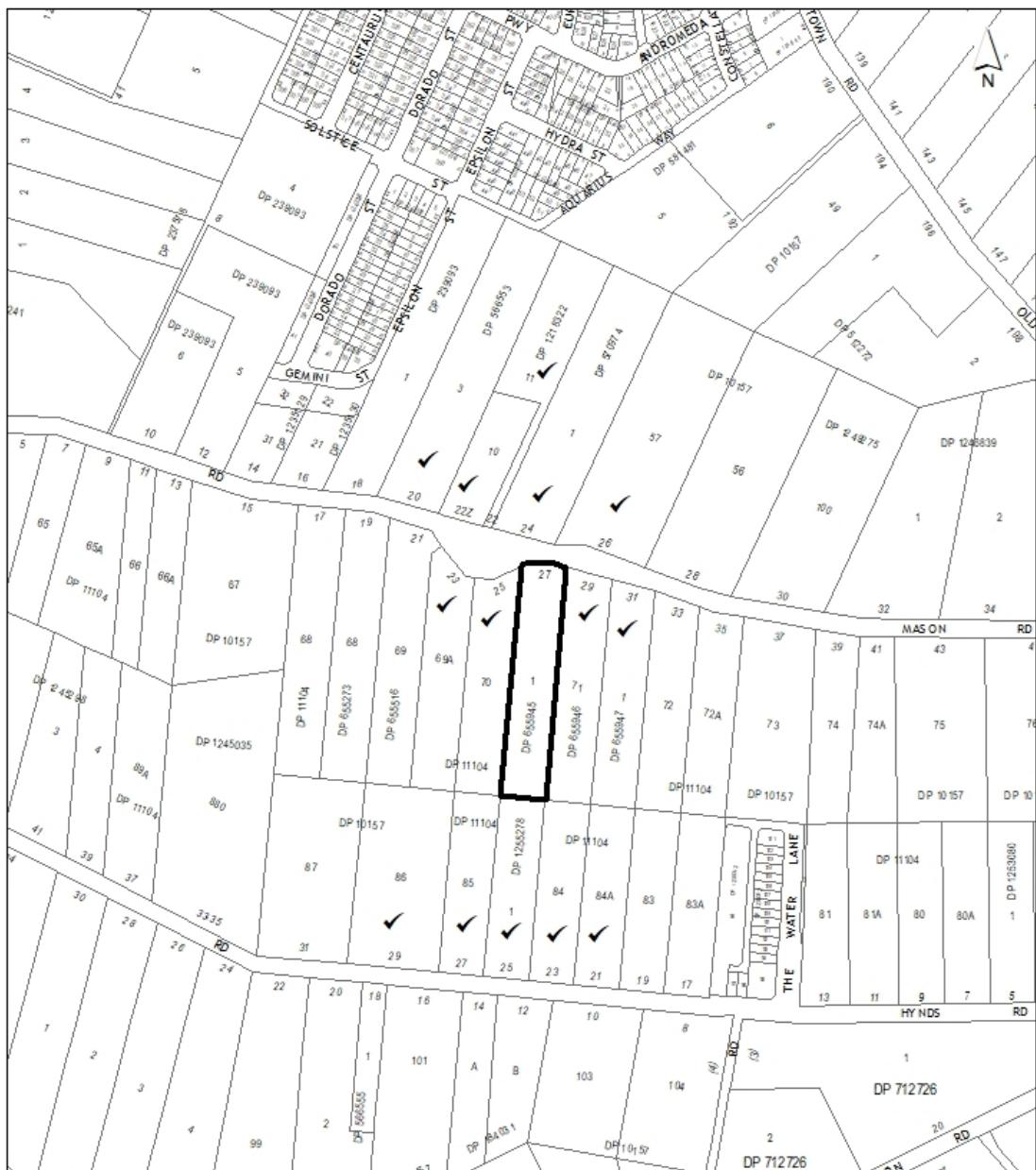


## **ATTACHMENT 1 – LOCALITY PLAN**



SUBJECT SITE

**PROPERTIES NOTIFIED**

✓ (SAME PROPERTIES ADVISED  
IN 1ST & 2ND NOTIFICATION PERIOD)

## THE HILLS SHIRE COUNCIL

# THE HILLS

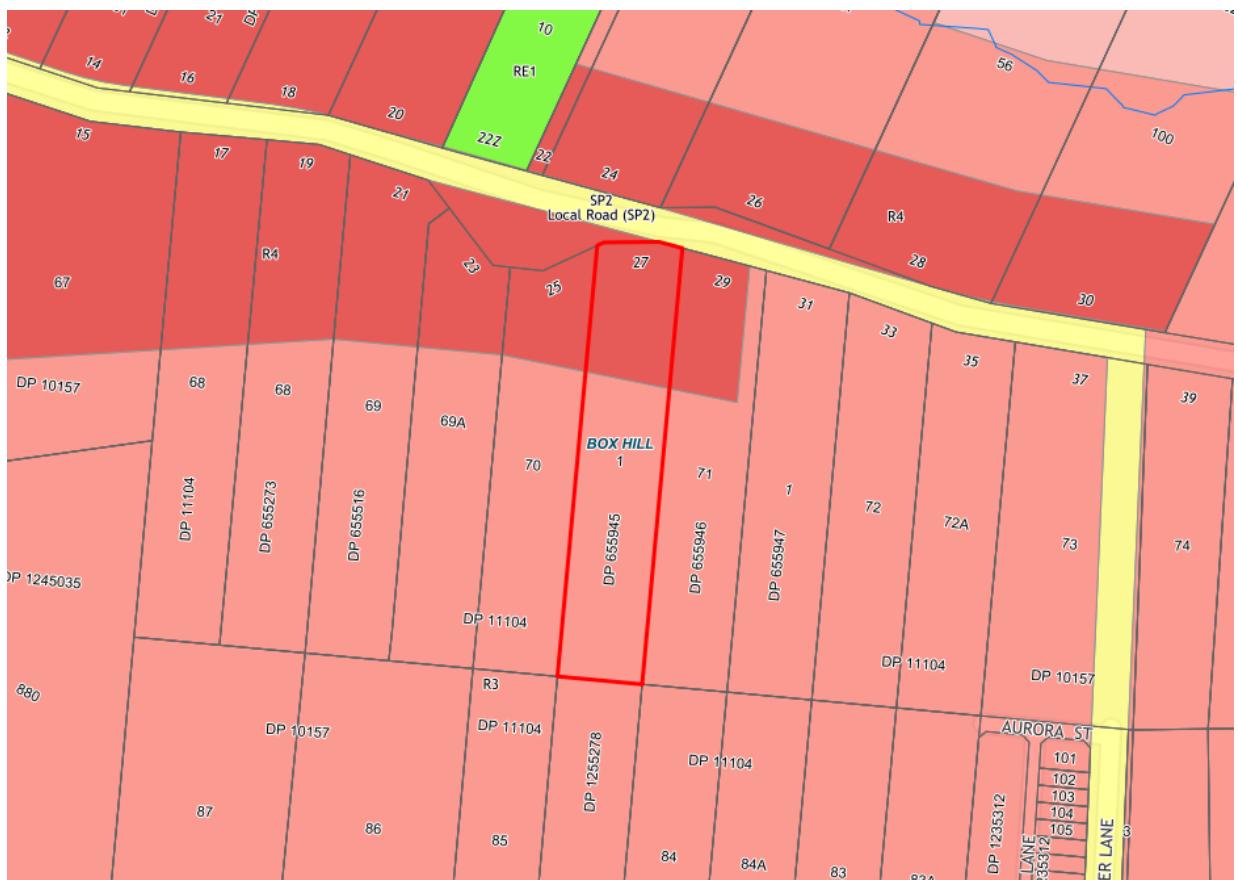
Sydney's Garden Shire

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BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

**ATTACHMENT 2 – AERIAL PHOTOGRAPH**

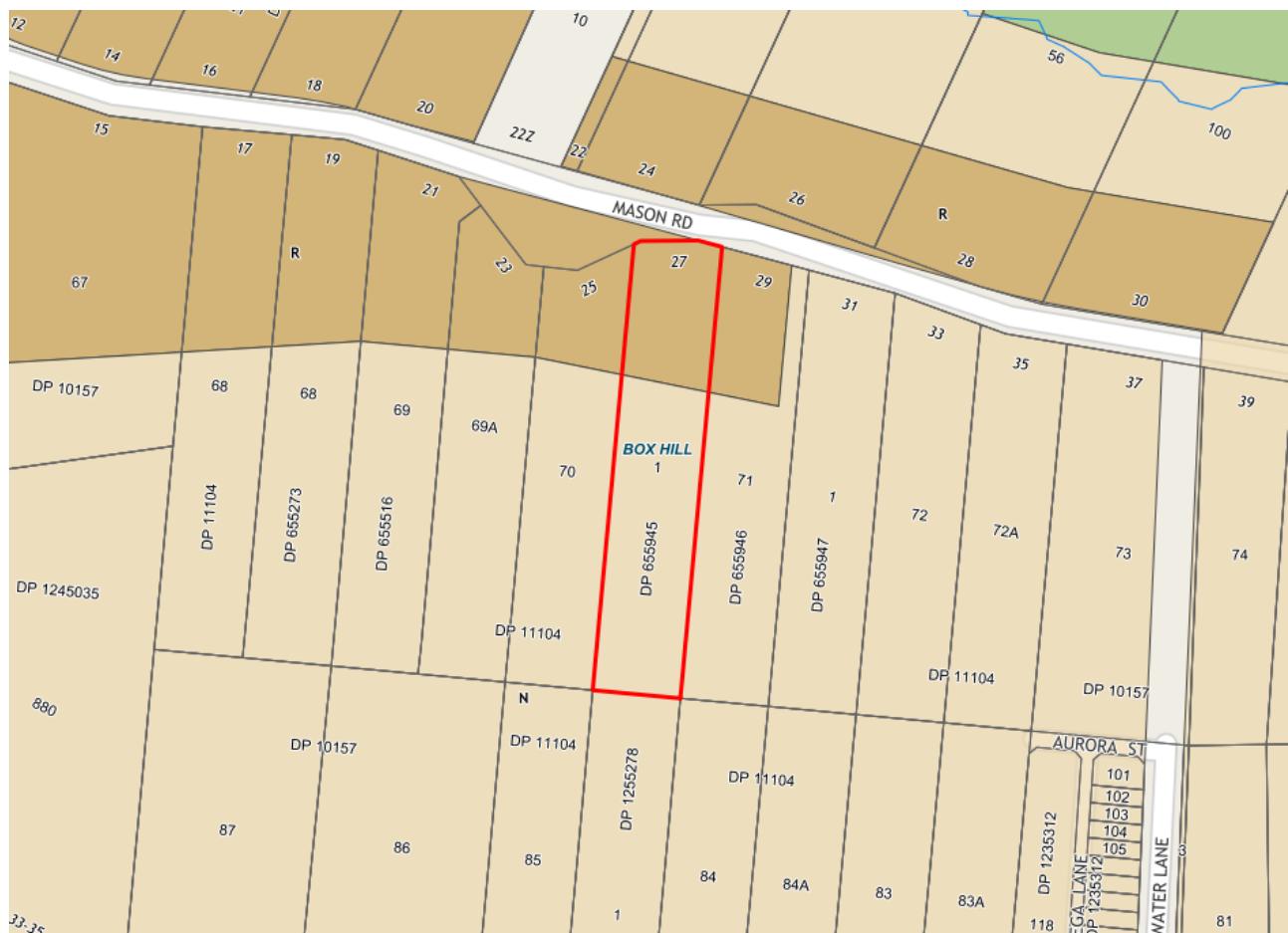


### **ATTACHMENT 3 – LAND ZONING MAP**



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

## **ATTACHMENT 4 – HEIGHT OF BUILDINGS MAP**



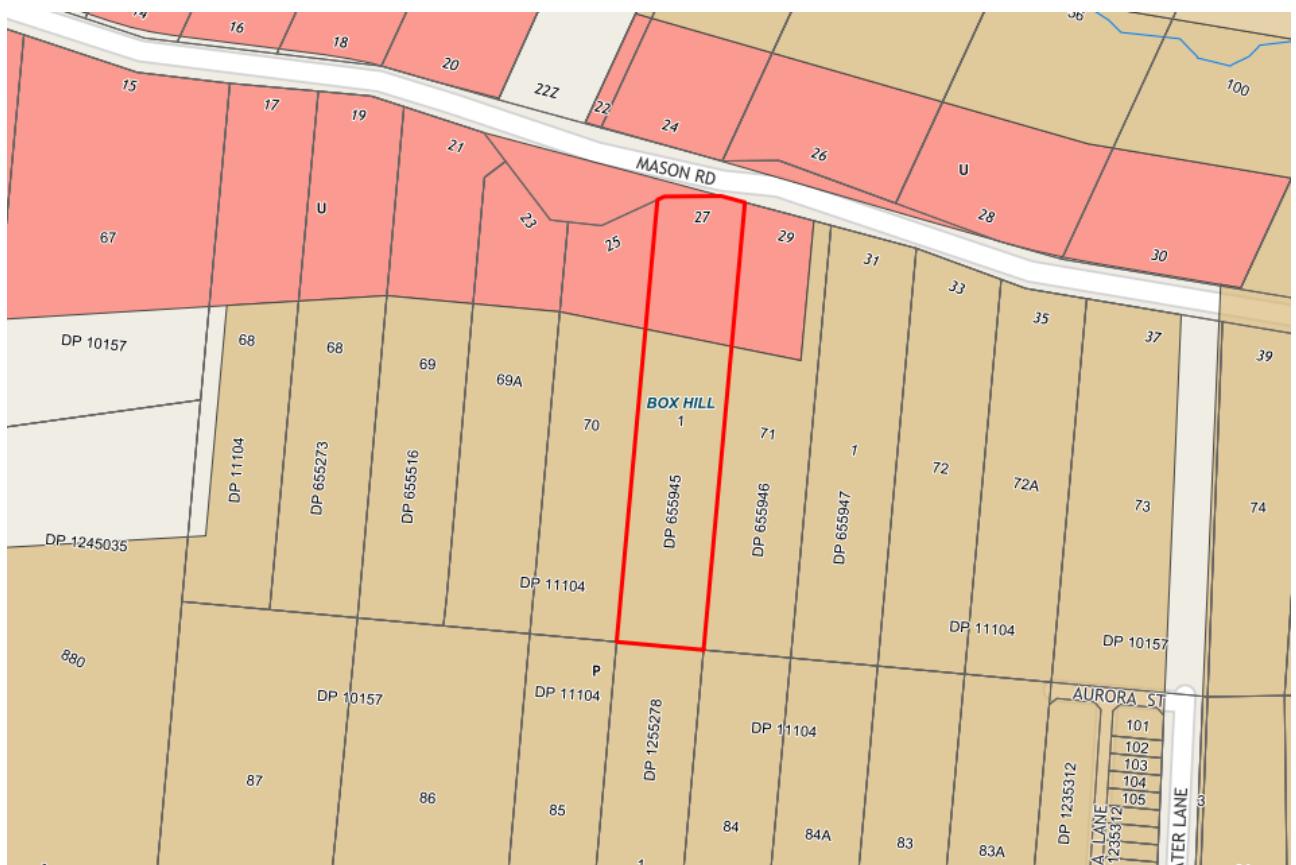
SEPP Box Hill

 Box Hill Precinct Boundary

### Height of Buildings (HOB)

	I	8.5
	K	10
	N	14
	O	16
	P	18
	R	21
	S	24

## ATTACHMENT 5 – MINIMUM RESIDENTIAL DENSITY MAP



SEPP Box Hill

Box Hill Precinct Boundary

Residential Density (RDN)

C 5

G 7

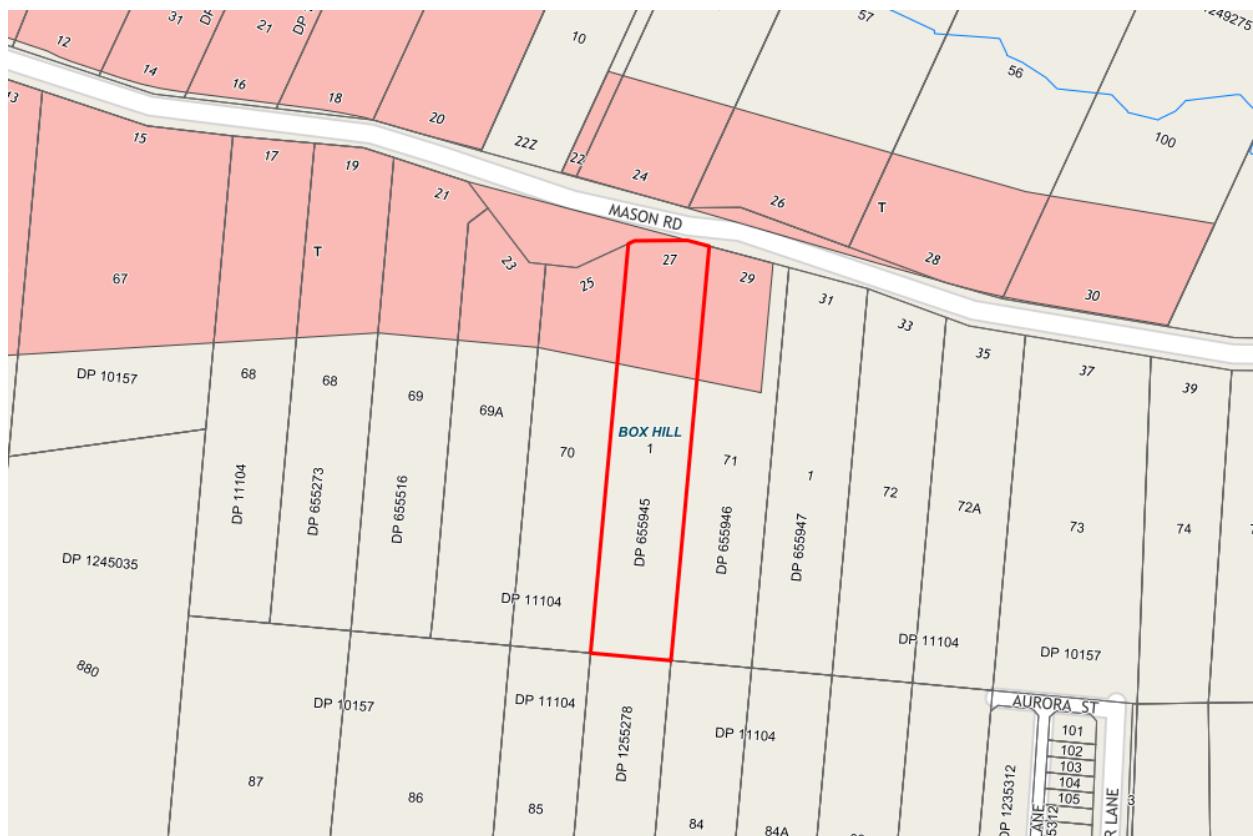
O1 15

P 18

Q 20

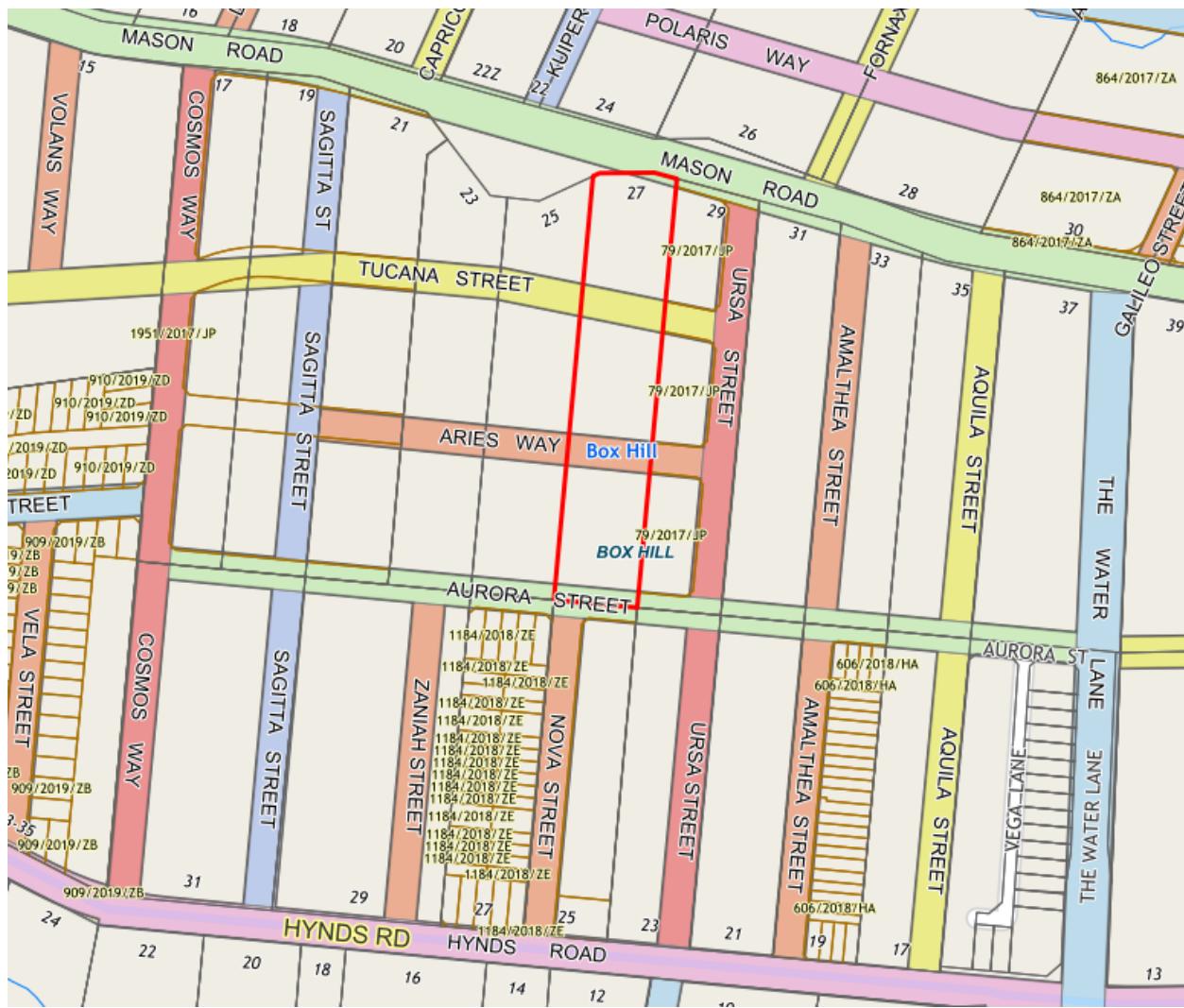
U 30

## ATTACHMENT 6 – FLOOR SPACE RATIO MAP



- SEPP Box Hill
- Box Hill Precinct Boundary
- Floor Space Ratio (FSR)
- FSR
  - A Refer to Appendix 11, Clause 4.4.1
  - B Refer to Appendix 11, Clause 4.4.1
  - C Refer to Appendix 11, Clause 4.4.1
- FSR - Maximum Floor Space Ratio (n:1)
  - D 0.5
  - H 0.7
  - N 1.0
  - P 1.25
  - T 2.0

**ATTACHMENT 7 -INDICATIVE LAYOUT PLAN AND APPROVED CADASTRE  
(BOX HILL DCP)**



Proposed Cadastre

AZ Proposed Road Names

DA - Parcels

SC - Parcels

Current

Proposed

Proposed Road Name Section

0

1

2

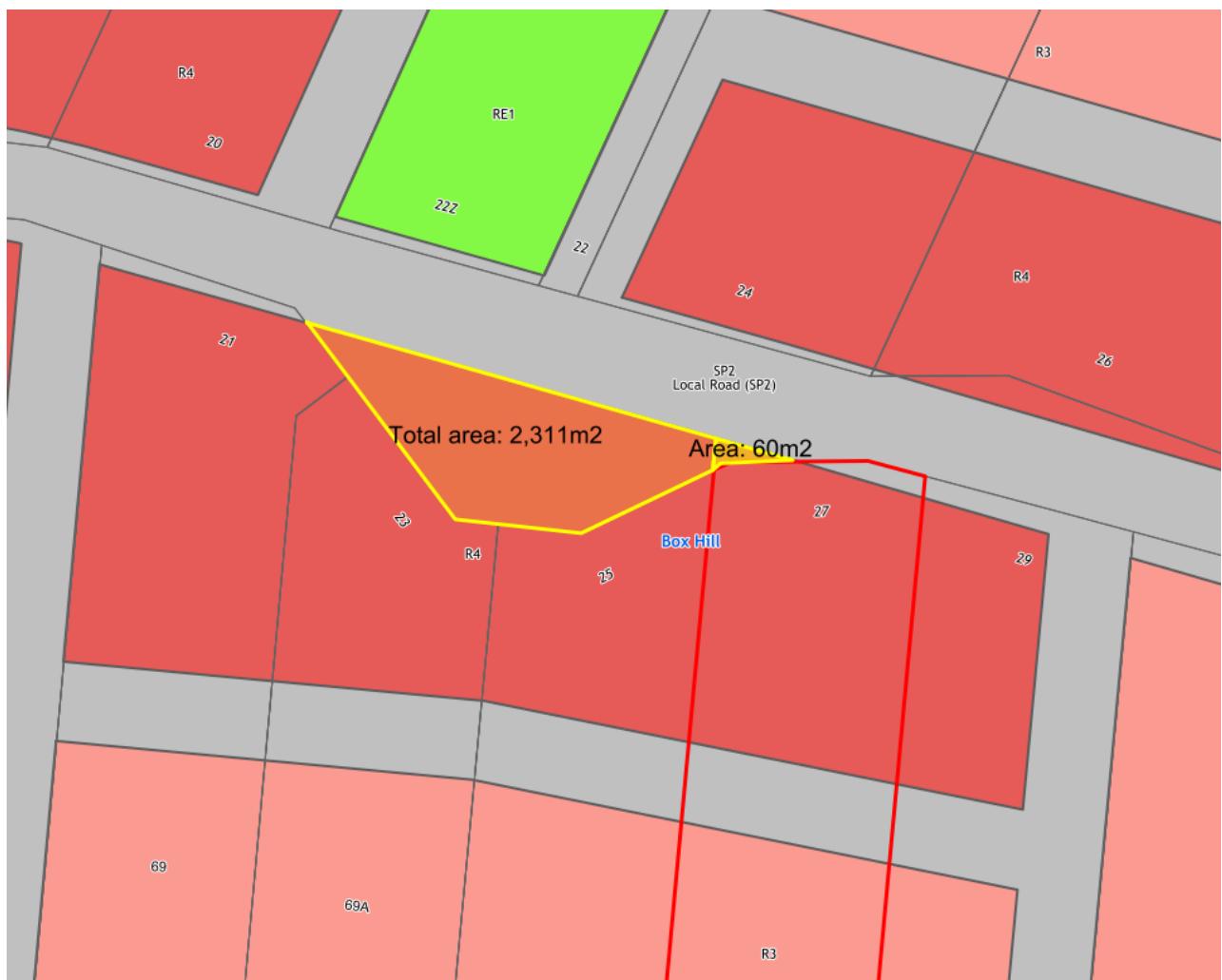
3

4

5

6

## ATTACHMENT 8 – ROAD RESERVE ADJACENT TO SUBJECT SITE (R4 ZONE)



SEPP Box Hill

Box Hill Precinct Boundary

Land Zoning (LZN)

B2 Local Centre

B6 Enterprise Corridor

B7 Business Park

E2 Environmental Conservation

IN2 Light Industrial

R1 General Residential

R2 Low Density Residential

R3 Medium Density Residential

R4 High Density Residential

RE1 Public Recreation

RE2 Private Recreation

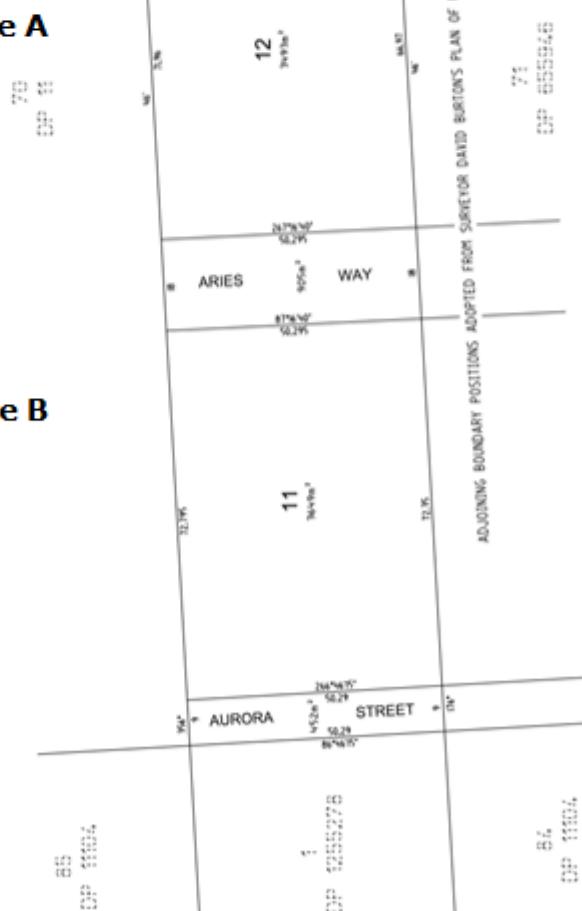
SP2 Infrastructure

DCP Proposed Roads

## ATTACHMENT 9 – PROPOSED PLAN OF SUBDIVISION



### Residential Flat Building Site

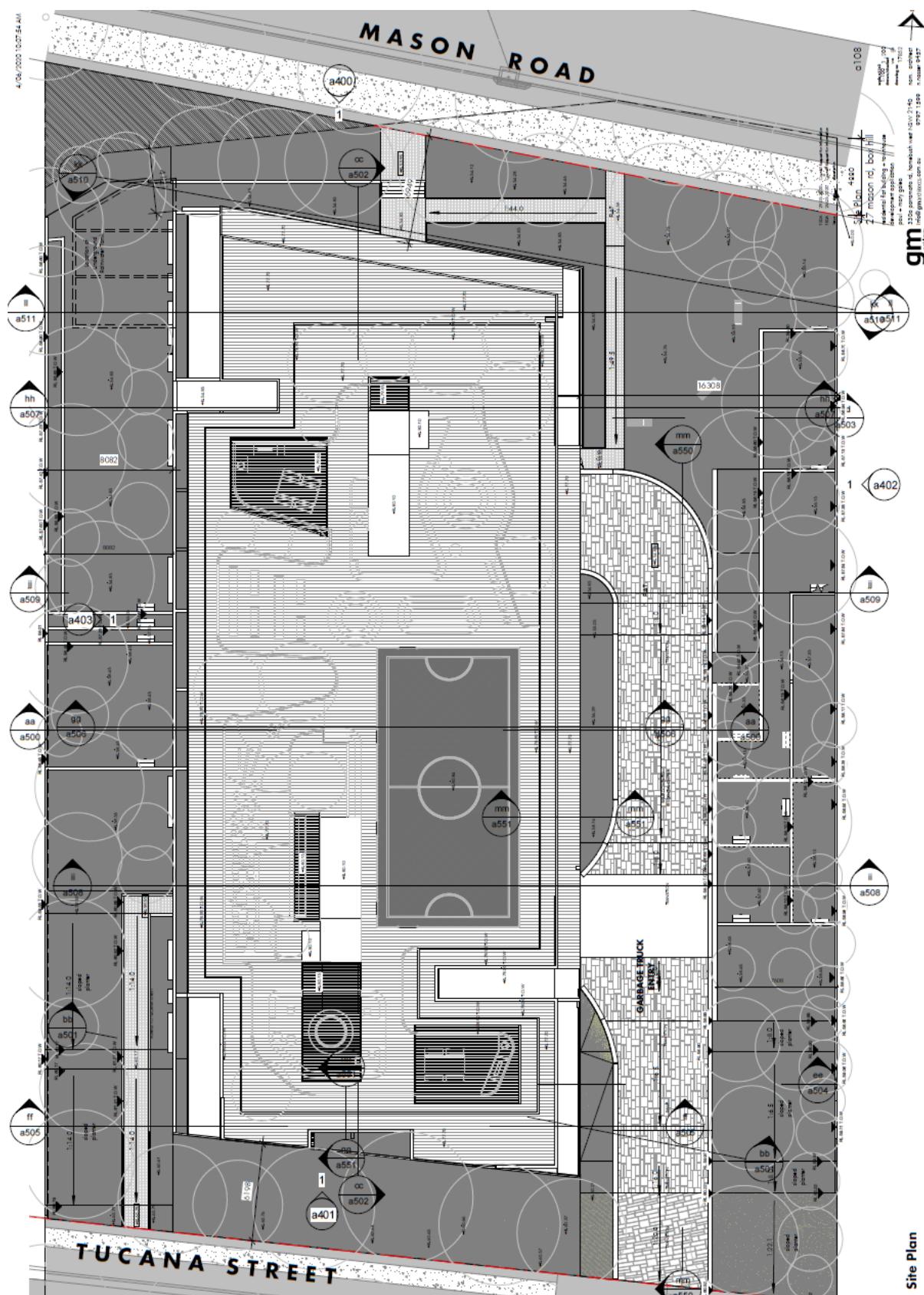


NOTE:  
 • AURORA STREET, ARIES WAY, TUCANA WAY AND THE PROPOSED ROAD WIDENING  
 ARE TO BE DEDICATED TO THE PUBLIC AS PUBLIC ROAD (AT NO COST TO COUNCIL)

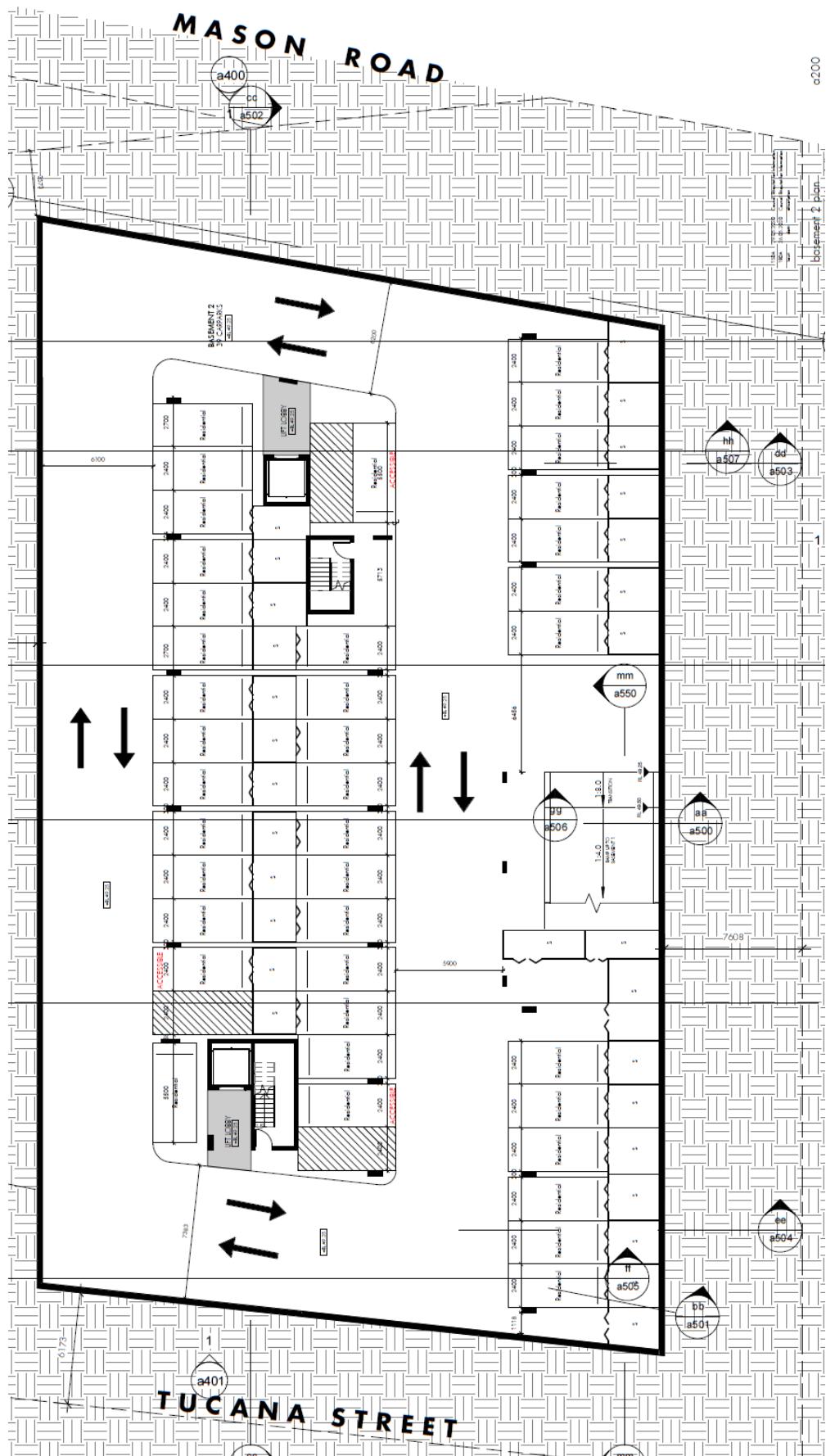
### Town House Site A

### Town House Site B

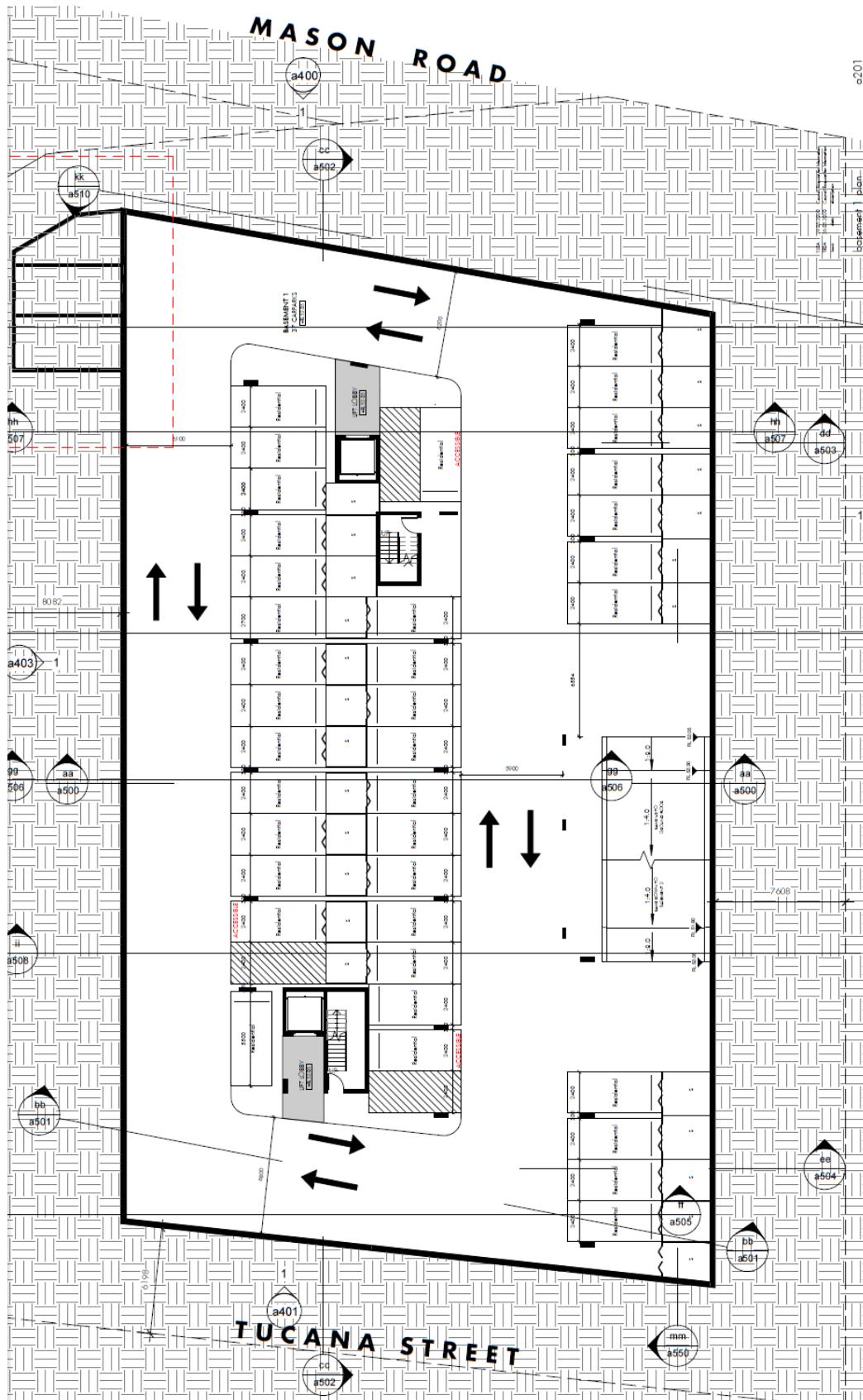
## ATTACHMENT 10 – RFB SITE PLAN



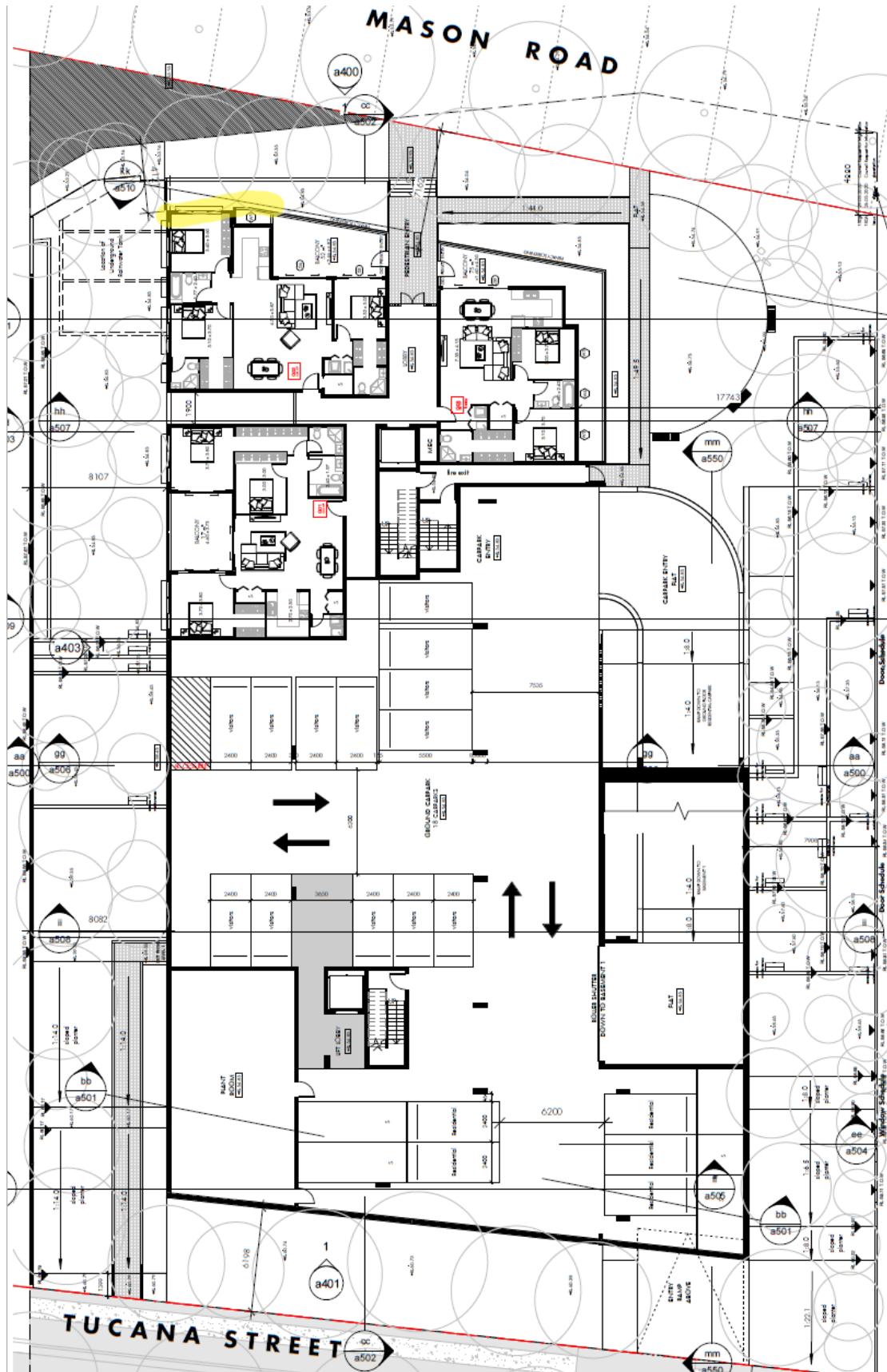
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB BASEMENT 2**



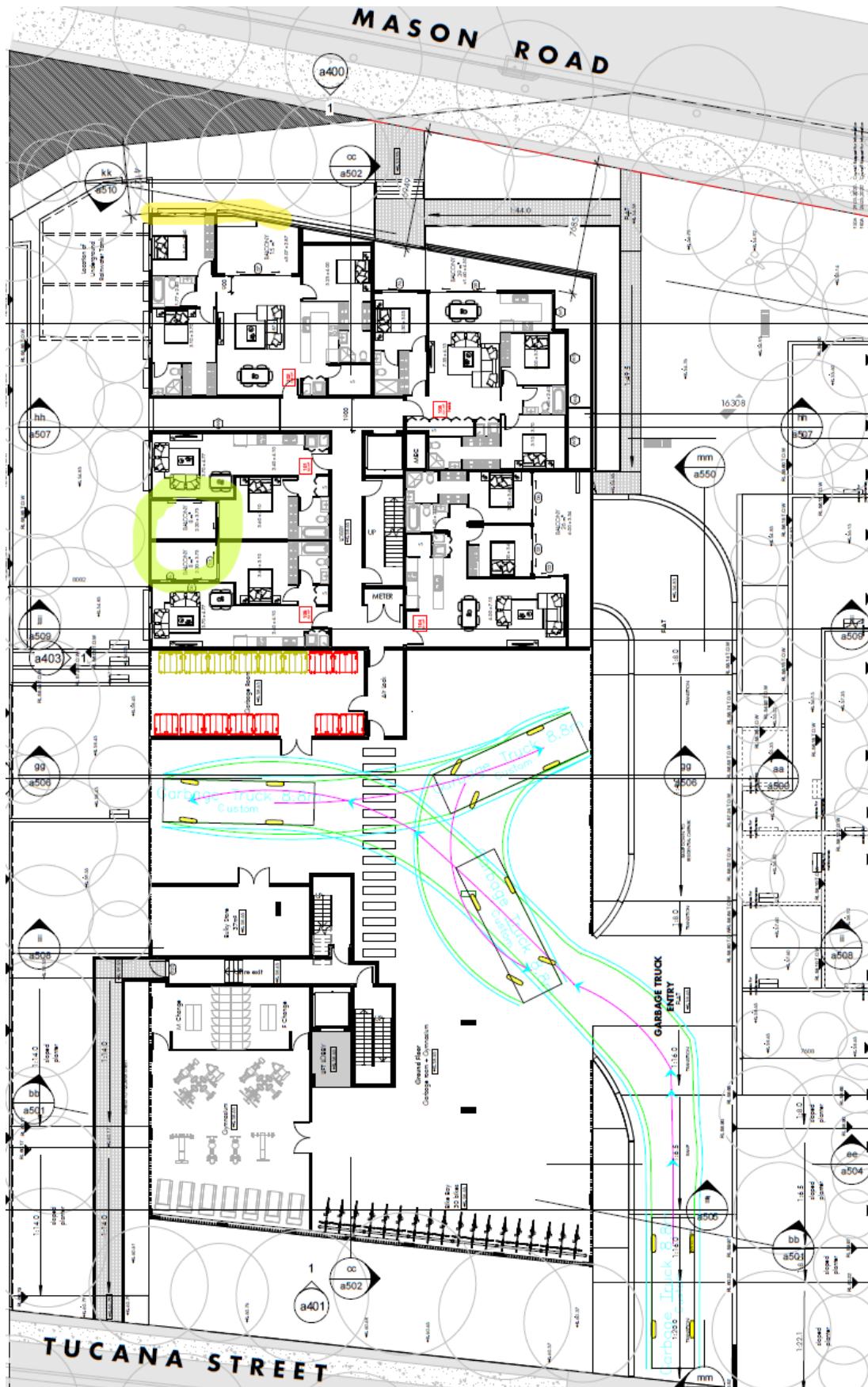
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB BASEMENT 1**



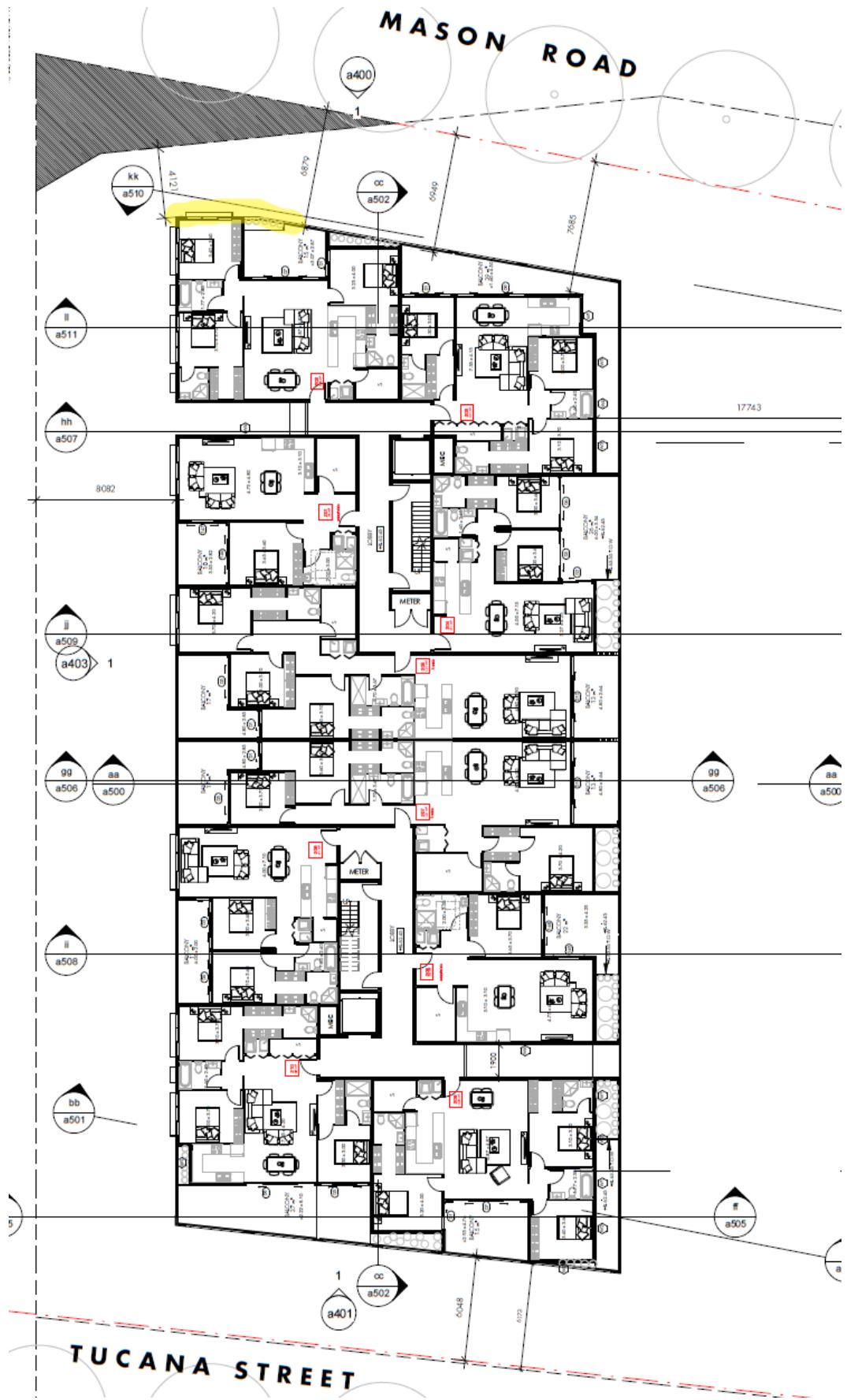
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB GROUND FLOOR**



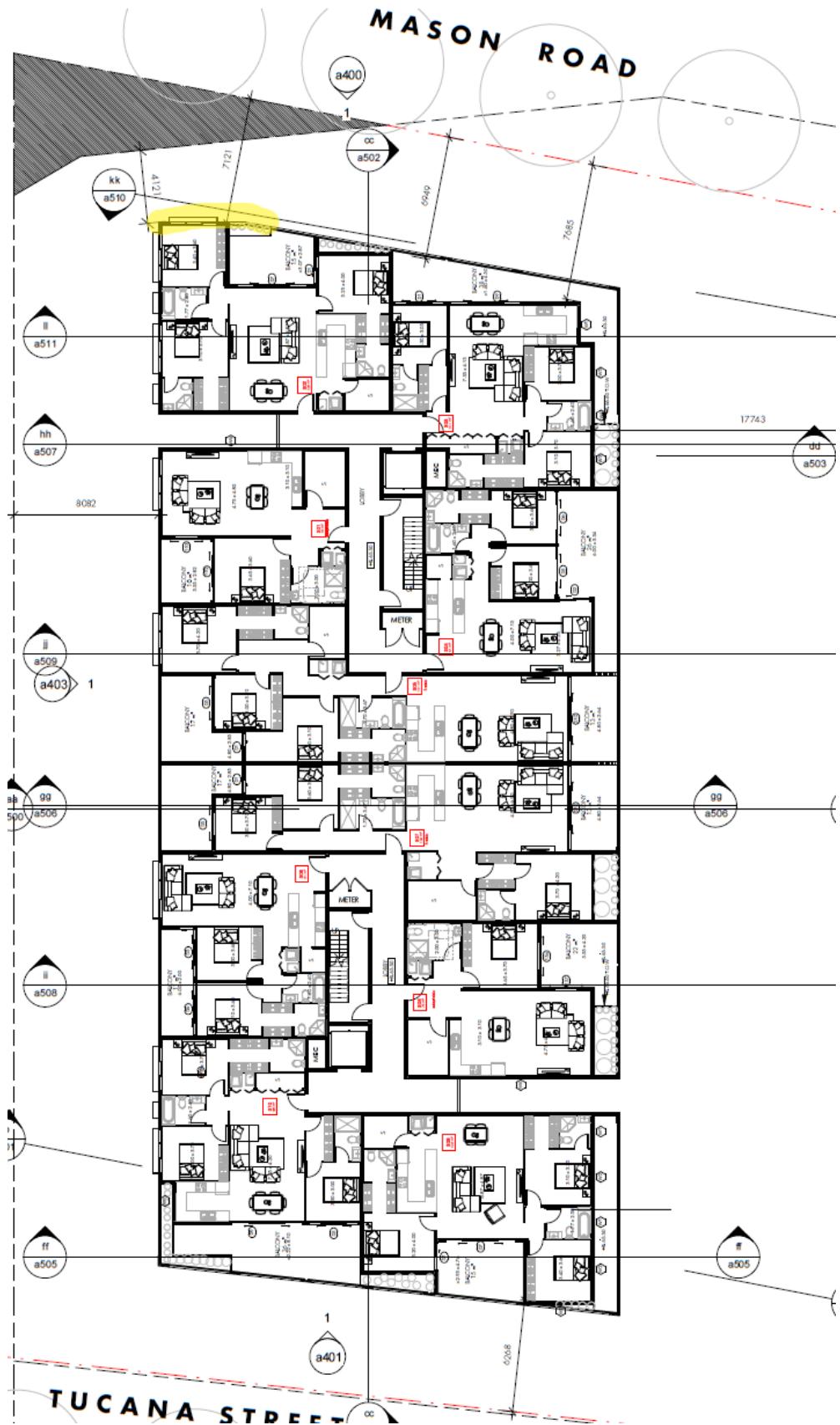
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB LEVEL 1**



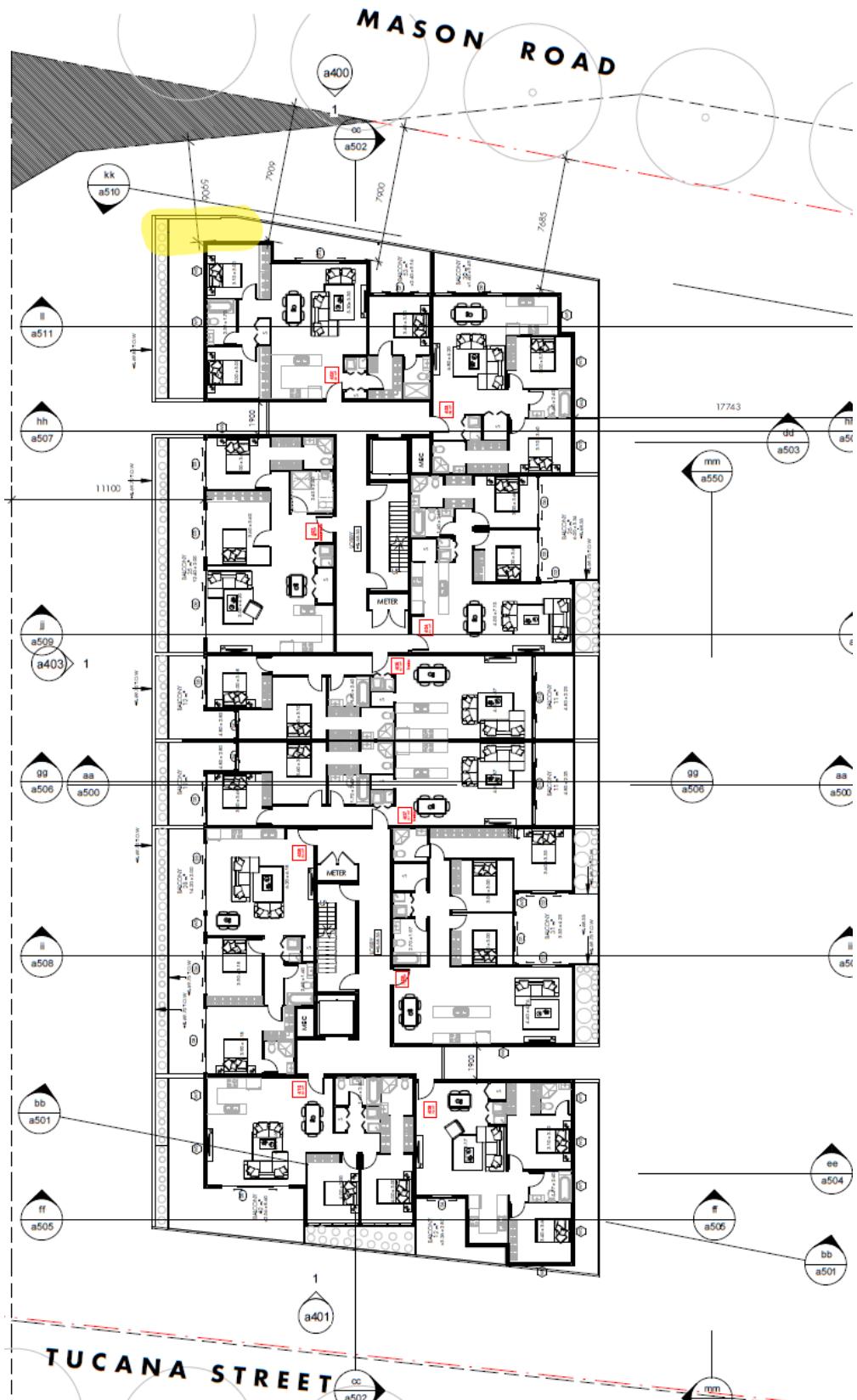
**ATTACHMENT 11 – RFB ARCHITECTURAL PLANS  
RFB LEVEL 2**



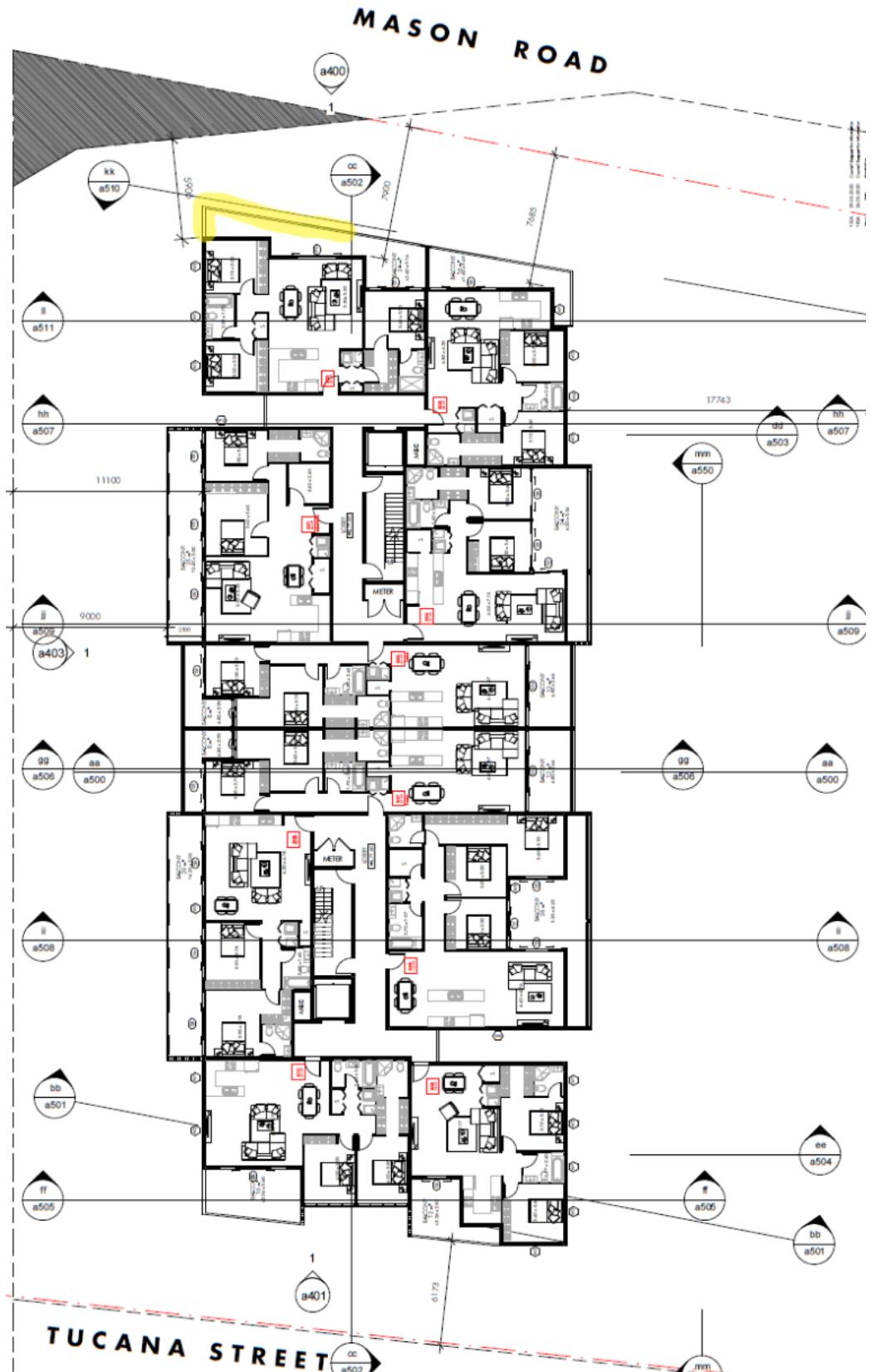
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB LEVEL 3**



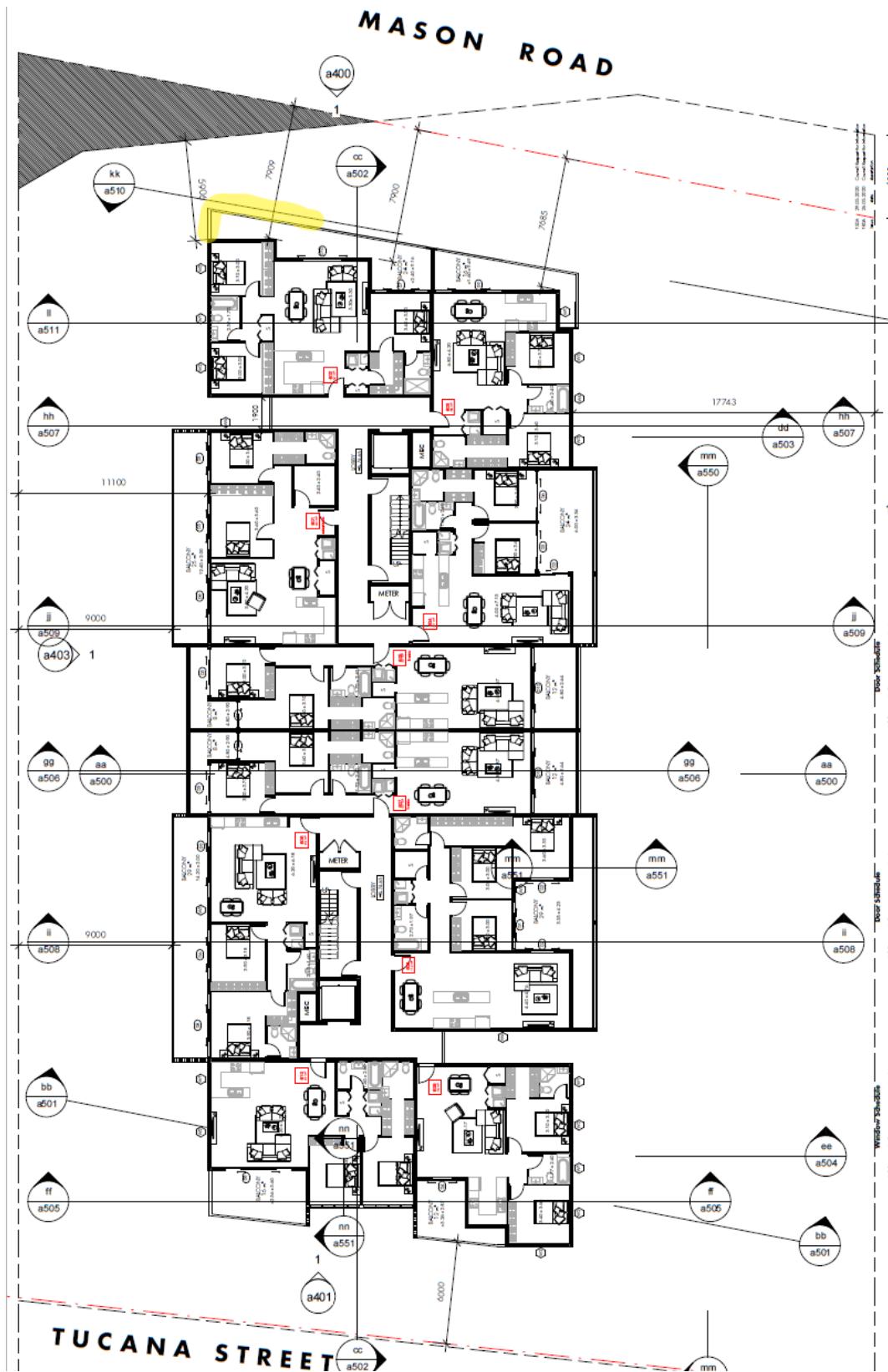
**ATTACHMENT 11 – RFB ARCHITECTURAL PLANS**  
**RFB LEVEL 4**



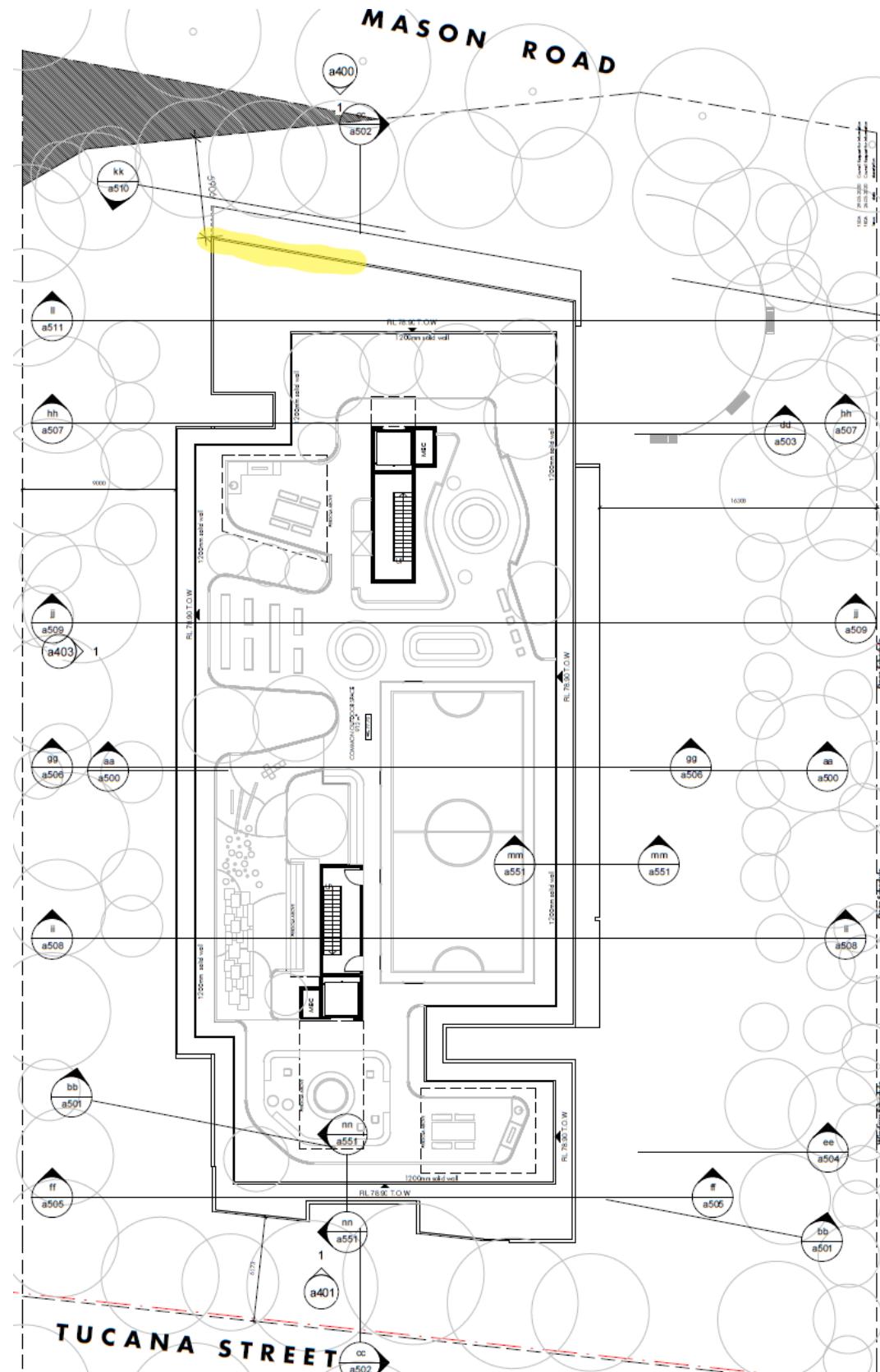
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB LEVEL 5**



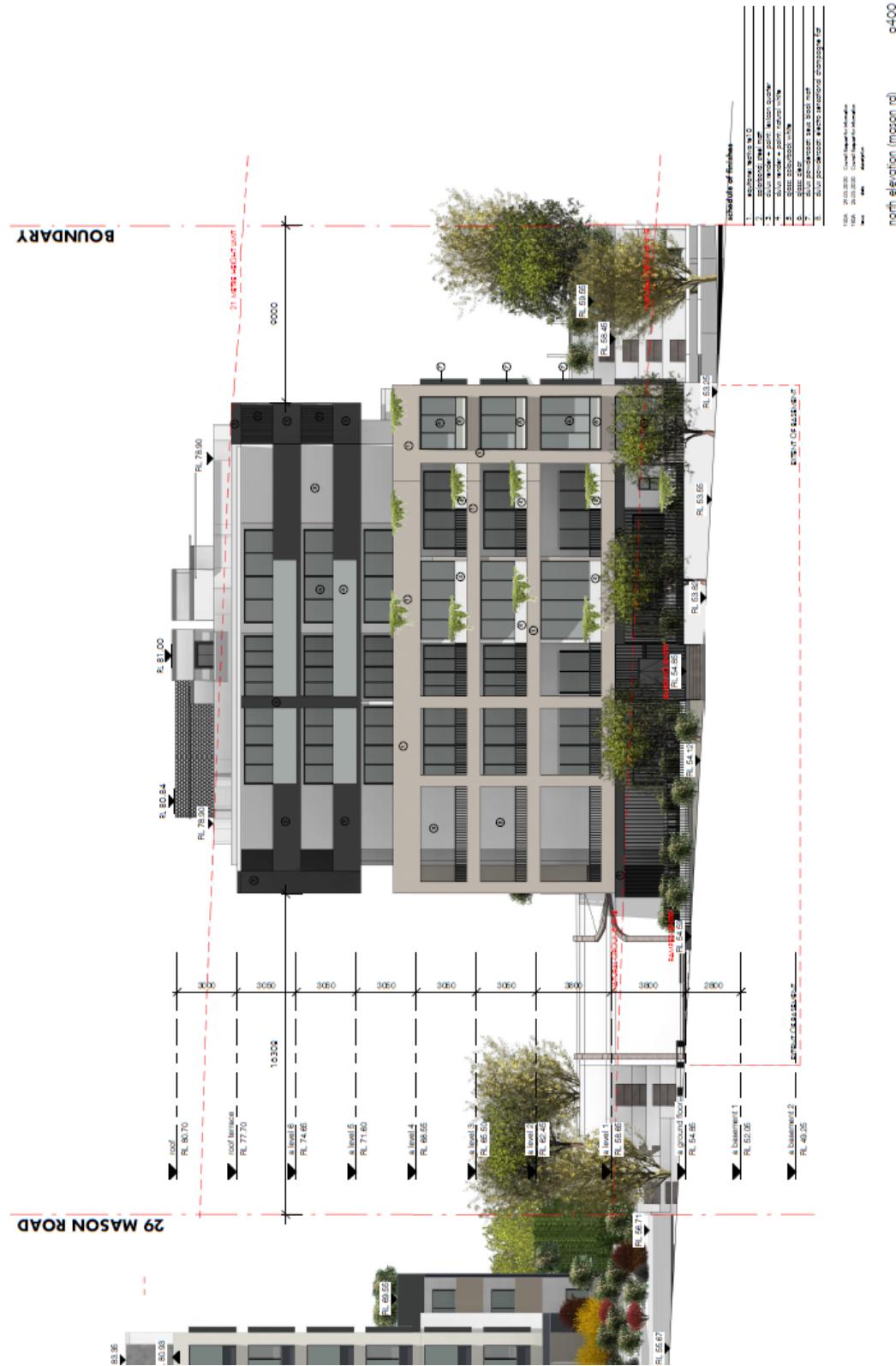
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS RFB LEVEL 6**



**ATTACHMENT 11 – RFB ARCHITECTURAL PLANS  
RFB ROOF / COMMON OPEN SPACE**



**ATTACHMENT 11 – RFB ARCHITECTURAL PLANS  
NORTH ELEVATION (MASON ROAD)**



## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS SOUTH ELEVATION (TUCANA STREET)**



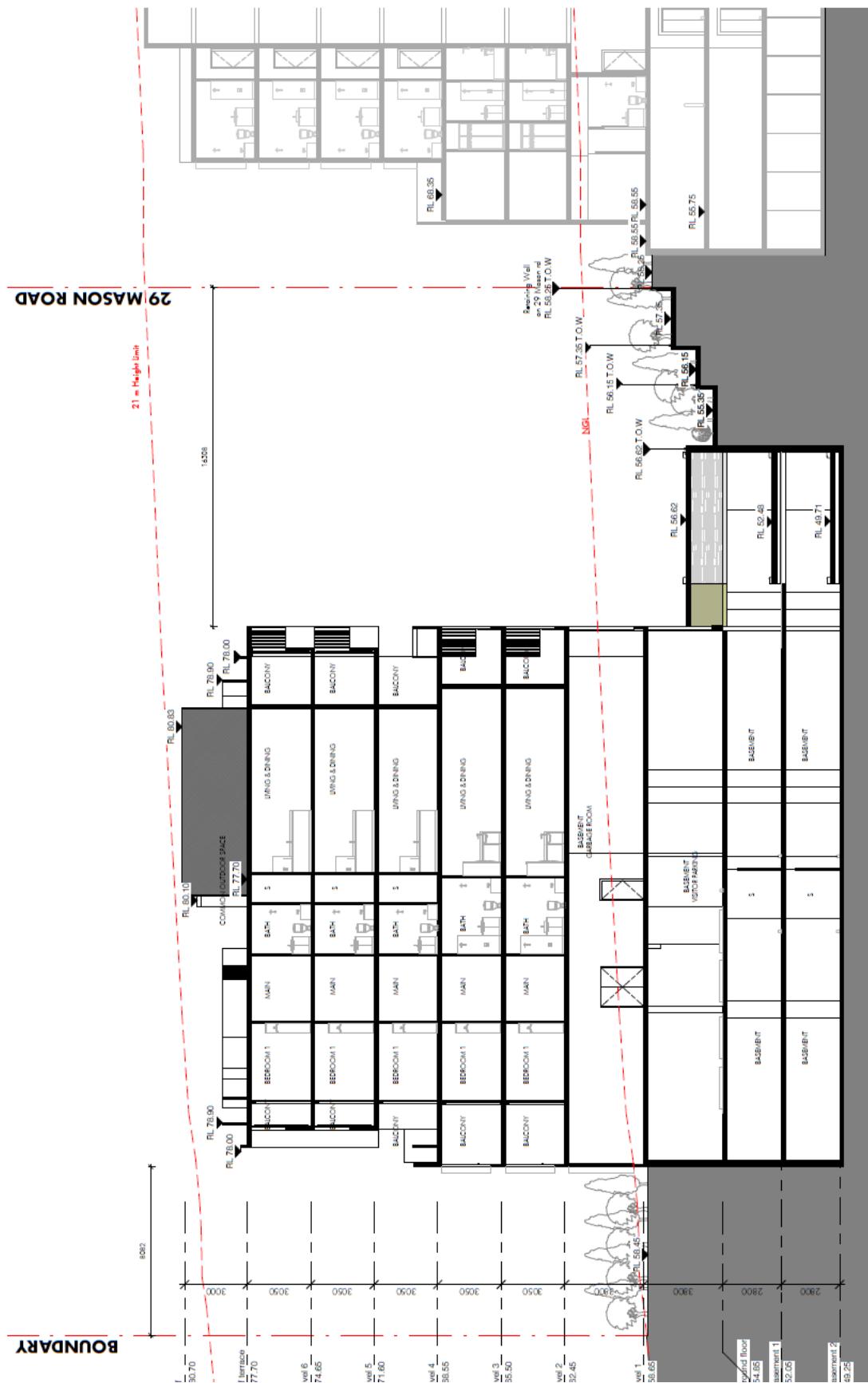
## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS EAST ELEVATION**



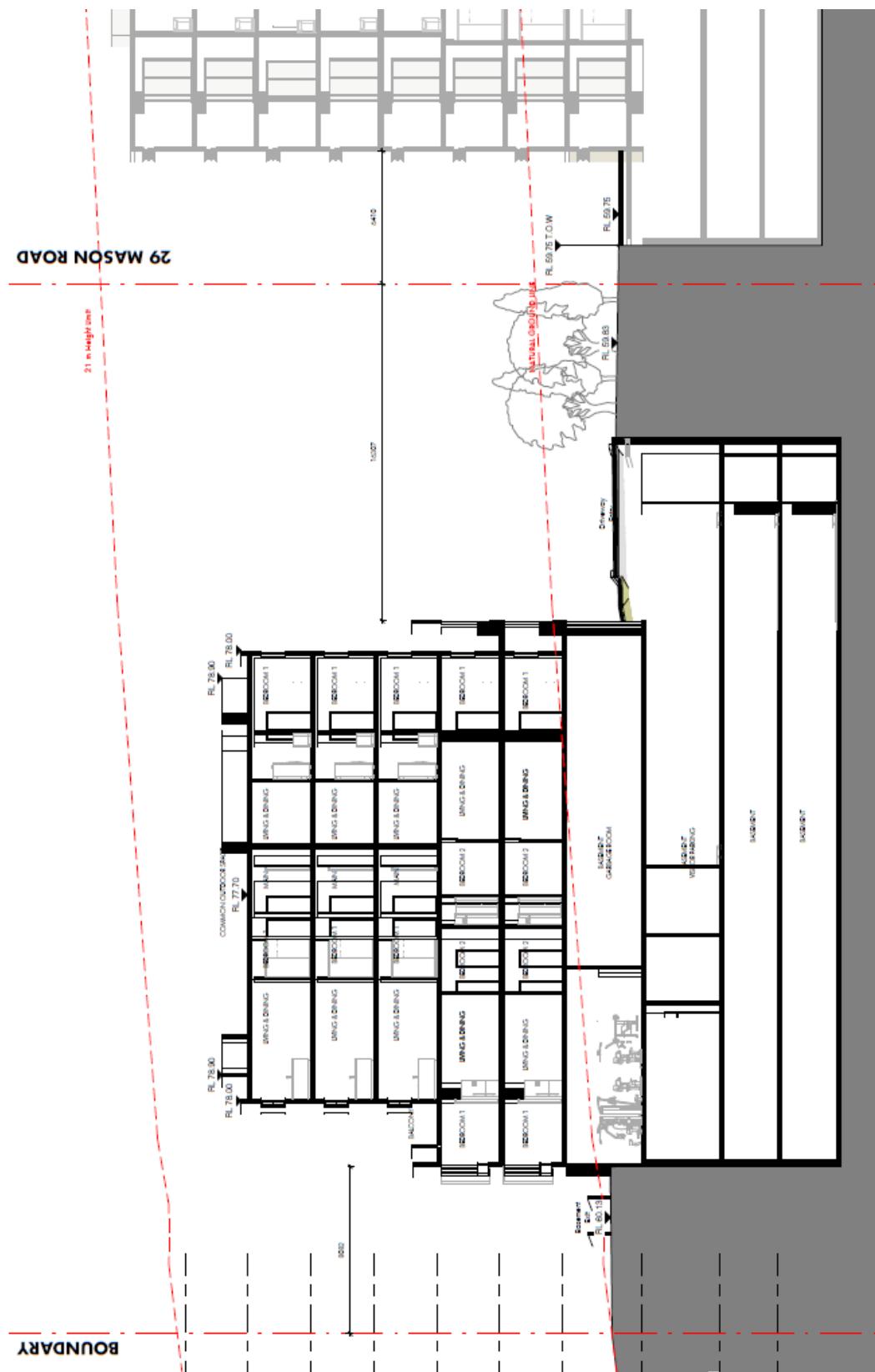
**ATTACHMENT 11 – RFB ARCHITECTURAL PLANS  
WEST ELEVATION**



## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS EAST/WEST SECTION AA**

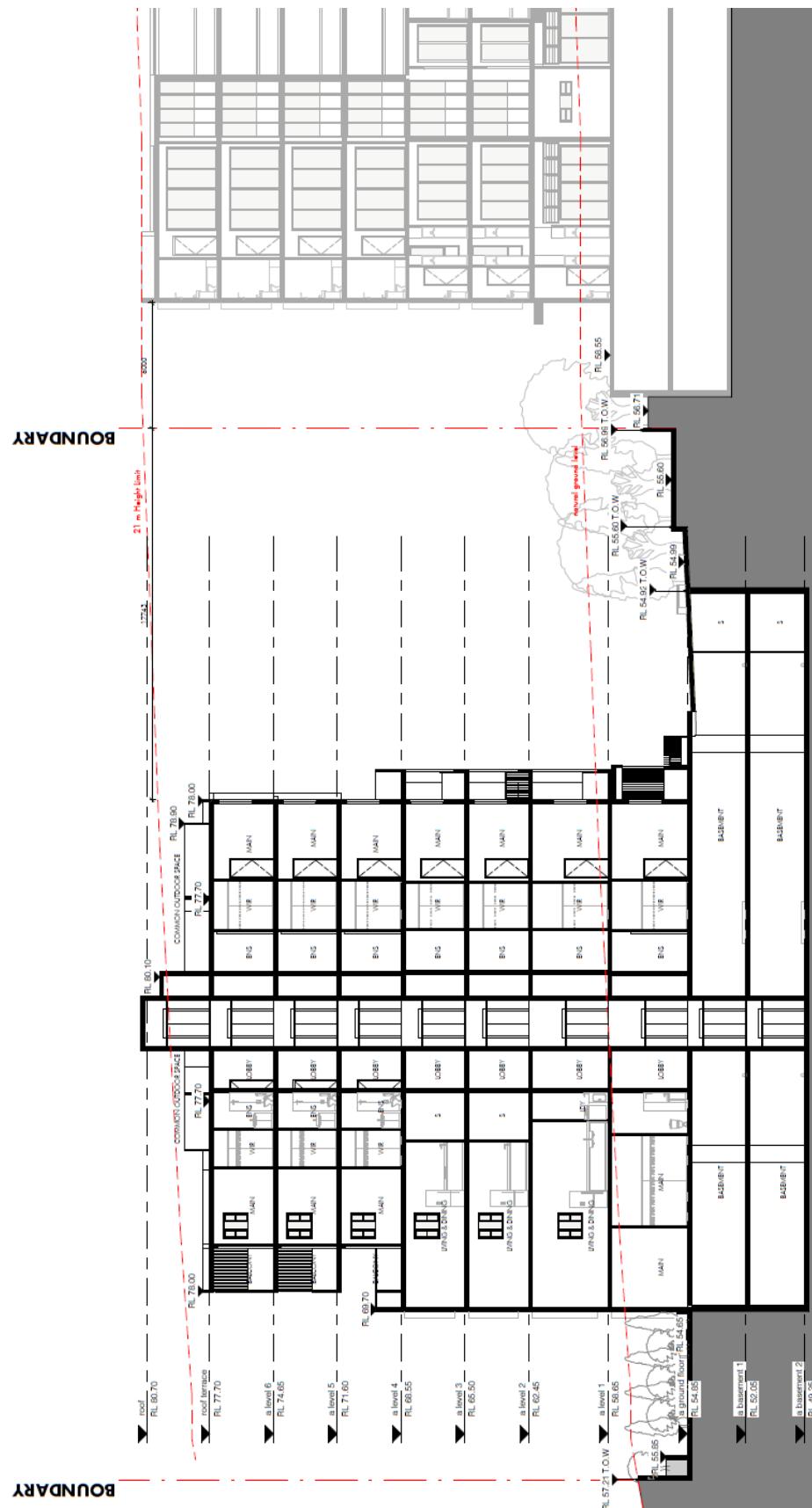


## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS EAST/WEST SECTION BB**

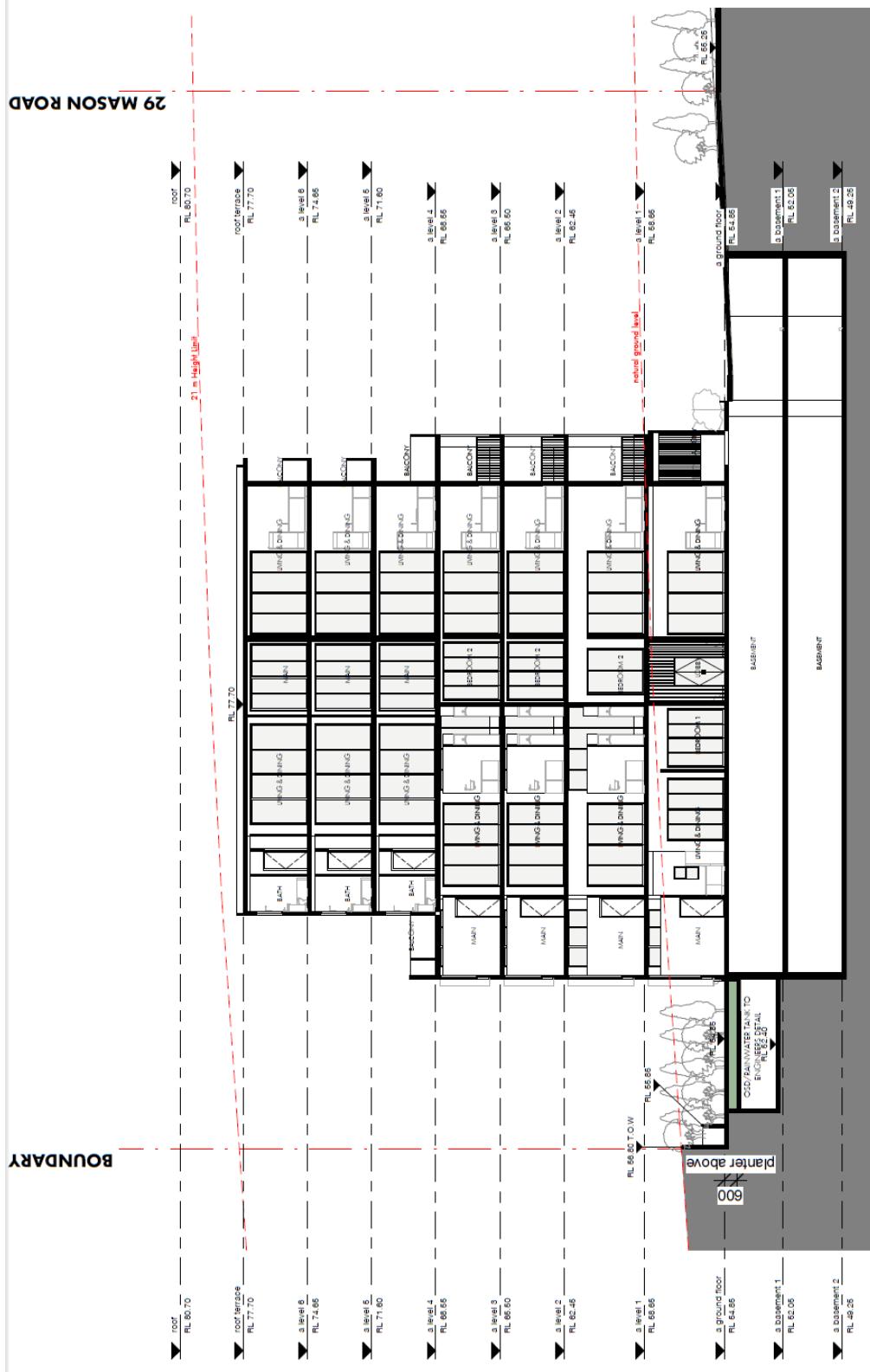


## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS EAST/WEST SECTION DD**

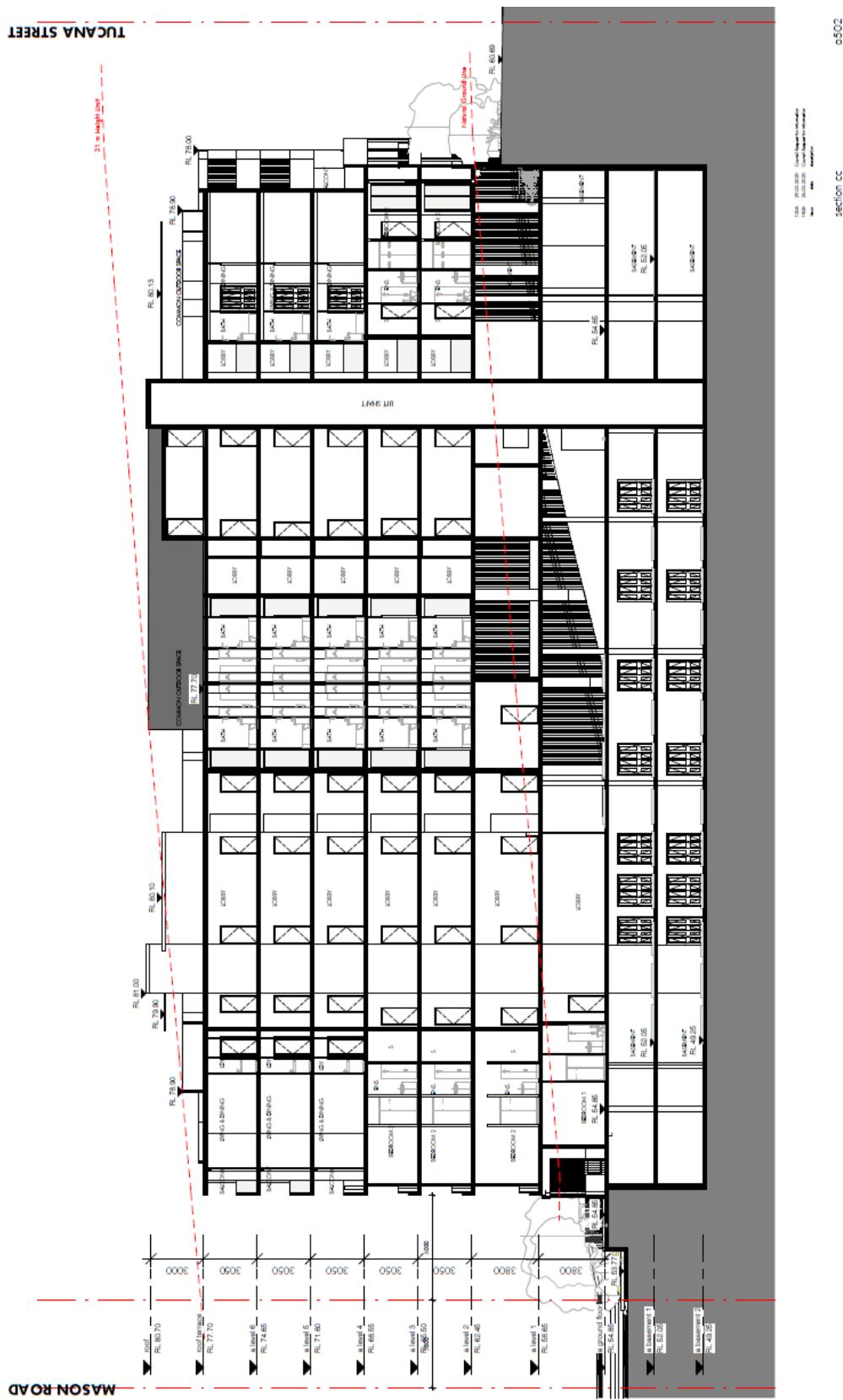
**29 MASON RD**  
APPROVED



## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS EAST/WEST SECTION LL**



## **ATTACHMENT 11 – RFB ARCHITECTURAL PLANS NORTH/SOUTH SECTION CC**



## ATTACHMENT 12 – RFB LANDSCAPE PLANS GROUND FLOOR



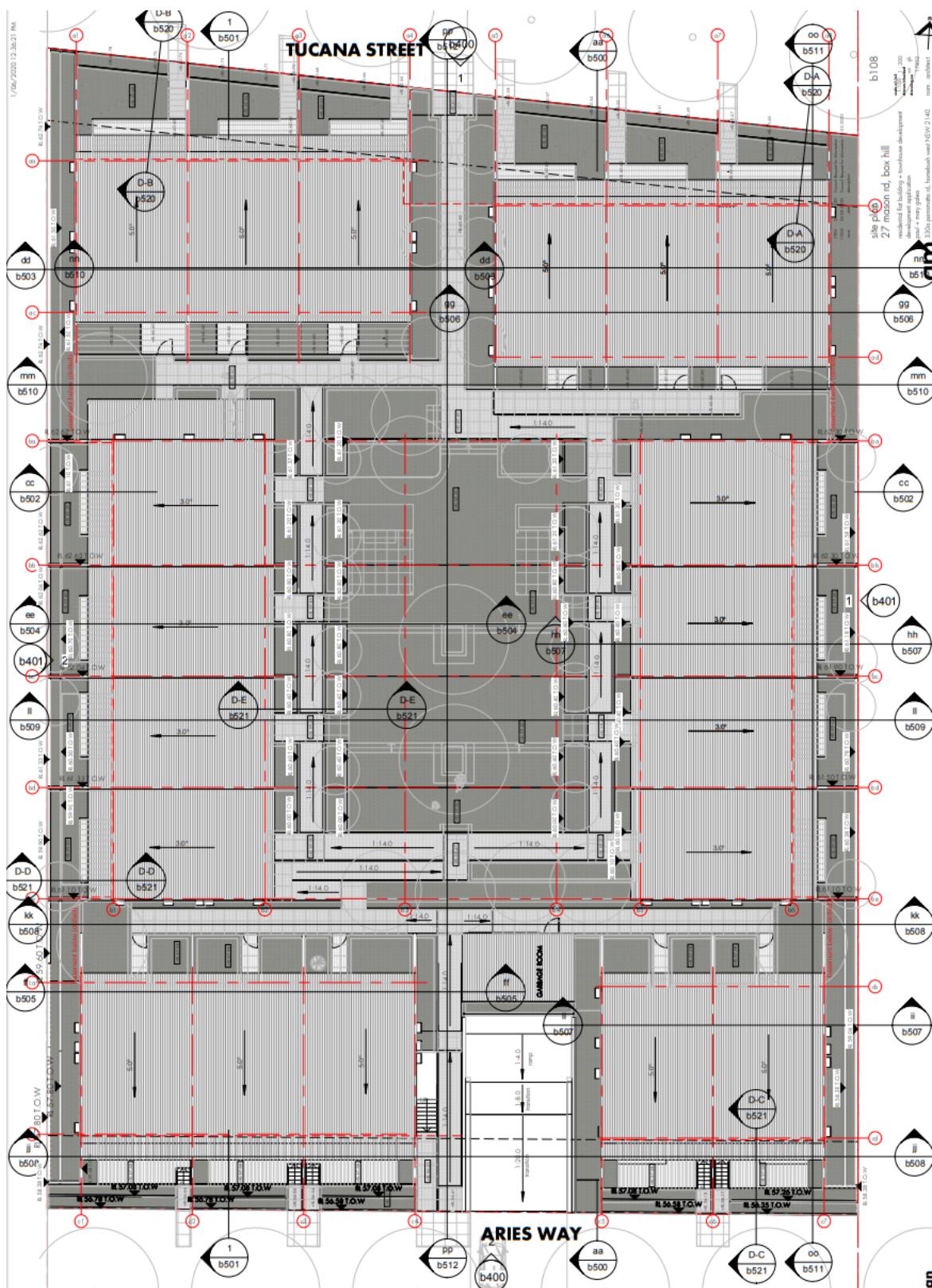
## ATTACHMENT 12 – RFB LANDSCAPE PLANS ROOF



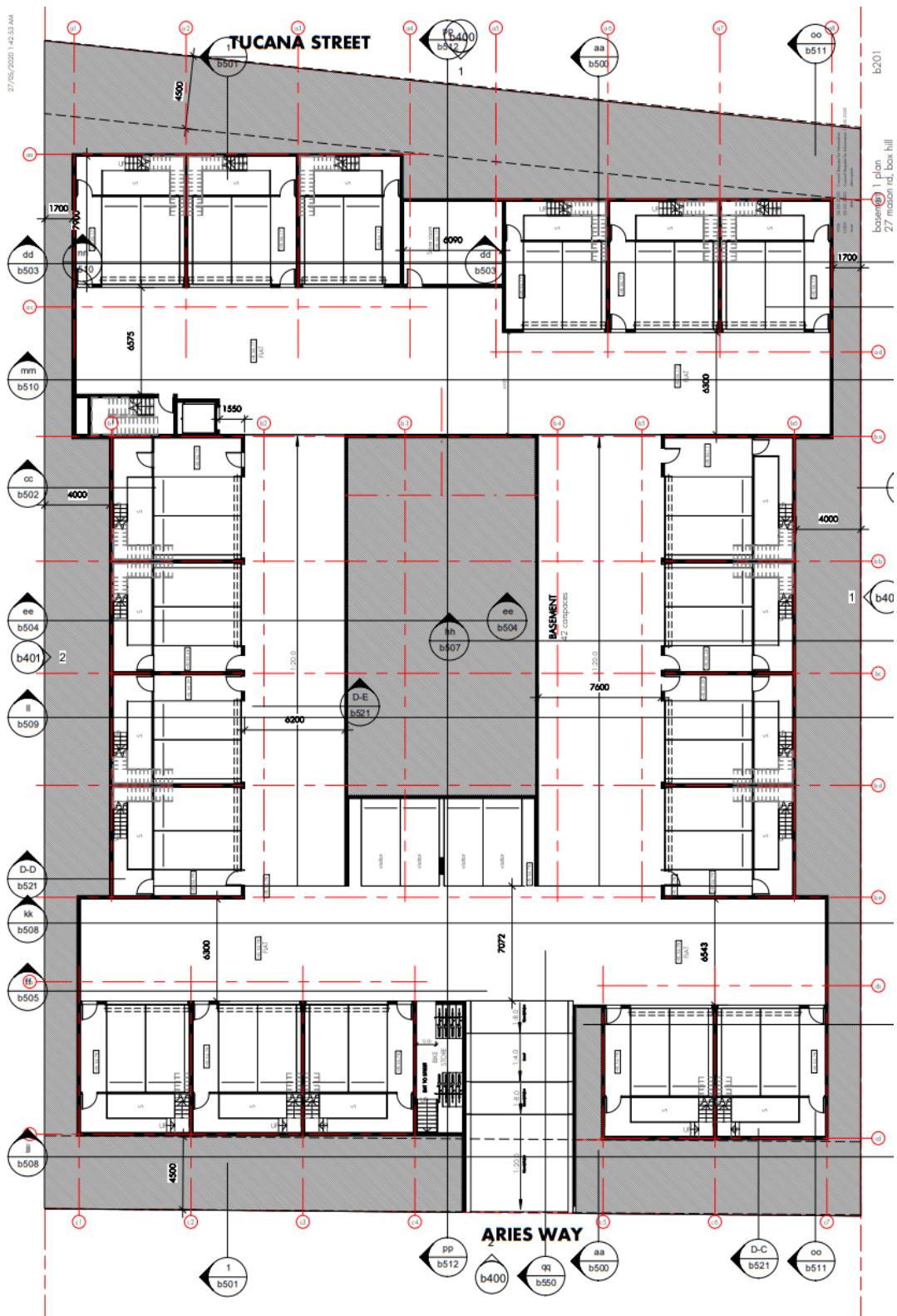
**KEY**

- 1) MULTIPURPOSE COURT WITH SIDE AND ROOF NETTING. ROOF TO BE 300mm ABOVE ROOF
- 2) 1.7/2.3. NETS TO TIE TO STEEL POLE WITH LOOSE NETTING FOR IMPACT ABSORPTION
- 3) BED AND NETTING AREA
- 4) THIRD TIER SEATING FOR GATHERING AND WATCHING SPORTS
- 5) LARGE BENCH SEATING TO WATCH CHILDREN'S PLAYGROUND
- 6) GATHERING SPACE
- 7) VEGETABLE GARDEN
- 8) CHILDREN'S PLAY SPACE
- 9) STORAGE FOR TOOLS ETC
- 10) CITRUS TREE PLANTING
- 11) CIRCULAR SEATING UNDER TREE

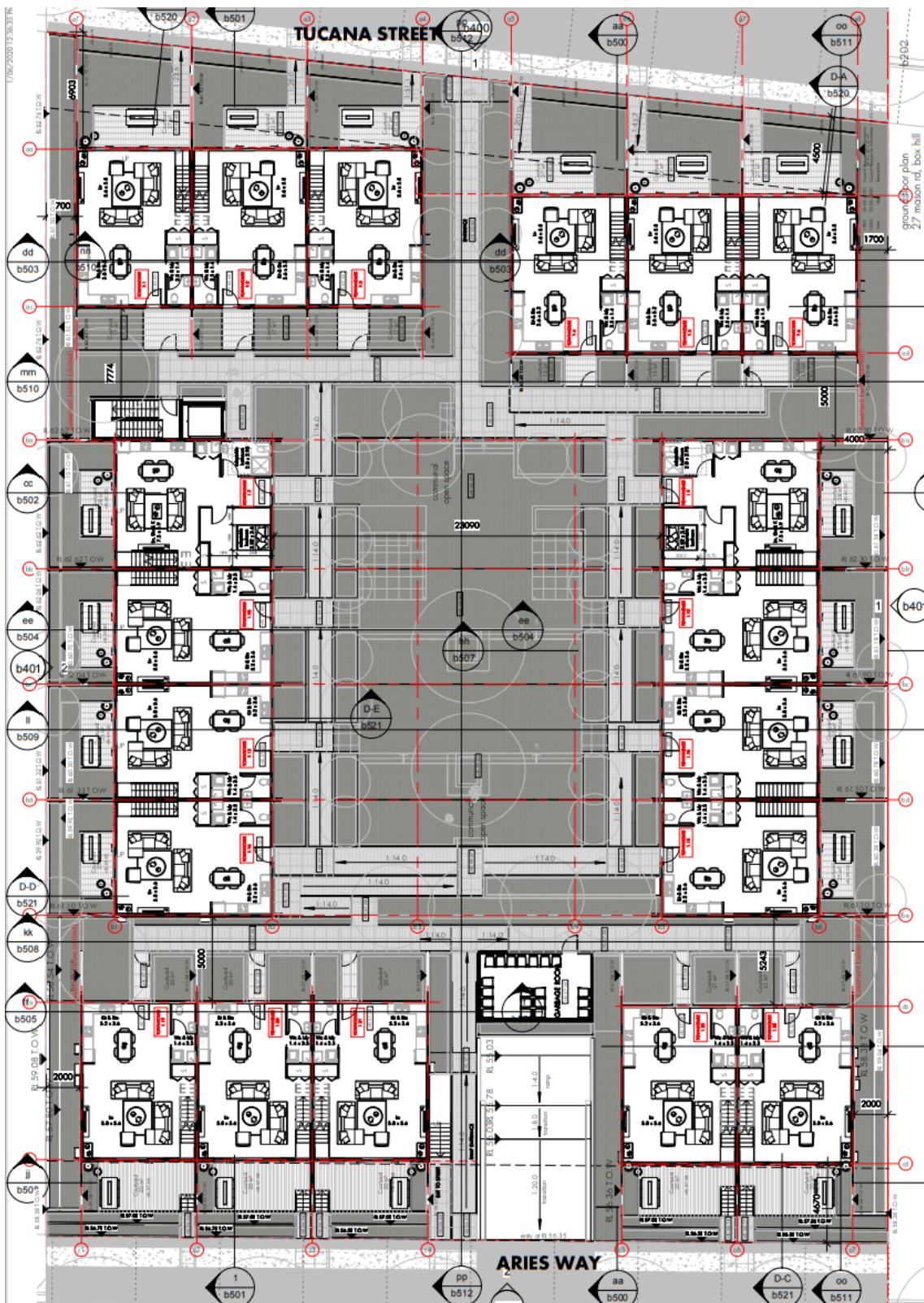
## **ATTACHMENT 13 – TOWN HOUSE A – SITE PLAN**



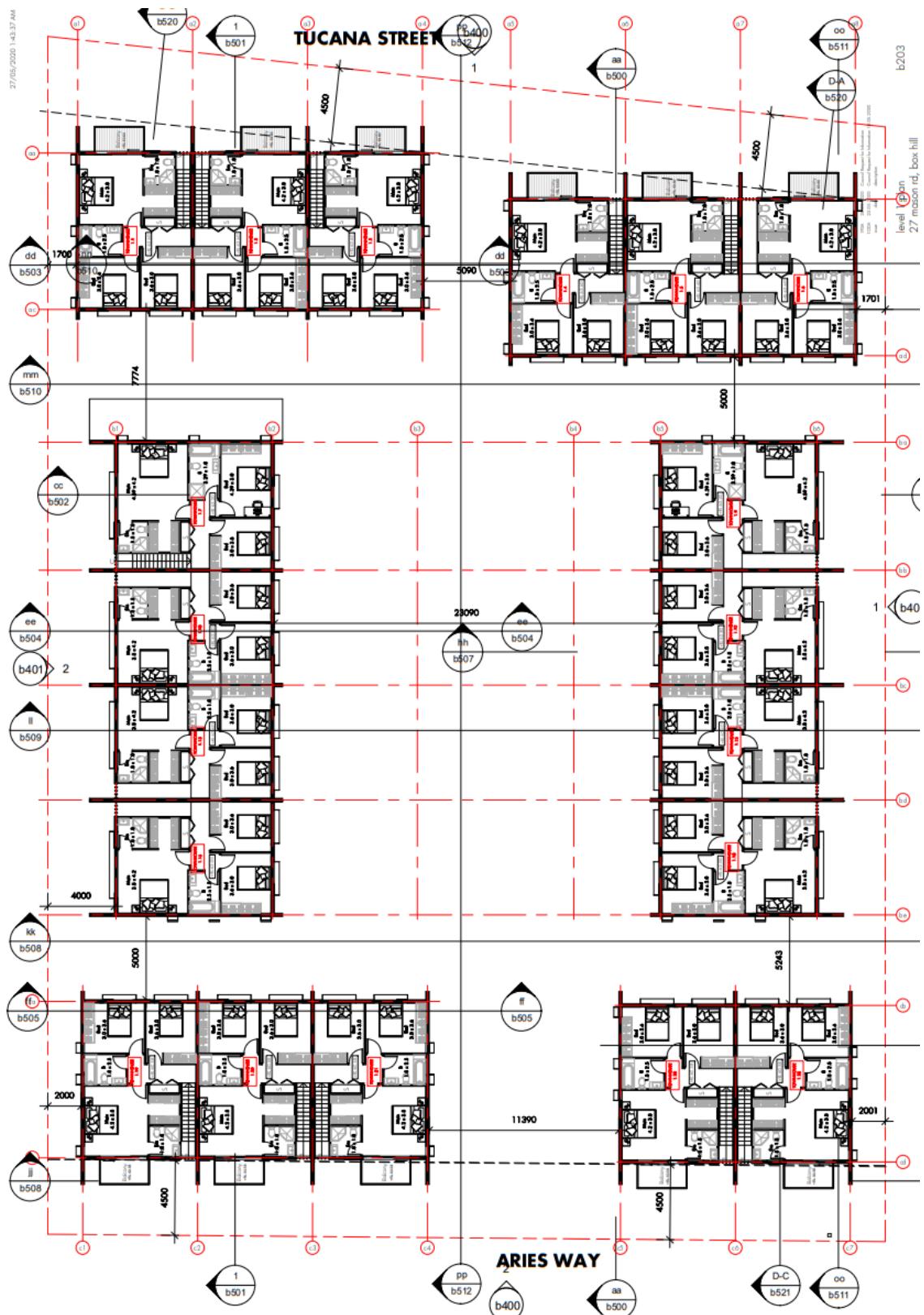
## **ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS BASEMENT**



**ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS  
GROUND FLOOR**



## **ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS FIRST FLOOR**



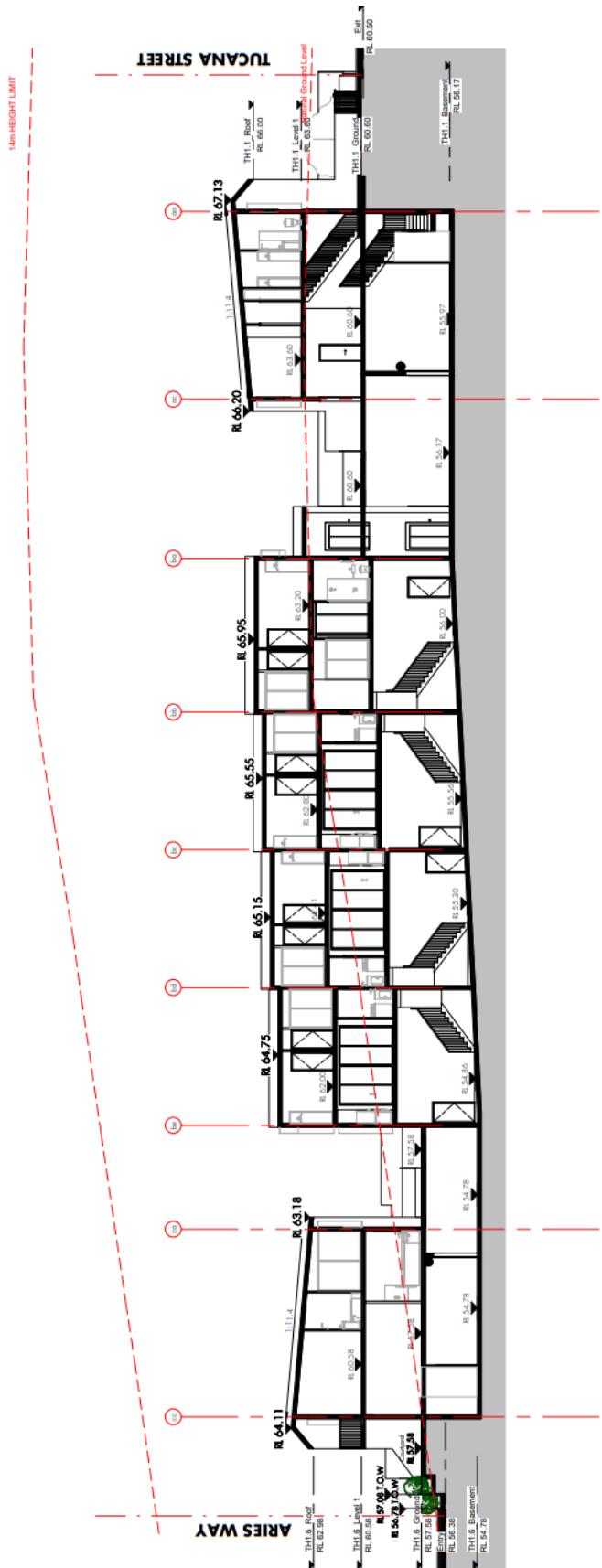
**ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS  
NORTH /SOUTH ELEVATIONS**



## **ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS EAST/WEST ELEVATIONS**



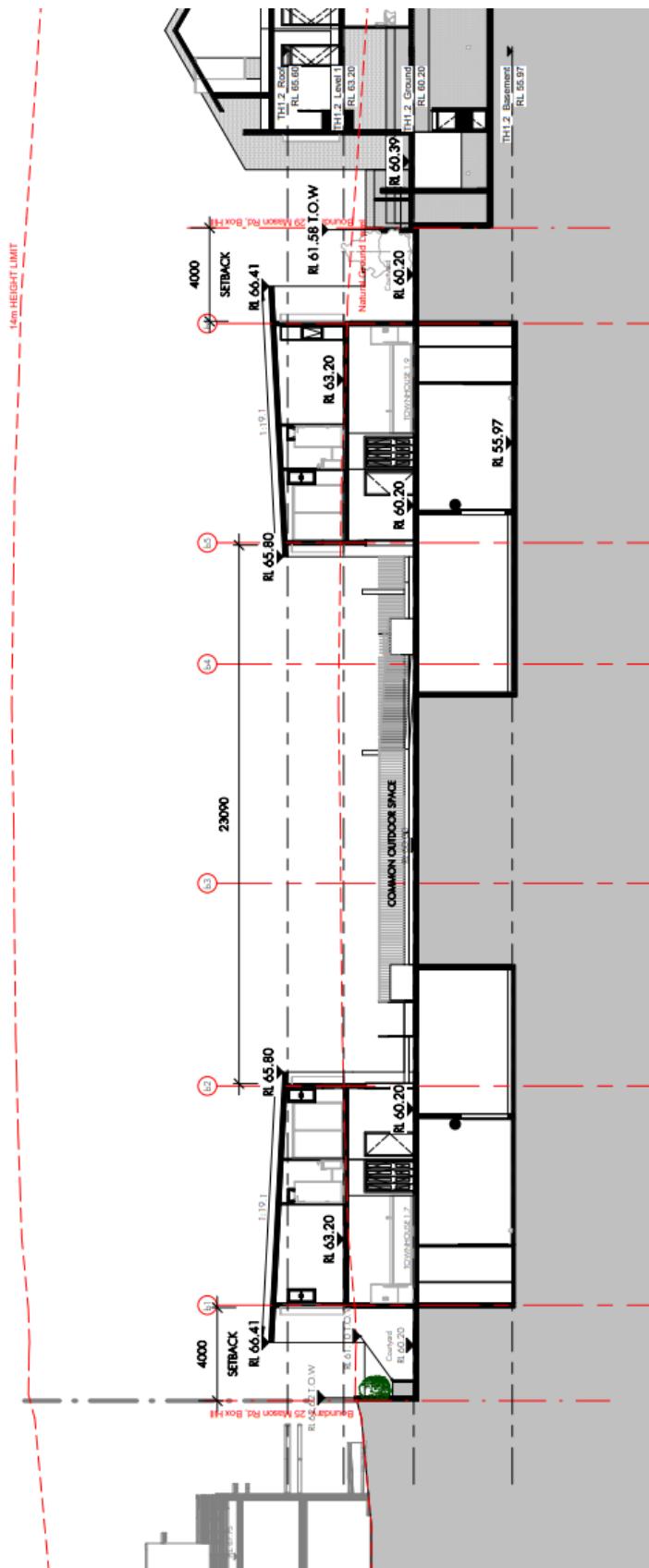
**ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS  
NORTH/SOUTH SECTION BB**



**ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS  
EAST / WEST SECTION HH AND II**



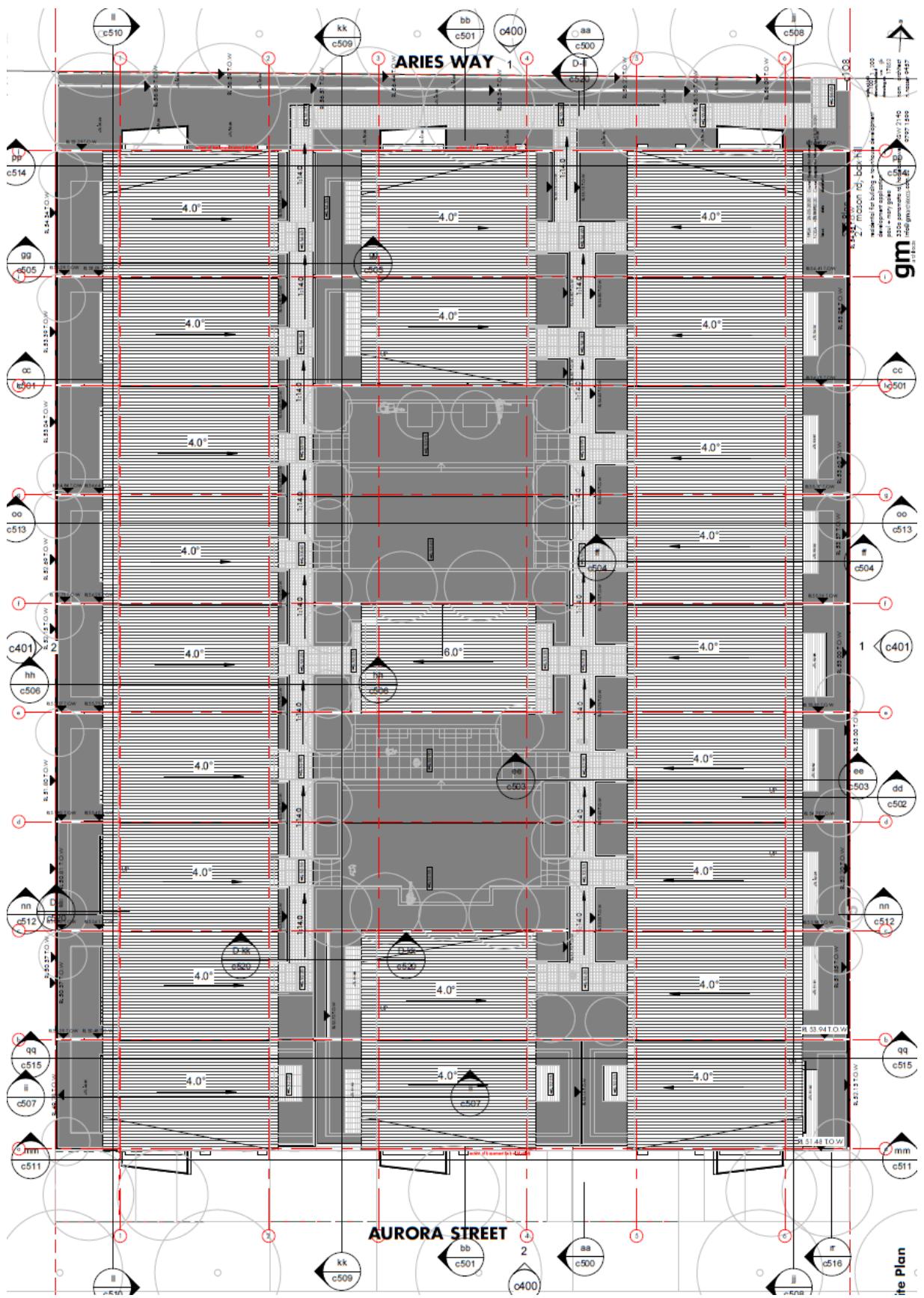
## **ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS EAST / WEST SECTION CC**



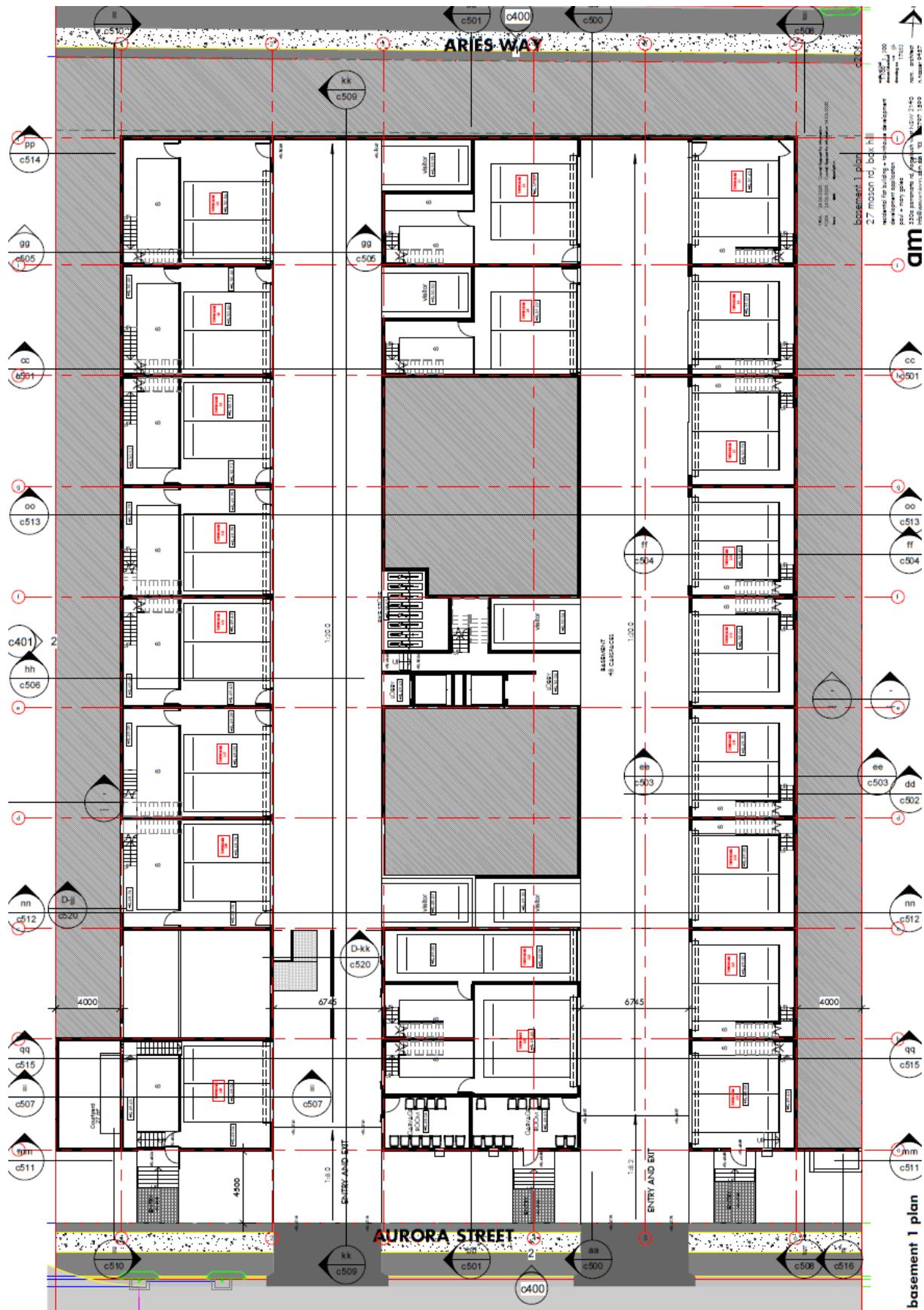
## **ATTACHMENT 14 – TOWN HOUSE A ARCHITECTURAL PLANS EAST / WEST SECTION MM AND NN**



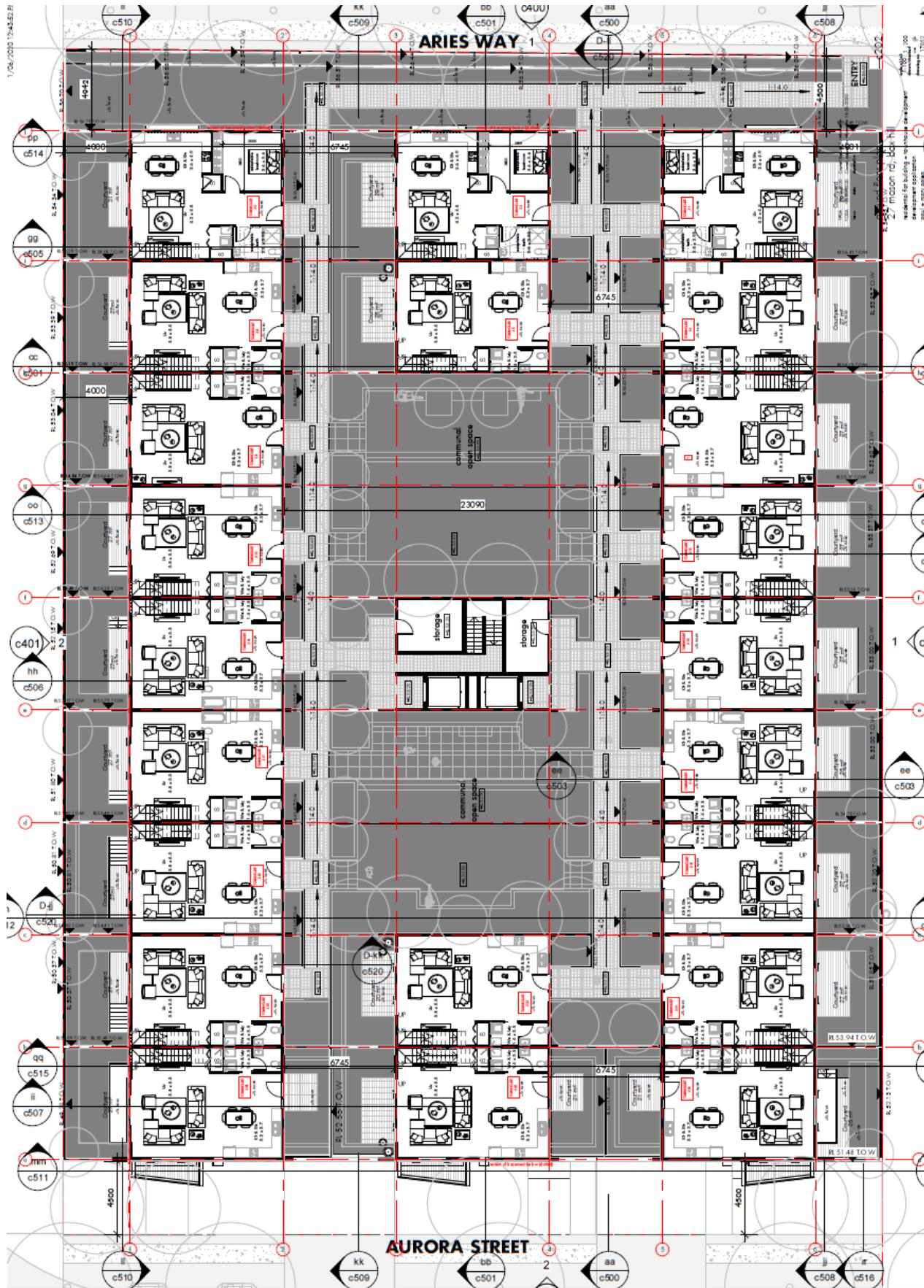
## **ATTACHMENT 15 – TOWN HOUSE B SITE PLAN**



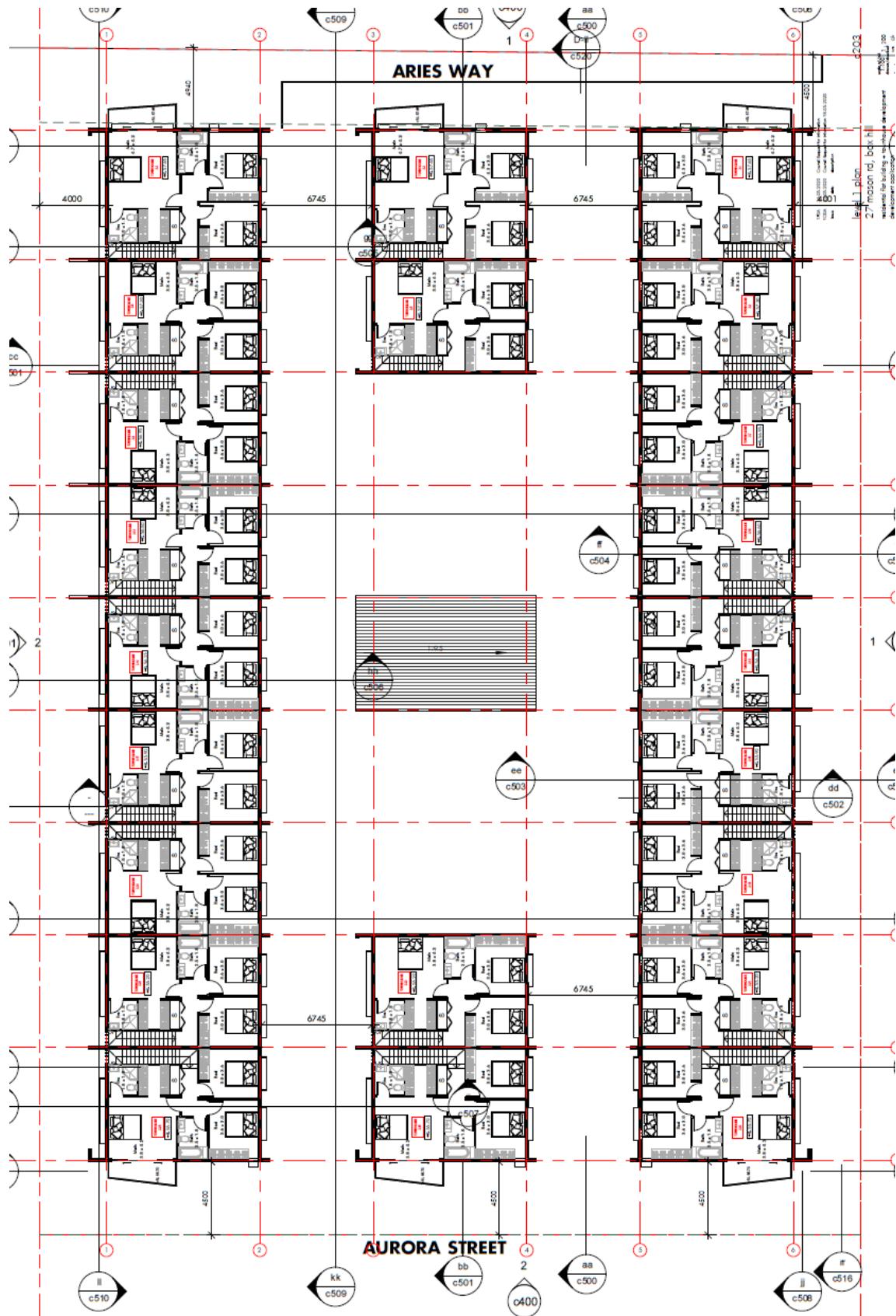
## **ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS BASEMENT**



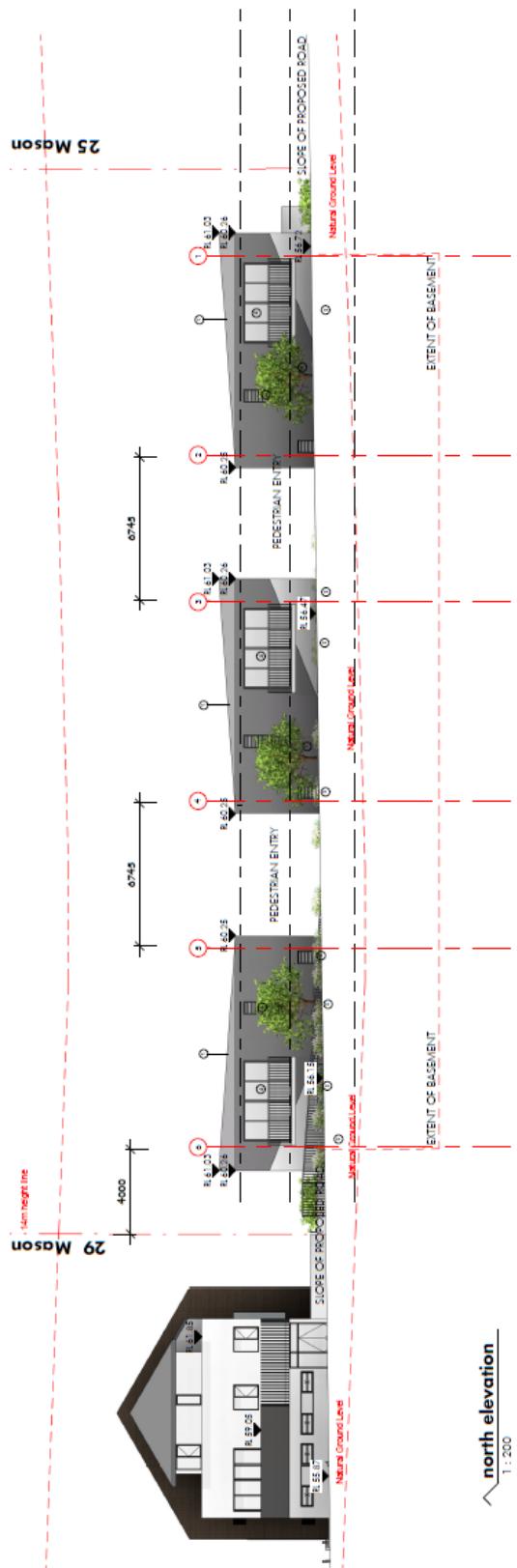
## **ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS GROUND FLOOR**



## **ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS FIRST FLOOR**



**ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS  
NORTH /SOUTH ELEVATIONS**



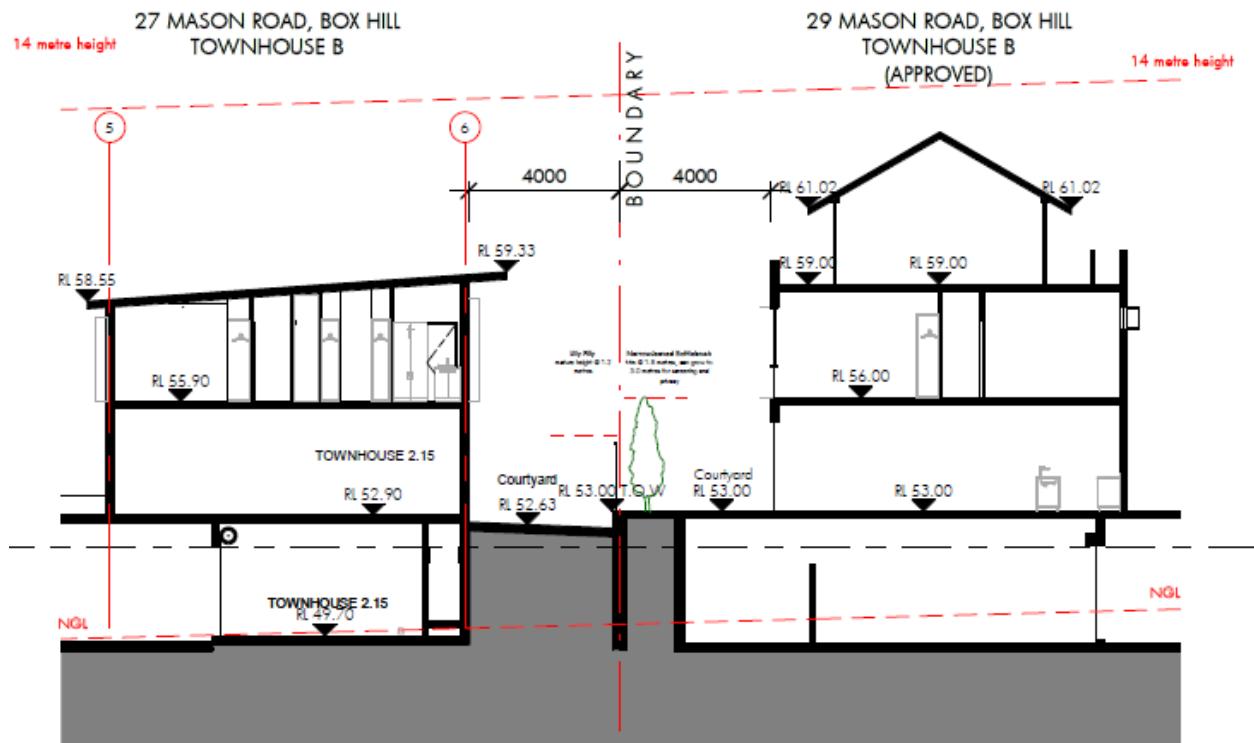
## **ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS EAST/WEST ELEVATIONS**



No balcony to living room of Unit 2.26 (west elevation), window sill height 1.5m. Balcony landing rail to Units 2.17, 2.20 and 2.23 to be 1.5m.



**ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS  
SECTIONS DD AND HH**

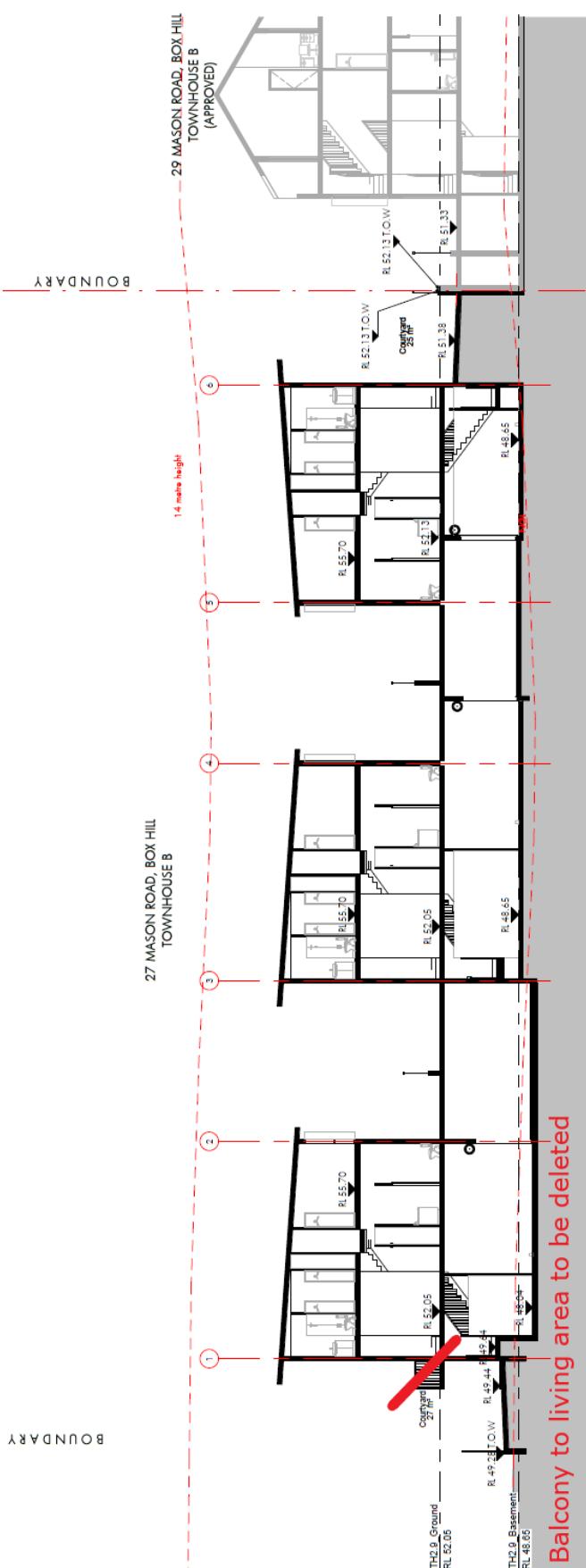
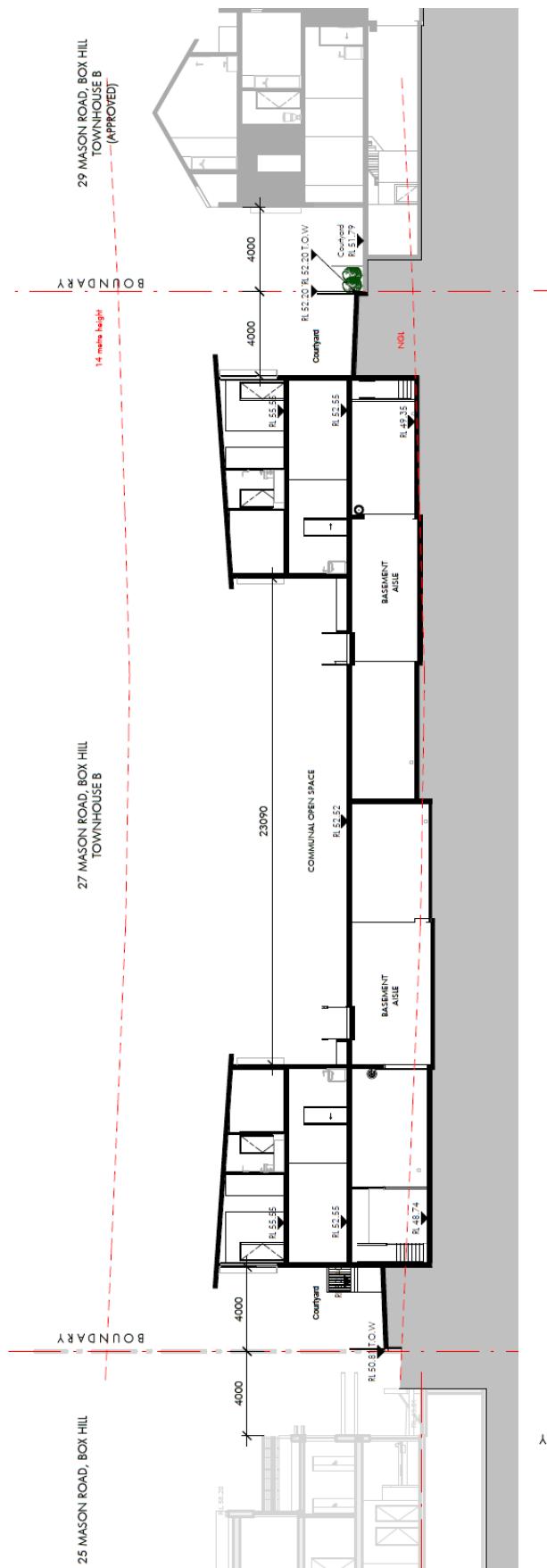


DD

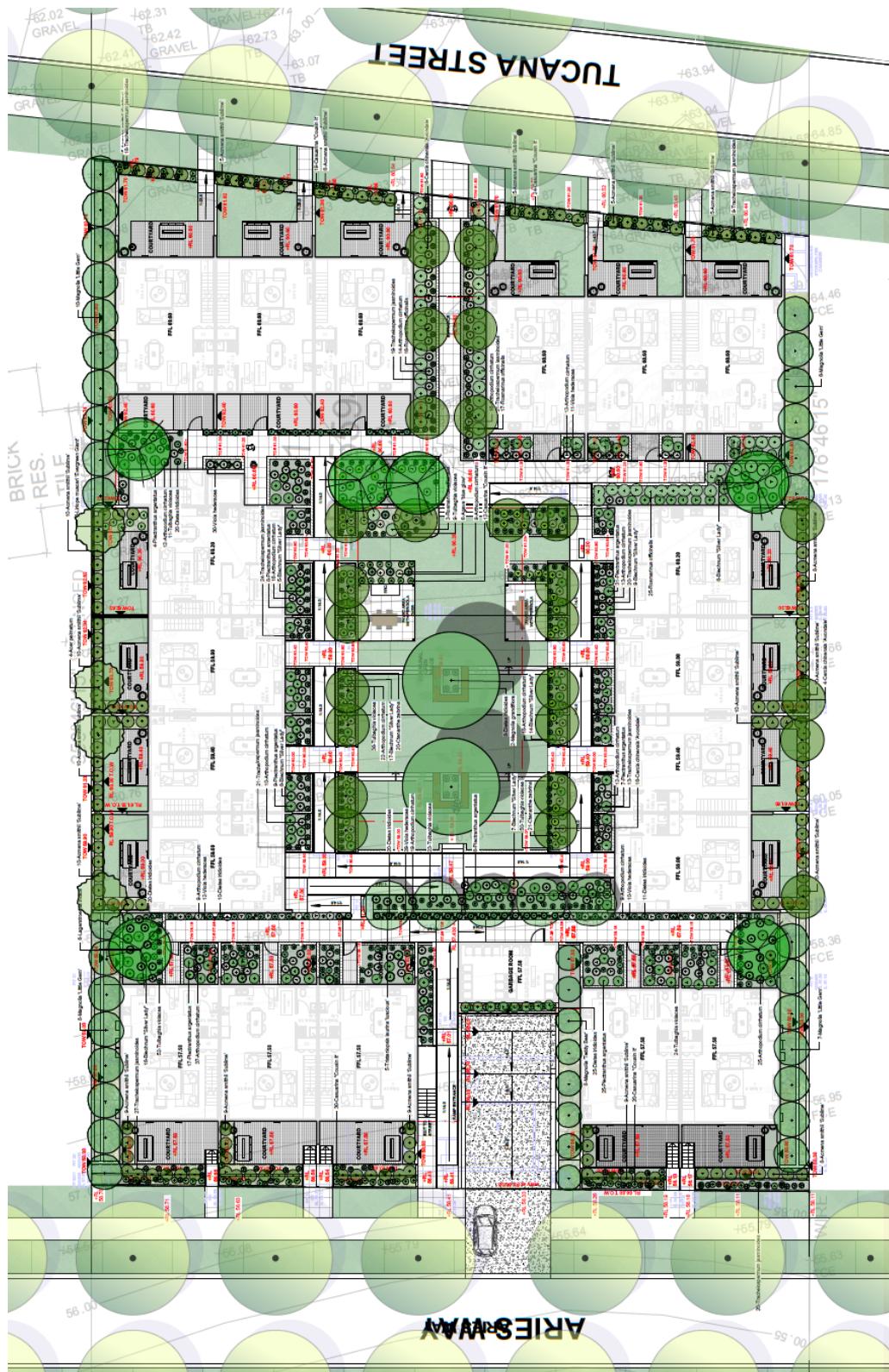


HH

**ATTACHMENT 16 – TOWN HOUSE B ARCHITECTURAL PLANS  
SECTION NN AND QQ**



## **ATTACHMENT 17 – TOWN HOUSE A AND B LANDSCAPE PLANS TOWN HOUSE A**



**ATTACHMENT 17 – TOWN HOUSE A AND B LANDSCAPE PLANS  
TOWN HOUSE B**

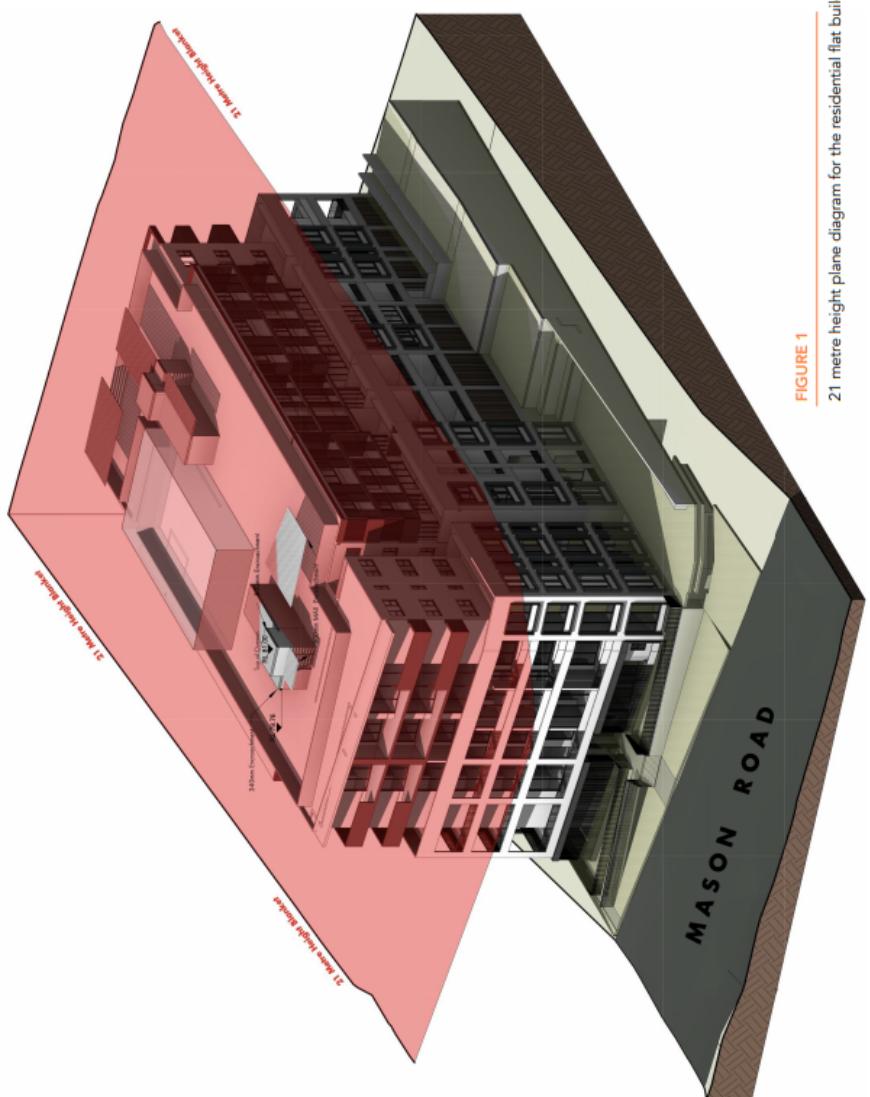


## ATTACHMENT 18 – CLAUSE 4.6 VARIATION REQUEST



- 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.

**Comment:** The proposal seeks flexibility in application of the standard where a breach of the maximum building height is only minor in nature. The maximum height of the proposed development at 21.8 metres is for the lift overrun upon the southern extremity of the proposed residential flat building, and represents an approximate 4% variation to the development standard. Part of the stair structure and pergola, which provides weather protection to a small area of the communal open space also breach the height plane (see **Figure 1** below), but represents a breach of only 100 - 300mm o the 21 metre height limit, an approximate 1% variation to the development standard. The remainder of the proposed residential flat development and the townhouses are compliant with the maximum building heights prescribed for the site.



**FIGURE 1** 21 metre height plane diagram for the residential flat building extracted from architectural drawing set.

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. A degree of flexibility is sought in these circumstances as the building height breach is limited to minor building elements atop the roof that facilitate access to the rooftop communal open space facilities. The development at No. 29 Mason Road was approved on 30 July 2018 by the Sydney Central City Planning Panel. This approved development has a similar presentation to Mason Road, with a 7 storey building height, and communal open space accommodated upon the roof (see **Figure 2** below). The following extract is provided from the Council officer assessment report presented to the Panel:

The subject site has height limits of 21m (for the R4 zoned land) and 14m (for the R3 zoned land). The proposed residential flat building has a maximum height of 22.86m, which exceeds the height limit by a maximum of 1.86m or 8.9 %. The application is accompanied by a Clause 4.6 variation to the height control. The maximum variation to the height is limited to the top of the lift overrun to the rooftop common open space, further variations of 400mm-500mm are proposed as part of the roof form/parapet. The increased height will have no significant impact upon the solar access on surrounding lots or the amenity of the area and it is considered that the variation results in a better planning outcome as the maximum exceedance in height is for the lift overrun which provide access to the rooftop gardens. The roof top garden provides for a passive recreational area for future residents to complement other spaces provided at ground level. Lowering of the building to facilitate full compliance with the height limit would lower habitable floor to ceiling heights, reducing internal amenity for residents and resulting in non-compliance with SEPP 65 requirements.



**FIGURE 2** Mason Road streetscape. Proposed development at No. 27 Road (right), and approved development at No 29 Mason Road (left).

The Design Criteria at Objective 3D-1 of the Apartment Design Guide recommends that a minimum 25% of the site area be provided as communal open space, and that developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm on 21 June (mid winter). The development provides communal open space at the ground floor level (201m<sup>2</sup>) with a northern aspect, in addition to significant areas of dedicated landscaping (1,510m<sup>2</sup>), most of which is available in consolidated deep soil zones. This significant landscaping promotes soil stability, maximises opportunities for infiltration of rainwater to the water table, reduces stormwater runoff and promotes healthy growth of large trees with large canopies to assist with temperature reduction in the intended future urban environment. Dedication of these setback areas to landscaping enables the establishment of trees of a significant size, in scale with the intended development.

Owing to the sloping nature of the site and desire to promote equitable access to all common facilities, 913m<sup>2</sup> of embellished communal open space is also provided at the rooftop level, with the provision of facilities that promote both active and passive uses, all of which receive direct sunlight throughout mid winter. An equivalent total of 32% of the site area is dedicated for use as communal open space, and noted further that 37% of the site area is available to accommodate deep soil planting.

The provision of deep soil and communal open space for the site far exceeds the minimum design criteria promoted by the ADG, achieving a vastly superior planning outcome for the site.

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 that result from the building height exceedance.

(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.

**Comment:** The development standard to be contravened Clause 4.3(2) Height of Buildings.

(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.

**Comment:** This submission is a written request for consideration by the consent authority.

Compliance with the standard is considered unreasonable and unnecessary in the circumstance of this case given the minor nature of the breach proposed (<10%), and the building's compatibility with the height and scale of the building approved at No. 29 Mason Road.

The decision in *Initial Action Pty Ltd v Woollahra Municipal Council [2018] NSWLEC 1118* was important as Preston CJ clarified the appropriate approach to the consideration of Clause 4.6, noting the Clause 4.6 submission does not require developments which do not comply with the applicable development standard to have a neutral or better environmental planning outcome than a development that does not. However, contravention of the development standard by the proposal does not give rise to any adverse environmental impact and enables equitable access to communal open space to be provided throughout the development and it is suggested that a better planning outcome is achieved. Barrier free access is provided to the communal open space provided atop the roof from all parts the building, which in turn enables a significant component of the ground floor plane to be dedicated to landscaping in deep soil, promoting the establishment of significant vegetation to ensonce the building, and trees of an appropriate scale to complement the intended development.

(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 Planning Secretary has been obtained.

**Comment:** SEPP SRGC is the principal planning document to regulate the effective and orderly development of land within the North and South West Growth Centres. The objectives of the building height development standard are as follows:

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

The proposed building height is generally consistent with the maximum building height prescribed for the precinct, excepting a minor breach by the lift overrun, stair and pergola. The minor breach to the building height by these elements does not give rise to any adverse visual impacts, nor impose any adverse amenity impacts on adjoining land in terms of solar access or view loss.

The proposed development is otherwise consistent with the height in storeys of the approved development at No. 29 Mason Road and is consistent with the density of residential intended adjacent to the emerging Box Hill Town Centre.

The site is zoned R4 High Density Residential. The objectives of the 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.

Each of the relevant stated objectives of the building height standard are satisfied by the proposed development, providing an appropriate density of diverse residential housing in close proximity to the town centre.

The proposed development will be in the public interest because it is consistent with the stated objectives of the development standard and the objectives for development within the high density residential zone.

(5) In deciding whether to grant concurrence, the Planning Secretary 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 Planning Secretary before granting concurrence.

**Comment:** The contravention raises no matters of State or regional significance. It is considered that 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 variation proposed. No other matters are required to be taken into consideration by the Director-

General.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone RS Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living 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.

**Comment:** The proposal is not for contravention of a subdivision control.

(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).

**Comment:** The consent authority will keep a record of the determination.

(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.

**Comment:** The proposal is not for complying development. The development standard does not arise from the regulations in connection with BASIX. The standard does not arise from Clause 5.4 or any of the other exclusions listed.