For habitable rooms – 2.7m.</p> <p>For non-habitable rooms – 2.4m.</p> <p>For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where its area does not exceed 50% of the apartment area.</p> <p>For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.</p>	Yes - Ceiling height exceeds 2.7m
Apartment size	<p>Apartments are required to have the following internal size:</p> <p>Studio – 35m²</p> <p>1 bedroom – 50m²</p> <p>2 bedroom – 70m²</p> <p>3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p>	Yes - All apartments comply with the minimum internal unit size requirements including those with additional bathrooms.
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p>	Yes
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth</p> <p>1 bedroom – 8m² with a minimum depth of 2m</p> <p>2 bedroom – 10m² with a minimum depth of 2m</p> <p>3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum</p>	Yes - All balconies comply with the area and depth requirements.

	depth of 3m is required.	
Storage	<p>Storage is to be provided as follows:</p> <p>Studio – 4m³</p> <p>1 bedroom – 6m³</p> <p>2 bedroom – 8m³</p> <p>3+ bedrooms – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	Yes 0 Adequate storage is provided.
Apartment mix	<p>A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.</p>	Yes - A variety of apartment types including adaptable apartments have been provided.

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

(i) Context and Neighbourhood Character

The immediate locality is currently characterised by large rural land holdings with single dwellings and small scale rural uses and is yet to be redeveloped. Similar developments have been approved on the southern side of Mason Road, including a residential flat building and town houses at No. 29 Mason Road and Nos.17-21 Mason Road, and a residential flat building at No. 13 Mason Road. Residential flat buildings and town houses are also proposed on adjoining land at Nos. 23 and 23A and 25 Mason Road. Other approvals have been granted in the vicinity for small lot housing and the wider area is gradually evolving and developing, consistent with the vision for the Box Hill Precinct envisaged under the SEPP (Sydney Region Growth Centres) 2006. Mason Road will be one of the major sub-arterial roads in the Precinct, leading to the commercial and retail centre of Box Hill. Residential flat buildings along the main roads will contribute to a lively town centre and patronage on the planned bus network.

The proposal therefore provides a satisfactory response to Principle 1: Context and Neighbourhood Character of SEPP 65.

(ii) Built Form and Scale

The height of the development is acceptable in terms of solar access and residential amenity impacts. The height of the development is consistent with the desired future scale and character of the area. Minor breaches of the building height, being 800mm to part of a lift overrun, and 300m to a rooftop pergola, do not add any perceptible bulk and scale to the overall development. The proposed floor space ratio is well below the maximum allowable 2:1, proposing 1.5:1. The design of the development is complementary to the residential flat building approved at No. 29 Mason Road.

The built form addresses both Tucana Street and Mason Road, and the habitable floors are stepped in response to the slope of the site, thereby ensuring all units are provided with satisfactory amenity and outlook. The design of the building incorporates a variety of materials, colours, articulation and landscape elements which assist in breaking up the bulk of the building and contribute to the streetscape.

Generous side setbacks and a landscaped setting provide adequate separation and a pleasing interface with adjoining approved and future development.

The proposal therefore provides a satisfactory response to Principle 2: Built form and scale of SEPP 65.

(iii) Density

The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 30 dwellings per hectare required under the SEPP (SRGC) 2006. The proposed density is 146.5 dwellings per hectare which is generally consistent with other similar proposed developments within the area. The proposed density is suitable given the site's zoning and proximity to public transport and a future town centre.

The proposal therefore provides a satisfactory response to Principle 3: Density of SEPP 65.

(iv) Sustainability

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

The proposal therefore provides a satisfactory response to Principle 4: Sustainability of SEPP 65.

(v) Landscape

The landscape plan indicates that all open spaces in addition to the roof top common open space will be appropriately landscaped and embellished. Landscaped areas will optimise usability and enjoyment of common areas, providing opportunities for social interaction. The proposed landscaping integrates with the overall appearance of the development and terraced gardens are provided in response to changes in levels. Tree planting in deep soil zones and on the street frontages will contribute to the landscaped setting of the development and the streetscape.

The proposal therefore provides a satisfactory response to Principle 5: Landscape of SEPP 65.

(vi) Amenity

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

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

(vii) Safety

The development has been designed with safety and security concerns in mind. The ground level common open spaces are within direct view of occupants to allow passive surveillance. Common areas are designed to provide for recreation and interaction, and are accessible to all residents. Private spaces are clearly defined with fencing and landscaping. The basement car parks have been appropriately designed and appropriate conditions of consent can be imposed to further assist in the promotion of safety and security.

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

(viii) Housing Diversity and Social Interaction

The location of this development provides dwellings within a Precinct that will provide future residents with a range of support services in the nearby local centre. The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings provides development standards in relation to unit mix. Although these controls do not apply to the site, it is noted the development complies with the apartment mix controls which states that no more than 25% of the dwelling yield is to comprise of one bedroom apartments and no less than 10% of the development is to comprise of three bedroom units. The application includes 6 x 1 bed (10%), 30 x 2 bedroom (52%) and 22 x 3 bedroom units (38%) which is considered to be an appropriate mix for the development.

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

(ix) Aesthetics

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

The proposal therefore provides a satisfactory response to Principle 9: Aesthetics of SEPP 65.

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

11. Compliance with Box Hill Growth Centres Development Control Plan

The Box Hill Growth Centres Precincts Development Control Plan (Box Hill DCP) applies to the subject site. Specifically, Part 3 of the DCP addresses land development and subdivision, Part 4 establishes controls for residential development and Part 5 provides specific controls for multi dwelling housing and residential flat buildings.

i. Town House Sites A and B

The objectives of Section 5.3 - Multi dwelling housing of the DCP are:

- a. *To ensure that the design of multi-dwelling housing is consistent with the character of residential areas within the precinct.*
- b. *To ensure that the quality of multi-dwelling housing is of a high quality and contributes to the amenity of residents.*

The following table addresses the relevant development controls of the DCP for multi dwelling housing developments:

	CONTROL	PROPOSED	COMPLIANCE
Multi Dwelling controls (table 18)	50% site cover	A: 41% B: 40%	Yes Yes
	30% landscaped area	A: 31% B: 33%	Yes Yes
	POS – 16m ² with 3m dimension 10m ² per dwelling if provided as balcony or rooftop with 2.5m dimension	A: Min. 20m ² B: Min. 21m ²	Yes Yes

	<p>Front setback – 4.5m to building façade line and 3m articulation zone</p> <p>Corner lots secondary setbacks 2m minimum</p> <p>Side setback – 0.9m ground floor and upper floor</p> <p>Rear setback – 4m</p> <p>Internal building separation – 5m</p> <p>Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom</p> <p>Visitor – 1 per 5 units</p> <p>Site A (19 units) – 38 resident, 4 visitor required</p> <p>Site B (22 units) – 44 resident and 5 visitor required.</p>	<p>A: 4.5m and 3m to first floor balconies B: 4.5m and 3m to first floor balconies</p> <p>N/A</p> <p>A: Min 1.7m B: N/A</p> <p>A: Min. 4m B: Min. 4m</p> <p>A: Min. 5m B: Min. 6.75m</p> <p>A: 42 provided B: 49 provided</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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ii. Residential Flat Building

The relevant objectives of Section 5.4 – Controls for residential flat buildings, manor home and shop top housing are:

- To establish a high quality residential environment where all dwellings have a good level of amenity.*
- To encourage a variety of housing forms within residential areas.*
- To ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.*

The following table addresses the relevant development controls of the DCP for residential flat building developments with identified variations addressed in the following Section:

	CONTROL	PROPOSED	COMPLIANCE
RFB controls (Table 19)	50% site coverage	52.9% (1,856m ²)	No – refer to Section 11(ii)(a)
	30% landscaped area	43% (at ground level)	Yes
	15% communal area	32%	Yes (at-grade and rooftop)
	POS – 10m ² with 2.5m	Units 101 and	No – Refer to Section

	dimension	105 provide 8.25m ² .	11(ii)(b) (complies with ADG).
	Front setback – 6m building façade /4.5m balconies (first 3 storeys) for a max. of 50% façade length	Min. 4.1m to NW corner property boundary.	No – Refer to Section 11(ii)(c).
	Secondary Setbacks 6m (Tucana St)	Min. 6.048m	Yes
	Side setback – 3m up to 3 storeys, 6m above 3 storeys	Min. 8m	Yes
	Rear setback – 6m	N/A	N/A
	Habitable room separation – 12m	N/A	N/A
	Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom Visitor – 1 per 5 units Required: 69.5 residential and 12 visitor spaces = 81.5 total	80 resident 12 Visitor	Yes

a. Site Coverage

The Box Hill DCP permits a maximum site coverage of 50% for residential flat buildings. The proposed development has a site coverage of 52.9% or 1,856m².

Site coverage is defined in SEPP (Growth Centres) 2006 as “*the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage -*

- (a) *any basement,*
- (b) *any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,*
- (c) *any eaves,*
- (d) *unenclosed balconies, decks, pergolas and the like.”*

Comment:

Despite the proposed variation of 2.9%, only approximately 43% (1,518m²) of the total site coverage consists of the actual building footprint with the remaining area consisting of the driveway which is positioned within the side setback. 37% of the site is deep soil, which is well above the required 7% and desired 15% for larger sites. In addition, the ground floor soft landscaped area makes up 43% of the site, which is well above the required minimum of 30%.

The proposed residential flat building is provided with generous side setbacks of 8 and 16 metres. This, together with generous soft landscaping and deep soil areas soften the built form such that a 2.9% variation to site coverage does not result in an unacceptable built form and scale, nor does it have an adverse impact on the site's amenity.

The proposed variation to site coverage is therefore considered acceptable.

b. Private Open Space

The Box Hill DCP specifies a minimum area of $10m^2$ and dimension of 2.5m for balconies within a residential flat building. One bedroom units Nos. 101 and 105 are provided with a $8.25m^2$ balcony each, with dimensions of 2.2 x 3.75m (refer Level 1 Plan in Attachment No. 11, highlighted in green).

The objectives of private open space in Section 4.2.7 of the Box Hill DCP, applicable to all residential development types, are:

- a. To provide a high level of residential amenity with opportunities for outdoor recreation and relaxation.*
- b. To enhance the spatial quality, outlook, and usability of private open space.*
- c. To facilitate solar access to the living areas and private open spaces of the dwelling.*

Comment:

A $1.75m^2$ variation is proposed for balconies of two units within the residential flat building. These units are located on the western side of the building and achieve at least 2 hours of direct solar access in addition to having a first floor outlook to a 8 metre wide landscaped side setback area. The size of each unit is $53m^2$ which exceeds the minimum 1 bedroom unit area by $3m^2$. The required balcony size for a 1 bedroom unit under the Apartment Design Guide, which takes precedence over the DCP, is $8m^2$.

Since the proposed balcony size does not inhibit the ability for living areas to receive adequate sunlight, and since the requirements of the Apartment Design Guide are met ($8m^2$ with minimum 2m dimension), the proposed variation to private open space in relation to Unit 101 and 105 is considered acceptable.

c. Front Setback to Mason Road

The primary frontage of the residential flat building is to Mason Road. A minimum front setback of 6 metres is required by the Box Hill DCP. Balconies and other articulation may be set back 4.5m, for the first 3 storeys of the building, for 50% of its frontage.

The front building line is set on an angle, in line with the future alignment of Mason Road, rather than reflecting the irregular shape of the front boundary. Consequently, the north western corner of the building is also set back according to the alignment of Mason Road. This results in a front boundary setback of 4.12 metres to the building line of the first 4 levels of the building, and to the balcony of the remaining three levels of the building where the building line is set back at least 5.9 metres from the boundary. The position of these variations can be seen highlighted in yellow in Attachment No. 11 containing the floor plans.

The objectives of front setbacks in Section 4.2.3 of the Box Hill DCP, applicable to all residential development types, are:

- a. To enable the integration of built and landscape elements to create an attractive, visually consistent streetscape.*
- b. To encourage simple and articulated building forms.*
- c. To ensure garages do not dominate the streetscape.*

Comment:

As outlined in the background to this report, the Mason Road frontage is subject to road widening and is slightly irregular in shape. Adjacent to the northern boundary of the site and the adjoining land (Nos. 25, 23, 23A and 17-21 Mason Road) is an irregular parcel of R4 zoned land bound by Mason Road and these properties. A triangular portion of this land, approximately 60m² in size (excluding road widening), is located adjacent to the northwest boundary of the site (refer Attachment No. 8). Whilst not included in the site, this portion of the adjoining site is not capable of accommodating a building. Therefore its function by default is to contribute to the Mason Road setback of the proposed residential flat building.

Whilst a technical variation, the actual building setbacks to the proposed alignment of Mason Road are a minimum of 6.95 metres, which exceeds the required 6 metre front setback. Furthermore, the variation applies to only a portion of the building frontage, with the majority being compliant. Due to the future road alignment and the portion of the adjacent land between the site and Mason Road, the proposed variation will not be noticeable and will have no adverse impact in terms of the amenity or future development potential of any adjoining land.

Despite the proposed variations, the development will result in an attractive and visually consistent streetscape with a building setback in alignment with Mason Road.

iii. All Development Sites

The following controls relating to cut and fill apply to the entire development site.

	CONTROL	PROPOSED	COMPLIANCE
4.1.1 Cut and Fill	<p>Retaining walls – max 500mm and combined height of 1 metre.</p> <p>Cut or fill in excess of 500mm only to be undertaken with Council approval.</p>	<p>Townhouse sites A and B, and the residential flat building propose retaining walls and excavation in excess of 500mm.</p>	No – Refer to Section 11(iii)(a)

a. Cut and Fill

Development applications are to illustrate where it is necessary to cut and fill land. 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). Terraced walls are to have a minimum of 500mm between each step.

The objectives of the cut and fill controls are as follows:

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

As a result of the sloping and varied topography of the site (front and rear sloping to the north and south respectively), substantial earthworks in excess of 500mm are proposed. Cut and fill is illustrated on the plans (refer to sections and elevations in the Attachments) which show the finished levels of the development in relation to natural ground level, in relation to approved

development on adjoining land at No. 29 Mason Road, and proposed development at No. 25 Mason Road. A combination of cut and fill is proposed for roads, basement parking and buildings, and within common and private open space areas on all three development sites.

The proposed finished levels of the development are largely dictated by the levels of the future road network that have been established in conjunction with approved developments in the vicinity of the site. A similar development for a residential flat building (75 units), two town house sites (totalling 40 units) and the construction of Ursa Street, Tucana Street, Aries Way and Aurora Street was approved on adjoining land to the east at No. 29 Mason Road (Development Consent No. 79/2017/JP/A). That development proposed substantial excavation which has had direct implications for the design of the subject site.

On adjoining land at No. 25 Mason Road a development application (DA No. 1894/2018/JP) is currently under evaluation for a residential flat building and two town house sites. Outstanding matters for that application are yet to be resolved therefore its proposed design and levels were not as relevant in the assessment of the subject application. Rather, the most appropriate outcome was for the subject development application to achieve a satisfactory relationship with natural ground level on the western boundary.



All proposed cut and fill is managed by retaining walls both on the site's boundaries and within each development site between units, private open space and within common areas. Where more than 500mm, retaining walls are tiered to ensure stability and provide terraced landscaping.

Significant analysis of proposed levels was undertaken during the assessment of the application and as a result, the applicant was requested to amend the design and levels on the plans and to demonstrate that an appropriate outcome was achieved in relation to both the adjoining land and within the three development sites. This primarily resulted in a reduction in

proposed fill and an increase in cut in relation to adjoining land to provide a more balanced interface. Section Plans (refer to Attachment Nos.11, 14 and 16) illustrate the outcomes that have been achieved in relation to approved or proposed development and existing natural ground levels.

No subterranean residential units are proposed and the residential flat building achieves full compliance with landscaped area, common open space, ventilation and solar access. With the exception of proposed cut, both town house development sites achieve full compliance with the multi dwelling DCP controls. The development has provided an appropriate response to the slope of the site, approved adjoining development, and natural ground levels on the adjoining site. The proposed earthworks will not adversely affect the amenity of any adjoining property. Apart from a minor building height variation, the development is below the maximum 21 metre and 14 metre height lines and is compatible in bulk and scale with the future context. The proposed cut and fill is considered acceptable.

12. Internal Referrals

The application was referred to following sections of Council:

- Engineering
- Environmental Health
- Resource Recovery
- Landscaping
- Forward Planning (Section 7.11 Contributions)
- Land Information Services

The proposed development was reviewed by these Sections on a number of occasions and amended plans and documentation were submitted to address issues raised. No objection was raised to the final proposal subject to the conditions provided in Recommendation No. 2.

13. External Referrals

NSW POLICE

The NSW Police were consulted and raised no objections to the proposal and made suggestions for security measures. Condition No. 34 requires compliance with the recommendations of the NSW Police.

CONCLUSION

The proposed development has been assessed against the relevant State Environmental Planning Policies, including SEPP (Sydney Region Growth Centres) 2006 and satisfies the requirements of these plans with respect to minimum density, minimum lot size, floor space ratio, site servicing, remediation, and heritage. The proposed development is also consistent with the relevant Directions for Liveability contained within the Central City District Plan under A Metropolis of Three Cities – the Greater Sydney Region Plan.

A 300mm and 800mm proposed variation to the 21 metre height limit applicable to rooftop elements of the residential flat building has been adequately justified pursuant to Clause 4.6 – Exceptions to development standards. The residential flat building fully complies with the requirements of SEPP 65 and the Apartment Design Guidelines.

The application proposes a density that is inconsistent with the maximum density proposed under draft amendments to SEPP (Sydney Region Growth Centres) 2006. Within the context of approved developments in the surrounding area, including the adjoining site No. 29 Mason Road, the proposed densities are considered reasonable and generally consistent with the desired future character of the area.

The proposed development has been assessed against the provisions of the Box Hill Development Control Plan 2018 in relation to multi dwelling housing and residential flat buildings (Tables 18 and 19 respectively), SEPP 65 and the Apartment Design Guidelines. With the exception of proposed retaining walls and excavation, Town House Sites A and B fully comply with all multi dwelling controls. Variations to site coverage, private open space and front setback controls in relation to the residential flat building are considered acceptable as detailed in this report. Earthworks and retaining walls proposed within the development are a product of the approved future road network and adjoining approved development. The plans were amended on a number of occasions to ensure that the most appropriate outcome was achieved both within the site and as it relates to existing natural ground levels on adjoining land at No. 25 Mason Roads, approved development at No. 29 Mason Road, and the associated roads.

The development application was notified on two occasions with no submissions received.

The development application is recommended for approval subject to conditions.

IMPACTS:

Financial

Section 7.11 Contributions are \$90,000 for the site subdivision and \$4,038,771.96 for the residential flat building and multi dwelling housing in total.

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

1. Development Application No. 1545/2018/JP be approved for the reasons listed below and subject to conditions of consent.

- The site is considered suitable for the development and is compatible with adjoining approved development, the planned road network and the envisioned character of the Box Hill Precinct.
- The proposed development adequately satisfies the relevant state and local planning provisions.
- The proposed variation to Clause 4.3 Height of Buildings (lift overrun and rooftop pergola to the residential flat building) is justified pursuant to Clause 4.6 Exceptions to development standards.
- The proposed variations to the Box Hill Development Control Plan (cut and fill, site coverage, private open space, front setbacks) will have no unacceptable impacts on the amenity of the site or adjoining properties.
- The proposed density with respect to draft amendments to SEPP (Sydney Region Growth Centres) 2006 is considered to be acceptable since it is generally consistent with similar approved and proposed development within the vicinity and since the bulk and scale, deep soil, landscaping and open space associated with the development satisfies the provisions of the Box Hill DCP or SEPP 65 and Apartment Design Guidelines as required.
- The proposal is in the public interest.

2. The following conditions of consent be applied:

GENERAL MATTERS

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

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

The amendments in red include: -

Townhouse Site B

- Unit 2.26 - No balcony permitted to the first floor (western elevation). Sill height to western elevation living room window is to be 1.5 metres above finished floor level.
- Units 2.17, 2.20 and 2.23 - Private open space landing railing shall have a height of 1.5 metres from the landing level, with vertical spaced slats to provide privacy to adjoining development.

All Sites

- Increase in soil depth to planters as marked.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO	DESCRIPTION	SHEET	REVISION	DATE
-	<i>Plan of Proposed Subdivision of Lot 1 DP 655945 – prepared by Mark John McDougall</i>	1 of 1	-	<i>Submitted to Council 27 May 2020.</i>
17852	<i>BASIX and calculations</i>	A100	1SDA	29 May 2020
17852	<i>Waste Management Plan</i>	A106	1SDA	29 May 2020
17852	<i>Site Plan</i>	A108	1SDA	29 May 2020
17852	<i>Site Context</i>	A109	1SDA	29 May 2020
17852	<i>Height Blanket Plan</i>	A112	1SDA	29 May 2020
17852	<i>Basement 2 Plan</i>	A200	1SDA	29 May 2020
17852	<i>Basement 1 Plan</i>	A201	1SDA	29 May 2020
17852	<i>Ground Floor Plan</i>	A202	1SDA	29 May 2020
17852	<i>Level 1 Plan</i>	A203	1SDA	29 May 2020
17852	<i>Level 2 Plan</i>	A204	1SDA	29 May 2020
17852	<i>Level 3 Plan</i>	A205	1SDA	29 May 2020
17852	<i>Level 4 Plan</i>	A206	1SDA	29 May 2020
17852	<i>Level 5 Plan</i>	A207	1SDA	29 May 2020
17852	<i>Level 6 Plan</i>	A208	1SDA	29 May 2020
17852	<i>Roof Terrace Plan</i>	A209	1SDA	29 May 2020
17852	<i>Roof Plan</i>	A210	1SDA	29 May 2020
17852	<i>Adaptable Unit</i>	A350	1SDA	29 May 2020
17852	<i>Adaptable Unit</i>	A351	1SDA	29 May 2020

17852	<i>Liveable Unit</i>	A352	1SDA	29 May 2020
17852	<i>North Elevation (Mason Road)</i>	A400	1SDA	29 May 2020
17852	<i>South Elevation (Tucana Street)</i>	A401	1SDA	29 May 2020
17852	<i>East Elevation</i>	A402	1SDA	29 May 2020
17852	<i>West Elevation</i>	A403	1SDA	29 May 2020
17852	<i>Section aa</i>	A500	1SDA	29 May 2020
17852	<i>Section bb</i>	A501	1SDA	29 May 2020
17852	<i>Section cc</i>	A502	1SDA	29 May 2020
17852	<i>Section dd</i>	A503	1SDA	29 May 2020
17852	<i>Section ee</i>	A504	1SDA	29 May 2020
17852	<i>Section ff</i>	A505	1SDA	29 May 2020
17852	<i>Section gg</i>	A506	1SDA	29 May 2020
17852	<i>Section hh</i>	A507	1SDA	29 May 2020
17852	<i>Section ii</i>	A508	1SDA	29 May 2020
17852	<i>Section jj</i>	A509	1SDA	29 May 2020
17852	<i>Section kk</i>	A510	1SDA	29 May 2020
17852	<i>Section ll</i>	A511	1SDA	29 May 2020
17852	<i>Ramp Section mm</i>	A550	1SDA	29 May 2020
17852	<i>Roof terrace fence details</i>	A551	1SDA	29 May 2020
17852	<i>Storage</i>	A800	1SDA	29 May 2020
17852	<i>Storage</i>	A801	1SDA	29 May 2020
17852	<i>Storage</i>	A802	1SDA	29 May 2020
17852	<i>Storage</i>	A803	1SDA	29 May 2020
17852	<i>Storage</i>	A804	1SDA	29 May 2020
17852	<i>Storage</i>	A805	1SDA	29 May 2020
17852	<i>Storage</i>	A806	1SDA	29 May 2020
17852	<i>Storage</i>	A807	1SDA	29 May 2020
17852	<i>BASIX and calculations</i>	B100	1PDA	26 May 2020
17852	<i>Waste Management Plan</i>	B106	1PDA	26 May 2020
17852	<i>Site Plan</i>	B108	1PDA	26 May 2020
17852	<i>Site Context</i>	B109	1PDA	26 May 2020
17852	<i>Basement 1 Plan</i>	B201	1PDA	26 May 2020
17852	<i>Ground Floor Plan</i>	B202	1PDA	26 May 2020
17852	<i>Level 1 Plan</i>	B203	1PDA	26 May 2020
17852	<i>Roof Plan</i>	B204	1PDA	26 May 2020
17852	<i>North and South Elevations</i>	B400	1PDA	26 May 2020

17852	<i>East and West Elevations</i>	B401	1PDA	26 May 2020
17852	<i>Sections aa</i>	B500	1PDA	26 May 2020
17852	<i>Section bb</i>	B501	1PDA	26 May 2020
17852	<i>Section cc</i>	B502	1PDA	26 May 2020
17852	<i>Section dd</i>	B503	1PDA	26 May 2020
17852	<i>Section ee</i>	B504	1PDA	26 May 2020
17852	<i>Section ff</i>	B505	1PDA	26 May 2020
17852	<i>Section gg</i>	B506	1PDA	26 May 2020
17852	<i>Section hh and ii</i>	B507	1PDA	26 May 2020
17852	<i>Section jj and kk</i>	B508	1PDA	26 May 2020
17852	<i>Section ll</i>	B509	1PDA	26 May 2020
17852	<i>Section mm and nn</i>	B510	1PDA	26 May 2020
17852	<i>Section oo</i>	B511	1PDA	26 May 2020
17852	<i>Section pp</i>	B512	1PDA	26 May 2020
17852	<i>Fencing Detail</i>	B520	1PDA	26 May 2020
17852	<i>Fencing Detail</i>	B521	1PDA	26 May 2020
17852	<i>Ramp Section</i>	B550	1PDA	26 May 2020
17852	<i>BASIX and calculations</i>	C100	1PDA	26 May 2020
17852	<i>Waste Management Plan</i>	C106	1PDA	26 May 2020
17852	<i>Site Plan</i>	C108	1PDA	26 May 2020
17852	<i>Site Context Plan</i>	C109	1PDA	26 May 2020
17852	<i>Basement 1 Plan</i>	C201	1PDA	26 May 2020
17852	<i>Ground Floor Plan</i>	C202	1PDA	26 May 2020
17852	<i>Level 1 Plan</i>	C203	1PDA	26 May 2020
17852	<i>Roof Plan</i>	C204	1PDA	26 May 2020
17852	<i>North and South Elevations</i>	C400	1PDA	26 May 2020
17852	<i>East and West Elevations</i>	C401	1PDA	26 May 2020
17852	<i>Section aa</i>	C500	1PDA	26 May 2020
17852	<i>Section bb and cc</i>	C501	1PDA	26 May 2020
17852	<i>Section dd</i>	C502	1PDA	26 May 2020
17852	<i>Section ee</i>	C503	1PDA	26 May 2020
17852	<i>Section ff</i>	C504	1PDA	26 May 2020
17852	<i>Section gg</i>	C505	1PDA	26 May 2020
17852	<i>Section hh</i>	C506	1PDA	26 May 2020
17852	<i>Section ii</i>	C507	1PDA	26 May 2020
17852	<i>Section jj</i>	C508	1PDA	26 May 2020
17852	<i>Section kk</i>	C509	1PDA	26 May 2020

17852	Section II	C510	1PDA	26 May 2020
17852	Section mm	C511	1PDA	26 May 2020
17852	Section nn	C512	1PDA	26 May 2020
17852	Section oo	C513	1PDA	26 May 2020
17852	Section pp	C514	1PDA	26 May 2020
17852	Section qq	C515	1PDA	26 May 2020
17852	Section rr	C516	1PDA	26 May 2020
17852	Fencing Detail	C520	1PDA	26 May 2020
-	Cover Page	L-01	H	26 May 2020
-	RFB GF Landscape Plan	L-02	H	26 May 2020
-	RFB GF Planting Plan	L-03	H	26 May 2020
-	RFB Lvl 2, 3, 4 Planting Plan	L-04	H	26 May 2020
-	RFB Lvl Roof Landscape Plan	L-05	H	26 May 2020
-	RFB Lvl Roof Planting Plan	L-06	H	26 May 2020
-	THA Landscape Plan	L-07	H	26 May 2020
-	THA Planting Plan	L-08	H	26 May 2020
-	THB Landscape Plan	L-09	H	26 May 2020
-	THB Planting Plan	L-10	H	26 May 2020
-	Street Tree Planting	L-11	H	26 May 2020

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

2. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

3. Building Work to be in Accordance with BCA

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

4. Separate Application for Strata Subdivision

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

5. External Finishes

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

6. Planting Requirements

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

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

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;

- 300-450mm for groundcover; and
- 200mm for turf.

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

7. 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.

8. Structures Adjacent to Piped Drainage Easements

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

9. Requirements for Council Drainage Easements

No works are permitted within existing or proposed public drainage easements unless approved by Council. Where works are permitted, the following requirements must be adhered to:

- Provision for overland flow and access for earthmoving equipment must be maintained.
- The existing ground levels must not be altered. No overland flow is to be diverted out of the easement.
- No fill, stockpiles, building materials or sheds can be placed within the easement.
- Open style fencing must be used. New or replacement fencing must be approved by Council.

10. 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:

- Access driveway to the Residential Flat Building must be widened to facilitate Council's Service Vehicle (HRV) and a passenger car pass each other simultaneously while entering and exiting between the basement loading bay, basement carpark and Tucana Street. Swept path turning template demonstrating this must be provided with the construction certificate.
- The driveway profile to the basement loading bay must ensure design compliant to relevant Australian standards, in particular the Table 3.3.4.2 of the AS 2890.2.2018.
- All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.

- All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

11. Approved Amended Plan

The subdivision component of the development must be carried out in accordance with the concept Plan of Proposed Subdivision Ref: 36066 prepared by Mark John McDougall and other supporting documentation including, but not limited to, the undertaking annotated on the subdivision plan relating to construction and dedication of the new roads as public roads reserve at no cost to Council.

12. 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.

13. Approved Street Naming

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

14. Street Trees

Street trees must be provided for the section of Ursa Street, Tucana Way, Aries Way and Aurora Street within or fronting the development site spaced between 7m and 10m apart and with a minimum of one tree per lot frontage. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

15. Recycled Water – Rouse Hill/ Sydney Water

The subject site must be connected to Sydney Water's Rouse Hill Recycled Water Scheme, unless written evidence from Sydney Water is submitted advising that this service is not available.

16. Process for Council Endorsement of Legal Documentation

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

17. Road Opening Permit

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

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

18. Consent Required to Illuminate Rooftop Court

The proposed multi-purpose rooftop court is not to be illuminated without development consent from Council.

19. Air Conditioner Location

The installation of an Air-conditioning unit must comply with the following standards:

An air-conditioner must:

- (a) not be located on the wall or roof of a building that faces the primary road, or forward of the building line to the primary road, and
- (b) be located at least 450mm from each lot boundary, and
- (c) be attached to the external wall of a building or ground mounted, and
- (d) be not higher than 1.8m above ground level (existing), and
- (e) not involve work that reduces the structural integrity of the building, and
- (f) not reduce the existing fire resistance level of a wall, and
- (g) be designed so as not to operate:
 - (i) between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
 - (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

20. Acoustic Requirements

In accordance with the Box Hill Growth Centre Development Control Plan, the residential units on Lot 13 which are adjacent to Mason Road are to be constructed in accordance with the recommendations of an acoustic assessment and constructed to ensure that each dwelling complies with the following:

The maximum LAeq levels required are:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

21. Salinity Requirements

The recommendations of the Salinity Investigation Report prepared by Envirotech Pty Ltd, referenced as REF-18-6190-SAL-A, dated 21 June 2018 and submitted as part of the Development Application are to be implemented as part of this approval.

22. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. Receipts of all waste/recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

23. Communal Composting Areas

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

24. Management of Construction and/or Demolition Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for

the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place.

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

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.

25. Disposal of Surplus Excavated Material

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

26. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council 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.

27. Provision of Domestic Waste Storage Area(s)

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 and 1080mm high.

28. Construction of Garbage Room (Residential Flat Building)

The Garbage Room on Level 1 of the Residential Flat Building must be designed and constructed in accordance with the following requirements. The area must provide minimum storage facility for 7 x 1100 litre garbage bins and 4 x 1100 litre recycling bins.

- The Garbage Room must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the Garbage Room must ensure that each bin is easily accessible and manoeuvrable in and out of the room with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the Garbage Room must be constructed of brickwork.

- The floor of the Garbage Room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The room must not contain ramps and must be roofed.
- The Garbage Room must have double swinging waste servicing doors, with a minimum clear floor width of 1.5m. The doors must be located to allow the most direct access to the bins by collection contractors.
- The Garbage Room must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.
- All doors of the Garbage Room, when fully opened, must be flush with the outside wall and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The Garbage Room must be adequately ventilated (mechanically if locate within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The Garbage Rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the garbage room, it is not to conflict with the space designated for the placement of bins.
- The Garbage Room must be provided with an internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow safe and efficient servicing of bins.
- The Garbage Room must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the Garbage Room are to complement the design of the development.

Bin Measurements (mm)

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

29. Construction of Garbage Rooms (Townhouse A and Townhouse B)

The Garbage Rooms for both Townhouse A and Townhouse B must be designed and constructed in accordance with the following requirements.

Townhouse A's Garbage Room must provide minimum storage facility for 5 x 660 litre garbage bins and 3 x 660 litre recycling bins.

Townhouse B's Garbage Room must provide minimum storage facility for 5 x 660 litre garbage bins and 3 x 660 litre recycling bins.

- The Garbage Rooms must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.
- The layout of the Garbage Rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste Garbage Rooms must be constructed of brickwork.
- The floor of the Garbage Rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).

- The Garbage Rooms must have double swinging waste servicing doors, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. **Townhouse A** must provide double swinging servicing doors on the western wall of the garbage room to allow the most direct access to the bins by collection contractors.
- The waste Garbage Rooms must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the Garbage Rooms, when fully opened, must be flush with the outside walls and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The Garbage Rooms must be adequately ventilated (mechanically if located within the building footprint). Vented garbage rooms should not be connected to the same ventilation system supplying air to the units.
- The Garbage Rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the garbage rooms, it is not to conflict with the space designated for the placement of bins.
- The Garbage Rooms must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The Garbage Rooms must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the Garbage Rooms are to complement the design of the development.

Example Bin Measurements (mm)

660L: 850 (d) 1370 (w) 1250 (h)

30. Property Numbering and Cluster Mail Boxes

The responsibility for property numbering is vested solely in Council under the *Local Government Act 1993*.

Residential Flat Building:-

The overall property address for the residential flat building will be to Mason Road, Box Hill, however the existing house number of 27 is not to be used for the development as Mason Road will need to be renumbered in the future.

Approved unit numbering is as per plans submitted marked as DWG No 17852 Plan numbers a202 - a208 dated May 2020; and as follows:

Level	Unit Numbers
Ground	G01 – G03
Level 1	101 – 105
Level 2	201 – 210
Level 3	301 – 310
Level 4	401 – 410
Level 5	501 – 510

Level 6 601 – 610

Level 7 701 – 710

One cluster mail box is to be located within Mason Road.

Townhouse Development A:-

The overall property address for this development is **8 Tucana Street Box Hill** and there is to be one bank of letterboxes located in Tucana Street.

Townhouse numbering submitted is NOT approved and numbering is to be as per plans marked up within consent documentation; and as follows:-

1-19/8 Tucana Street Box Hill

One cluster mail box is to be located within Tucana Street.

Townhouse Development B:-

The overall property address for this development is **8 Aries Way Street Box Hill** and there is to be one bank of letterboxes located in Aries Way.

Townhouse numbering submitted is NOT approved and numbering is to be as per plans marked up within consent documentation; and as follows:-

1-22/8 Aries Way Box Hill

One cluster mail box is to be located within Aries Way.

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

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

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

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

Mail Boxes

One Cluster mail box is to be provided for each of the three (3) development sites as stipulated above.

Cluster mail boxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer. The number of mail boxes to be provided is to be equal to the number of flats/units/townhouses etc. plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan are not duplicated and all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and

Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.

31. Design of Retaining Walls

All retaining walls shall be designed and certified by a suitably qualified structural engineer. Adequate provisions shall be made for surface and subsurface drainage of retaining walls and all water collected shall be diverted to, and connected to, the inter-allotment drainage pit.

32. Adaptable Housing

Dwellings capable of adaptation for disabled or elderly residents, and designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), are to be provided within the development:

Residential Flat Building:	7 units
Town House A:	2 units
Town House B:	3 units

33. Compliance with Sydney Water Requirements

Compliance with the requirements of Sydney Water dated 12 June 2020, Ref. No. 4860 attached to this consent as Appendix A.

34. Compliance with NSW Police Requirements

Compliance with the requirements of NSW Police dated 6 May 2018, Ref. No. D/2018/172949 as follows:

- Maintain clear sightlines between public and private places around the perimeter of the site with respect to vegetation as a 'deterrence', however this does not remove the need for physical barriers to secure the property from trespassers;
- Vegetation is to be kept trimmed with lower limb trees kept above average head height and shrubs and vegetation closest to pedestrian pathways should not provide easy concealment.
- A security intercom system is to be provided to access the basement car parks and the main lobbies as well as other rooms that the public may be able to get access to. Each unit should contain an intercom system to enable access for visitors to the basement car parks and lobbies. The same system should also apply to exit the car parks;
- The car parks should be painted white to reflect light and reduce energy costs for lighting;
- Pathways are to be well-lit and landscaping shall not impinge on sightlines;
- Entry and exits points from the buildings, car park and driveways shall be well lit and lighting should meet minimum Australian Standards;
- The development should employ a number of passive and active crime prevention measures as part of Crime Prevention through Environmental Design. The following should be included:
 - Natural surveillance with clear sightlines;
 - Active CCTV surveillance and security services;
 - Durable building materials.
- Height indicator stickers on entrance / exit doors are recommended in conjunction with CCTV;
- Public and private spaces are to be clearly delineated; and
- Strategically placed warning signs to warn intruders of what security treatments have been implemented;
- Provision of quality locking mechanisms to car parking spaces and storage areas within the basement car park;

- Fire doors are to be alarmed and fitted with a magnetic strip so that the door will shut closed. Signage is recommended on all fire doors that doors are alarmed and for emergency use only;
- Minimise potential ladders;
- Use of sensor lights and security company during construction;
- Use of high quality letterboxes that meet the Australian Standards – ISO9001:2008 and surveillance.
- Use of ‘park smarter’ signage to educate people not to leave valuables in cars, secure vehicles and wait until roller doors are closed before continuing into the car park.

35. Driveway Barrier

The eastern side of the driveway is to be provided with a barrier (rail) to the Building Code of Australia (BCA) requirements in addition to the kerb to ensure safety against elevation. A crash barrier is required to be incorporated into landscaping at the curve of the northern end of the driveway to ensure the safety of the common open space area.

36. Irrigation

Automatic watering system to be installed as a minimum to all common areas and roof top terrace raised garden beds. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

37. Ventilation for Basement Carpark

The basement car park is to be provided with ventilation in accordance with Australian / New Zealand Standard AS/NZS 1668.2 2012.

The exhaust from the basement carpark shall be positioned so as to not cause a nuisance due to odour or noise to an occupier of any residential premises.

38. Access and Loading for Waste Collection (Residential Flat Building)

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian standard 2890.2-2002 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied:

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for the waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure the entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing is limited to a single reverse manoeuvre as part of a typical three point turn.
- The designated waste service bay must allow additional space for servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.

- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium rigid vehicles, remote access or alternate solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

39. Special Infrastructure Contribution – Growth Centres

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

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

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

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

40. Notice of Requirements

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

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

41. Stormwater Pump/ Basement Car Park Requirements

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

42. Works in Existing Easement

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

43. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate or Subdivision Works Certificate is issued.

This includes the following:

- The 0.5m of additional road pavement (minimum), earth works and drainage associated with the partial width construction of Aurora Street and drainage disposal (temporary/ ultimate) over the property 25 Hynds Road. A letter from that landowner was submitted with the development application.
- The 0.5m of additional road pavement (minimum), earth works and drainage associated with the partial width construction of Aurora Street is required over the property 27 Hynds Road. A letter from that landowner is required unless the civil engineering plans be amended to retain the works wholly within 25 Mason Road.

- The construction of temporary turning heads and associated drainage and earthwork within 25 Mason Road. A letter from that landowner was submitted with the development application.
- A formal contractual agreement 29 Mason Road for the full width construction of Ursa Street, Tucana Street, Aries Street and Aurora Street, which provide public access to the subject development. (Civil Engineering Details as per the approval under the DA 79/2017/JP/A).
- The works proposed within 29 Mason Road, specifically Ursa Road construction relied on support of the adjoining owner to the east. Written consent from 31 Mason Road will be required to be provided in support of the construction works associated with the DA 79/2017/JP.

44. 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.

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.

- Engineering plans and landscape plans must be compatible in terms of proposed landscaping works (ie. retaining walls, plantings) and the location of pits and pipes.
- The subdivision works must include the full width construction of Ursa Street, Tucana Street, Aries Street and Aurora Street and the temporary works fronting to Mason Road.
- The concept Civil Engineering Plans prepared by Australian Consulting Engineers Revision E dated 03/06/2020 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. Works fronting to Mason Road must be consistent with Council's Mason Road design.
- All final design detailing of the construction drawings must be consistent with the construction certificates issued for the adjoining properties. Council's construction certification team shall be consulted prior to commencing preparation of the drawings.
- A combined Construction Certificate Application over the properties 27 and 29 Mason Road will required to be lodged with Council for the provision of public roads (Ursa Street, Tucana Street, Aries Street and Aurora Street) extended over both properties.

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)
Ursa Street	Road Type: Local Road DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (total 18m)

	<p>Pavement Design: Local (Design Guidelines Section 3.12)</p>
Tucana Street	<p>Road Type: Local Road DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (total 18m) Pavement Design: Local (Design Guidelines Section 3.12)</p>
Aries Way	<p>Road Type: Local Road DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (total 18m) Pavement Design: Local (Design Guidelines Section 3.12)</p>

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

Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

The engineering works include extension of public roads including Ursa Street, Tucana Street, Aries Way and Aurora Street within 29 Mason Road in coordination with Stage 1 of the approved DA 79/2017/JP/A. The scope of works as conceptually illustrated on the 'Roadworks and Drainage Overall Layout Plan' Project No.171629 Drawing No. C00.1 Revision C dated 03/06/2020 attached to the civil engineering package above.

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

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:	<p>Formation: (Footpath/ Carriageway/ Footpath) (m)</p>
Aurora Street	<p>Road Type: Local Road DCP Box Hill Precinct 3.5m/ 11m/ 3.5m (total 18m) Pavement Design: Local (Design Guidelines Section 3.12)</p>

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.

Partial width Aurora Street construction and interim drainage outlet structure within 25 Hynds Road must be in coordination with the owners' consent.

Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.

c) Temporary Turning Heads

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

A temporary turning head is required at the western end of Tucana Street, Aries Way and Aurora Street extending into 25 Mason Road, in accordance with the Civil Works Concept Plan prepared by Australian Consulting Engineers Project No.171629 Drawing No. C00.1 Revision C dated 03/06/2020 prepared by Australian Consulting Engineers.

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) Footpath Verge Formation

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

f) Concrete Footpath

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

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) Stormwater Drainage – Temporary Works

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

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

j) Stormwater Drainage Discharge

Piped stormwater drainage catering for the entire area the subject site (including public roads) must be provided over the downstream property, to the requirement of 25 Hynds Road, so that all collected stormwater is piped to an approved constructed public drainage system.

The design and construction of this stormwater drainage work must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Once the stormwater works within the easement is complete, a letter from the affected property owner 25 Hynds Road is required to be provided to Council confirming their satisfaction.

The pipe extensions if any required on public roads must be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

45. Integrated Site Stormwater Management

Temporary stormwater management in the form of OSD tanks and Water Quality Treatment chambers must be provided for the new roads Ursa Street, Tucana Street, Aries Way and Aurora Street, and each buildings Residential Flat Building, Town Houses A and B in accordance with the set of Stormwater Concept Plan Project No. ACE 171629.SW.DA Revision C dated 03/06/2020 prepared by Australian Consulting Engineers.

Stormwater Management measures must be consistent with the civil engineering works proposed for the development.

All model parameters and data outputs are to be generally reflective to the above concept design and generally in accordance with the revised DRAINS and MUSIC models dated 03/06/2020.

The drainage pipe alignment must be compatible to the proposed landscape works.

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

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

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

All model parameters and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the stormwater management system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by a hydraulic engineer.
- A completed OSD Drainage Design Summary Sheet.
- Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.
- A completed OSD Detailed Design Checklist.
- A maintenance schedule.

46. Security Bond Requirements

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

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

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

47. Protection of Internal Noise Levels - Residential Units

An acoustic statement is required to be submitted providing methods of noise attenuation (if any) for the residential units on proposed Lot 6 prior to the issue of a Construction Certificate ensuring the following noise levels are achieved:

- 35 dB (A) in any bedroom between 10pm am 7am.
- 40dB (A) elsewhere (other than garage, kitchen, bathroom and hallway) anytime.

48. 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:-

Residential Flat Building:

Residential Flat Building	Purpose: 1 bedroom	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units:	No. of 2 Bedroom Units: 39	No. of 3 Bedroom Units: 22	Sum of Units	No. of Credits: 1	Total S.11
Open Space - Land	\$13,264.71	\$14,044.99	\$16,837.96		\$ 79,588.26	\$ 421,349.70	\$ 370,435.12	\$ 871,373.08	\$ 16,837.96	\$ 854,535.12
Open Space - Capital	\$6,552.17	\$6,937.59	\$8,317.20	\$8,317.20	\$ 39,313.02	\$ 208,127.70	\$ 182,978.40	\$ 430,419.12	\$ 8,317.20	\$ 422,101.92
Transport Facilities - Land	\$1,353.68	\$1,433.31	\$1,718.34	\$1,718.34	\$ 8,122.08	\$ 42,999.30	\$ 37,803.48	\$ 88,924.86	\$ 1,718.34	\$ 87,206.52
Transport Facilities - Capital	\$3,838.37	\$4,064.16	\$4,872.36	\$4,872.36	\$ 23,030.22	\$ 121,924.80	\$ 107,191.92	\$ 252,146.94	\$ 4,872.36	\$ 247,274.58
Water Management - Land (KCP)	\$5,244.46	\$5,552.95	\$6,657.21	\$6,657.21	\$ 31,466.76	\$ 166,588.50	\$ 146,458.62	\$ 344,513.88	\$ 6,657.21	\$ 337,856.67
Water Management - Capital (KCP)	\$2,624.24	\$2,624.24	\$6,657.21	\$6,657.21	\$ 30,466.76	\$ 159,458.50	\$ 139,458.50	\$ 328,365.50	\$ 6,357.22	\$ 322,008.68
Administration	\$195.93	\$207.45	\$248.71	\$248.71	\$ 175.58	\$ 6,223.50	\$ 4,471.62	\$ 12,870.70	\$ 248.71	\$ 12,621.99
Total	\$35,450.36	\$37,535.66	\$45,000.00	\$45,000.00	\$ 212,702.16	\$ 1,126,069.80	\$ 990,000.00	\$ 2,328,771.96	\$ 45,000.00	\$ 2,283,771.96

Townhouse A:

Townhouse A comprising 19 dwellings	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: Credit	No. of 3 Bedroom Units: 17	No. of 4 Bedroom Units: 2	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$13,264.71	\$14,044.99	\$16,837.96	\$ 286,245.32	\$ 33,675.92	\$ 319,921.24	\$ 16,837.96	\$ 303,083.28
Open Space - Capital	\$6,552.17	\$6,937.59	\$8,317.20	\$ 141,392.40	\$ 16,634.40	\$ 158,026.80	\$ 8,317.20	\$ 149,709.60
Transport Facilities - Land	\$1,353.68	\$1,433.31	\$1,718.34	\$ 29,211.78	\$ 3,436.68	\$ 32,648.46	\$ 1,718.34	\$ 30,930.12
Transport Facilities - Capital	\$3,838.37	\$4,064.16	\$4,872.36	\$ 82,830.12	\$ 9,744.72	\$ 92,574.84	\$ 4,872.36	\$ 87,702.48
Water Management - Land (KCP)	\$5,244.46	\$5,552.95	\$6,657.21	\$ 113,172.57	\$ 13,314.42	\$ 126,486.99	\$ 6,657.21	\$ 119,829.78
Water Management - Capital (KCP)	\$5,001.04	\$5,295.21	\$6,348.22	\$ 107,919.74	\$ 12,696.44	\$ 120,616.18	\$ 6,348.22	\$ 114,267.96
Administration	\$195.93	\$207.45	\$248.71	\$ 4,228.07	\$ 497.42	\$ 4,725.49	\$ 248.71	\$ 4,476.78
Total	\$35,450.36	\$37,535.66	\$45,000.00	\$ 765,000.00	\$ 90,000.00	\$ 855,000.00	\$ 45,000.00	\$ 810,000.00

Townhouse B

Townhouse B comprising 22 dwellings	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: Credit	No. of 3 Bedroom Units: 19	No. of 4 Bedroom Units: 3	Sum of Units	No. of Credits: 1	Total S7.11
Open Space - Land	\$13,264.71	\$14,044.99	\$16,837.96	\$ 319,921.24	\$ 50,513.88	\$ 370,435.12	\$ 16,837.96	\$ 353,597.16
Open Space - Capital	\$6,552.17	\$6,937.59	\$8,317.20	\$ 158,026.80	\$ 24,951.60	\$ 182,978.40	\$ 8,317.20	\$ 174,661.20
Transport Facilities - Land	\$1,353.68	\$1,433.31	\$1,718.34	\$ 32,648.46	\$ 5,155.02	\$ 37,803.48	\$ 1,718.34	\$ 36,085.14
Transport Facilities - Capital	\$3,838.37	\$4,064.16	\$4,872.36	\$ 92,574.84	\$ 14,617.08	\$ 107,191.92	\$ 4,872.36	\$ 102,319.56
Water Management - Land (KCP)	\$5,244.46	\$5,552.95	\$6,657.21	\$ 126,486.99	\$ 19,971.63	\$ 146,458.62	\$ 6,657.21	\$ 139,801.41
Water Management - Capital (KCP)	\$5,001.04	\$5,295.21	\$6,348.22	\$ 120,616.18	\$ 19,044.66	\$ 139,660.84	\$ 6,348.22	\$ 133,312.62
Administration	\$195.93	\$207.45	\$248.71	\$ 4,725.49	\$ 746.13	\$ 5,471.62	\$ 248.71	\$ 5,222.91
Total	\$35,450.36	\$37,535.66	\$45,000.00	\$ 855,000.00	\$ 135,000.00	\$ 990,000.00	\$ 45,000.00	\$ 945,000.00

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.

49. Internal Pavement Structural Design Certification (Residential Flat Building)

Prior to a Construction Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 8.8m long medium rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

50. Construction Management Plan

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

51. Design Verification

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

52. Soil and Water Management Plan

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

The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.

53. Landscape Plan

An amended Landscape Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist and submitted to the satisfaction of Council's Manager - Environment and Health.

The plan must contain:

- site boundaries and dimensions surveyed;
- north point, and scale (1:200 desirable);

- c) existing and proposed levels;
- d) all trees, grassed areas, landscape features and main structures on the site (buildings, car parking, driveways, walls, fences, paving, storage areas, elements contributing to the significance of a heritage item etc);
- e) a schedule of proposed planting, including botanical names, common names, quantities, pot size, expected mature height and staking requirements; and
- f) Number of *Banksia serrata* trees proposed surrounding approved Residential Flat Building are to be lowered, and further small native trees are to be provided; and
- g) full retaining wall details including materials used for construction (the use of timber for the construction of retaining walls will not be accepted by Council);

Note: The amended landscape plan must be consistent with the revised stormwater design required by this consent.

PRIOR TO WORK COMMENCING ON THE SITE

54. 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.

55. 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.

56. 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.

57. 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.

58. 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.

59. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on the adjoining properties within the likely zone of influence from any excavation, dewatering or construction induced vibration.

60. 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.

61. Management of Building Sites

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

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

62. Consultation with Service Authorities

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

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

63. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

64. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

65. Details and Signage - Principal Contractor and Principal Certifier

Details

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

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

Signage

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

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

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

66. Erosion and Sedimentation Controls

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

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

DURING CONSTRUCTION

67. 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.

68. 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.

69. 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.

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. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

72. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels.

As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

73. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate Nos. 902253M_02, 902327M_02 and 902374M_02 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

74. Critical Stage Inspections and 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.

75. Roof Water Drainage

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

76. Landscaping Works

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

77. Dilapidation Survey

If rock is encountered during excavation works and rock breaking equipment is required, all works are to cease immediately. A practicing professional structural engineer shall carry out a dilapidation survey of the adjoining dwellings and submit a copy of the survey both to the Principal Certifier and the property owner. Works are not to recommence until this survey has been provided.

78. Stockpiles

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

79. Dust Control and Requirement for a Dust Control Management Plan

A site specific Dust Management Plan (DMP) must be prepared by a suitably qualified and experienced construction management consultant in conjunction with the civil contractor to proactively address this issue. This DMP shall address/ include the following matters:

- Water carts must be used to regularly wet down exposed areas. The number of water carts on site at all times (and additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- A sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Vehicle speed control on access routes.
- Stockpile management such as location, orientation, volume and height must be carefully considered to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the

stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.

- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- The DMP must also demonstrate how the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

The emission of dust must be controlled. Dust control shall be monitored for on-going effectiveness to minimise nuisance in accordance with the Dust Management Plan (DMP).

80. Construction Noise

The emission of noise from the construction of the development shall comply with the *Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)*.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

81. Section 73 Certificate must be submitted to the Principal Certifier before the issuing of an Occupation Certificate

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

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

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

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

82. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. 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 THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

83. 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.

84. 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.

85. Pump System Certification

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

86. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;
- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a structural engineer verifying that the structures associated with the constructed OSD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime;
- Records of inspections; and
- An approved operations and maintenance plan.

Where Council is not the Principal Certifier a copy of the above documentation must be submitted to Council.

87. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

Where Council is not the PCA a copy of the above documentation must be submitted to Council.

88. 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:-

Site Subdivision:

<i>Subdivision of One lot creating Three Residential Lots</i>	<i>Purpose: Subdivision</i>	<i>Purpose: Credit</i>	<i>No. of Lots: 3</i>	<i>No. of Credits: 1</i>	<i>Total S7.11</i>
Open Space - Land	\$16,837.96	\$16,837.96	\$ 50,513.88	\$ 16,837.96	\$ 33,675.92
Open Space - Capital	\$8,317.20	\$8,317.20	\$ 24,951.60	\$ 8,317.20	\$ 16,634.40
Transport Facilities - Land	\$1,718.34	\$1,718.34	\$ 5,155.02	\$ 1,718.34	\$ 3,436.68
Transport Facilities - Capital	\$4,872.36	\$4,872.36	\$ 14,617.08	\$ 4,872.36	\$ 9,744.72
Water Management - Land (KCP)	\$6,657.21	\$6,657.21	\$ 19,971.63	\$ 6,657.21	\$ 13,314.42
Water Management - Capital (KCP)	\$6,348.22	\$6,348.22	\$ 19,044.66	\$ 6,348.22	\$ 12,696.44
Administration	\$248.71	\$248.71	\$ 746.13	\$ 248.71	\$ 497.42
Total	\$ 45,000.00	\$ 45,000.00	\$ 135,000.00	\$ 45,000.00	\$ 90,000.00

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.

89. 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.

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.

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

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

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. 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).

97. 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.

98. Stormwater CCTV Recording

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

99. Public Asset Creation Summary

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

100. Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before the preceding stage/subdivision pursuant to Development Consent 79/2017/JP/A has been registered.

101. Strata Certificate Application

When submitted, the Strata Certificate application must include:

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

Should the Strata Certificate be issued by a certifier other than Council a copy of the Strata Certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council.

102. Property Condition Report – Private Assets

Before a Subdivision Certificate is issued, an updated dilapidation report must be prepared and submitted to Council. The updated report must identify any damage to adjoining properties and the means of rectification for the approval of Council.

103. Final Plan and Section 88B Instrument

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

a) Dedication – New Road

The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication of all public roads including Tucana Street, Aries Way and Aurora Street.

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 of Mason Road widening.

c) Easement – Temporary Public Access

A temporary public access easement must be created within the property to the north 25 Mason Road over the extension of Tucana Street, Aries Way and Aurora Street temporary cul-de-sac turning head using the "temporary public access easement" terms included in the standard recitals.

d) Easement – Public Stormwater Drainage

Drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

e) Restriction – Bedroom Numbers

Lots 11, 12 and 13 must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

f) Restriction/ Positive Covenant – Onsite Stormwater Detention

Lots 11, 12 and 13 must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

g) Restriction/ Positive Covenant – Water Sensitive Urban Design

Lots 11, 12 and 13 must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

h) Positive Covenant – Stormwater Pump

Lots 11, 12 and 13 must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals.

i) Restriction – Rainwater Tanks

Lots 11, 12 and 13 must be burdened with a restriction using the “rainwater tanks” terms included in the standard recitals.

j) Covenant – Waste Collection/ Bin Presentation

Lots 11 and 12 must be burdened with a positive covenant requiring that bins are presented to Aurora Street and Aries Way respectively using the “waste collection/ bin presentation” terms included in the standard recitals.

k) Covenant – Onsite Waste Collection

Lot 13 must be burdened with a positive covenant relating to onsite waste collection using the “onsite waste collection” terms included in the standard recitals.

l) Easement – Temporary Stormwater Management (Box Hill)

Lots 11, 12 and 13 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.

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

Lots 11, 12 and 13 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.

104. Security Bond – Temporary Turning Head

A security bond must be provided in order to guarantee the maintenance and subsequent removal of the temporary cul-de-sac turning head. The value of the bond is as per Council’s Schedule of Fees and Charges. The bond is refundable upon written application to Council and is subject to a final inspection. If Council is required to maintain or remove the temporary cul-de-sac turning head these costs will be deducted from the security bond. If these costs exceed the value of the bond Council will issue an invoice for the recovery of the outstanding amount.

This bond is not required if the temporary cul-de-sac turning head is not required to be constructed.

105. Internal Pavement Construction (Residential Flat Building)

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a 8.8m long medium rigid waste collection vehicle when fully laden (i.e. 28 tonnes gross vehicle mass).

106. Final Inspection of Garbage Rooms

Prior to any Occupation Certificate being issued, a final inspection of the Garbage Rooms for each building (Residential Flat Building, Townhouse A and Townhouse B) and associated management facilities must be undertaken by Council’s Resource Recovery Project Officer. This is to ensure compliance with Council’s design specifications and that necessary arrangements are in place for domestic waste collection by Council and its Domestic Waste Collection Contractor. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

107. Provision of Signage for Garbage Rooms

Prior to any Occupation Certificate being issued, a complete set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be purchased and installed in visible locations on internal walls of all Garbage Rooms. The signage must comply with the minimum specifications below and be in accordance with Council’s approved

artwork. Contact Council's Resource Recovery Education Officer on (02) 9843 0505 to obtain artwork designs.

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

108. Retaining Wall Certification

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

109. Risk Assessment - Domestic Waste Collection

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

THE USE OF THE SITE

110. Maintenance of Landscaping Works

The landscaping works, associated plantings and construction of retaining walls are to be effectively maintained at all times and throughout the life of the development.

111. Offensive Noise

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

112. Lighting

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

113. Waste and Recycling Management

To ensure the adequacy storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage areas, which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. Waste storage areas must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection. A caretaker must be appointed to manage waste operations on site for the Residential Flat Building, Townhouses A and B including undertaking all instructions issued by Council to enable waste collection.

APPENDIX 1 SYDNEY WATER NOTICE OF REQUIREMENTS



Case Number: 185329

12 June 2020

BOX HILL (AUST) PTY LTD
c/- BILLBERGIA PTY LTD

**NOTICE OF REQUIREMENTS
for
SECTION 73 SUBDIVIDER/DEVELOPER COMPLIANCE CERTIFICATE
(Sydney Water Act 1994, Part 6, Division 9)**

Developer: BOX HILL (AUST) PTY LTD
Your reference: 4860
Development: Lot 1 DP 655945 27 MASON RD, Box Hill
Development Description: Proposed development to create a 58 unit residential flat building and 2 blocks of town houses with 19 townhouses in one block and 22 townhouses in the second block with future subdivision.
Council Consent No: by The Hills Shire City Council of
Your application date: 4 June 2020

Note: Level 1 water restrictions are now in place, which limits how and when water can be used outdoors. This can impact you and your contractors in the activities they need to undertake for this proposal.

Using water to suppress dust is not restricted, but this does mean that you/your contractors will need to apply for an exemption permit to use water for most outdoor uses including:

- Cleaning equipment and the exterior of new buildings
- Drilling and boring, and
- Batching concrete on-site

Fines for deliberate breaches of restriction rules apply from 1 September 2019.

For more information on the restrictions and for applying for an exemption, visit our web site at <http://www.sydneywater.com.au/SW/water-the-environment/what-we-re-doing/water-restrictions/index.htm>

The more water everyone saves, the longer we can stave off the progression to stricter restrictions or emergency measures.

Please provide this information to your contractors and delivery partners to inform them of their obligations.

Dear Applicant

Sydney Water has assessed your application for a Section 73 Compliance Certificate (the Certificate) for the development shown above. Before Sydney Water can issue the Certificate, you must meet all the requirements set out in this notice and summarised in the following document *What You Must Do To Get A Section 73 Certificate*.

You have until 12 June 2021 to meet those requirements and receive the Certificate. If you have not received the Certificate by then you will have to reapply (and pay another application fee) and Sydney Water will issue you with a new notice. We may have extra requirements and charges may change in the new notice.

The Water Servicing Coordinator (Coordinator) will be your point of contact with Sydney Water. They can answer most questions you might have on our developer process and charges.

You can also find out about this process by visiting www.sydneywater.com.au > Plumbing, building & developing > Developing > Land Development. If you want to find out the status of your application, simply select 'Developer Application Progress' and enter your case number (shown above) and email address. A response will be sent automatically to you.

What You Must Do To Get A Section 73 Certificate

Summary

This is a summary of Sydney Water's requirements. The detailed list begins on the next page.

You must do all of the following things:

1. Engage a Water Servicing Coordinator (Coordinator) before you sign the enclosed Agreement.
2. Sign both originals of the enclosed Agreement and give them to the Coordinator. You must do all the things that we ask you to do in that Agreement.
3. After you have signed the Agreement you then need to build the required water and sewer works at your own cost.
4. See Section 4 for any Ancillary Matters
5. Sign the enclosed Undertaking for multi-level individual metering.

Other things you need to do:

At the end of this Notice are some other things that you may need to do. They are NOT a requirement to be met before the Certificate can issue but may well be a requirement in the future because of the impact of your development on our assets. You must read them before you go any further.

DETAILED REQUIREMENTS

1. Water Servicing Coordinator

You must engage your current or another authorised Coordinator to manage the design and construction of works that you must provide, at your cost, to service your development. If you wish to engage another Coordinator (at any point in this process) you must write and tell Sydney Water.

For a list of authorised Coordinators, either visit www.sydneywater.com.au > Plumbing, building & developing > Developing > Providers > Lists or call 13 20 92.

Coordinators will give you a quote or information about costs for services/works, including Sydney Water costs.

2. Developer Works Deed

After you engage a Coordinator, you must engage other Developer Infrastructure Providers (Providers) to carry out, where needed, the design and construction of the works. They must all have the appropriate capability. Your Coordinator can assist you.

You and your Providers will need to enter into an agreement with Sydney Water. To do this you need to sign and lodge both originals of the enclosed Developer Works Deed (Deed) with your nominated Coordinator. You will then need to work with your Coordinator to have the other Providers sign the Deed.

If your Coordinator or Providers are different for any of the asset types then you will need to sign separate Deeds.

Before signing the Deed, each party must also read and understand the conditions of the agreement that are set out in the Developer Works Deed – Schedule 1: Standard Terms document. That document as well as information about it are available at sydneywater.com.au > Plumbing, building & developing > Developing > Developer deeds & standard terms

The Deed and the Standard Terms set out for this development all parties' roles and responsibilities as well as other information.

You must do all the things that we ask you to do in the Deed. This is because your development does not have water and sewer services and you must construct and pay for the following works extensions under this Deed to provide these services.

3. Water and Sewer Works

3.1 Water

Your development must have a frontage to a water main that is the right size and can be used for connection.

Sydney Water has assessed your application and found that:

- You must construct a 200mm water main extension to serve your development in Mason Rd. These works must be constructed by a constructor with the appropriate

capability. Your Coordinator will be able to provide further advice about this.

- These works must be constructed by a constructor with the appropriate capability.

Your Coordinator will be able to provide further advice about this.

- The extension and servicing for this development is upon pending on completion of the proposed leading mains to be constructed by the current neighbouring developers. The WSC will be required to liaise with the neighbouring developers to determine the delivering timing of these works. **WSC to investigate.**

- The sizing of this main is as per Scheme Plan for Box Hill. Due to changes in road patterns with local subdivision, more information can be provided at the design stage.

- You must provide a water service connection and property service (also known as a "property service (main to meter)") at your cost for all lots off the water main construction required above/ the existing water main in and your Coordinator must manage the work. See section below for details.

3.2 Sewer

Your development must have a sewer main that is the right size and can be used for connection. That sewer must also have a connection point within your development's boundaries.

Sydney Water has assessed your application and found that:

You must construct a waste water main extension from either the proposed main to be constructed under Case 166368 and/or from the 300mm PVC sewer main PRO20033808 located within the neighbour property 26-28 mason Rd to serve the proposed subdivision. The terms of the Deed define this extension as 'Major Works'. **WSC to investigate.**

- More information can be provided at the Design stage.
- Please be aware that the Sec 73 Certificate will be pending upon all works is completed and taken over by SW.
 - Your Building Plans are approved prior to temporary pipework and excavation
 - You must construct a waste water main extension to serve your development. The terms of the Deed define this extension as 'Major Works'.
 - Because your development requires adjustment/deviation of a "live" wastewater main

you must work with your Water Service Coordinator to ensure that:

- Your Building Plans are approved prior to temporary pipework and excavation,
- You submit your temporary pipework design (if required) with your permanent wastewater deviation design for approval,
- Accept in writing to bonding conditions that will be provided in the Bond Agreement,
- Submit your Bond and signed Bond Agreement,
- Submit the Construction Commencement Notice for construction of the temporary pipework,
- Have your temporary pipework constructed by a listed provider, and then
- Complete your permanent deviation works

Funding of works

Under Sydney Water's 'Funding of infrastructure to service growth' policy we may agree to contribute towards a portion of the cost of the works you are required to build. This is done either by Sydney Water's Schedule of Rates or via the Procurement process. Your Water Service Coordinator can advise you in relation to this policy, the likelihood of Sydney Water sharing a portion of the cost and the process you need to satisfy Sydney Water's probity requirements.

If you do choose to request a quote through the Schedule of Rates for Sydney Water's contribution you will avoid going through the full procurement process. Your WSC can advise you of this option.

The funding assessment will be made at the detailed design stage, prior to any construction works commencing. A firm commitment would not be made by Sydney Water until we:

- Have reviewed the detailed design and;
- Have reviewed the detailed construction quotations needed to meet our probity requirements and;
- Come to an agreement on the amount.

4. Ancillary Matters

4.1 Flow Management and Isolation of Sydney Water's Asset.

The above works will be constructed with a connection/cut-in to Sydney Water's (wastewater, water and/or stormwater) assets. To see that it complies with Occupational

Health and Safety and Environmental legislation you must talk to your coordinator about the timely submission to Sydney Water of a request for flow management and asset isolation requirements.

4.2 Asset Adjustments

After Sydney Water issues this Notice (and more detailed designs are available), Sydney Water may require that the water main/sewer main/stormwater located in the footway/your property be adjusted/deviated. If this happens, you will need to do this work as well as the extension we have detailed above at your cost. The work must meet the conditions of this Notice and you will need to complete it before we can issue the Certificate. Sydney Water will need to see the completed designs for the work and we will require you to lodge a security. The security will be refunded once the work is completed.

4.3 Entry onto neighbouring property

If you need to enter a neighbouring property, you must have the written permission of the relevant property owners and tenants. You must use Sydney Water's Permission to Enter form(s) for this. You can get copies of these forms from your Coordinator or the Sydney Water website. Your Coordinator can also negotiate on your behalf. Please make sure that you address all the items on the form(s) including payment of compensation and whether there are other ways of designing and constructing that could avoid or reduce their impacts. You will be responsible for all costs of mediation involved in resolving any disputes. Please allow enough time for entry issues to be resolved.

4.4 Costs

Construction of these works will require you to pay project management, survey, design and construction costs directly to your suppliers. Additional costs payable to Sydney Water may include:

- design and construction audit fees;
- contract administration, Operations Area Charge & Customer Redress prior to project finalisation; and
- creation or alteration of easements etc.

Note: Payment for any Goods and Services (including Customer Redress) provided by Sydney Water will be required prior to the issue of the Section 73 Certificate or release of the Bank Guarantee or Cash Bond.

Your Coordinator can tell you about these costs.

5. Special Requirements

The Final Development Consent

This application is based on the development and consent shown on Page 1. You must give us the final Development Consent before we issue the Certificate so we can make sure that the development is the same.

If the development is the same and all the requirements of this Notice have been met, we will

issue the Certificate. If the development is NOT the same you must reapply (and pay another application fee) and we will issue another Notice. The requirements and charges may change in that Notice.

Multi-level individual metering requirements

Your development must either allow for or provide individual metering. This means that you must:

1. comply at all times and in all respects with the requirements of Sydney Water's *Multi-level Individual Metering Guide* (version 6 dated 1 July 2015);
2. provide and install plumbing and space for individual metering in accordance with Sydney Water's *"Multi-level Individual Metering Guide"*;
3. if and when you implement a strata/ stratum plan (or strata/ stratum subdivide) you must:
 - a. engage an Accredited Metering Supplier ("AMS") to provide individual metering in accordance with the *"Multi-level Individual Metering Guide"* and meet the cost of the meters and metering system;
 - b. transfer the meters and metering system to Sydney Water once the Testing Certificate has been issued by Sydney Water to the AMS and the AMS has confirmed that payment for the meters and metering system has been paid in full.

Before the Section 73 Certificate can be issued, you must sign the attached undertaking to show that you understand and accept these metering requirements and associated costs.

Visit www.sydneywater.com.au > Plumbing, Building & Developing > Plumbing > Meters & metered standpipes to see the *Multi-level individual metering guide* and find out more.

OTHER THINGS YOU NEED TO DO:

Shown below are other things you need to do that are NOT a requirement for the Certificate. They may well be a requirement of Sydney Water in the future because of the impact of your development on our assets. You must read them before you go any further.

Approval of your building plans

Please note that the building plans must be approved when each lot is developed. This can be done at Sydney Water Tap in™. Visit www.sydneywater.com.au > Plumbing, building & developing > Building > Sydney Water Tap in™.

This is not a requirement for the Certificate but the approval is needed because the construction/building works may affect Sydney Water's assets (e.g. water, sewer and stormwater mains).

Where a Sydney Water stormwater channel, pipe or culvert is located within ten (10) metres of your development site it must be referred to Sydney Water for further assessment.

Your Coordinator can tell you about the approval process including:

- Possible requirements;
- Costs; and
- Timeframes.

Note: You must obtain our written approval before you do any work on Sydney Water's systems. Sydney Water will take action to have work stopped on the site if you do not have that approval. We will apply Section 44 of the *Sydney Water Act 1994*.

Backflow Prevention Water supply connections

A backflow prevention containment device appropriate to the property's hazard rating must be installed at the property boundary. The device is to be installed on all water supplies entering the property, regardless of the supply type or metering arrangements. It is needed to reduce the risk of contamination by backflow from these supplies.

A licensed plumber with backflow accreditation can advise you of the correct requirements for your property. To view a copy of Sydney Water's Backflow Prevention Policy and a list of backflow accredited plumbers visit www.sydneywater.com.au > Plumbing, building & developing > Plumbing > Backflow prevention.

The water service for your development

Sydney Water does not consider whether the existing water main(s) talked about above is adequate for fire fighting purposes for your development. We cannot guarantee that this water supply will meet your Council's fire fighting requirements. The Council and your hydraulic consultant can help.

You must make sure that each dwelling/lot has its own 20mm meter.

When access to the water supply is required, the property owner or agent must apply to Sydney Water online. Sydney Water must install a water meter before any water is used. It is illegal for anyone other than a Sydney Water employee to remove the locking mechanism on the water meter.

The online application can be found by visiting our website www.sydneywater.com.au > Plumbing, building & developing > Plumbing > Connections & disconnections. The applicant will need to have the:

1. Account (Property) Number which can be obtained from the Coordinator; and
2. Serial Number which can be found on the metal tag on your property service.

You can find more information by using the "Ask Sydney Water" section of our website.

Fire Fighting

Definition of fire fighting systems is the responsibility of the developer and is not part of the Section 73 process. It is recommended that a consultant should advise the developer regarding the fire fighting flow of the development and the ability of Sydney Water's system to provide that flow in an emergency. Sydney Water's Operating Licence directs that Sydney Water's mains are only required to provide domestic supply at a minimum pressure of 15 m head.

Disused Water Service Sealing

You must pay to disconnect all disused private water services and seal them at the point of connection to a Sydney Water water main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed plumber. The licensed plumber must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Disused Sewerage Service Sealing

Please do not forget that you must pay to disconnect all disused private sewerage services and seal them at the point of connection to a Sydney Water sewer main. This work must meet Sydney Water's standards in the Plumbing Code of Australia (the Code) and be done by a licensed drainer. The licensed drainer must arrange for an inspection of the work by a NSW Fair Trading Plumbing Inspection Assurance Services (PIAS) officer. After that officer has looked at the work, the drainer can issue the Certificate of Compliance. The Code requires this.

Soffit Requirements

Please be aware that floor levels must be able to meet Sydney Water's soffit requirements for property connection and drainage.

Other fees and requirements

The requirements in this Notice relate to your Certificate application only. Sydney Water may be involved with other aspects of your development and there may be other fees or requirements. These include:

- plumbing and drainage inspection costs;
- the installation of backflow prevention devices; and
- council fire fighting requirements. (It will help you to know what the fire fighting requirements are for your development as soon as possible. Your hydraulic consultant can help you here.)

END OF NOTICE

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Land Zoning Map
4. Height of Buildings Map
5. Minimum Residential Density Map
6. Floor Space Ratio Map
7. Indicative Layout Plan (Box Hill DCP) and Approved Cadastre
8. Road Reserve Zoned adjacent to subject site
9. Proposed Plan of Subdivision
10. RFB Site Plan
11. RFB Architectural Plans
12. RFB Landscape Plans
13. Townhouse A Site Plan
14. Townhouse A Architectural Plans
15. Townhouse B Site Plan
16. Townhouse B Architectural Plans
17. Townhouse A and B Landscape Plans
18. Clause 4.6 Variation Request

<< Insert ALL attachments below the section break >>