

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-10
DA Number	945/2016/JP/C
LGA	The Hills Shire Council
Proposed Development	Section 4.55(2) Modification to an Approved Mixed Use Development
Street Address	No. 29-31 Terry Road Box Hill
Applicant/Owner	Toplace Pty Ltd
Consultants Town Planner: Architect: Landscape Architect: Engineering: Surveyor: Accessibility: BASIX: Traffic:	LJB Town Planning Krikkis Taylor Architects iScape Landscape Architecture Australian Consulting Engineers H Ramsay and Co Accessibility Solutions SLR Consulting TSA
Date of lodgement	04 July 2019
Number of Submissions	One
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) Modification to an application with a CIV exceeding \$30 million (\$219,659,117.00)
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (State and Regional Development) 2011. • State Environmental Planning Policy (Sydney Region Growth Centres) 2006. • State Environmental Planning Policy (Infrastructure) • State Environmental Planning Policy No 55 — Remediation of Land. • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009. • Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997. • Draft Amendment to SEPP (Sydney Region Growth Centres) 2006 (North West Priority Growth Area Land Use and Infrastructure Implementation Plan). • Central City District Plan. • Box Hill Development Control Plan 2017. • Environmental Planning and Assessment Act Regulation 2000.
List all documents submitted with this report for the Panel's consideration	• Copy of Submission

Report prepared by	Robert Buckham Principal Executive Planner
Report date	20 February 2020

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	No
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	Yes
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

On 15 December 2015, Development consent was granted by the Sydney West Central Planning Panel for a mixed use development. The proposal included demolition of existing structures and construction of a building comprising retail, commercial and residential units. The retail and commercial component had gross floor area of 20,781m², with 651 apartments above in nine buildings ranging from 4 storeys to 6 storeys above the podium level (6 storeys to part 8 and 9 storeys overall), over two levels of basement parking with parking for 1301 vehicles.

The subject site forms part of the Box Hill Town Centre and is zoned part B2 Local Centre and part SP2 (Road Widening and Drainage). The site has a total area of 43,258m² of which 30,589m² is zoned B2 and the remainder SP2 zoned land.

This modification has in part resulted from the realignment of the sub-arterial road located to the north and east of the subject site which results in land zoned SP2 Infrastructure no longer being required to facilitate the new town centre bypass road. The surplus land equates to 454.8m². The proposed development is not permitted in zoned land SP2, however the applicant seeks to rely on Clause 5.3 - Development near zone boundaries of the SEPP to enable the development. It is intended by the applicant that the roads zoned SP2 are to be constructed by them under a works in kind agreement. The flexible application of the zoning, through the application of Clause 5.3, is appropriate in this instance and the development is not inconsistent with the objectives of both zones.

The modification application seeks to alter the built form in response to the new boundaries and increase the number of residential units to 665 residential units (additional 14 units) and 1,600m² of additional retail space. Specifically the modifications primarily result in the reconfiguration of Buildings F, G and H in the eastern part of the site.

The approved development includes a variation to SEPP Growth Centres in regard to height. The SEPP limits height to 24 metres, while the approved maximum height was 31.86m to which represented a maximum 32.7% variation to the standard. The additional height is attributed to changes to finished ground levels and corrected floor to ceiling heights. The approved built form outcome provided a mix of built form and articulation. Five of the nine buildings exceeded the 24m height limit, four were below the height control. The provision of varied built form with building above and below the height control allowed for an improved streetscape outcome.

The proposed additional height will not create an unreasonable impact on streetscape or result in unreasonable privacy or solar access impacts. The proposed built form outcome will be quite different from the existing built form within the area in terms of density and height. In this regard the site is the first to be developed in an area which will undergo significant changes in the coming years. The amended proposal includes an increase in height of up to 1.55m however as per the original approval, five of the nine buildings exceed the 24m height limit and four remain under the height control, which is consistent with the approved development.

The proposal also seeks to vary the floor space ratio controls and shop-top housing controls as they now apply to the site. The controls have changed significantly since the approval of the original application. The amended controls, which apply across the precinct, seek to limit residential development on business zoned land. The amended proposal is consistent with the planning controls that were in place at the time when the original application was determined. To require compliance with the current controls is considered unreasonable, however importantly this modification proportionally improves the non-residential development in the form of retail and commercial floor space across the enlarged development site.

The proposal was notified to adjoining property owners and one submission was received. The issues raised relate to compliance with the relevant planning controls and the provision of SP2 zoned land for infrastructure. The development is considered satisfactory in terms of its height and character. The development is permissible within the zone, subject to the provisions of Clause 5.3. It is acknowledged that the area is one which will likely undergo changes in built form in the coming years due to the demand for higher density forms of development.

The modification application is recommended for approval subject to amended conditions.

BACKGROUND

On 15 December 2015, Development consent was granted by Sydney West Central Planning Panel. The proposal included demolition of existing structures and construction of a building comprising retail, commercial and residential units. The retail and commercial component had gross floor area of 20,781m², with 651 apartments above in nine buildings ranging from 4 storeys to 6 storeys above the podium level (6 storeys to part 8 and 9 storeys overall), over two levels of basement parking with parking for 1301 vehicles.

A Section 96(1A) modification was approved under delegated authority on 13 March 2017. The modification sought to separate the non-residential and residential components formally to allow the timing of the contributions payment to be split.

A further (1A) modification was approved under delegated authority on 6 February 2019. The modification sought to amend Condition 44 which relates to the timing of a Works in Kind Agreement. The application deferred the WIK Agreement finalisation to prior to CC for the residential component of the development (Stage 2).

Relevant to this application are changes to the planning controls that apply to the site. Since the approval of the original application, amendments have been made to the floor space and height controls related to shop-top housing developments broadly across the Shire. The controls seeks to limit the residential components of these developments to less than 50% of the developments floor space. Specific amendments to this site have also reduced the bonus floor space ratio controls that promoted residential floor space of the site to for 2:1 in addition to retail/commercial floor space of 1:1.

Amendments have also been made to the zoning of the site and surrounding sites at the eastern end of the site to facilitate an amended town centre bypass road design. The amended design provides for a more logical road design and better development outcomes for adjoining sites. The current road design is included at Attachment 11.

DETAILS AND SUBMISSIONS

Owner:	Box Hill Projects Pty Ltd
Zoning:	B2 Local Centre and SP2 Infrastructure
Area:	43,258m ²
Existing Development:	Vacant
Contribution	\$27,836,824.96
Exhibition:	Not Required
Notice Adj Owners:	Yes
Number Advised:	37
Submissions Received:	One

PROPOSAL

The proposed modifications can be summarised as follows:

- Amend subdivision plan to reflect the modified site boundary;
- Expand the footprint of the approved development to utilise surplus SP2 Infrastructure zoned land including the provision of a total of 665 residential units (additional 14 units) and 1,600m² of additional retail space;
- Reconfigure basement 1 and 2, podium and residential tower buildings F, G and H, to suit Council's proposed road realignment at the eastern end of the site;
- Modify the private open space within Building J for units J103, J104 and J105 on level 1, due to the revised podium level design;
- Adjust basement 1 and 2 floor levels at western end of the site to allow for sufficient headroom for additional retail tenancy space within basement level 1;
- Revise finished floor level of mall level (+500mm) and eastern half of the podium roof level (+850mm) to match the remaining roof level;
- Increase the floor to floor heights of the residential towers by 100mm resulting in increased heights to all buildings;
- Amend residential unit mix; and
- Redesign the eastern wall of building H to achieve an articulated wall with window and balcony openings.

In detail the modification involves the following changes:

Basement and Retail Levels

The eastern end of basement 1 and 2 are proposed to be modified to follow the new development site boundary that is established based on the re-aligned sub-arterial road.

In addition, the floor levels at the western end of basement 1 and 2 have been adjusted in order to make use of the void space approved DA to provide for additional retail space. The additional retail floor area within Basement Level 1 equates to 1600m².

The proposed layout and configuration of the car and servicing areas will be modified and will accommodate 1341 car spaces and 334 bike spaces.

The finished floor RLs for both basements remain as approved through the centre of the development towards the eastern side.

Residential Levels

The majority of the proposed changes to the podium towers occur in Building H which seeks an appropriate re-design to provide street address to the re-aligned sub arterial road to ensure the development meets the desired future character for the eastern end of the future Box Hill Town Centre.

Raising the mall level by 500mm will bring the mall level closer to the proposed new town centre road and improve the interface and access to the mall.

The revised podium roof level, increased by 850mm to match the western portion of the podium, will create a level communal open space on the podium roof which will enhance its functional use for the enjoyment of future residents.

Building G has also been re-aligned to suit the new sub-arterial road alignment with a reduced building length to maintain adequate separation with Building H.

The proposed changes to Building J only occur on level 1 (podium roof level) where the private open space for units J103, J104 & J105 have been reduced to suit the revised podium design.

The eastern end of the retail podium will be modified to address the re-aligned road and to mark the eastern entry to the proposed new Box Hill Town Centre and the new town centre road, providing improved street definition.

A second entry off the new town centre road has been incorporated in the revised design. While this entry improves access and pedestrian traffic flow through the mall, architecturally it significantly enhances the building form to signify the eastern end of the future Box Hill Town Centre.

It is also proposed to redesign the blank eastern wall of building H to an articulated wall with window and balcony openings. This is a direct result of the revised road realignment.

Height

The floor to floor heights are proposed to increase within each residential tower as detailed in the following table:

Building	Approved Height from Natural Ground Level (NGL)	Approved Height from Finished Ground Level (FGL)	Proposed Height from Natural Ground Level (NGL)	Proposed Height from Finished Ground Level (FGL)	Proposed Height Increase
A	21.70m	20.40m	23.05m	21.75m	1.35m
B	29.25m	28.05m	30.80m	29.60m	1.55m
C	31.86m	29.35m	33.41m	30.90m	1.55m
D	22.62m	20.20m	23.87m	21.45m	1.25m
E	30.85m	28.45m	32.40m	30.00m	1.55m

F	31.00m	28.45m	31.70m	29.15m	0.70m
G	21.05m	19.54m	21.45m	19.94m	0.40m
H	26.80m	26.40m	27.50m	27.10m	0.70m
J	22.50m	20.90m	23.00m	21.40m	0.50m

The proposed floor to floor height modifications are sought to ensure that a minimum 2700mm ceiling height for habitable rooms is achieved to provide adequate amenity for future residents of the units.

Unit Mix

As a result of the modifications under this application, the mix of units will be amended as follows:

Unit Size	Unit Type	Unit Mix	% of Total
1 bed	Type 1	81	26%
	Type 2	49	
	Type 3	45	
2 bed	Type 1	168	66%
	Type 2	179	
	Type 3	90	
3 Bed	Type 1	0	8%
	Type 2	40	
	Type 3	13	
Total		665	100%

The modified unit mix will still provide a variety of unit sizes consistent with the ADG and DCP. The modification increases the number of three bed units consistent with the DCP and overall the mix, as amended remains appropriate.

Amended Subdivision Plan

As a result of the realignment of the sub arterial road, the subdivision plan has been amended to reflect the amended site boundaries.

Amendment to Conditions

The applicant has requested that the following conditions be amended or deleted:

- Condition 1: amend to reflect the modified architectural plans submitted under this Section 4.55(2) application;
- Condition 1: delete first bullet point as the elevation details of Building H have been included within the amended architectural drawings;
- Condition 13: amend to reflect the amended external finishes and colours submitted as part of this application in relation to Buildings E, F, G, H & J.
- Condition 20: amend condition to reflect amended subdivision plan, amended civil engineering drawings and any modifications required due to the realigned sub arterial road;
- Condition 20; delete bullet point 7, right of access no longer required for 8 to 10 Mason Road, due to the realignment of the sub-arterial road;

- Condition 22: delete condition as access no longer required for 8 to 10 Mason Road, due to the realignment of the sub-arterial road;
- Condition 37: amend condition to reflect amended plans;
- Condition 38: update contribution due to GFA change to retail/commercial and unit mix;
- Condition 53: amend to reflect amended civil engineering drawings prepared by Australian Consulting Engineers in response to the realigned sub-arterial road, road design and stormwater design; and
- Condition 72: update the condition to reflect amended BASIX number.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 7 of the Environmental Planning and Assessment Act, 1979 specifies the referral requirements to a Planning Panel:-

The original application, the need for referral to the Planning Panel was also triggered by the following requirement:

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

The approved development had a Capital Investment Value of \$226,461,090 thereby requiring referral to, and determination by, a Planning Panel.

Further to the above, regional panels are also responsible for determining applications to modify a consent for regionally significant development under Section 4.55(2) of the EP & A Act. As the proposed modification is under the provisions of Section 4.55(2) of the EP & A Act, the SCCPP is the determining body for the application.

2. Section 4.55 of the Environmental Planning and Assessment Act 1979

Under Section 4.55 of the Environmental Planning and Assessment Act, 1979, a consent authority may, in response to an application previously granted, modify a consent if it is satisfied that the proposed modification is substantially the same development as originally approved.

The development to be modified remains a mixed-use commercial and residential development comprising commercial / retail floor area, a fitness centre and upper level residential dwellings with associated basement and at-grade car parking. The height, bulk and scale of the development remains consistent with that approved. A comparison of the approved and proposed development confirms that the changes between approved and proposed are minor. This is demonstrated in the following table:

Component	Approved Development Box Hill Town Centre	Proposed Section 4.55 for Box Hill Town Centre
Site area	DA Approved = 30,589m ² Registered Subdivision = 30,638m ²	31,093m ²
Number of units	651	665
Unit mix	170 x studio/one bed (26%) 435 x two bed (67%) 46 x three bed (7%)	175 x one bed (26%) 437 x two bed (66%) 53 x three bed (8%)

Component	Approved Development Box Hill Town Centre	Proposed Section 4.55 for Box Hill Town Centre
	Total = 651	Total = 665
GFA	Retail/Comm = 20,781m ² Residential = 60,603m ² Total = 81,384m ²	Retail/Comm = 22,525m ² Residential = 61,660m ² Total = 84,185m ²
FSR	Retail/Comm = 0.68:1 Residential = 1.98:1	Retail/Comm = 0.73:1 Residential = 1.99:1 (Based on B2 site area only)
Number of storeys	• Building A – 6 storeys • Building B – 8 storeys • Building C – 9 storeys • Building D – 6 storeys • Building E – 9 storeys • Building F – 8 storeys • Building G – 6 storeys • Building H – 8 storeys • Building J - 7 storeys	• Building A – 6 storeys • Building B – 8 storeys • Building C – 9 storeys • Building D – 6 storeys • Building E – 9 storeys • Building F – 8 storeys • Building G – 6 storeys • Building H – 8 storeys • Building J - 7 storeys
Proposed Height	• Building A – RL 61.25 (Roof) RL 62.45 (Lift) • Building B – RL 67.25 (Roof) RL 68.45 (Lift) • Building C – RL 67.25 (Roof) RL 68.45 (Lift) • Building D – RL 58.25 (Roof) RL 59.45 (Lift) • Building E – RL 67.25 (Roof) RL 68.45 (Lift) • Building F – RL 68.10 (Roof) RL 69.30 (Lift) • Building G – RL 59.60 (Roof) RL 60.80 (Lift) • Building H – RL 68.10 (Roof) RL 69.30 (Lift) • Building J – RL 62.10 (Roof) RL 63.30 (Lift)	• Building A – RL 62.60 (Roof) RL 63.80 (Lift) • Building B – RL 68.80 (Roof) RL 70.00 (Lift) • Building C – RL 68.80 (Roof) RL 70.00 (Lift) • Building D – RL 59.50 (Roof) RL 60.70 (Roof) • Building E – RL 68.80 (Roof) RL 70.00 (Lift) • Building F – RL 68.80 (Roof) RL 70.00 (Lift) • Building G – RL 60.00 (Roof) RL 61.20 (Lift) • Building H – RL 68.80 (Roof) RL 70.00 (Lift) • Building J – RL 62.60 (Roof) RL 63.80 (Lift)
Communal open space	10,893m ² (36%)	11,048m ² (36%)
Deep soil landscaping	Nil due to basement parking. 7066m ² of the podium is landscaped which equated to 65% of COS.	Nil due to basement parking. 7233m ² of the podium is landscaped which will equate to 65% of COS.

Access	Access via new sub-arterial road.	Access via new sub-arterial road.
Parking Spaces	1301	1341
Solar access Between 9am to 3pm mid-winter	76%	77%

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

3. Compliance with SEPP (Sydney Region Growth Centres) 2006

a. Permissibility

The original site which contained the subject building is zoned pursuant to SEPP (Sydney Region Growth Centres) and was located entirely on land zoned B2 Local Centre. The development is defined as the following:

“Shop top housing” means one or more dwellings located above (or otherwise attached to) ground floor retail premises or business premises.

The proposed modification seeks to include land zoned SP2 Infrastructure. A shop-top housing development is a prohibited use in this zone. The applicant seeks to use Clause 5.3 ‘Development near zone boundaries’ to address permissibility of the use, see below.

b. Clause 5.3 Development near zone boundaries

The development seeks to utilise 454.8m² of land zoned SP2 Infrastructure. The land was to be acquired by Council to construct the town centre bypass road and is now surplus to facilitating the road based on the current 80% design (Refer Attachment 11). The land is to be incorporated into an expanded town centre development approved on the adjoining B2 Local Centre zone land. The land is within 7.8 metres of the B2 zone.

The proposed development is not permitted in zoned land SP2, however the applicant has sought to rely on Clause 5.3 - Development near zone boundaries of the SEPP to enable the development.

It is intended by the applicant that the roads zoned SP2 are to be constructed by them under a works in kind agreement.

Clause 5.3 states as follows:

5.3 Development near zone boundaries

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.*
- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.*
- (3) This clause does not apply to—*
 - (a) land in Zone E2 Environmental Conservation, or*
 - (b) land within the coastal zone, or*

- (c) *land proposed to be developed for the purpose of sex services or restricted premises.*
- (4) *Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—*
- (a) *the development is not inconsistent with the objectives for development in both zones, and*
 - (b) *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*
- (5) *This clause does not prescribe a development standard that may be varied under this Precinct Plan.*

The applicant has submitted the following justification:

“Clause 5.3 provides flexibility where the investigation of the site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Land must be within 20 metres of any 2 zones. In granting consent the Consent Authority needs to be satisfied of the following:

- a) the development is not inconsistent with the objectives for development in both zones, and*
- b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The land in question is within 20 metres of the B2 Local Centre zone boundary.

The whole purpose for the inclusion of Clause 5.3 is to allow flexibility with the permissible land uses, often referred to as the ‘elastic band’ approach.

Clause 5.3 requires consideration of whether the development is inconsistent with the objectives of both zones.

The difference between the objectives of the B2 and SP2 zones, is that SP2 seeks to provide infrastructure and does not permit shop-top housing. The objectives and how they are achieved is outlined below:

The objectives of the B2 zone are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- To encourage employment opportunities in accessible locations.*
- To maximise public transport patronage and encourage walking and cycling.*
- To provide for residential development that contributes to the vitality of the local centre.*
- To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.*
- To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed-use developments.*
- To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, The Hills Shire*

The modified development continues to satisfy the objectives of the B2 zone, as outlined below:

- The amount of retail and commercial floor space will increase to provide a range of services to meet the needs of people who will live, work in and visit the local area;*
- Provision of employment opportunities in accessible locations;*
- Will continue to encourage public transport patronage as the area transitions and will also encourage walking and cycling;*
- Provide an appropriate balance of retail and residential floor space; and*
- Activate all street fronts and in particular the re-aligned sub-arterial road.*

The question is whether the development is inconsistent with the objectives of the SP2 zone. The objectives of the SP2 Infrastructure zone are:

- To provide for infrastructure and related uses.*
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposed modifications will continue to satisfy the objectives of the SP2 zone as follows:

- The road will be positioned further to the north/north-east of its original position. Adequate land has been provided to meet the infrastructure needs of Council and the land in question has become surplus to Council's needs;*
- This development is compatible with the provision of the new infrastructure as it will provide street definition and comply with the nil setback required under the DCP;*
- No future infrastructure is required across the site once Council's road has been constructed to the north; and*
- The approved and modified development will not affect the ability for Council to provide infrastructure in the future.*

The modified building and basement layouts are necessary to ensure that the building facades provide street edge definition and achieve appropriate building form to define the entry to the new town centre. The mixed-use building will not be incompatible with or detract from the provision of infrastructure, as adequate land has been set aside for the future roads around the site.

On this basis, one would conclude that the flexible application of the zoning, through the application of Clause 5.3, is appropriate and the development is not at odds with the objectives of both zones."

Comment:

As shown in attached architectural plans (Refer Attachment 7), Buildings F, G and H in the eastern part of the site have been reconfigured to utilise the surplus SP2 zoned land and provide a nil setback to the future bypass road.

The key considerations of Clause 5.3, including the 20 metre criteria addressed above, are as follows:

- (a) the development is not inconsistent with the objectives for development in both zones, and*
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The proposed encroachment is considered to be satisfactory having regard to (a) above as it satisfies the objectives of both zones as outlined in the applicant's justification. The proposal provides for housing needs of the community, contributes to the housing choice and variety in the area and supports the provision of higher density housing within an area which will be well serviced. In this regard the site is located in the future Box Hill town centre.

The proposed use of the land is considered to be a 'logical and appropriate development' given the surrounding existing and proposed urban form. The encroachment is minor and is considered to be a satisfactory use of the site.

The proposed use is considered satisfactory having regard to the provisions of Clause 5.3.

c. Development Standards

The following addresses the principal development standards of the SEPP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1 Minimum subdivision lot size	1.5 Ha	The original application provided for consolidation of 4 allotments. The site has a total area of 43,258m ² of which 30,589m ² is zoned B2. The surplus SP2 zoned land will be consolidated into the development site	Yes
4.1B Residential Density	NA Note the subject is not nominated on the Residential Density Map	NA	NA
4.3 Height of buildings	24 metres	33.41m – Elements of the buildings exceed 24 metres in height.	No – see comments below.
4.4 Floor space ratio	As shown on the floor space ratio map (0.5:1)	2.66:1	No – see comments below.
4.4A Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio	Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered "A" on the Floor Space Ratio Map is 2:1 if the site area is 3 hectares or more. Note: Subclauses 4.4A has since been amended.	The site area exceeds 3 hectares (3.058Ha) and is marked "A". The development provides for: Retail/ Commercial FSR of 0.72:1 (0.68:1 approved) Residential FSR of 1.98:1 (1.99:1 approved)	No – see comments below.

	Prior to amendments, the original wording of the clause as summarised; <i>Despite clause 4.4(2), the maximum floor space ratio for a building on land shown hatched red and lettered "A" on the Floor Space Ratio Map is 1:1 if the site area is 3 hectares or more.</i> <i>Despite clause 4.4 (2), the maximum floor space ratio for the shop top housing component of a building containing shop top housing on land shown hatched red and lettered "A" on the Floor Space Ratio Map, is 2:1</i> <i>(3) Subclause (1) is subject to subclause (2) (a)</i> <i>Note: Explanation of Intended Effect issued by the Department of Planning indicates that the subject site has an entitlement to a FSR of 3:1 encourage amalgamation and facilitate shop top housing.</i>	<i>The development was permitted to an FSR of 1:1 (non-residential) plus 2:1 for the shop top housing component of a building containing shop top housing.</i>	
6.8 Additional controls applying to certain shop top housing	(3) Development consent must not be granted to development on land identified as "Area E" on the Key Sites Map for the purposes of shop top housing if— (a) the height of the building exceeds 20 metres, or (b) less than 50% of the total floor area of the building will be used for non-residential purposes.	The buildings continue to exceed the 20m building height (33.41m) Approximately 75% of the floor space of the building remains for residential use.	No – see comments below.

d. Height

Clause 4.3 of SEPP Sydney Region Growth Centres 2006 limits the height of the development to 24 metres. The amended proposal has a maximum height of 33.41m being encroachment of 9.41 (39.2%) above existing ground level and 6.9m (28.7%) when considered against future finished ground levels. This is a maximum of 1.55m increase over the approved development.

Clause 4.3 Height of Buildings of the SEPP contains the following objectives:

- (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.*

Five of the nine buildings exceed the 24m height limit from existing ground level which is consistent with the original approval. The proposed height variation varies across the development site with the maximum exceedance located on Building C located in the north west corner of the site. The exceedance at its highest point relates to the lift over-run and would not be visible from any public space.

The specific heights for the proposed buildings are:

Building	Approved Height from Natural Ground Level (NGL)	Approved Height from Finished Ground Level (FGL)	Proposed Height from Natural Ground Level (NGL)	Proposed Height from Finished Ground Level (FGL)	Proposed Height Increase
A	21.70m	20.40m	23.05m	21.75m	1.35m
B	29.25m	28.05m	30.80m	29.60m	1.55m
C	31.86m	29.35m	33.41m	30.90m	1.55m
D	22.62m	20.20m	23.87m	21.45m	1.25m
E	30.85m	28.45m	32.40m	30.00m	1.55m
F	31.00m	28.45m	31.70m	29.15m	0.70m
G	21.05m	19.54m	21.45m	19.94m	0.40m
H	26.80m	26.40m	27.50m	27.10m	0.70m
J	22.50m	20.90m	23.00m	21.40m	0.50m

The applicant has submitted the following justification:

“The approved heights, exceeded the maximum height limits under the SEPP at the time of approval. The approved heights were determined to be appropriate in the context of the site, the location within a ‘greenfield area’ and given the need to undertake bulk earthworks to mitigate flooding.

Buildings A, D, G and J will still comply with the maximum height of 24 metres. The variation in building height will continue to be maintained across the site and will suitably control bulk and scale when viewed from the public domain.

The following height plane images detail the approved and proposed heights across the development site when compared to the new road levels and clearly illustrate the modified height changes:

Height Planes

Approved Development based on New Road Levels



Proposed Development based on New Road Levels



Approved Development based on New Road Levels



Proposed Development based on New Road Levels



Clause 4.6 of the SEPP, Exceptions of development Standards, allows a variation to the development standard. The Clause 4.6 variation submitted with the original application determined that the height variation was appropriate. The provisions of Clause 4.6 do not apply to Section 4.55 of the Environmental Planning and Assessment Act 1979.

The current SEPP control permits a height of 24 metres. However, Clause 6.8 restricts height across certain key sites and as the site is nominated as “Area E” on the SEPP Key Sites Map the height and floor space have additional restrictions.

It is noted that at the time of the determination of the approved development this Clause was a draft control. Council’s Planning report stated:

The subject application was lodged on 15 December 2015 prior to the exhibition of the proposed amendment. As a result, the amendment was not considered within the original documentation submitted by the applicant.....

.....Given the lodgement date and the current status of the planning proposal it is considered that the draft should not be given determinative weight particularly given that the proposed amendments do not seek repeal the Floor Space Ratio controls identified in Section 2 of this report.

Subsequently, the development was approved with heights exceeding 20 metres (except Building G), they varied between 19.54m and 29.35m and an FSR of 0.68:1 for retail/commercial use and 1.98:1 for residential use, equivalent to a 25% to 75% ratio, respectfully.

This application seeks to modify the balance of commercial/retail floor space and shop-top housing. The application will provide for a greater amount of retail/commercial GFA compared to the increased residential floor space. This is discussed further below under the SEPP Clause 4.4 FSR and Clause 6.8.

Notwithstanding, the proposed modifications seek to increase the heights on each residential floor to achieve 3100mm floor to floor heights to be compliant with ADG controls. This will ensure high levels of amenity for future residents.

The modified development should be supported as it will satisfy the objectives of Clause 4.3 and 6.8 in the following ways:

- Buildings will continue to be surrounded by streets on all sides and this will provide a buffer with adjoining sites;*
- The future buildings will still achieve a high level of solar access and compliant separation between buildings. There will be a shift in the shadow to the south, as shown on the accompanying drawings, however, the shadow will continue to fall onto the substation site to the south and is mostly absorbed by the roads.*
- The proposed density and floor space use allocation will continue to be appropriate and will see an increase in retail/commercial floor area comparative to the residential floor space. This is consistent with the desired future character of the Box Hill town centre and current approval.*
- The mix of building heights combined with articulation and modulation will provide visual relief along the future streetscape and provide an appropriate balance within this transition area.*
- The increased height will improve the internal amenity for future residents and will provide a desirable place to reside.*
- The building form, positions and overall height will still provide an appropriate hierarchy within the future Box Hill Town Centre.*

Comment:

In determining the appropriateness of the variation request a number of factors have been taken into consideration to determine whether the variation is supportable in this instance.

As outlined in the assessment report for the original application, it is noted that the ground levels surrounding the site relating to roads and associated infrastructure will be raised by up to 3m. The applicant has also provided building heights from future finished ground levels to provide a perspective of the height for when the development is completed, though it is acknowledged that using these levels; the development would still result in a variation to the 24m standard so this constraint alone is not considered a reason to support the variation.

The modification has maintained a mix of built form and articulation consistent with the original approval. Four of the nine buildings remain compliant with the 24m height limit. Specifically the minor increases in height translate only to small increases in overshadowing impacts and do not result in any privacy impacts as a result of the amendments. Accordingly, the proposed height is considered satisfactory and can be supported in this instance.

e. Floor Space Ratio

Clause 4.4A of SEPP Sydney Region Growth Centres 2006 allows the floor space ratio of the site to reach 2:1 as it exceeds 3 hectares (site mapped as 0.5:1). As outlined above, the SEPP at the time of consideration of the original application permitted an FSR of 1:1 (non-residential) plus 2:1 for the shop top housing component of a building containing shop top housing.

The amended proposal provides for retail/commercial FSR of 0.72:1 (0.68:1 approved) and residential FSR of 1.98:1 (1.99:1 approved), being a total of 2.66:1 (2.67:1 approved).

The applicant has submitted the following justification:

“The Joint Regional Planning Panel approved a maximum combined FSR of 2.66:1. This was based on the site area of 30,589m².

As discussed above, the site area has been expanded due to the registered plan of subdivision (30,638m²) and this Section 4.55 application seeks to increase the site boundary to included surplus SP2 Infrastructure land. The site area increases to 31,093.6m² with this application. However, the SP2 land does not have a FSR control and it does not generate GFA as the use is not permitted in the zone. As a result of the use of Clause 5.3 the GFA of the building is now positioned on both the B2 and SP2 zones. This results in a proportion of the FSR straddling both zones. This is summarised as follows:

Table: Comparison of the proportion of GFA across the two zones.

	B2 zone	SP2 zoned
Area	30,638m ²	455m ²
Commercial GFA	22,338m ²	187m ²
Commercial FSR Max Permitted Proposed	1:1 0.73:1	No control 0.41:1
Residential GFA	61,220m ²	440m ²
Residential FSR Max permitted Proposed	2:1 1.99:1	No control 0.96:1

As outlined in the above table, the development complies with the maximum permitted FSR in the B2 zone. The development relies on the use of Clause 5.3 to utilise a portion of the SP2 zoned land as part of the development site. This is further addressed below:

The above table represents the compliance with the LEP taking into account the permissibility of uses on the site. To assist Council's assessment of the bulk and scale of the development the following table provides the approved and proposed GFA and FSR figures based on the entire site area (irrespective of zoning). The following table considers the figures against the original site area, registered subdivision plan area and the expanded site area (incorporates surplus SP2 land) for comparative purposes only:

Table: Comparison of the approved and proposed GFA, FSR and percentage of land uses.

Use	GFA	% Floor Area per Use	FSR
<i>Approved based on Original Site Area = 30,589m²</i>			
Retail/Commercial	20,781m ²	25.53%	0.68:1
Shop-top Housing	60,603m ²	74.47%	1.98:1
Total	81,384m ²	100%	
<i>Proposed based on the Registered Subdivision Site Area = 30,638m²</i>			
Retail/Commercial	22,525m ² (+1,744m ²)	26.76%	0.74:1
Shop-top Housing	61,660m ² (+1,057m ²)	73.24%	2.01:1
Total	84,185m ² (+2,801m ²)	100%	
<i>Proposed based on New Site Area = 31,093m²*</i>			
Retail/Commercial	22,525m ² (+1,744m ²)	26.76%	0.72:1
Shop-top Housing	61,660m ² (+1,057m ²)	73.24%	1.98:1
Total	84,185m ² (+2,801m ²)	100%	

**this is provided for comparative purposes only as the SP2 zone cannot be used to determine the maximum permitted GFA."*

Comment:

As outlined in the applicant's justification, the proposal seeks to utilise Clause 5.3 of the SEPP to expand the development site over a surplus part of the site zoned SP2. As a whole, the development has an approved combined FSR of 2.67:1. The amended proposal has an FSR of 2.66:1 demonstrating a reasonable and consistent approach to the built form outcome for the expanded site in comparison to the approved development.

Although the controls relating to the floor space ratio for the existing development site have been reduced by amendments to the SEPP, it would be unreasonable to require any redistribution of floor space to be reduced to comply with the current controls. Further to this it is noted that the SP2 land is not subject to a specific FSR control, however the approach undertaken by the applicant is reasonable and consistent with the current FSR controls which allow a FSR of 2:1 for a site greater than 3 hectares.

Accordingly, the proposed floor space ratio is considered satisfactory and can be supported in this instance.

f. Additional controls applying to certain shop top housing

Clause 6.8 of SEPP Sydney Region Growth Centres 2006 was notified on 16 March 2018 after consent was granted for the original application. The Clause states;

6.8 Additional controls applying to certain shop top housing

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

- (a) *to reinforce the Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location,*
- (b) *to ensure that shop top housing is compatible with the prevailing character and amenity of surrounding land.*

- (2) Development consent must not be granted to development on land identified as “Area D” on the Key Sites Map for the purposes of shop top housing if—
- (a) the height of the building exceeds 10 metres, or
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.
- (3) **Development consent must not be granted to development on land identified as “Area E” on the Key Sites Map for the purposes of shop top housing if—**
- (a) the height of the building exceeds 20 metres, or**
 - (b) less than 50% of the total floor area of the building will be used for non-residential purposes.**
- (4) Development consent must not be granted to development on land identified as “Area F” on the Key Sites Map for the purposes of shop top housing if less than 50% of the total floor area of the building will be used for non-residential purposes.

The approved development and subject modification are non-complaint with the provisions of Clause 6.8. All the buildings exceed the 20m building height and approximately 75% of the building is for residential use.

The applicant has submitted the following justification:

“At the time of the determination of the original approval, this Clause was a draft control and was not a consideration in the assessment of Council. It was determined that a 25% to 75% ratio of non-residential to residential uses was appropriate for the subject site.

The majority of approved buildings exceed and will continue to exceed the 20-metre height which is consistent with the approval. The height is addressed above.

This modification seeks to amend the proportion of uses as shown in the following table:

Table: Comparison of the approved and proposed percentage of land uses within development.

Use	Approved GFA and % of Floor Area	Proposed GFA and % of Floor Area	% Increase
Non-Residential	20,781m ² (25.53%)	22,525m ² (26.76%)	+ 1.084%
Shop-top housing	60,603m ² (74.47%)	61,660m ² (73.24%)	+ 1.017%

It would be unreasonable to require compliance with Clause 6.8 based on the current approved uses and heights across the site, determined to be appropriate by Council and the Planning Panel.

As discussed above, under Clause 4.3 and 4.4, the proposed heights and percentage of floor area allocated to non-residential and residential uses is appropriate based on the history of the approval and balance of floor space allocation proposed under this modification.

The table above has demonstrated that the non-residential uses have had a greater increase across the site, this is consistent with the intent of this new clause, to require a higher percentage of non-residential uses within the future Box Hill town centre.

The original approval determined that a higher percentage of residential uses was also acceptable for this locality. Therefore, this modification is reasonable given the existing approval.

Comment:

As outlined in the height and floor space ratio sections above, the amended development is consistent with the relevant controls that were in place at the time of consideration of the original application. To require compliance with the Clause 6.8 would require a development that is no longer consistent with approved development.

The development provides retail and commercial floor space consistent with the anticipated floor space for the local centre and the built form outcomes are also consistent with surrounding land zoned R1 General Residential, R4 High Density and B2 Local Centre which ranges from 16m, 21m and 24m.

Accordingly, the proposed development is considered satisfactory in relation to clause 6.8 and can be supported in this instance.

g. Other Provisions

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

- 5.9 Preservation of trees or vegetation;
- 6.1 Public utility infrastructure; and
- 6.6 Active Street Frontages

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses as outlined in the original application.

4. Compliance with State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Buildings

The proposal has been reviewed under the provisions of SEPP 65 and the Apartment Design Guideline.

The subject modification was accompanied by the required statement from a registered architect, being Nick Taylor, of Krikis Tayler Architects, stating that he is qualified designer within the meaning of the Environmental Planning and Assessment Regulations and that the design is satisfactory with regard the design quality principles and the objectives of Part 3 and 4 of the Apartment Design Guide.

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

Principle 1: Context and neighbourhood character

Currently the immediate area is characterised by single rural style dwellings, market gardens, plant nurseries and similar low scale activities, however recent activity related to a number of approved subdivisions has occurred and a number of approvals have been granted for higher density development in the locality. The context will change over the coming years as further development occurs in the Precinct. Ground floor premises including shops, restaurants and cafes will encourage street interaction. Commercial uses and apartments will be located on the upper floors. It is considered that the development meets the anticipated context for the locality.

Principle 2: Built form and scale

The design of the building elements remain of a contemporary style with a number of elements being used to provide an architectural character. The form of the development remains consistent with approved scheme.

Principle 3: Density

The permissible FSR for development under the current controls is 2:1. Previously the site benefited from a 1:1 FSR for the retail/commercial component and 2:1 for the residential component above podium level. The proposed FSR for the retail/commercial podium component is 0.72:1 and 1.98:1 for the above podium residential towers. The expanded site caters for only 14 additional dwellings and is consistent with the floor space for the approved development.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by the Apartment Design Guidelines. The incorporation of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

Principle 5: Landscape

The landscape plan as amended indicates that all open spaces will be appropriately landscaped with native trees and shrubs to provide a high quality finish. The proposed landscaping integrates with the overall appearance of the development.

Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas and laundries have been provided for each unit. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 7: Safety

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

The NSW Police reviewed the original Development Application and outlined a number of CPTED recommendations which are conditioned under Condition No. 7 of 945/2016/JP.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. Council, on 9 September 2014, adopted The Hills Development Control Plan 2012 Part B Section 5 – Residential Flat Buildings which introduced new development standards in relation to unit mix. Although these controls do not apply to the site, it is noted the development is reasonably close to the the DCP which state that no more than 25% of the dwelling yield is to comprise of one bedroom apartments and no less than 10% of the units comprise 3 or more bedrooms. The application includes 175 x 1 bedroom units (26%), 437 x 2 bedroom units (66%) and 53 x 3 bedroom (8%).

Principle 9: Aesthetics

The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall building works and height is reduced by the articulation of the facades, creating smaller

segments in order to minimise the overall bulk and scale of the development. The design is modern in style and appropriate for the area.

Apartment Design Guidelines

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guidelines. The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guidelines.

Design Criteria

The relevant provisions of the Apartment Design Code are addressed 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 36% of site area (11,048m ²). The communal open space area will receive at least 50% direct sunlight for 2 hours at during midwinter.
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 .	No The site is unable to provide true deep soil zones as defined within the ADG given the location of basement within the entire development site. However 23% (7233sqm) of the site area at the podium level is landscaped which includes landscaping on structure consistent with Section 4P – Planting on Structures of the ADG.
Separation	For habitable rooms, 6m for 4 storeys, 9m for 5-8 storeys and 12m for 9+ storeys.	Yes Minimum 12m building separation between buildings.

Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes The visual privacy of the development has been duly considered with the placement of windows and balconies. Separation distances between habitable / non habitable spaces are considered to be adequate. Screening devices set at oblique angles have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Carparking	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: Metropolitan Sub-Regional Centres: 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).	Not applicable - Not located within a metropolitan sub-regional centre. There is a total of 456 retail and commercial car parking spaces on Basement Level 1 and 825 residential parking spaces on Basement Level 2.
Designing the Building		
Solar and daylight access	1. 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. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	Yes 77% of apartments receive 2 hours direct sunlight between 9am and 3pm midwinter. Yes 13% of apartments receive no direct sunlight between 9am and 3pm at mid-winter.

Natural ventilation	1. 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. 2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes A total of 62.7% of units will meet the cross ventilation requirements Yes The maximum overall depth less than 18m for a cross through apartment.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes Floor to ceiling height approx. 2.7 metres for all apartments. Ground floor retail – 3.3 metres
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.	Yes 1 bedroom – 50m² 2 bedroom – 75m² 3 bedroom – 120m² Where additional bathrooms are proposed, an additional 5m² has been provided. NA Yes All habitable rooms have windows greater than 10% of the floor area of the dwelling.

Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.	Yes
	In open plan layouts the maximum habitable room depth is 8m from a window.	Yes.
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts	Yes
Balcony area	The primary balcony is to be: Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.	Yes All balcony sizes and depths comply.
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight	Yes
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40	NA
Storage	Storage is to be provided as follows: Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³ At least 50% of the required storage is to be located within the apartment.	Yes Each unit contains the minimum storage area.
Apartment mix	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.	Yes The apartment mix is satisfactory.

5. Compliance with the Box Hill Development Control Plan

The proposal has been assessed against the requirements of the Box Hill Development Control Plan.

Section 8.1.2 of the DCP provides a set of site specific controls for the Box Hill Town Centre. The controls relate to the provision of active street frontages, awnings, signage, parking and site servicing. The amended development retains active street frontages which promote pedestrian activity and casual surveillance. The design incorporates a number of features to provide an attractive street address with awnings and shop fronts provided to ensure passive and active use. The amendments to the design have also better facilitated active street frontages on the eastern end of the site previously presented as blank wall to facilitate future

expansion and orderly development of the adjoining sites. This matter is no longer relevant based on the altered zonings.

Section 5.4 of the DCP provides development controls that specifically relate to shop top housing. These controls were amended at the time "Clause 6.8 - Additional controls applying to certain shop top housing" was introduced into the SEPP. The amended proposal is generally consistent with the exception of the requirement to provide 20m² of common open space per dwelling and 75% of common open space at ground level. The development provides for 11,048m² of common open space on the podium level. The development would be required to provide 13,300m² of common open space at ground level. Based on the outcomes of the approved development which exceeded the requirements at the time, the proposed common open space is considered satisfactory.

6. Issues Raised in Submissions

ISSUE/OBJECTION	COMMENT	OUTCOME
I find it very hard to comprehend why council will allow this developer to alter the Building Height Controls on this amendment DA 945/2016/JP/C, being set at a maximum height of 24 metres. The original application was approved for the building heights for the multiple structures to be built at various heights to make it "more pleasing to the eye" rather than the buildings being at the same height. Now the developer wants to increase the heights of the multiple structures from the previous average height of 24.63 metres to an average height of 25.69 metres.	As outlined in this report the additional height encroachments are relatively minor and remain consistent with the approved built form outcomes for the site. The changes in height primarily relate to the changes to the road design levels and a minimum 2700mm ceiling height for habitable rooms to provide adequate amenity for future residents of the units.	Issue addressed.
The proposed realignment of the sub-arterial road in Mason Rd and the assumption that a portion of our property is or will be available for this construction, also stating that an indication "that council may not be seeking the full dedication of the SP2 land as it exceeds their requirements in delivering the sub-arterial road", therefore allowing an increase to the overall development site by some 454.8 sq metres.	The current design of Mason Road provides for a minor realignment that will provide a small portion of SP2 land as surplus to Council. The merits of the proposal utilising this portion of land are addressed in the report.	Issue addressed.

It appears that the Zoning/Roadway plans and Building Controls set by NSW State Planning and Council are being allowed to be manipulated by developers, even though council asks for feedback and objections from concerned local residents.	The merits of the proposal including the use of the SP2 zone land are addressed in the report.	Issue addressed.
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CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 and 4.55 of the Environmental Planning and Assessment Act, 1979, SEPP Sydney Region Growth Centres and the Box Hill Development Control Plan and is considered satisfactory.

The variations to the SEPP Height, FSR and controls relating to shop-top housing are addressed in the report and are considered satisfactory. The amended development provides for a built form outcome consistent with the approved development that addresses the realigned town centre bypass road and surplus SP2 zoned land.

The issues raised in the submission have been addressed in the report. Further amendment or refusal of the application is not warranted.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

The Hills Future Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

Pursuant to the provisions of Section 4.55 of the Environmental Planning and Assessment Act 1979, the modification be approved as follows:-

Conditions Nos. 1, 20, 37, 38, 53 and 72 be deleted and replaced as follows:

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with Development Consent 945/2016/JP, 945/2016/JP/A, and 945/2016/JP/B and this consent (945/2016/JP/C) except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS – 945/2016/JP/C

DRAWING NO.	DESCRIPTION	REVISION	DATE
A01	Site Analysis Plan	G	15/03/2019
A02	Basement 2 Plan	R	18/04/2019
A03	Basement 1 Plan	L	15/03/2019
A04	Ground Level Plan	T	27/06/2019
A05	Mezzanine Plan	P	18/04/2019
A06	Level 1 Plan	L	18/04/2019
A07	Level 2 Plan	L	18/04/2019
A08	Level 3 Plan	M	18/04/2019
A09	Level 4 Plan	L	18/04/2019
A10	Level 5 Plan	L	18/04/2019
A11	Level 6 Plan	L	18/04/2019
A12	Level 7 Plan	L	18/04/2019
A13	Roof Plan	J	18/04/2019
A26	Building G Ground, Mezzanine and Typical Plans	H	14/03/2019
A26_1	Building G Level 4 Plan	G	18/04/2019
A27	Building H Plans	H	18/04/2019
A27_1	Building H Plans Level 6 and 7 Plans	C	18/04/2019
A28	Building J Level 1 and Typical Plans	G	18/04/2019
A30	Elevations 1	H	11/03/2019
A31	Elevations 2	H	11/03/2019
A32	Elevations 3	H	11/03/2019
A33	Elevations 4	G	11/03/2019
A40	Sections A and B	F	14/03/2019
A55	Material Board	D	17/09/2018
50.16(15)	Landscape Package - Sheets 1 -10	-	-

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.

20. Approved Subdivision Detail/ Extent

The subdivision of the site is included as part of this approval, but only to the extent of dedicating the required roads and road widening, excising the stormwater management part of the site and creating a single development lot in accordance with the plans/ detail that was submitted. The final subdivision plan must generally reflect the subdivision plan prepared by H Ramsey and Co Sheet 1 of 1 dated 03/05/2019 and account for the following additional requirements:

- The dedication as road of the section of the new bypass road (BHNRO9) within the subject site. This road reserve must be 24m wide as per the concept plan prepared by ACE Revision A2 dated 02/07/2019. Any planned works in kind/ material public benefit agreement or voluntary planning agreement must take into consideration the work/ land covered by Contribution Plan 15. The additional 3m must be taken from the part of the site north of the SP2 zoned road extent rather than the B2 zoned land to the south as per the subdivision plan referred to earlier. This will reduce the size of the SP2 zoned stormwater management land/ lot required to be created (see below).
- The dedication as road widening of the SP2 zoned road widening along the Terry Road site frontage (BHRU02B). The eventual/ full width road reserve must be 25.7m as per the concept plan prepared by ACE Revision A2 dated 02/07/2019 however this will not be realised until the road widening opposite is taken from 10 to 38 Terry Road.
- The dedication as road widening of the additional land-take associated with the planned traffic signals at the intersection between the bypass road/ Terry Road (BHT18). This additional land-take must come from the B2 zoned part of the site as per the detail/ extent provided by Council on 13/05/2016 (2036 option) and generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019. The roof level building encroachment shown extending into the planned road reserve/ footpath verge amended (approved) plan set will need to be reviewed at the detailed design/ Construction Certificate stage to ensure the encroachments, particularly those at ground level, are suitably setback from the kerb return at both intersections so as to encroach into the actual trafficable carriageway/ conflict with the swept turning path for the largest design service vehicle. Any encroachments/ awnings will need structural certification (both design and as-built) and the details of such will need to be submitted to Council before construction of the affected works.
- The dedication as road widening at no cost to Council of the road widening along the Mason Road site frontage within the subject site/ B2 zoned land. The necessary road widening (2.4425m and variable) to provide for the eventual 25m wide road reserve is shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019. The splay corner at Terry Road/ Mason Road is 5m by 5m as per the approved plan cited above. This dedication must occur at no cost to Council.
- The creation of separate lot containing the SP2 zoned stormwater management land north of the bypass road associated with the future basins (BH02A/ RGB02A and BH02B/ RGB02B) and containing the two temporary basins proposed under this approval. This needs to be created as a separate lot so that it may be acquired later under a separate process, unless the transfer is included in any planned works in kind/ material public benefit agreement or voluntary planning agreement. A lot number must be added to the final plan.
- The creation of a second/ separate lot containing the actual development site/ remainder of the B2 zoned land. Any planned subdivision of this proposed lot will require separate approval. A lot number must be added to the final plan.
- The final subdivision plan must be registered before an Occupation Certificate can be issued.
- The requirements of any other relevant/ applicable conditions of this consent.

34. Finished Floor Level – Flooding

The finished floor level/s of the structure must reflect the approved plans and are to be no lower than RL 39.2 AHD along any point in the bypass road, for the finished floor level of the retail tenancies facing the bypass road and for the crest/ highest point along all four driveways facing the bypass road.

37. Property Numbering and Cluster Mail Boxes

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

The main property address for this development will be provided at a later date. Contact Council's Land Information Section.

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

Retail Ground G01 – G44

Soho 107 - 127

Residential Units Numbering is as follows:-

Level	Building A	Building B	Building C	Building D	Building E
One	1202-1214	1101-1120	1121-1129	1130-1139	1140-1150
Two	2202-2214	2101-2120	2121-2129	2130-2139	2140-2150
Three	3202-3214	3101-3120	3121-3129	3130-3139	3140-3150
Four	4202-4214	4101-4120	4121-4129	4130-4139	4140-4150
Five	5176-5188	5101-5120	5121-5129	NIL	5130-5140
Six	NIL	6101-6120	6121-6129	NIL	6130-6140
Seven	NIL	7101-7120	7121-7129	NIL	7130-7140

Level	Building F	Building G	Building H	Building J
One	1151-1158	1159-1174	1175-1188	1189-1201
Two	2151-2158	2159-2174	2175-2188	2189-2201
Three	3151-3158	3159-3174	3175-3188	3189-3201
Four	4151-4158	5159-4174	4175-4188	4189-4201
Five	5141-5148	NIL	5149-5162	5163-5175
Six	6141-6148	NIL	6149-6159	NIL
Seven	7141-7148	NIL	7149-7159	NIL

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

Under no circumstances can unit numbering be repeated or skipped throughout the development 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 at entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

Mail Boxes

A Cluster mail box is to be provided for each Building and 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 units plus one (1) for

the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building A.

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 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 to council@thehills.nsw.gov.au for the allocation of final Property and Unit numbering required to be included within the registered Strata Administration sheet.

Under no circumstances is a numbering administration sheet to be lodged with Land Registry Services NSW without approval from Council's Land Information Section.

38. Section 7.11 Contribution

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

Payments comprise of the following:-

Prior to the issue of the Construction Certificate for the Residential component

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: 4 bedroom unit	Purpose: Credit
Open Space - Land	\$13,264.71	\$14,044.99	\$16,837.96	\$16,837.96	\$16,837.96
Open Space - Capital	\$6,552.17	\$6,937.59	\$8,317.20	\$8,317.20	\$8,317.20
Transport Facilities - Land	\$1,353.68	\$1,433.31	\$1,718.34	\$1,718.34	\$1,718.34
Transport Facilities - Capital	\$3,838.37	\$4,064.16	\$4,872.36	\$4,872.36	\$4,872.36
Water Management - Land (KCP)	\$5,244.46	\$5,552.95	\$6,657.21	\$6,657.21	\$6,657.21
Water Management - Capital (KCP)	\$5,001.04	\$5,295.21	\$6,348.22	\$6,348.22	\$6,348.22
Administration	\$195.93	\$207.45	\$248.71	\$248.71	\$248.71
Total	\$35,450.36	\$37,535.66	\$45,000.00	\$45,000.00	\$45,000.00

No. of 1 Bedroom Units: 163	No. of 2 Bedroom Units: 415	No. of 3 Bedroom Units: 76	No. of 4 Bedroom Units: 11	Sum of Units	No. of Credits: 1	Total \$7.11
\$ 2,162,147.73	\$ 5,828,670.85	\$ 1,279,684.96	\$ 185,217.56	\$ 9,455,721.10	\$ 16,837.96	\$ 9,438,883.14
\$ 1,068,003.71	\$ 2,879,099.85	\$ 632,107.20	\$ 91,489.20	\$ 4,670,699.96	\$ 8,317.20	\$ 4,662,382.76
\$ 220,649.84	\$ 594,823.65	\$ 130,593.84	\$ 18,901.74	\$ 964,969.07	\$ 1,718.34	\$ 963,250.73
\$ 625,654.31	\$ 1,686,626.40	\$ 370,299.36	\$ 53,595.96	\$ 2,736,176.03	\$ 4,872.36	\$ 2,731,303.67
\$ 854,846.98	\$ 2,304,474.25	\$ 505,947.96	\$ 73,229.31	\$ 3,738,498.50	\$ 6,657.21	\$ 3,731,841.29
\$ 815,169.52	\$ 2,197,512.15	\$ 482,464.72	\$ 69,830.42	\$ 3,564,976.81	\$ 6,348.22	\$ 3,558,628.59
\$ 31,936.59	\$ 86,091.75	\$ 18,901.96	\$ 2,735.81	\$ 139,666.11	\$ 248.71	\$ 139,417.40
\$ 5,778,408.68	\$ 15,577,298.90	\$ 3,420,000.00	\$ 495,000.00	\$ 25,270,707.58	\$ 45,000.00	\$ 25,225,707.58

Prior to the issue of the Construction Certificate for the Non-residential component

Development Category	Rate per M² of Floor Area: 27,047 m²	Total \$7.11
Transport Facilities - Land	\$ 16.47	\$ 445,464.09
Transport Facilities - Capital	\$ 48.60	\$ 1,314,484.20
Administration	\$ 0.82	\$ 22,178.54
Water Management - Land (KCP)	\$ 15.70	\$ 424,637.90
Water Management - Capital (KCP)	\$ 14.95	\$ 404,352.65
Total	\$ 96.54	\$ 2,611,117.38

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.

53. Engineering Works and Design

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

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

The 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)
Bypass Road	Road Type: DCP Typical Sub-arterial Road (amended) 4.5m/ 16m/ 3.5m (24m) Pavement Design: Sub-arterial/ Enhanced Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 12m based on a 5m splay corner unless otherwise directed by Council.
- The wider 4.5m verge must be located on the northern side of the bypass road correlating with the shared path required at this location.
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway.
- The footpath verge on the northern side of the bypass road facing the creek/ basin must have a reverse cross-fall of 4% falling away from the kerb, contrary to the concept plan prepared by ACE Revision A2 dated 02/07/2019. The level difference between the creek/ basin and the road needs to be addressed via a stabilised batter informed by a geotechnical engineer. This interface/ batter needs to consider the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B) and not affect the flood storage/ surface treatment area provided by the same.
- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this

design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.

- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- Sags, crests and cross roads (and other similar/ standard detail) needs to be added to the long-sections for all roads.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

b) Partial Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Terry Road (1)	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Terry Road (2)	Road Type: DCP Sub-arterial Road (between KCP and Mason Road) 4.5m/ 7m/ 1.2m/ 7m/ 6m (25.7m) Pavement Design: Sub-arterial/ Enhanced Collector (Design Guidelines Section 3.12)
Mason Road	Road Type: DCP Town Centre Main Street 4m/ 15m/ 6m (25m) Pavement Design: Industrial/ Commercial (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 12m based on a 5m splay corner unless otherwise directed by Council.
- The 4.5m verge must be located on the western/ opposite side of Terry Road correlating with the shared path required at this location.
- The wider 6m wide verge must be located on the northern side of Mason Road fronting the site.

- Terry Road (1) relates to the section of this road north of the intersection between the bypass road/ Terry extending to the northern site boundary. The portion of Terry Road south of this intersection is a different road type/ formation and only partial width reconstruction is required (see below).
- Terry Road (2) relates to the section of this road south of the intersection between the bypass road/ Terry extending to the southern site boundary. The portion of Terry Road north of this intersection is a different road type/ formation and full width reconstruction is required (see above).
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway. The footpath verge on both sides of Terry Road (1) where this road crosses the creek/ basin must have a reverse cross-fall of 4% falling away from the kerb, contrary to the concept plan prepared by ACE Revision A2 dated 02/07/2019. The level difference between the creek/ basin and the road needs to be addressed via a stabilised batter informed by a geotechnical engineer. This interface/ batter needs to consider the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B) and not affect the flood storage/ surface treatment area provided by the same.
- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.
- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- The construction of Terry Road (1) must account for the culvert/ creek crossing required here (CR-F), see below.
- The construction of Terry Road (1) must account for the regrading (lifting) of this road, requiring a temporary transition/ section of reconstruction to a rural residential road standard back to the existing road carriageway further north (at the existing road surface level), generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019.
- The works proposed/ required on 33 Terry Road relating to the existing driveway for that property must be arranged in consultation with the affected neighbour. Consent/ agreement from that owner for these works on their land must be submitted with the Construction Certificate/ detailed design.
- Temporary retaining walls within the road reserve are to be avoided wherever possible/ replaced with steeper (stabilised) batters. It must be demonstrated that a reasonable attempt has been made to obtain written consent from the owner/s of the affected properties opposite/ fronting the works at the detailed design/ Construction Certificate stage for battering into their land to provide for the future/ permanent finished levels along this boundary up-front (save the need for temporary works).
- The filling/ regrading within the site adjacent to the eastern edge of Terry Road (1) between chainages 95 and 140 must be added to the cross-sections for this road, showing how the road edge correlates with the creek/ basin (and temporary basin/ swale) here.

- The construction of Mason Road and Terry Road (2) must account for the regrading (lifting) of this road, requiring a temporary transition/ section of reconstruction to a rural residential road standard back to the existing road carriageway further south and east respectively (at the existing road surface level), generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019
- The works proposed/ required on 34, 36 and 38 Terry Road relating to the existing driveways for those properties must be arranged in consultation with the affected neighbours. Consent/ agreement from those owners for these works on their land must be submitted with the Construction Certificate/ detailed design.
- 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 (for Terry Road (1)), 7m of road pavement (for Terry Road (2)) and 11m of road pavement (for Mason Road), generally as shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019. This new road pavement must transition into the existing road pavement opposite where possible.
- 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.
- Sags, crests and cross roads (and other similar/ standard detail) needs to be added to the long-sections for all roads.
- The temporary intersection/ bend connecting the new part of Mason Road at the eastern site boundary with the existing section of this road as it extends further east must be provided generally in accordance with the concept plan prepared by ACE Revision A2 dated 02/07/2019.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

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 eastern end of the bypass road.

d) Street Names Signs

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

e) Creek Crossing/ Culvert – Terry Road

The alignment, width and formation of the creek crossing/ culvert for Terry Road between basins BH02A/ RGB02A and BH02B/ RGB02B must be provided for generally in accordance with the limited detail included with the concept plan prepared by ACE Revision A2 dated 02/07/2019.

The following additional/ specific requirements apply:

- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.

- Design to be substantially in accordance with the principles set out in the publications Australian Standard Bridge Design Part 1: Scope and General Principles (AS 5100.1-2004 (Incorporating Amendment No.1)), and Austroads Guide to Bridge Technology Part 4: Design Procurement and Concept Design.
- Minimum freeboard to the underside of the bridge structure is to be in accordance with the requirements of the abovementioned publications, having regard to carriageway cross-falls.
- Bridge clear opening to be a minimum of 50% of the overall width of the riparian corridor, measured from toe of abutments, and allowing for bridge pier widths.
- Piers are to be designed to be streamlined in the direction of flow. Other than in unavoidable circumstances, no piers are to be constructed so as to obstruct the primary waterway area (between low banks).
- Bridges are to be low energy style structures, minimising afflux at the design flood (100 year ARI post-development case).
- Allowance for blockage is to be in accordance with the requirements of the publication Australian Rainfall and Runoff Revision Project 11: Blockage of Hydraulic Structures - Blockage Guidelines (February 2015).
- Consideration may be made for the construction of relief culverts through each abutment to account for the allowance of blockage in the bridge design.
- Hydraulic modelling is to be undertaken to determine the two dimensional flow behaviour for channel forming flows (consider the 1:2 and 1:5 year storm events) and the design flood (1:100 year storm event) to enable the design of any bed, bank and abutment scour protection works.

f) Intersection Design – Terry Road Traffic Signals

The construction/ reconstruction of the bypass road, Terry Road and Mason Road must design for/ include the planned traffic signals at bypass road/ Terry Road (BHT18) and Mason Road/ Terry Road (BHT11). The basic intersection geometry/ required land-take for both were provided by Council on 13/05/2016 (2036 option).

Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.

The warrants for traffic signals here are not met yet. Until this is the case, the detailed design must provide for an appropriate level of priority control informed by a traffic consultant. This signage/ line-marking will need to be approved by the Local Traffic Committee because it relates to existing public roads.

The conduits for the eventual/ planned traffic signals must be installed up-front to save the need for re-work later.

g) Concrete Footpath

A 3.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of the bypass road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the eastern side of Terry Road (1) in accordance with the DCP and the above documents.

A 6m wide concrete footpath, including access ramps at all intersections, must be provided on the eastern side of Terry Road (2) of the bypass road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

A 4m wide concrete footpath, including access ramps at all intersections, must be provided on the northern side of Mason Road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

h) Concrete Cycleway/ Shared Path

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

i) Driveway Requirements

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

All five proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

j) 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.

k) 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.

l) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept plan prepared by ACE Revision A2 dated 02/07/2019.

m) 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.

n) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of NRAR and Council.

o) Water Sensitive Urban Design Elements – Permanent/ On-site

Water sensitive urban design elements within the development site/ lot, consisting of three rainwater reuse tanks (with volumes of 121.26 cubic metres, 77.7 cubic metres and 60.8 cubic metres) and three filtration tanks containing a total of 15 SW 360 690mm high filtration cartridges (or an approved/ industry tested and accepted equivalent proprietary product), are to be located generally in accordance with the concept stormwater plan prepared by ACE Revision E dated 02/11/2016.

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.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

p) Stormwater Drainage – Temporary Management (Box Hill)

The temporary stormwater management measures described below are to be provided in accordance with the concept plan prepared by ACE Revision A2 dated 02/07/2019. The temporary stormwater management measures referred to above include:

- Two temporary detention basins (east and west) with a minimum storage volume of 280.6 cubic metres and 536.3 cubic metres respectively. These basins have a staged discharge via a low flow pipe and two weirs/ spillways for each.
- A grassed/ vegetated swale (the final finish and treatment will depend on how DPI – Water want to see this area treated temporarily via the Controlled Activity Approval process) along the northern edge of both basins to act as an outlet for the basins and to convey runoff from the upstream catchment around the temporary stormwater management measures towards the planned culvert under Terry Road (see above).
- A temporary piped inlet to each basin from the bypass road (two).
- A piped outlet to the grassed/ vegetated swale from the trapped low point in the bypass road near Terry Road.
- A piped outlet to the downstream side of the planned culvert under Terry Road (see above) from the street drainage network in Terry Road.

The detailed design must include/ account for the eventual/ permanent street drainage in both roads and the discharge of this runoff to the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B), so that the kerb and gutter etc; being installed now does not need to be removed to provide for the permanent street drainage when adjoining properties are developed and the temporary basins referred to above removed. Where additional lines need to be added to the plan, the permanent/ future lines need to be capped so that water does not pond in them in the meantime.

The purpose of the temporary stormwater management measures is to ensure there is no impact downstream between the pre-development and post development conditions for a range of storm events. The scope and 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 to ensure this occurs when the permanent basin/ rain gardens

planned here (BH02A/ RGB02A and BH02B/ RGB02B) are constructed and runoff from the subject site is/ can be connected to the same. These temporary basins are not part of the permanent basin/ rain gardens planned here and so cannot be included in any planned works in kind/ material public benefit agreement or voluntary planning agreement.

Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.

As these measures are primarily located within the stormwater management land intended to be acquired by Council under a separate process, the detailed design will need to be finalised in consultation with Council's Infrastructure Group via Council's Construction Engineer.

72. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 630878M_05 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

Condition No. 22 be deleted.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Plan
4. Height Map
5. Floor Space Ratio Map
6. Approved Architectural Plans
7. Proposed Architectural Plans
8. Development Consent 945/2016/JP
9. Modification 945/2016/JP/A
10. Modification 945/2016/JP/B
11. Current Mason Road Bypass Road Design

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
 - ☒ PROPERTIES NOTIFIED
 - ☒ SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

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ATTACHMENT 2 – AERIAL MAP



 SUBJECT SITE

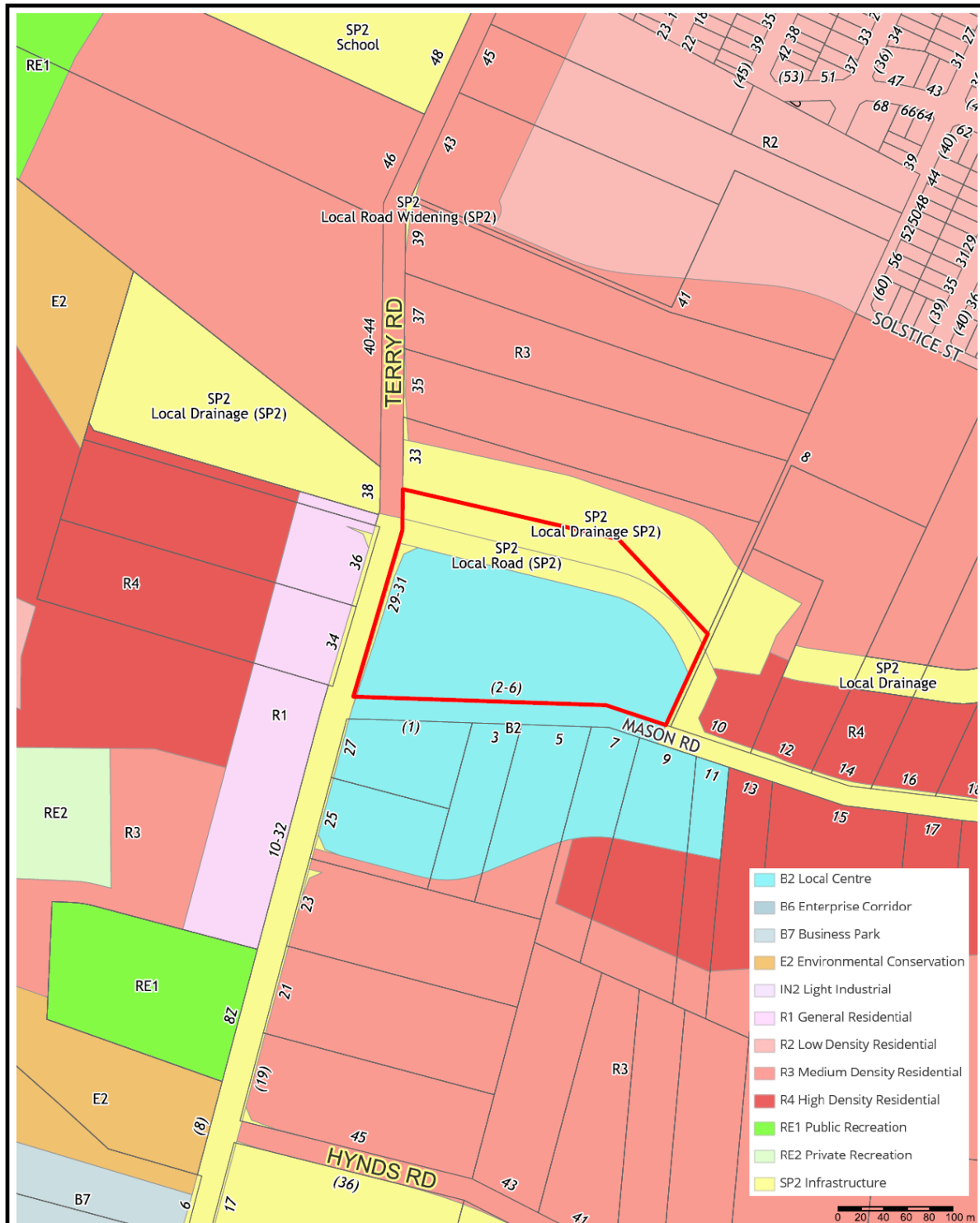
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Sydney's Garden Shire

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ATTACHMENT 3 – ZONING MAP



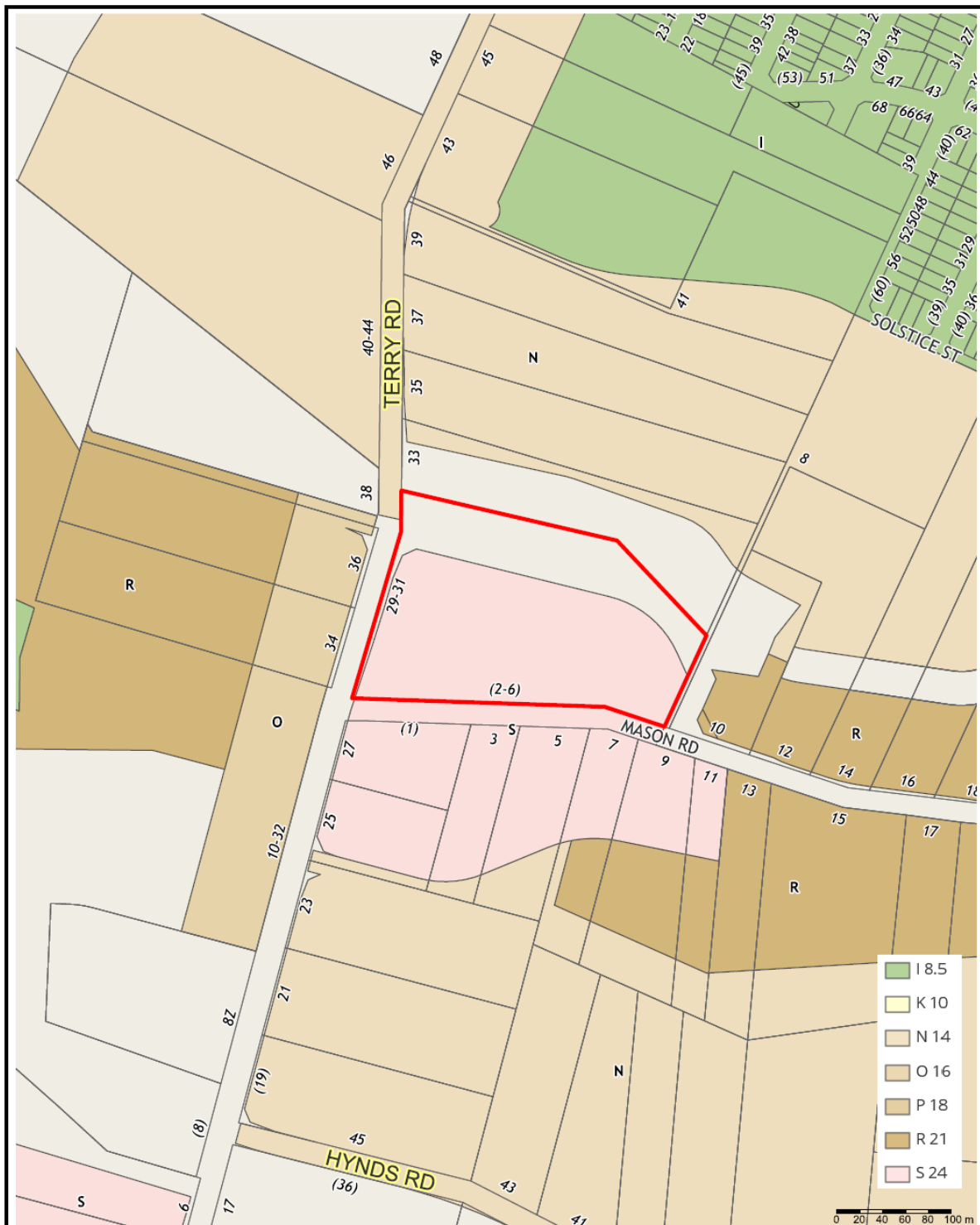
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Scale (A4): 1:4514
Date: 1/29/2020
Prepared by: Robert Buckham

ATTACHMENT 4 – HEIGHT MAP



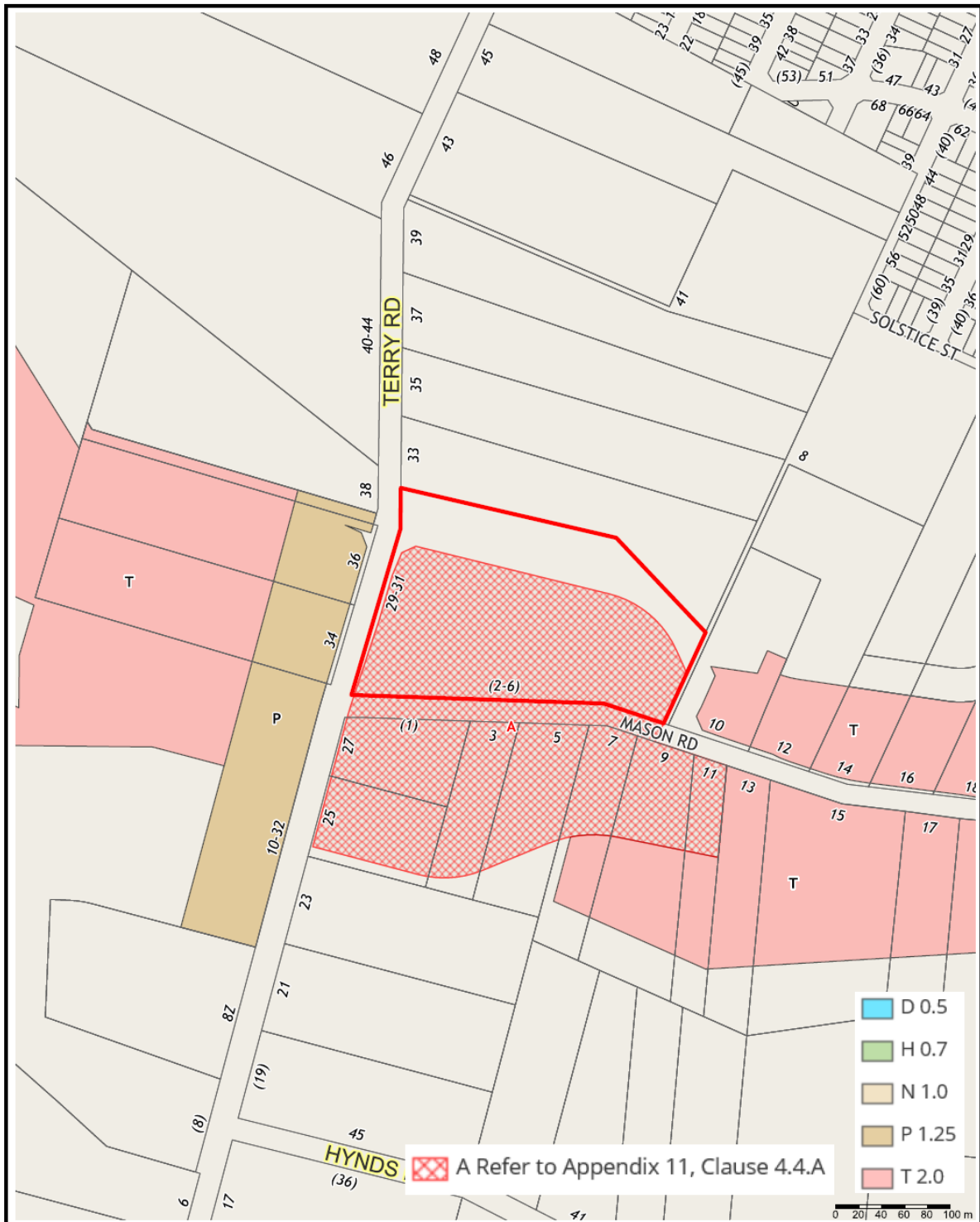
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Scale (A4): 1:4514
Date: 1/29/2020
Prepared by: Robert Buckham

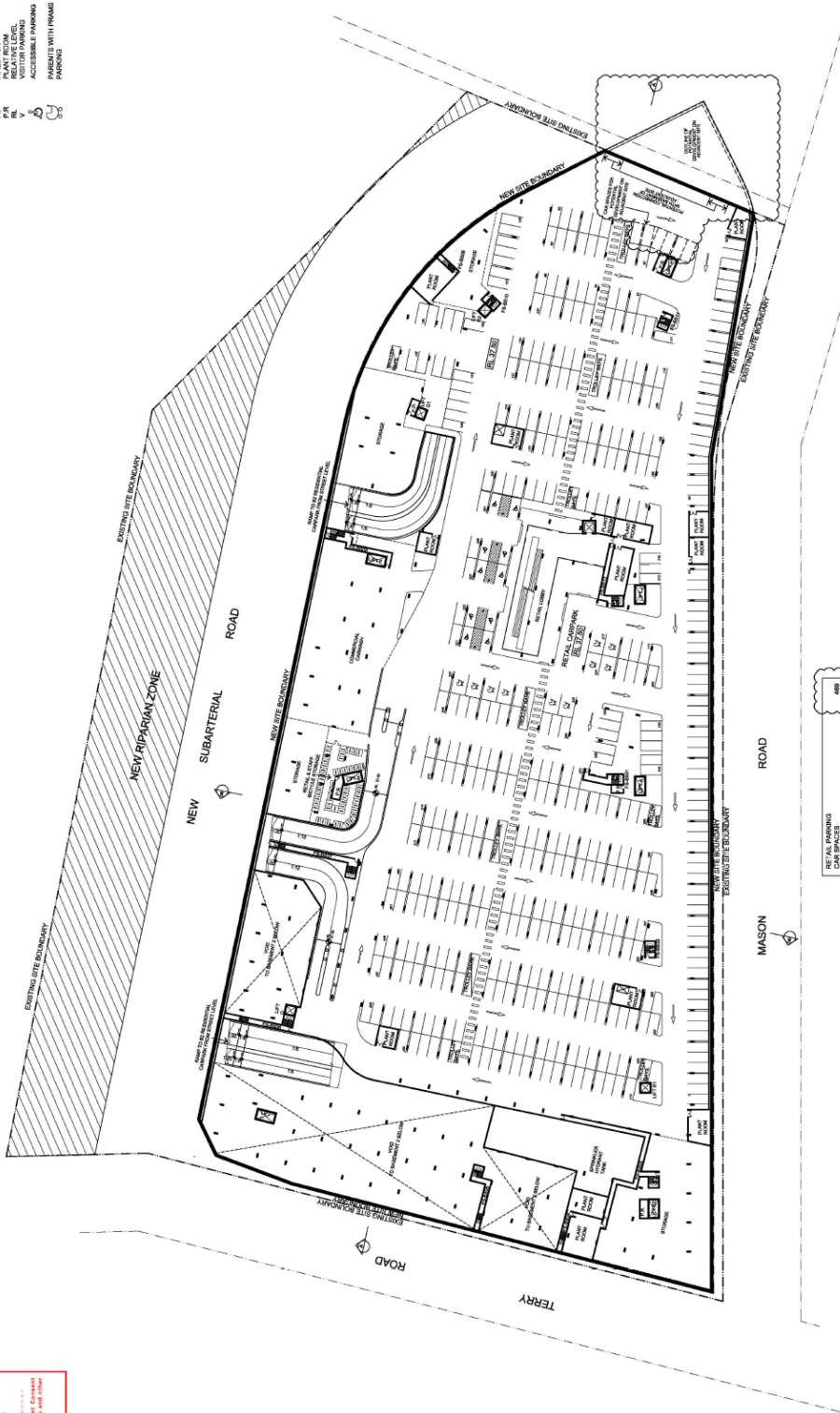
ATTACHMENT 5 – FLOOR SPACE RATIO MAP



[illegible]

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO.
945207EUP
This plan is a condition of Development Consent.
Any use or development must be in accordance with the
conditions of the Development Consent and any other
conditions which may be imposed.

- LEGEND
- B BOLLARD
 - P PLANT ROOM
 - PTR PARKING TRAILER
 - V VISITOR PARKING
 - A ACCESSIBLE PARKING
 - PW PARKING WITH PAVEMENT
 - PO PARKING



RETAIL PARKING	488
CAR SPACES	278
TOTAL SPACES	766
RETAIL & COMMERCIAL	488
BIKE PARKING	278
TOTAL SPACES	766

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT BASEMENT 1 PLAN

REVISED DA
DATE 21/03/2018
SCALE 1:500 B A1
PROJECT NO. 1015
DRAWING NO. A03
H



ARCHITECT
K&S
1/11 MCGILL STREET
SYDNEY NSW 2000
TEL: 02 914 0147
WWW.KANDSARCHITECTS.COM.AU

PROPRIETOR
TOPLACE PTY LTD
1/11 MCGILL STREET
SYDNEY NSW 2000
TEL: 02 914 0147



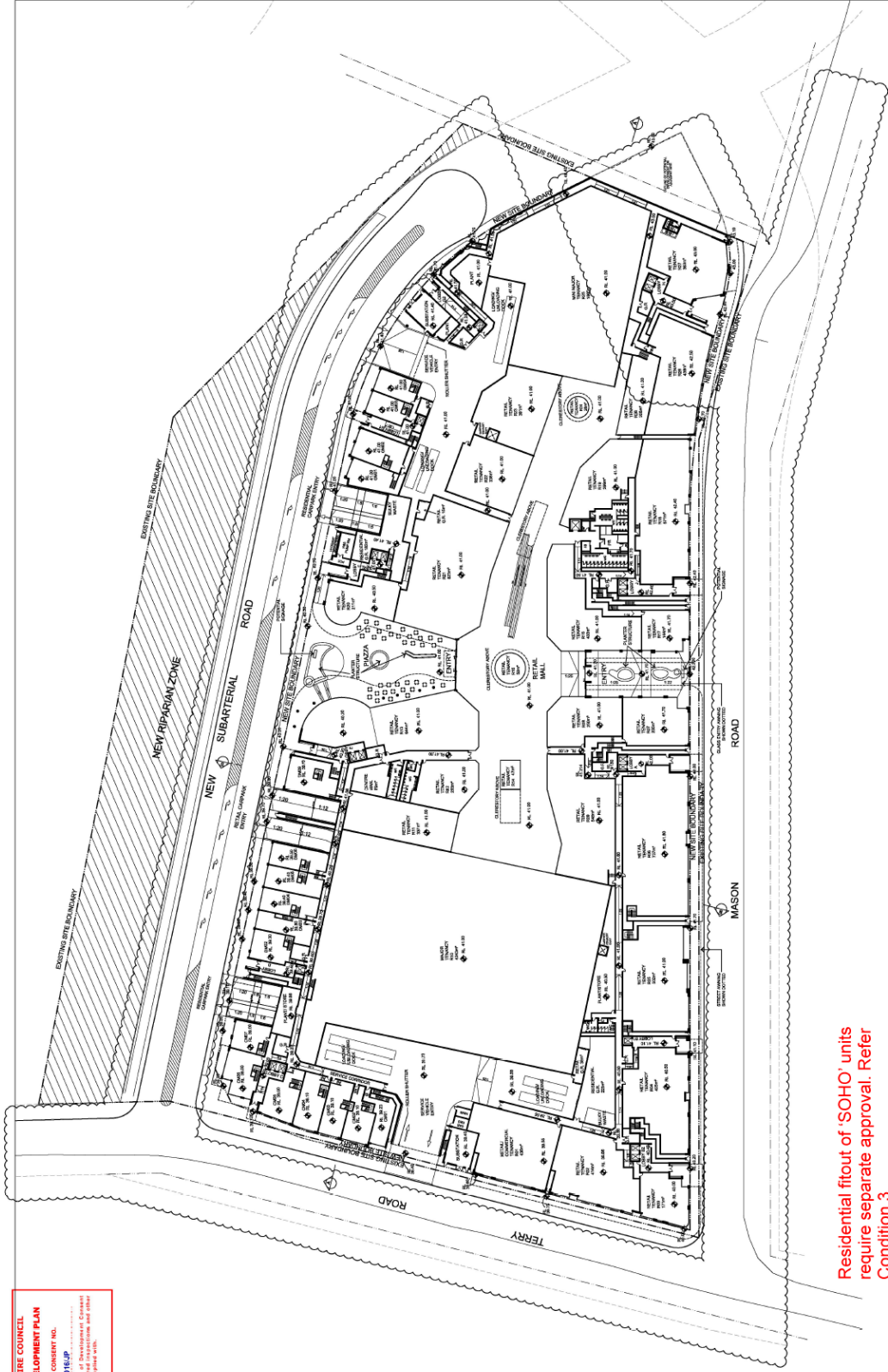
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1/11 MCGILL STREET
SYDNEY NSW 2000
TEL: 02 914 0147

300mm ON ORIGINAL

300mm

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO.
9462916UP

Please refer to conditions of Development Consent for the details of the approved development and other relevant information.



Residential fitout of 'SOHO' units
require separate approval. Refer
Condition 3.



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PREPARED BY
TOPLACE PTY LTD
10/01/2019
TEL: 02 9447 8844
FAX: 02 9447 8845

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2165
GROUND LEVEL PLAN



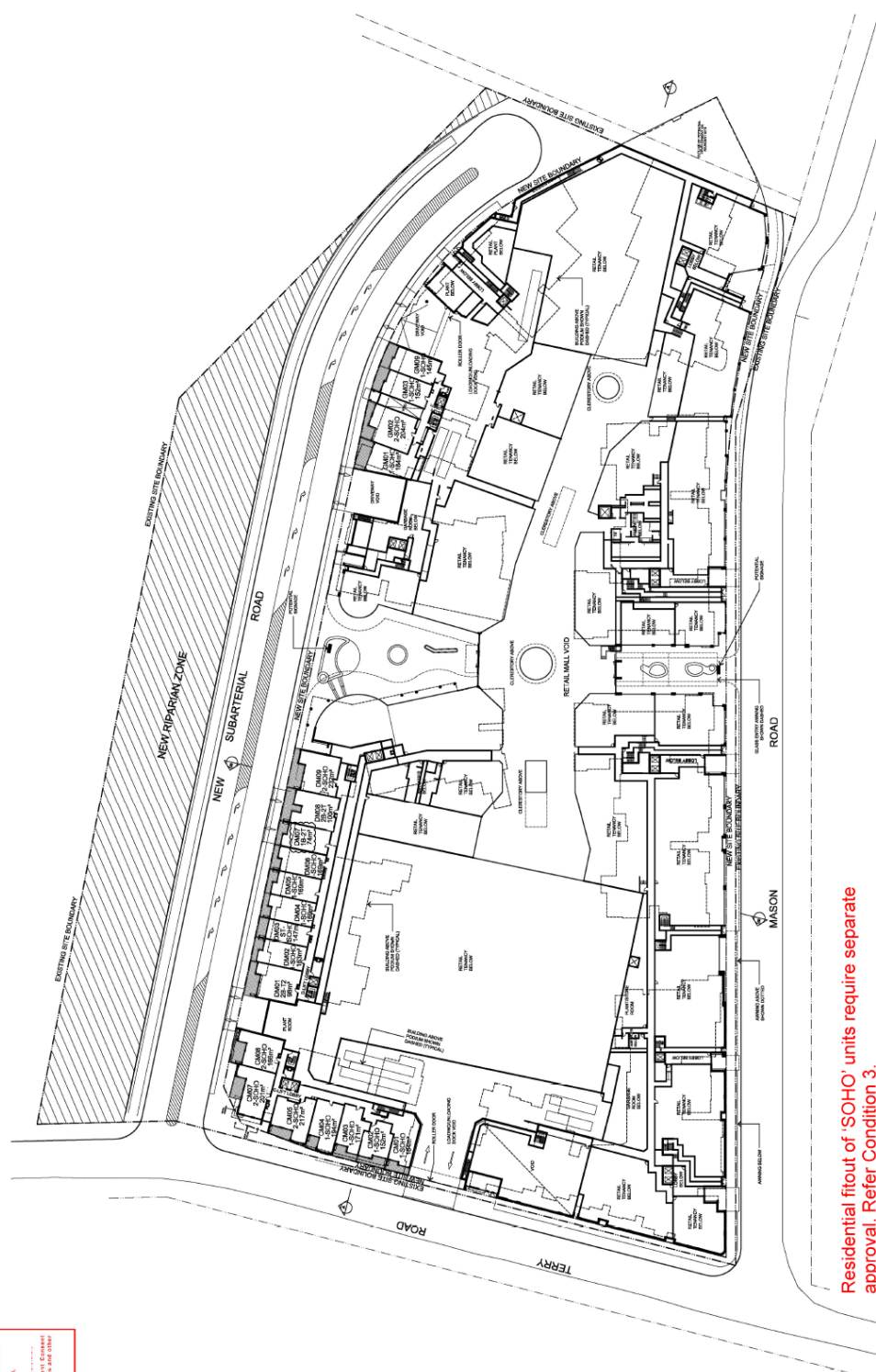
REVISED DA

DATE: 21/08/2019
SCALE: 1:500 @ A1
PROJECT NO.: 1015
DRAWING NO.: A04
ISSUE: K

THE HILLS-SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO. **946/2016/JP**

Please refer to conditions of Development Consent for the details of the required inspections and other matters which must be complied with.



Residential fitout of 'SOHO' units require separate approval. Refer Condition 3.

**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**

MASON RD AND TERRY RD, BOX HILL 2785

MEZZANINE PLAN

PROJECT NO. 10715 DRAWING NO. A05 ISSUE J

ARCHITECT: **K&B**

Author: P. J. Smith, Engineer
 Drawing: P. J. Smith, Engineer
 Date: 10/10/2018
 P. J. Smith, Engineer

REVISED DA

DATE: 10/10/2018
 SCALE: 1:500 @ A1

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TOPLACE PTY LTD

127 Mangles Road
 Box Hill 2785
 VIC 3082

TEL: 02 9747 8947
 FAX: 02 9747 8640

PROJECTOR

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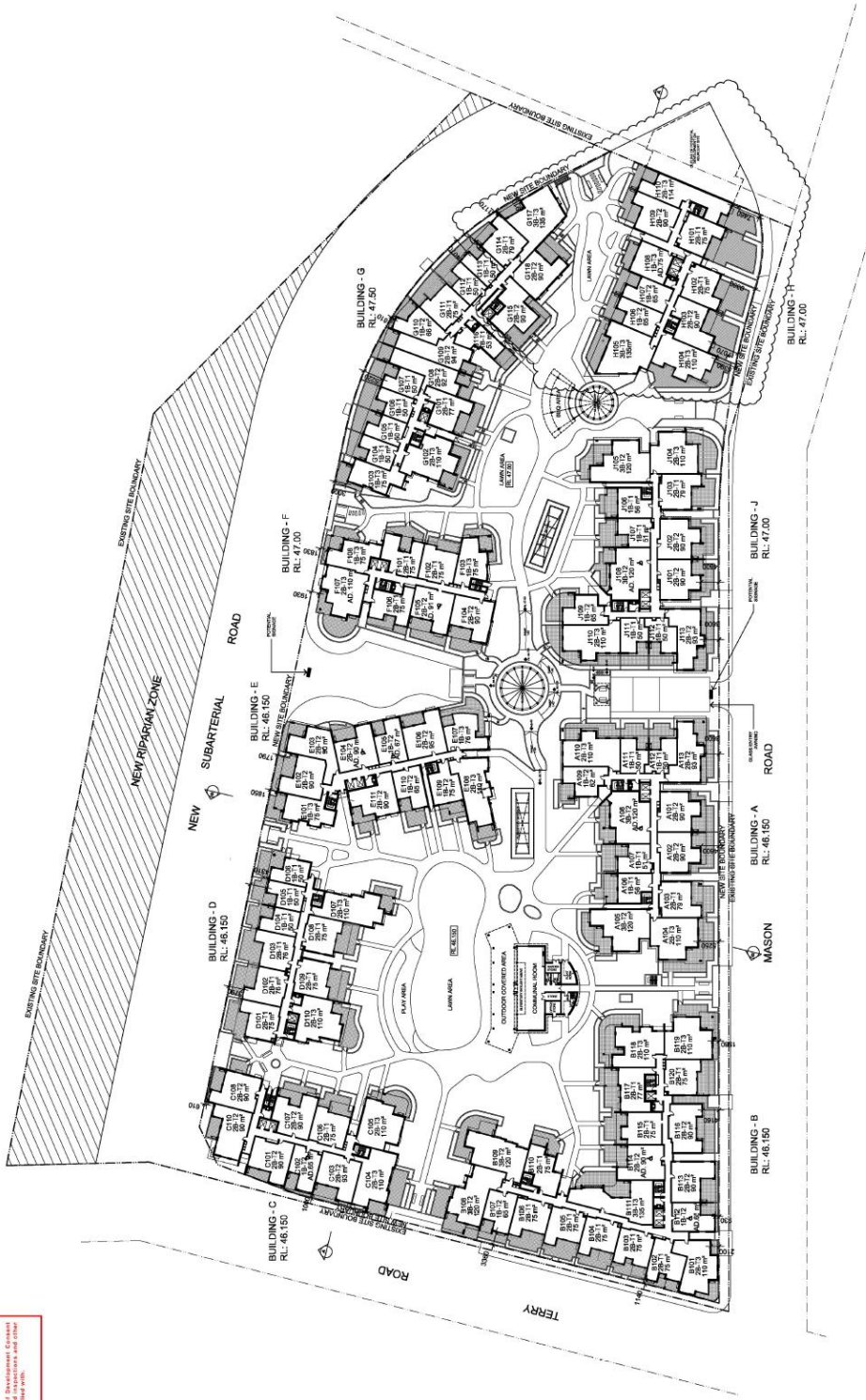
ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED

ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED

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THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO.
9452015-UP
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action under the relevant legislation.



REVISED DA

DATE 21/03/2018
SCALE 1:500 @ A1

0 5 10 15 20 25 30m

PROJECT NO. 1015
DRAWING NO. A06
SHEET G

ARCHITECT K&A
K&A Architects
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Fax: 03 9247 0848
www.kandaa.com.au

BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
MASON RD AND TERRY RD, BOX HILL 2785
LEVEL 1 PLAN

PROPRIETOR
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Box Hill VIC 3086
TEL: 03 9247 0847

DESIGNER
K&A Architects Pty Ltd
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Melbourne VIC 3000
TEL: 03 9247 0847
FAX: 03 9247 0848
www.kandaa.com.au

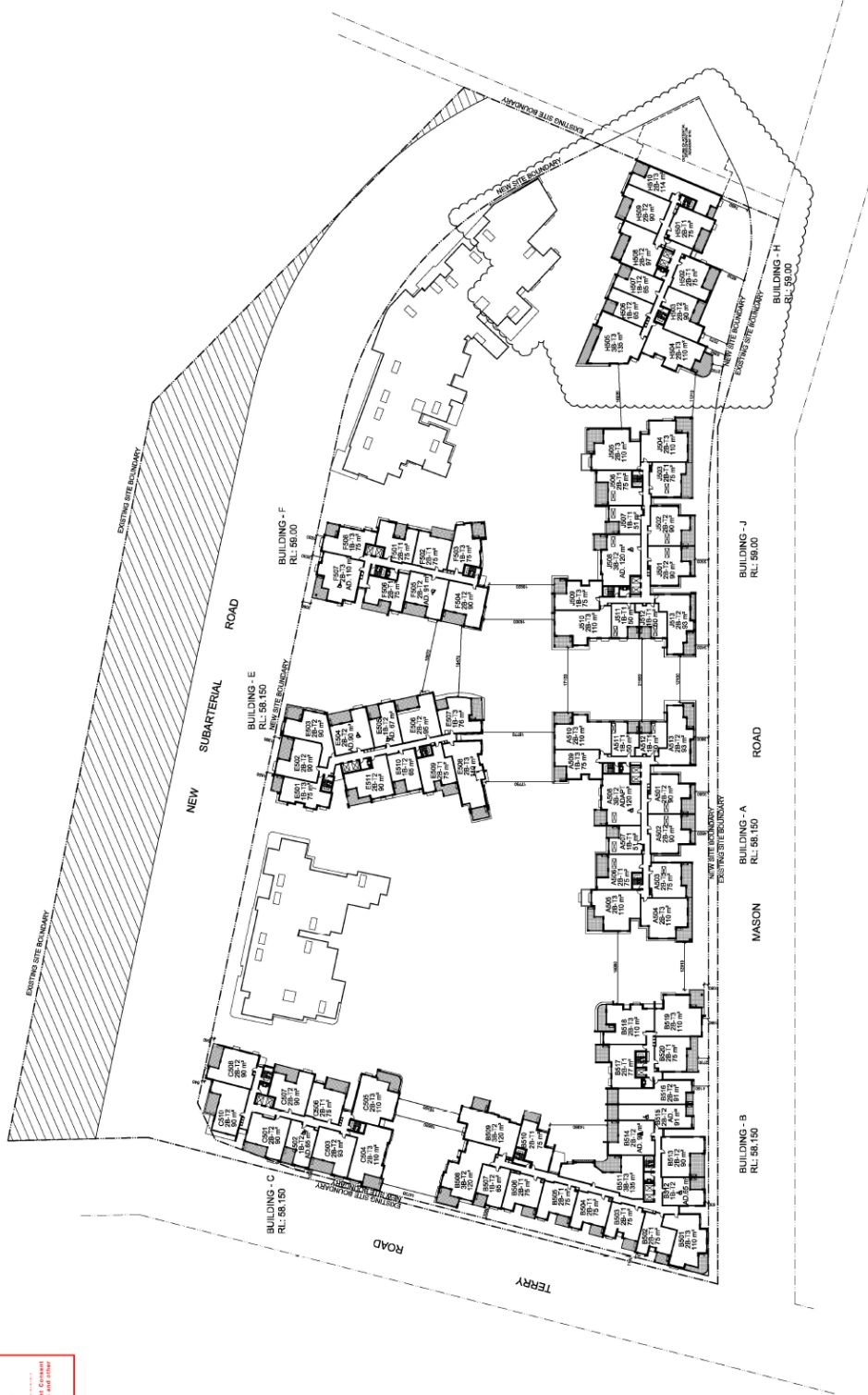
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200mm 100mm

A1

THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO. 9462816/UP
Please note in addition to the Development Consent for the details of the proposed development and other conditions attached to the approved plan.



REVISED DA

DATE 21/10/2018
SCALE 1:500 (EAT)
PROJECT NO. 1015
DRAWING NO. A10
ISSUE G

ARCHITECT
K&S
K&S ARCHITECTS
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BOX HILL NSW 2168
TEL: 02 9414 2941
FAX: 02 9414 2942

BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
MASON RD AND TERRY RD, BOX HILL 2168
LEVEL 5 PLAN

ENGINEER
TOPLACE PTY LTD
1/100 BOX HILL ROAD
BOX HILL NSW 2168
TEL: 02 9414 2941
FAX: 02 9414 2942

DESIGN SCALE DRAWINGS
K&S ARCHITECTS
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BOX HILL NSW 2168
TEL: 02 9414 2941
FAX: 02 9414 2942

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300mm ON ORIGINAL

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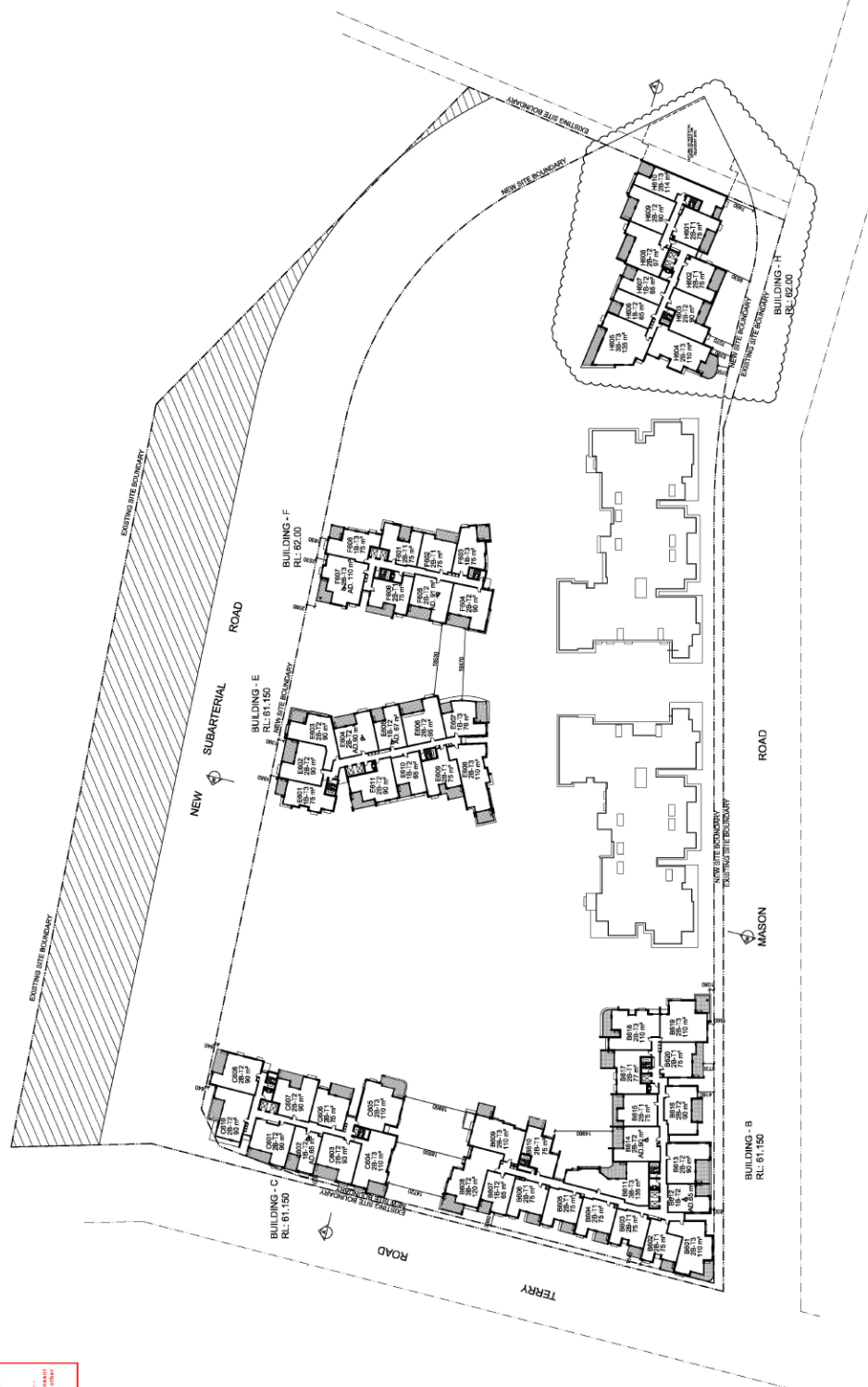
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THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.

8462016-JP

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DATE	21/03/2016
DATE	21/03/2016
SCALE	1:100
PROJECT NO.	1015
DRAWING NO.	A11
ISSUE	G

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2785

LEVEL 6 PLAN

PROPRIETOR
TOPPLACE PTY LTD
100 BOX HILL ROAD
BOX HILL 2785
TEL: 02 8947 0947 FAX: 02 8947 0948

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LEVEL 7 PLAN

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TEL 02 9747 0947
121 Major's Bay Rd
Concord NSW 2137
FAX 02 9747 0550

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REVISÉ DA

DATE 21/10/2016

SCALE 1:500 @ A1

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THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN
DEVELOPMENT CONSENT NO.
94828181UP

Please refer to conditions of Development Consent
for this state of the proposed development and other
relevant information.



REVISED DA

DATE 21/10/2016
SCALE 1:1000 @ A1
PROJECT NO. 1015
DRAWING NO. A13
SHEET D

ARCHITECT
Kia
Kia Architects
10/100 Box Hill Road, Box Hill, VIC 3083
P 03 9471 0947 F 03 9471 0948
www.kiaarchitects.com.au

BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
MASON RD AND TERRY RD, BOX HILL 3083
ROOF PLAN

PREPARED FOR
TOPPLACE PTY LTD
10/100 Box Hill Road, Box Hill, VIC 3083
TEL 03 9471 0947 FAX 03 9471 0948

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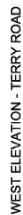
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A1



- 13-ALUMINUM PRIVACY SCREENS AND LOUVERES
- 14-ALUMINUM AND GLASS PRIVACY SCREENS
- 15-ALUMINUM FRAMED GLASS BALUSTRADE
- 16-PANELLED FENCING AND GATES
- 17-ALUMINUM PLANT ROOM LOUVERES
- 18-MALL ENTRY, BONGAGE ELEMENTS AND AWNINGS FINISH 180
- 19-MALL ENTRY, BONGAGE ELEMENTS AND AWNINGS FINISH 180
- 20-MALL ENTRY, BONGAGE ELEMENTS AND AWNINGS FINISH 180
- 21-MALL ENTRY, BONGAGE ELEMENTS AND AWNINGS FINISH 180

DATE 21.10.2016
SCALE 1:500 @ A1

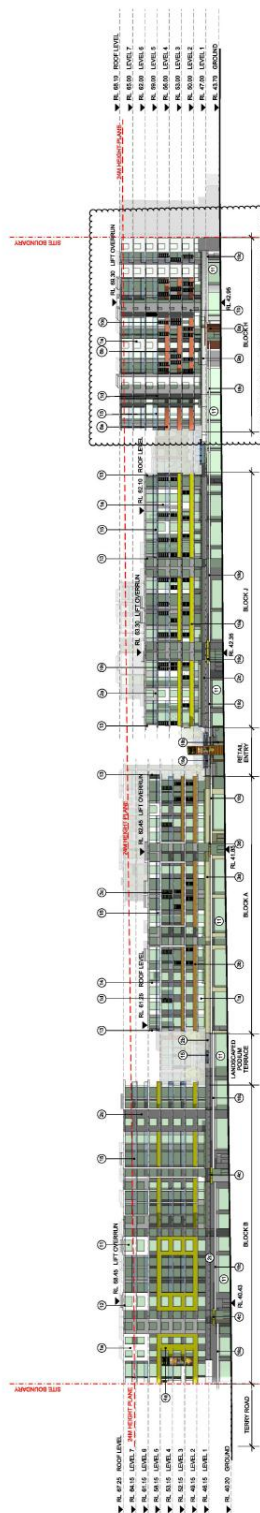
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DRAWING NO. 1015 A30 E
ISSUE

**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON ROAD AND TERRY ROAD, BOX HILL 2765

PROPRIETOR
TOPLACE PTY LTD
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Concord NSW 2137
TEL 02 9747 0947 FAX 02 9747 0948

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Details of eastern façade treatment of 'Building H' are to be submitted to and approved by Council's Manager Development Assessment prior to Issue of a Construction Certificate.



FINISHES LEGEND

28. AEROSOL CLOSURE CAPS
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**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON ROAD AND TERRY ROAD, BOX HILL 2765

REVISÉ DA

DATE	21.10.2016
SCALE	1:500 @ A1

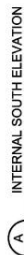
PROJECT NO.	DRAWING NO.	ISSUE
5-10	15-25	37.5

ARCHITECT

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Sydney NSW 2000
Australia
Tel: +61 (0)2 9000 9000 F: +61 (0)2 9830 6000
www.kiaarchitects.com

kia

architects



- 13-ALUMINUM PRIVACY SCREENS AND LOUNGES
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- 15-ALUMINUM FRAMED GLASS BALUSTRADE
- 16-PANELLED FENCING AND GATES
- 17-ALUMINUM PLANT ROOM LOUNGES
- 18-MALL ENTRY, STORAGE ELEMENTS AND ANNEXES FISH 180
- 19-MALL ENTRY, STORAGE ELEMENTS AND ANNEXES FISH 180
- 20-MALL ENTRY, STORAGE ELEMENTS AND ANNEXES FISH 180

**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON ROAD AND TERRY ROAD, BOX HILL 2765

ELEVATIONS 3

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36-ALUCLONG CLAD ENTRY AWNING
37-REINFORCED MASONRY OR APPLIED PAINT FINISH 5a
38-ALUMINUM PRIVACY SCREENS
39-ALUMINUM CLAD ENTRY AWNING
40-REINFORCED MASONRY OR APPLIED PAINT FINISH 5a
41-ALUCLONG CLAD ENTRY AWNING
42-REINFORCED MASONRY OR APPLIED PAINT FINISH 5a
43-SCREENS
44-REINFORCED MASONRY OR APPLIED PAINT FINISH 7a
45-REINFORCED MASONRY OR APPLIED PAINT FINISH 7a

75-RENDERED MASONRY OR APPLIED PAINT FINISH 7c
75-BRICKWORK
75-COLOURED BACKED GLASS
75-BRICKWORK
75-RENDERED MASONRY OR APPLIED PAINT FINISH 5a
75-RENDERED MASONRY OR APPLIED PAINT FINISH 10a
75-ALUMINUM PRIVACY SCREENS
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11-ALUMINUM FRAMED GLAZING
11-ALUMINUM FRAMED SLIDING

- 13-ALUMINUM PRIVACY SCREENS AND LOUVERES
- 14-ALUMINUM AND GLASS PRIVACY SCREENS
- 15-ALUMINUM FRAMED GLAZED SLIDING DOORS
- 16-PANELLED FENCING AND GATES
- 17-ALUMINUM PLANT ROOM LOUVERES
- 18-MALL ENTRY, SIGNAGE ELEMENTS AND AWNINGS FINISH-180
- 19-MALL ENTRY, SIGNAGE ELEMENTS AND AWNINGS FINISH-180
- 20-MALL ENTRY, SIGNAGE ELEMENTS AND AWNINGS FINISH-180
- 21-MALL ENTRY, SIGNAGE ELEMENTS AND AWNINGS FINISH-180

DATE	21.10.2016
SCALE	1:500 @ A1

DATE 21.10.2016
SCALE 1:500 @ A1

37.5

PROJECT NO.	DRAWING NO.	ISSUE
101E	A22	E

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON ROAD AND TERRY ROAD, BOX HILL 2765
ELEVATIONS 4

PROPRIETOR
TOPLACE PTY LTD

121 Majors Bay Rd
Concord NSW 2137
TEL 02 9747 0947 FAX 02 9747 0540

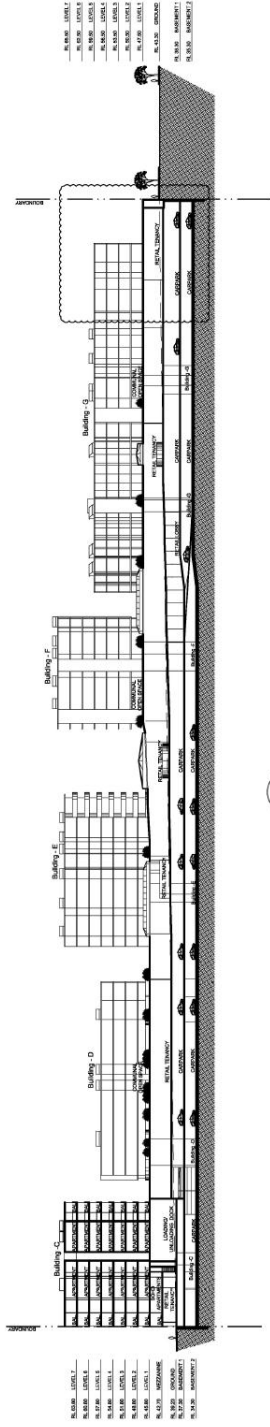
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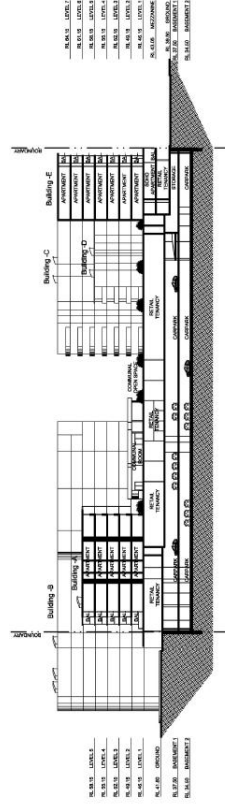
THE HILLS SHIRE COUNCIL
APPROVED DEVELOPMENT PLAN

DEVELOPMENT CONSENT NO.
5452916-UP

Please refer to conditions of Development Consent
relating to the proposed development and any other
matters which must be complied with.



SECTION A-A
1:500



SECTION B-B
1:500

REVISED DA

DATE 21/02/2018
SCALE 1:500 B A1

PROJECT NO. 1015
DRAWING NO. A40
ISSUE D



BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
MASON RD AND TERRY RD, BOX HILL 3086

SECTION A & B

TOPLACE PTY LTD
155-157 BROADWAY
VIC 3006

DESIGN: K&A ARCHITECTS
DRAWN: K&A ARCHITECTS
CHECKED: K&A ARCHITECTS
PROJECT NO. 1015

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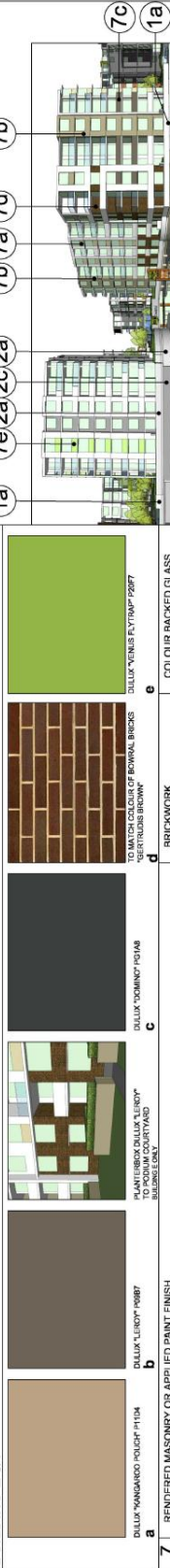
300mm ON ORIGINAL

200mm

100mm

A1

7	RENDERED MASONRY OR APPLIED PAINT FINISH	 DULUX "MAKANDA" POLYUP 1134	 DULUX "LUCKY" P0887	 DULUX "MASONRY" P0146	 TO MATCH COLOUR OF BROWAL BRICKS VERTICLOSA "BROWN"	 DULUX "VENUS" FLYTRAP 72827		1a	7c
---	--	--	--	--	---	--	--	----	----



TO MATCH REPAIRAL BRICK "BROWNAL BROWN"

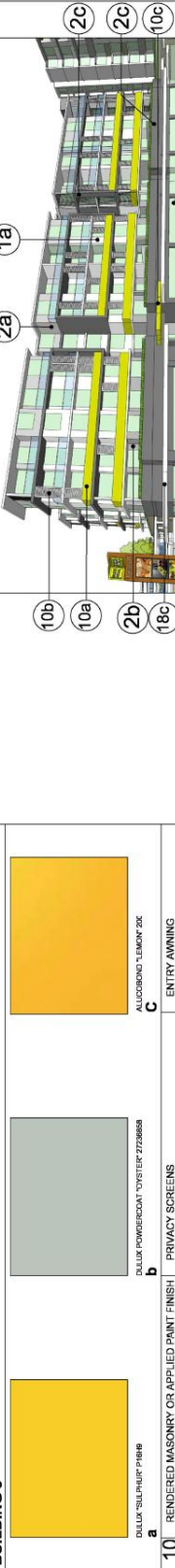
a

8 BRICKWORK

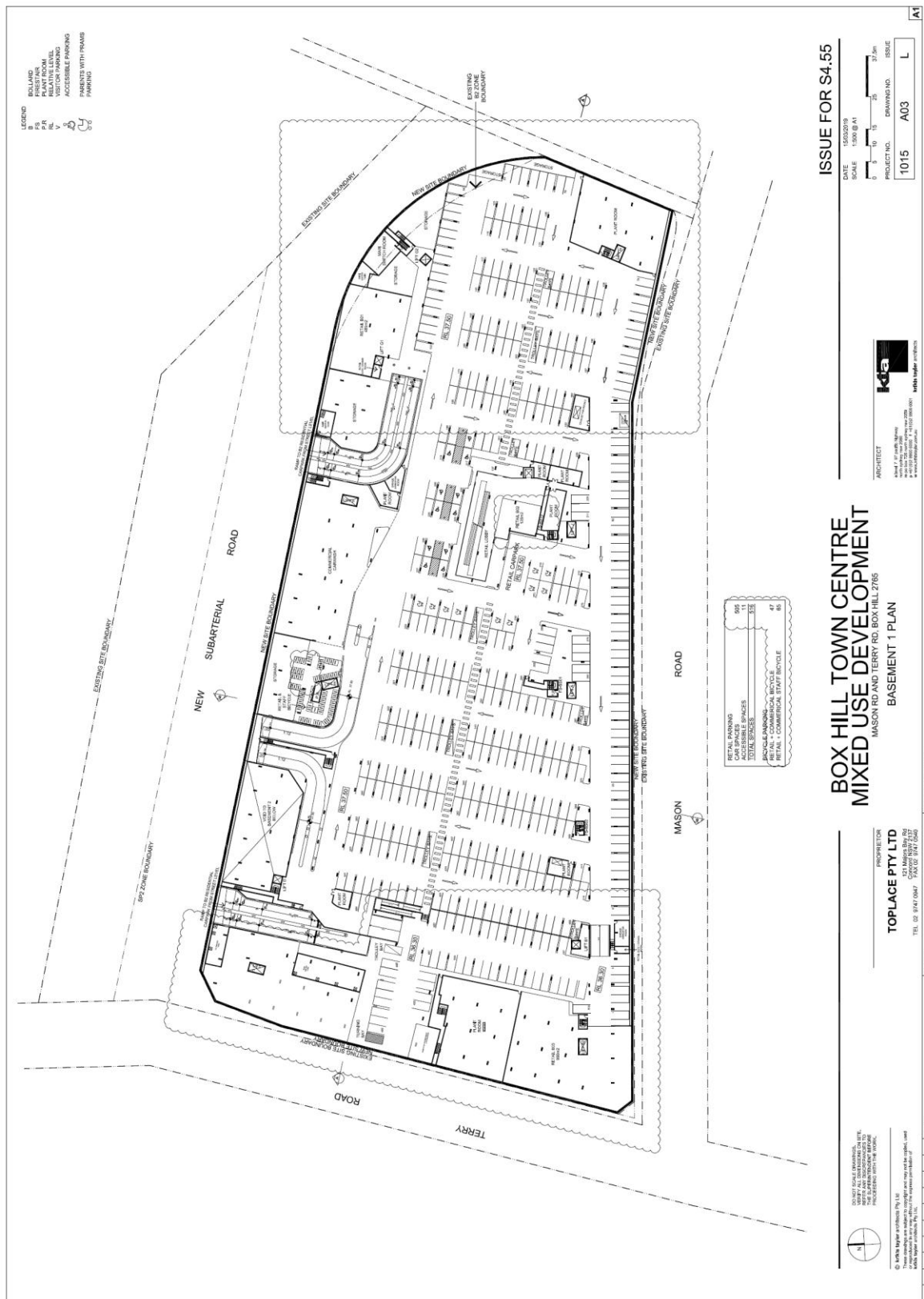
The drawing shows a section of a brick building facade. The bricks are a reddish-brown color. There are several windows with white frames. A brickwork detail is shown on the left, labeled 'a', with the text 'TO MATCH REPAIRAL BRICK "BROWNAL BROWN"'. The detail shows a pattern of bricks with some bricks missing, indicating a repair area. The main drawing is labeled '8' and 'BRICKWORK'.

[illegible]

a ONLUX SOLARFLUX PR1000	b ONLUX FORMERCLAS TONTEER 27260008	c ALUCCORDIO LUMINOUS	10a 10b 10c 2a 2b 2c	10a 10b 10c 2a 2b 2c
RENDERED MASONRY OR APPLIED PAINT FINISH	PRIVACY SCREENS	ENTRY AWNING		

[illegible]

[illegible]



ISSUE FOR \$4.55

DATE 15/03/2019
SCALE 1:500 @ A1

0 10 15 25 37.5m

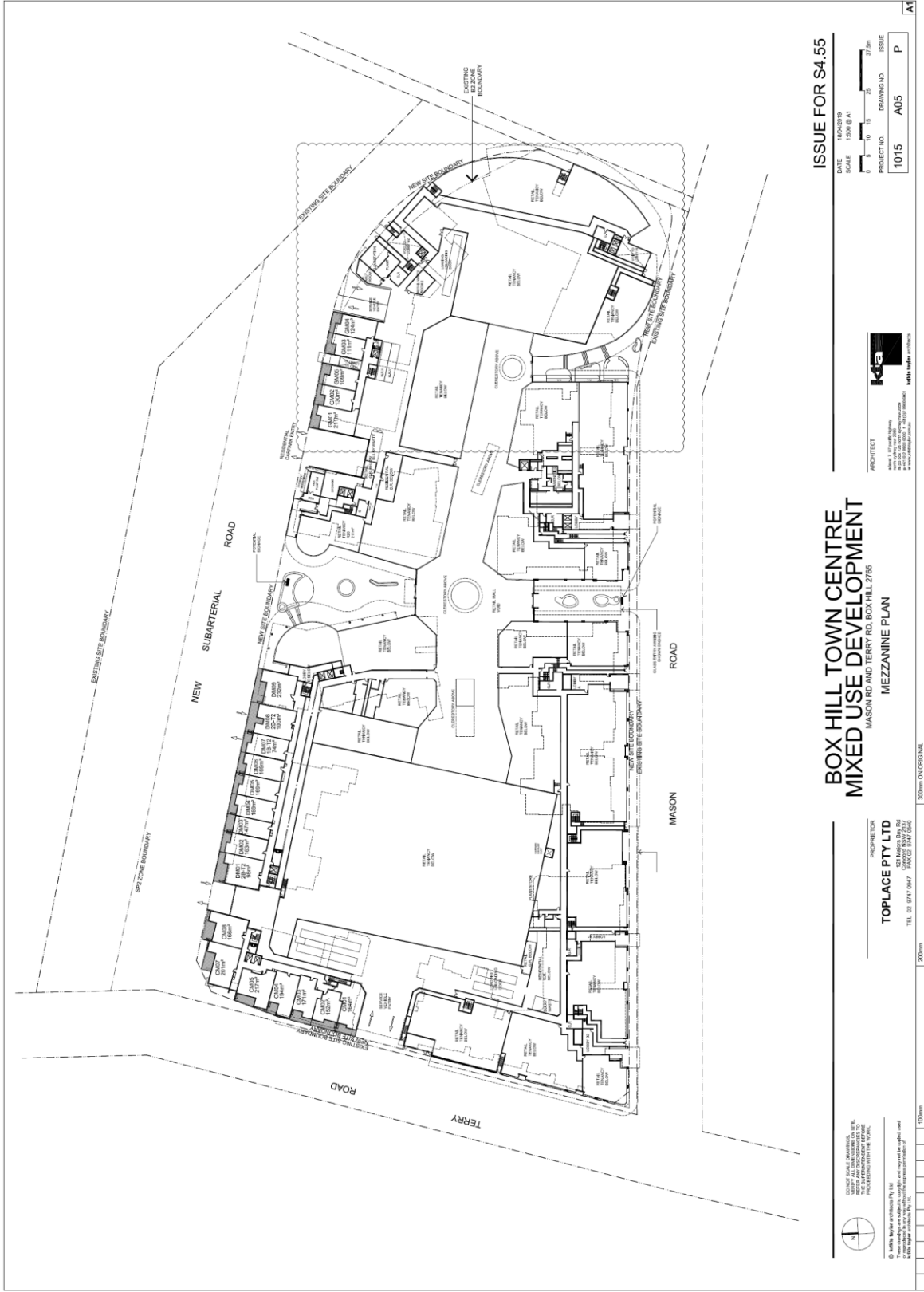
PROJECT NO. DRAWING NO. ISSUE

1015 A03 L

**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON RD AND TERRY RD, BOX HILL 2765
BASEMENT 1 PLAN

PROPRIETOR
TOPLACE PTY LTD
121 Majors Bay Rd
Concord NSW 2137
TEL 02 9747 0947
FAX 02 9747 0960

[illegible]



ISSUE FOR \$4.55

DATE	15/09/19
SCALE	1:500 @ A1
PROJECT NO.	1015
DRAWING NO.	A05
ISSUE	P



BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT MEZZANINE PLAN

PROPOSITOR
TOPLACE PTY LTD
471 MILES RD
BOX HILL VIC 3083
TEL: 03 947 0847 FAX: 03 947 0840

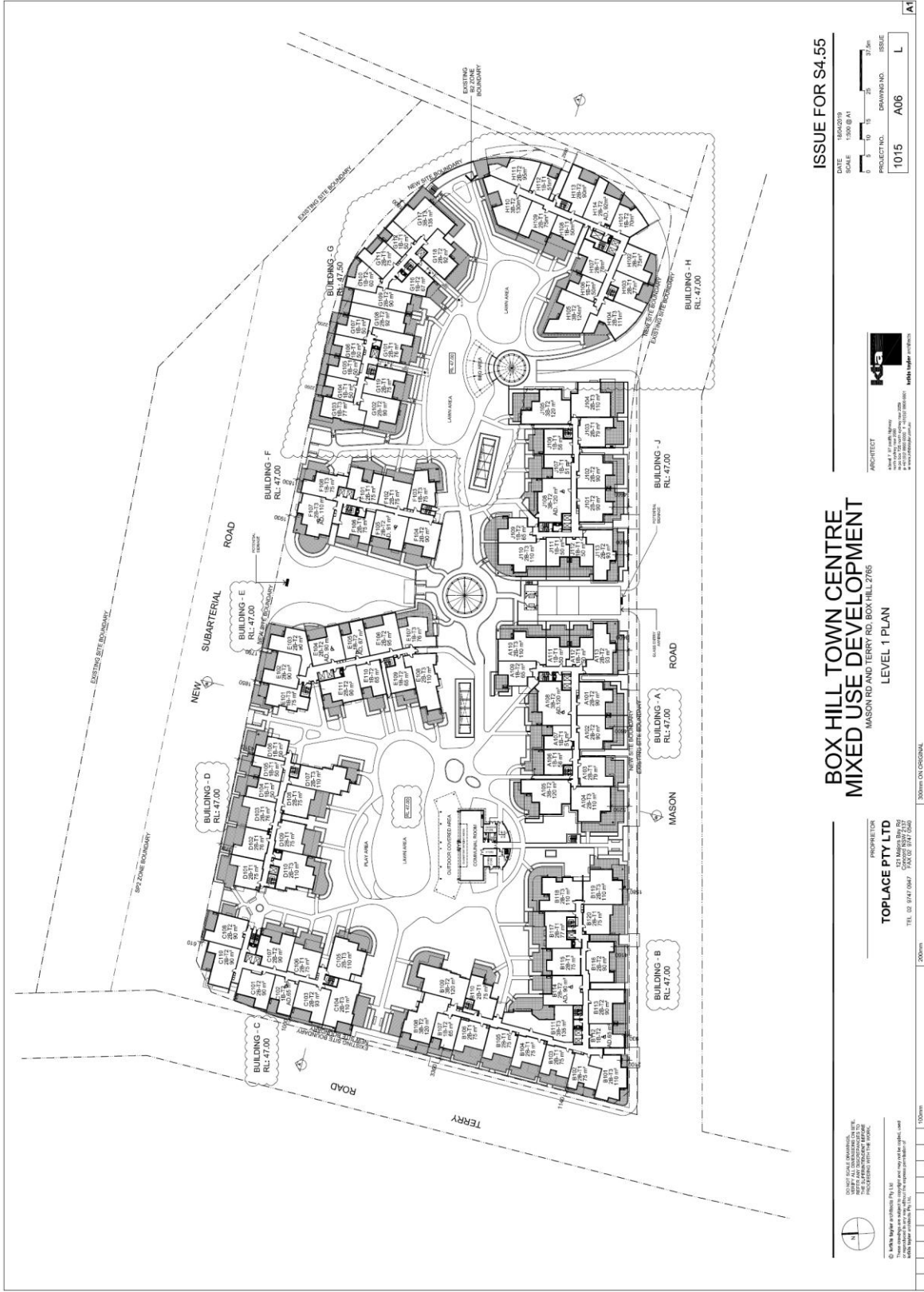


DESIGNER: KDA ARCHITECTS
DRAWN: KDA ARCHITECTS
CHECKED: KDA ARCHITECTS
APPROVED: KDA ARCHITECTS
PROJECT NO: 1015
DRAWING NO: A05
ISSUE: P

300mm ON ORIGINAL

200mm

100mm



ISSUE FOR \$4.55

DATE	18/03/2019
SCALE	1:500 @ A1
PROJECT NO.	1015
DRAWING NO.	A06
ISSUE	L



BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT MASON RD AND TERRY RD, BOX HILL 2765 LEVEL 1 PLAN

PROPOSITOR
TOPLACE PTY LTD
471 MILES END
STATE OF NEW SOUTH WALES
TEL: 02 9447 0847

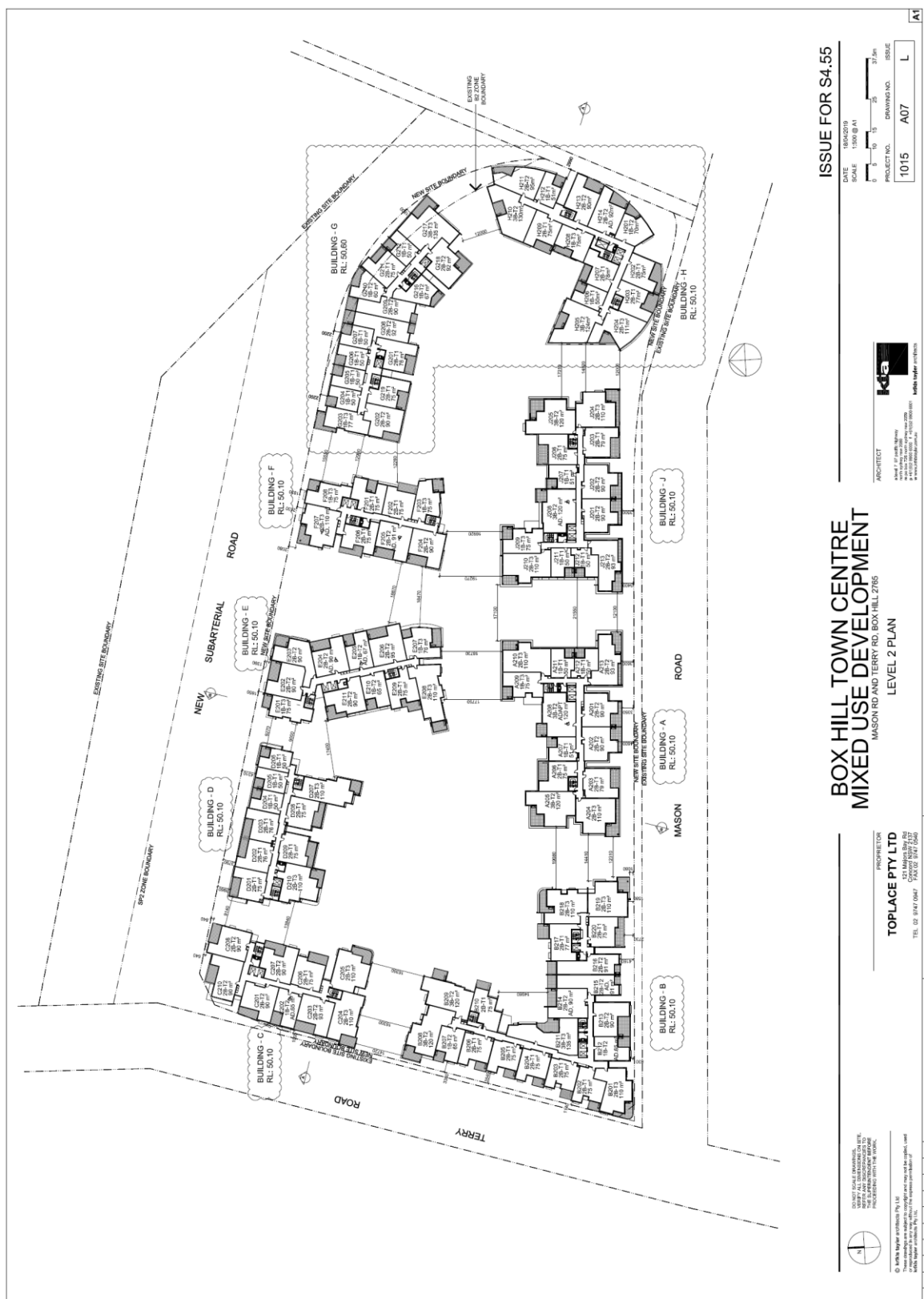


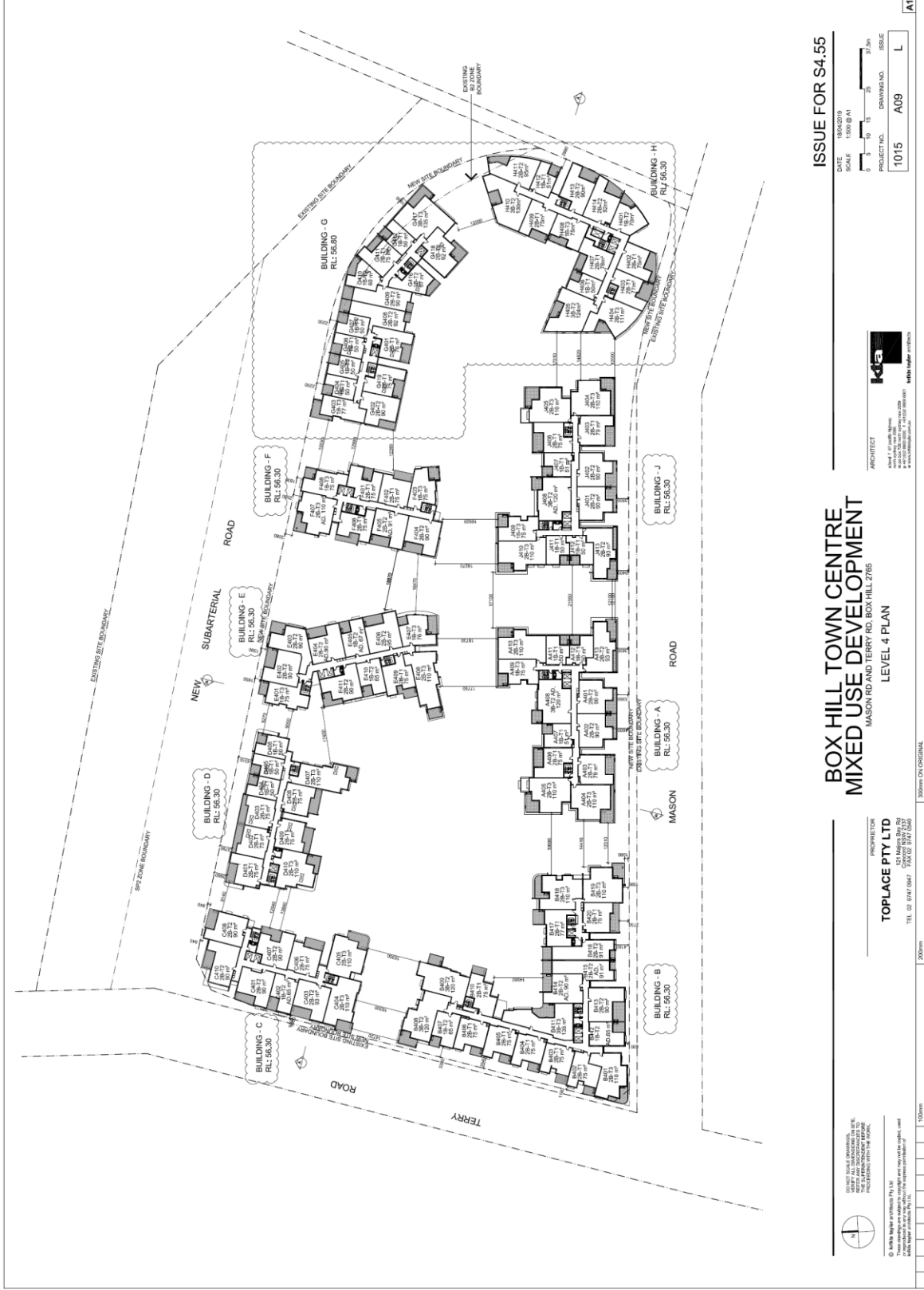
DESIGNER: KDA ARCHITECTS
KDA ARCHITECTS PTY LTD
1/100 BOX HILL ROAD, BOX HILL, NSW 2765
These drawings are submitted to the Council for the purpose of obtaining a development consent and are not to be used for any other purpose without the written consent of KDA ARCHITECTS PTY LTD.

30mm ON ORIGINAL

200mm

1000mm





ISSUE FOR \$4.55

DATE: 15/09/19
SCALE: 1:500 @ A1

PROJECT NO.: 1015
DRAWING NO.: A09
ISSUE: L



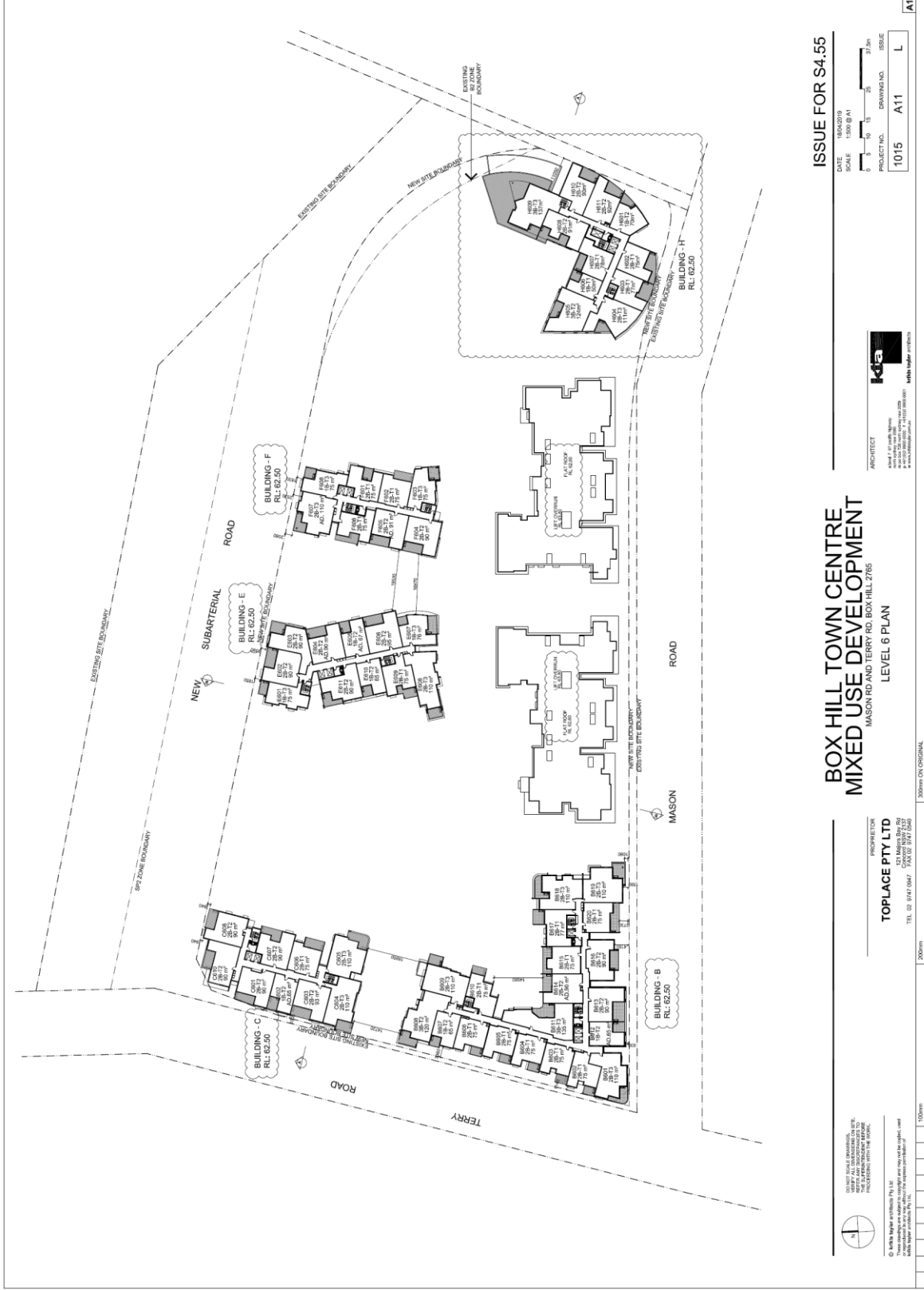
BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT MASON RD AND TERRY RD, BOX HILL 2765 LEVEL 4 PLAN

PROPOSITOR:
TOPLACE PTY LTD
371 MILES RD, BOX HILL
VIC 3083
TEL: 03 9447 0847 FAX: 03 9447 0840



DESIGNED BY: KDA ARCHITECTS
DRAWN BY: KDA ARCHITECTS
CHECKED BY: KDA ARCHITECTS
APPROVED BY: KDA ARCHITECTS
DATE: 15/09/19

1:500mm ON ORIGINAL



ISSUE FOR \$4.55

DATE	18/03/2019
SCALE	1:500 @ A1
PROJECT NO.	1015
DRAWING NO.	A11
ISSUE	L



BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2765

LEVEL 6 PLAN

PROPRIETOR
TOPLACE PTY LTD
121 MILES RD, BOX HILL
VIC 3086
TEL: 03 9447 0847 FAX: 03 9447 0840

DESIGNER: KDA ARCHITECTS
KDA ARCHITECTS
121 MILES RD, BOX HILL
VIC 3086
TEL: 03 9447 0847 FAX: 03 9447 0840

30mm ON ORIGINAL

200mm

1000mm

1000mm

1000mm

1000mm

1000mm

1000mm

1000mm

1000mm

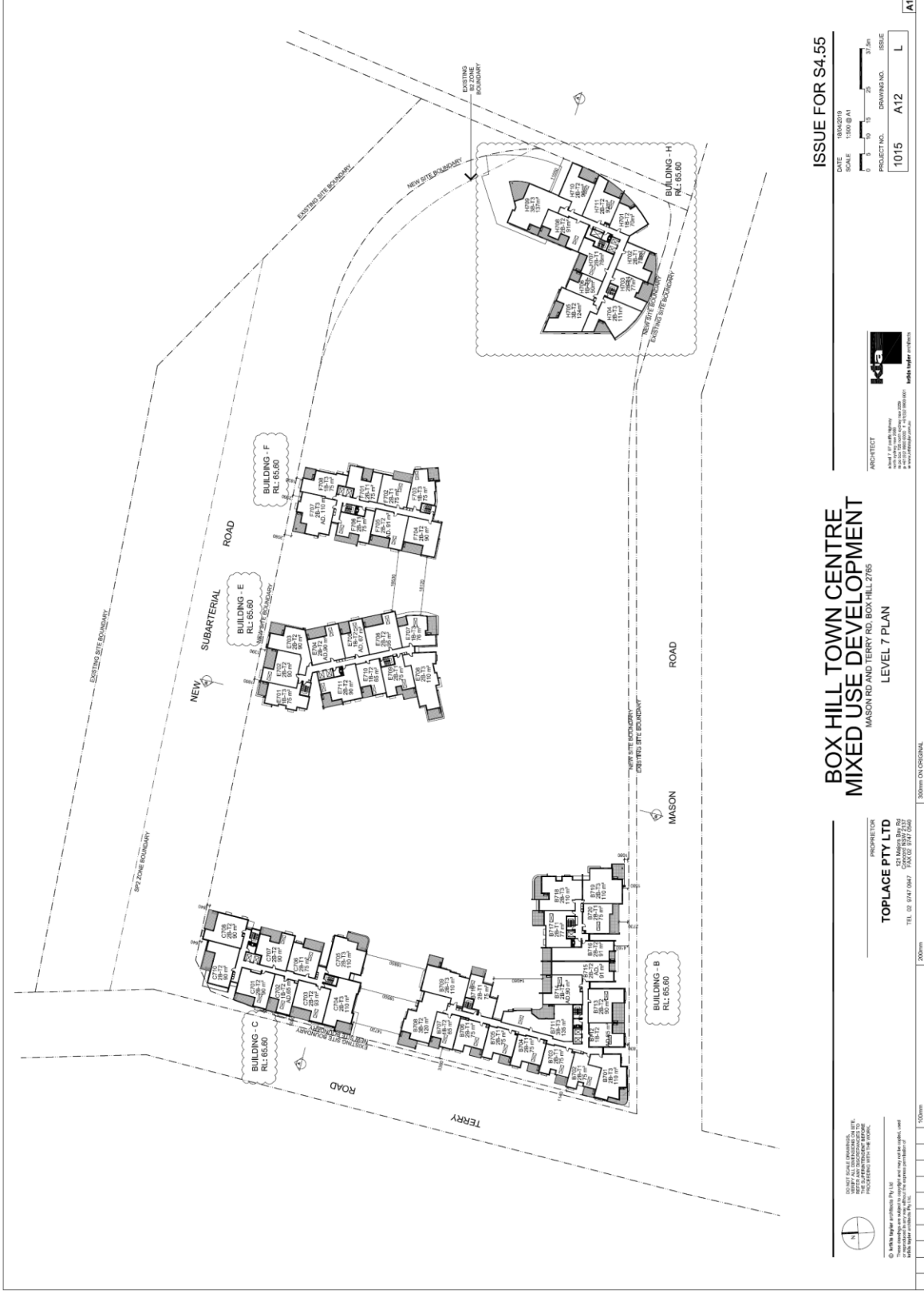
1000mm

1000mm

1000mm

1000mm

1000mm



ISSUE FOR \$4.55

DATE	18/03/2019
SCALE	1:500 @ A1
PROJECT NO.	1015
DRAWING NO.	A12
ISSUE	L



BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2765

LEVEL 7 PLAN

PROPOSITOR
TOPLACE PTY LTD
121 MILES RD
TAYLORVILLE VIC 3179
TEL: 03 9447 6847 FAX: 03 9447 6848



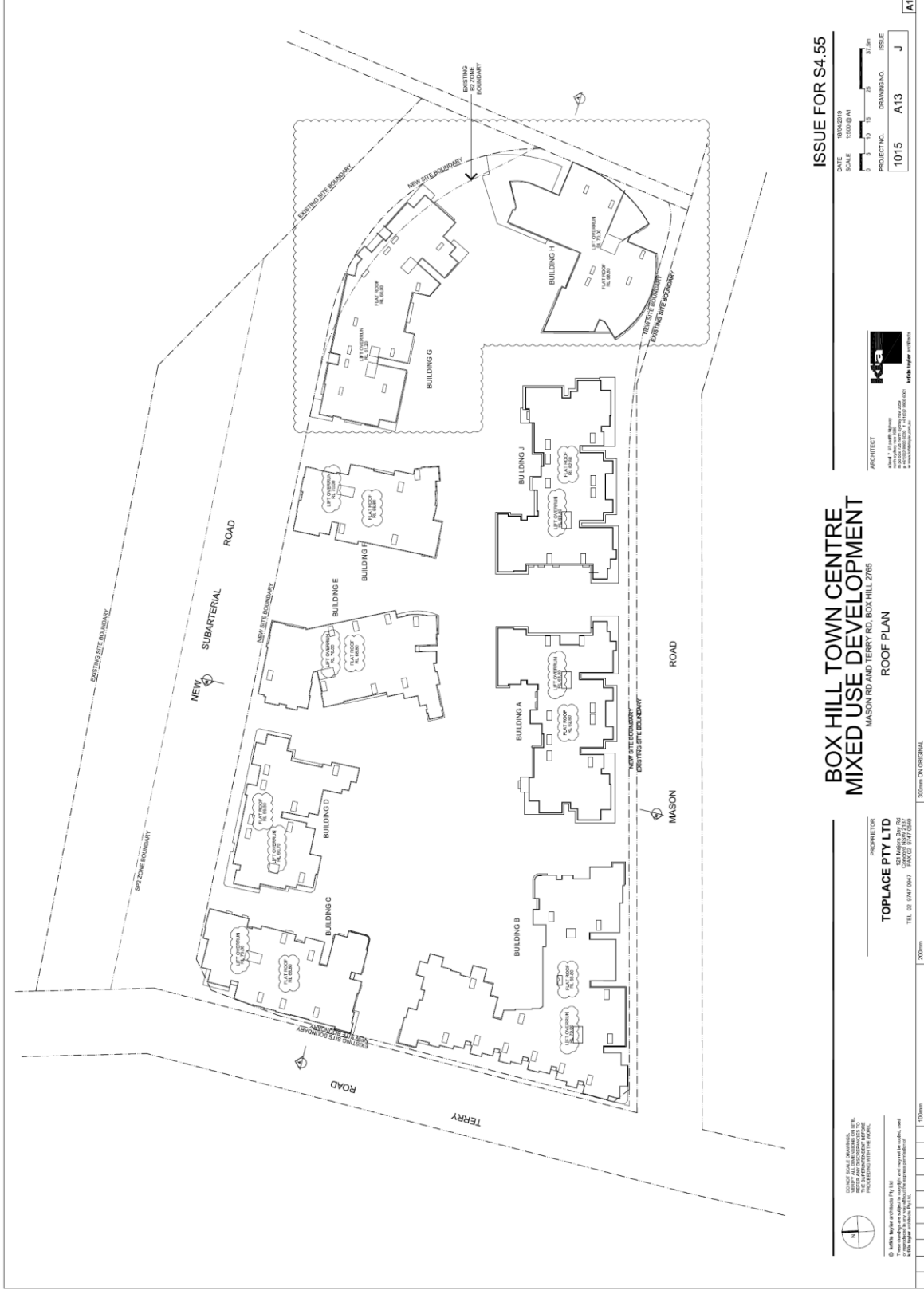
DESIGNER: KDA ARCHITECTS
DRAWN: KDA ARCHITECTS
CHECKED: KDA ARCHITECTS
APPROVED: KDA ARCHITECTS
DATE: 18/03/2019
PROJECT NO: 1015
DRAWING NO: A12
ISSUE: L

30mm ON ORIGINAL

200mm

1000mm

A1



ISSUE FOR \$4.55

DATE	18/03/2019
SCALE	1:500 @ A1
PROJECT NO.	1015
DRAWING NO.	A13
ISSUE	J



BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2765

ROOF PLAN

PROPRIETOR
TOPLACE PTY LTD
421 MILES RD, BOX HILL 2765
TEL: 02 9447 0847 FAX: 02 9447 0848



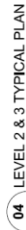
DESIGN: KDA ARCHITECTS
DRAWN: KDA ARCHITECTS
CHECKED: KDA ARCHITECTS
APPROVED: KDA ARCHITECTS
DATE: 18/03/2019
BY: KDA ARCHITECTS
FOR: TOPLACE PTY LTD
PROJECT: BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT
SHEET: 10 OF 10

30mm ON ORIGINAL

100mm

150mm

A1



PROJECT NO.	DRAWING NO.	ISSUE
1015	A26	H

a/bend 7 off south highway
 north sydney near 2580
 nr 30 304 726 north sydney near 2258
 p 441 812 9605 6000 f 441137 9605 6000

300mm ON ORIGINAL

TEL 02 9747 0947 FAX 02 9747 0560

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- STANDARD APPOINTMENTS:
- KITCHEN
 - BATH
 - GARAGE/WASTE ROOM
 - LAUNDRY
 - HOT WATER
 - FIRE STAIR
 - FREE STAIR
 - AIR CONDITIONING PLANT
 - BEDROOM
 - BALCONY
 - ENSUITE
 - LIVING
 - STUDY
 - ST



01 LEVEL 4 PLAN

ISSUE FOR \$4.55

DATE	18/03/2019
SCALE	1:200 @ A1
PROJECT NO.	1015
DRAWING NO.	A26_1
ISSUE	G



BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
MASON RD AND TERRY RD, BOX HILL 2766
BUILDING G LEVEL 4 PLAN

PROPRIETOR
TOPLACE PTY LTD
471 MILES RD
SYDNEY NSW 1585
TEL: 02 9447 0847 FAX: 02 9447 0848



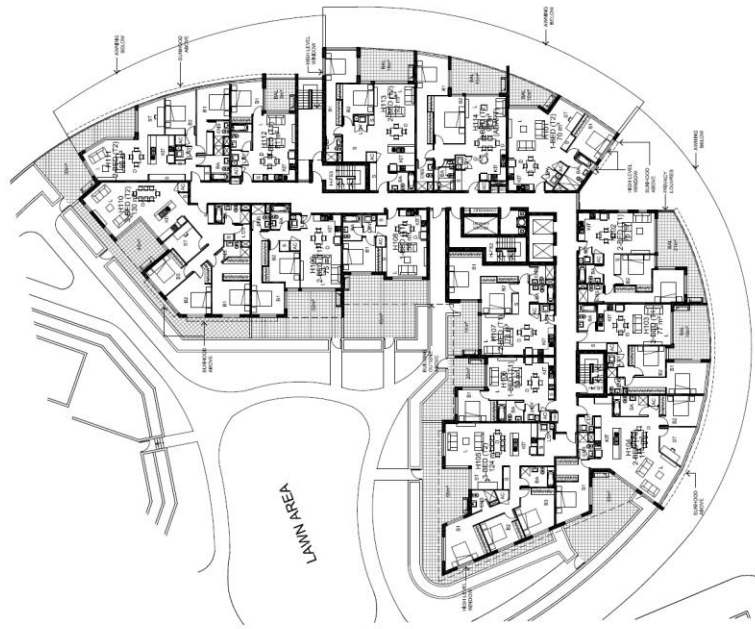
DESIGNER: KDA ARCHITECTS
KDA ARCHITECTS PTY LTD
10/15 BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
BUILDING G LEVEL 4 PLAN
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30mm ON ORIGINAL

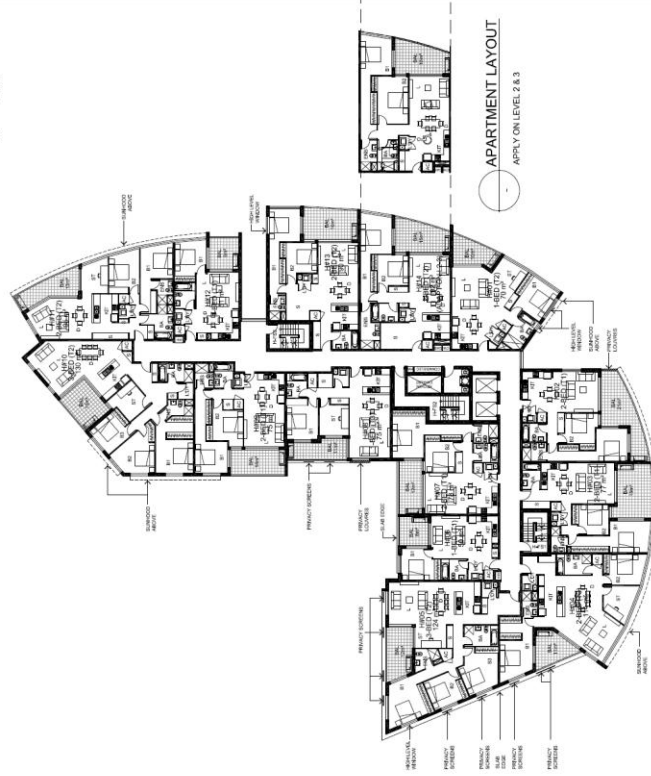
200mm

1000mm

- STANDARD ABREVIATION
ON DRAWING
- CARPENTRY
 - PLASTER
 - HOT WATER
 - FRESH WATER
 - FRESH AIR
 - AIR CONDITIONING PLANT
 - AIR CONDITIONING
 - BEDROOM
 - BATH
 - BALCONY
 - BAL
 - ENS
 - ENSUITE
 - L
 - LIVING
 - LIT
 - KITCHEN
 - K
 - ST
 - STUDY



01 LEVEL 1 PLAN



02 LEVEL 2,3,4,5 TYPICAL PLANS

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2766
BUILDING H PLANS LEVEL 1 & TYPICAL PLANS

ISSUE FOR \$4.55

DATE	18/03/2019
SCALE	1:200 @ A1
PROJECT NO.	1015
DRAWING NO.	A27
ISSUE	H



PROPRIETOR
TOPLACE PTY LTD
471 MILES RD
SYDNEY NSW 1585
TEL: 02 9447 0847

DESIGNER
KDA ARCHITECT
1/111 MILES RD
SYDNEY NSW 1585
TEL: 02 9447 0847



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**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON RD AND TERRY RD, BOX HILL 2765
BUILDING H PLANS LEVEL 6 & 7 PLANS

ISSUE FOR S4.55

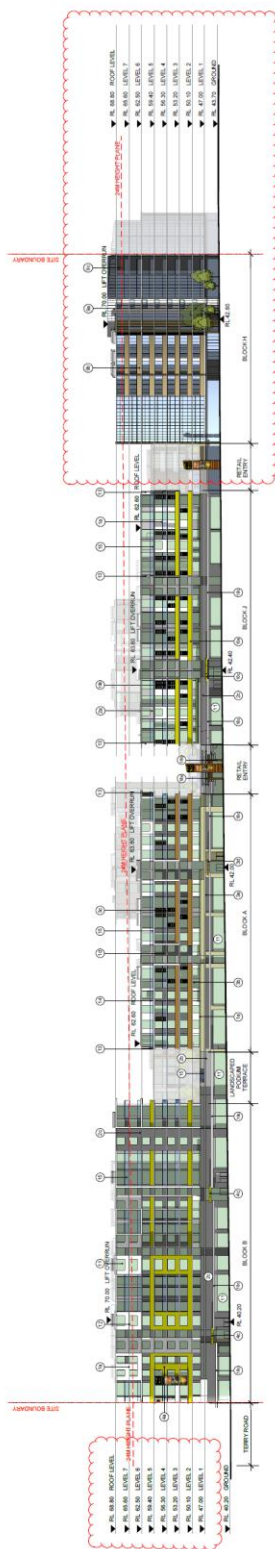
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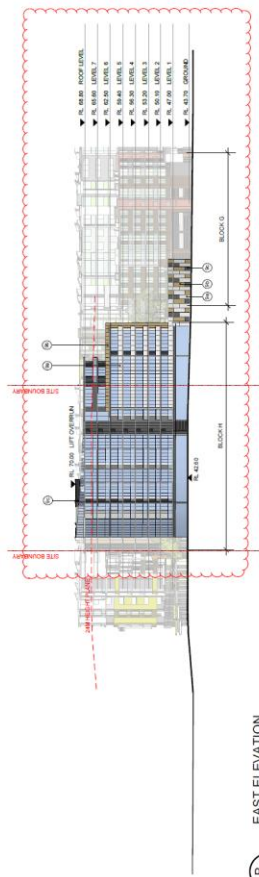
KDA

ARCHITECT

40401 7th South Highway
North Sydney, NSW 2060
tel: 0011 612 922 4000 fax: 0011 612 922 4001
e: 401192@kda.com.au



A SOUTH ELEVATION - MASON ROAD



EAST ELEVATION

FINISHES LEGEND

[illegible]

14-ALUCLOND CLAD ENTRY ANVING
15-RENDERED MASHORY OR APPLIED PAINT FINISH 4a
16-ALUMINUM IMPACT SCREING
17-ALUCLOND CLAD ENTRY ANVING
18-RENDERED MASHORY OR APPLIED PAINT FINISH 5a
19-ALUCLOND CLAD ENTRY ANVING
20-RENDERED MASHORY OR APPLIED PAINT FINISH 6a
21-SPRACKONK
22-RENDERED MASHORY OR APPLIED PAINT FINISH 7a
23-RENDERED MASHORY OR APPLIED PAINT FINISH 7b

UNFINISHED MASONRY OR APPLIED PAINT FINISH
 UNFINISHED BRICKWORK OR COLORED BACKED GLASS
 NON-CONSUMABLE METAL CLADDING
 NON-COMBUSTIBLE METAL CLADDING
 RIGIDIZED POLYSTYRENE OR APPLIED PAINT FINISH ON
 ALUMINUM PRIVACY SCREENS
 ALUMINUM FRAMED GLAZING

- 13-ALUMINIUM PRIVACY SCREEN AND LOBBIES
- 14-ALUMINIUM AND GLASS BALUSTRADES
- 15-ALUMINIUM FRAMED GLAZED BALUSTRADE
- 16-PANELLED FENCING AND GATES
- 17-ALUMINIUM PLANT ROOM LOBBIES
- 18-MALL ENTRY, STORAGE ELEMENTS AND VANGUARD FINISH 18B
- 19-MALL ENTRY, STORAGE ELEMENTS AND VANGUARD FINISH 18B
- 20-MALL ENTRY, STORAGE ELEMENTS AND VANGUARD FINISH 18C
- 21-MALL ENTRY, STORAGE ELEMENTS AND VANGUARD FINISH 18B

BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT
MASON ROAD AND TERRY ROAD, BOX HILL 2765
ELEVATIONS 2

PROPRIETOR
TOPLACE PTY LTD
121 Majors Bay Rd
Concord NSW 2137
TEL 02 9747 0947 FAX 02 9747 0540

Concord NSW 2137
TEL 02 9747 0947 FAX 02 9747 0540

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DATE 11/03/2019
SCALE 1:500 @ A1

PROJECT NO. DRAWING NO. ISSUE

1015 A31 H

ARCHITECT

K1a

to read 1 800 445 4455
month ending June 2000
at Box 726 North Sydney NSW 2058
05 9532 0600-0000 • 0151 9839 0041

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A
INTERNAL SOUTH ELEVATION



INTERNAL NORTH ELEVATION

FINISHES LEGEND

- [illegible]

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- 13-ALUMINUM PRIVACY SCREENS AND LOUNGES
- 14-ALUMINUM AND GLASS ENTRY ROOMS
- 15-ALUMINUM PLANTED OR AZED BALUSTRADE
- 16-PANALLED FENCING AND GATES
- 17-ALUMINUM PLANT ROOM LOUNGES
- 18-MALL ENTRY, SIGNAGE ELEMENTS AND AVAIL
- 19-MALL ENTRY, SIGNAGE ELEMENTS AND AVAIL
- 20-MALL ENTRY, SIGNAGE ELEMENTS AND AVAIL
- 21-MALL ENTRY, SIGNAGE ELEMENTS AND AVAIL

PROHIBITOR
TOPLACE PTY LTD
121 Majors Bay Rd
Concord NSW 2137
TEL 02 9747 0947 FAX 02 9747 0540

Concord NSW 2137
TEL 02 9747 0947 FAX 02 9747 0540

**BOX HILL TOWN CENTRE
MIXED USE DEVELOPMENT**
MASON ROAD AND TERRY ROAD, BOX HILL 2765

ELEVATIONS 3

KIA

Small Business

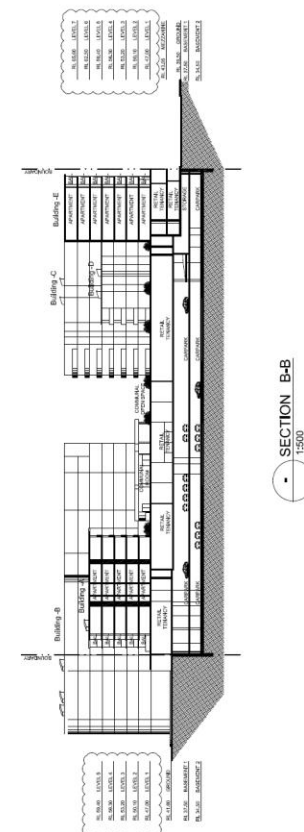
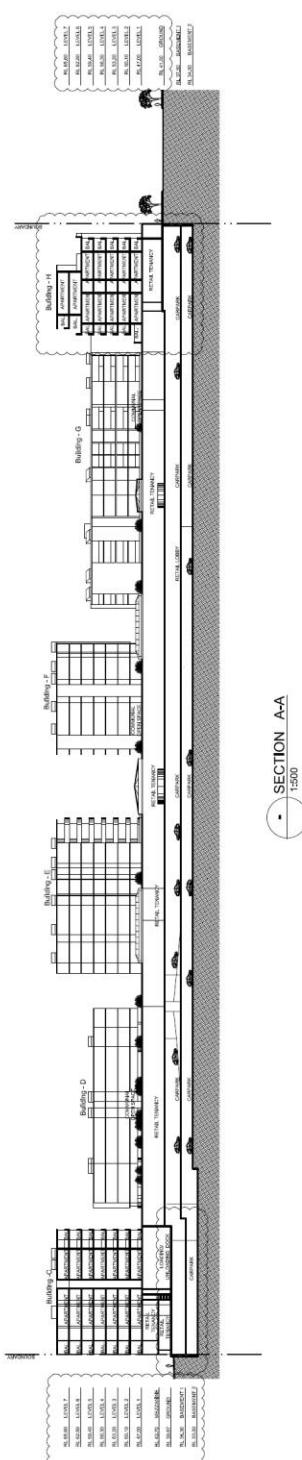
ISSUE FOR \$4.55

DATE 11/03/2019
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PROJECT NO. DRAWING NO. ISSUE

1015 A32 H



ISSUE FOR \$4.55

DATE: 14/03/2019
SCALE: 1:500 @ A1

PROJECT NO.: 1015
DRAWING NO.: A40
ISSUE: F

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT

MASON RD AND TERRY RD, BOX HILL 2766

SECTION A & B

PROPRIETOR:
TOPLACE PTY LTD
171 Mills Rd, Box Hill
VIC 3083
TEL: 02 9447 0847 FAX: 02 9447 0840

DESIGNER: **ARCHITECT**
171 Mills Rd, Box Hill
VIC 3083
TEL: 02 9447 0847 FAX: 02 9447 0840



ARCHITECT
K&A Architects
171 Mills Rd, Box Hill
VIC 3083
TEL: 02 9447 0847 FAX: 02 9447 0840

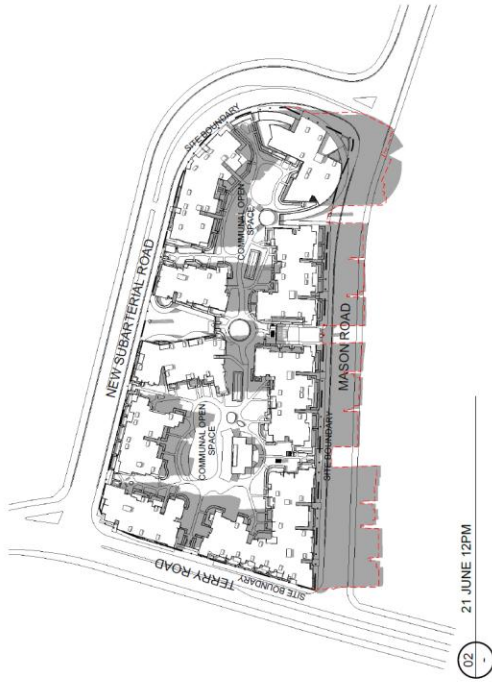
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01 21 JUNE 9AM



02 21 JUNE 12PM



03 21 JUNE 3PM

APPROVED SHADOW OUTLINE

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT MASON ROAD AND TERRY ROAD, BOX HILL 2765 SHADOW DIAGRAMS - MID WINTER

ISSUE FOR S4.55

DATE 11/03/2019
SCALE NTS

PROJECT NO. 1015
DRAWING NO. A51
ISSUE G

ARCHITECT
K&A
4 Glenelg Rd, Glenelg, SA 5015
Ph: 08 833 1234 Fax: 08 833 1235
www.kandagroup.com.au

PROPOSITOR
TOPPLACE PTY LTD
121 Magenta Bay Rd
Box Hill, VIC 3083
TEL: 02 9477 0847 FAX: 02 9477 0848



DO NOT SCALE DIMENSIONS
FOR CONSTRUCTION PURPOSES
ALL DIMENSIONS TO BE
OBTAINED FROM THE WORKING
DRAWINGS AND THE WORKING
DRAWINGS SHALL BE USED TO
CONSTRUCT THE DEVELOPMENT
IN ACCORDANCE WITH THE
REQUIREMENTS OF THE LOCAL
COUNCIL AND THE STATE
GOVERNMENT.

a DULUX "KANGAROO POUCH" F104	b DULUX "LEROY" P087	PLASTERBOX DULUX "LEROY" PLASTERBOX DULUX "LEROY" R10 2000 L E ONLY	c DULUX "DOMINO" F5146	d BRICKWORK	e DULUX "VENUS" F1716P F5287	4a COLOUR BACKED GLASS
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	TO MATCH PPH "VELOUR CHOCTAN" a	8 BRICKWORK	
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VITRACORE (2) "SILVER ICE METALLIC"	VITRACORE (2) "GOLD METALLIC"	VITRACORE (2) "ASTEROID PEARL"	a	b	c
9 NON COMBUSTIBLE METAL CLADDING					

a DULUX "SULPHUR" P1649	b DULUX POWDERCOAT "OYSTER" 27236858	c DULUX "LEMON" 200
10 RENDERED MASONRY OR APPLIED PAINT FINISH	PRIVACY SCREENS	ENTRY AWNING

DO NOT SCALE DRAWINGS.
VERIFY ALL DIMENSIONS ON SITE.
REFER ANY DISCREPANCIES TO
THE SUPERINTENDENT BEFORE
PROCEEDING WITH THE WORK.

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PROJECT NO.	DRAWING NO.	ISSUE
1015	A55	D

ARCHITECT

1000 7th Street, NW
North Building, Room 2000
Washington, DC 20004
Tel: 202/462-1000 Fax: 202/462-1001
www.kidderbipolar.com

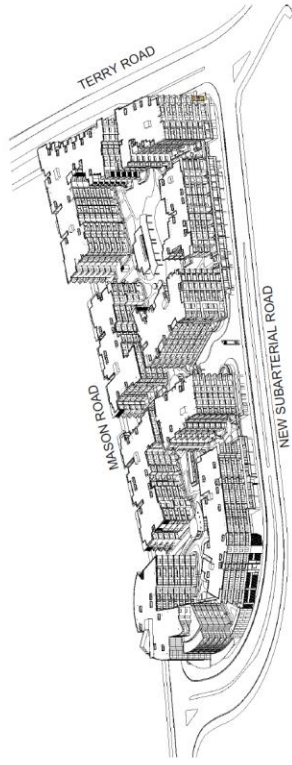
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kidder bipolar architects

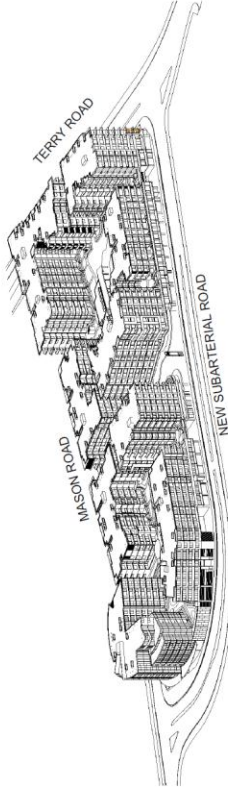
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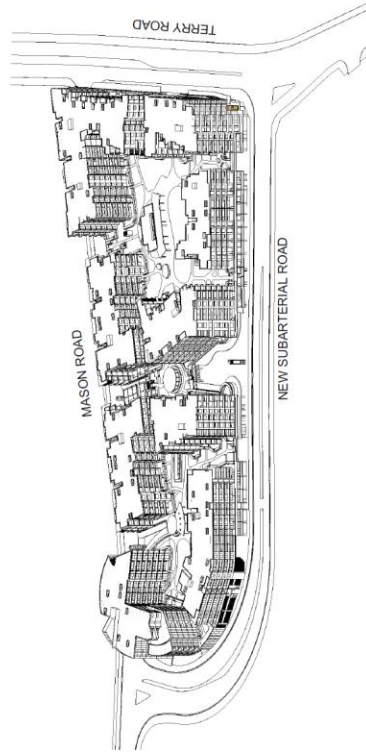
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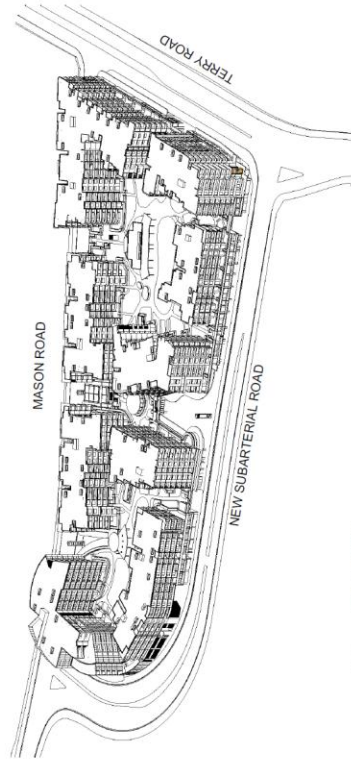
01 21 JUNE 9AM



02 21 JUNE 10AM



03 21 JUNE 11AM



04 21 JUNE 12PM

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT MASON ROAD AND TERRY ROAD, BOX HILL 2765 SUN VIEW DIAGRAMS 9AM-12PM

ISSUE FOR \$4.55
DATE 11/03/2019
SCALE NTS

PROJECT NO. 1015
DRAWING NO. A60
ISSUE D

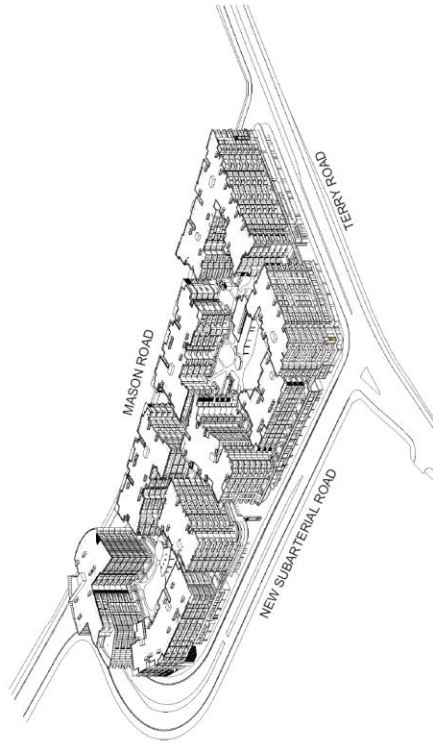


PROPOSITOR
TOPPLACE PTY LTD
121 Magpies Bay Rd
TEL. 02 9477 0847 FAX 02 9477 5180

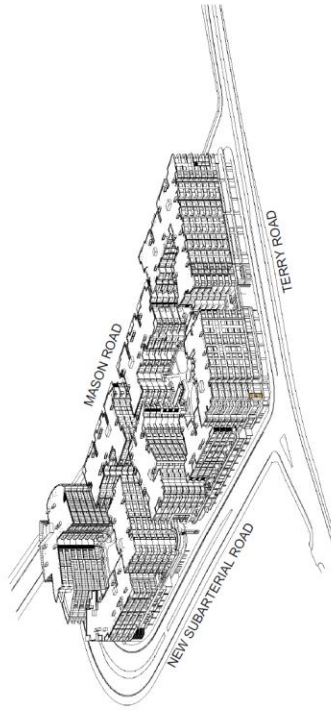
ON NEW SCALE DEVELOPMENT
SUN VIEW AND SHADOW ANALYSIS
PROCESSED WITH THE WEAP
KDA ARCHITECT is a registered firm in NSW
KDA ARCHITECT is a registered firm in NSW
KDA ARCHITECT is a registered firm in NSW



01 21 JUNE 1PM



02 21 JUNE 2PM



03 21 JUNE 3PM

BOX HILL TOWN CENTRE MIXED USE DEVELOPMENT MASON ROAD AND TERRY ROAD, BOX HILL 2765 SUN VIEW DIAGRAMS 1PM-3PM

ISSUE FOR \$4.55

DATE
SCALE
11/03/2019
N15

PROJECT NO. 1015
DRAWING NO. A61
ISSUE D



PROPOSITOR
TOPACE PTY LTD
121 Mays Bay Rd
Box Hill, VIC 3088
TEL: 02 9477 0847 FAX: 02 9477 1580

ON NEW SCALE DEVELOPMENT, THE
BUILDING AND COMPOUND ARE TO BE
PROCESSED WITH THE LOCAL
COUNCIL.
K&A is a registered architect in the
State of Victoria and is a member of the
Institution of Engineers Australia (IEAust).

ATTACHMENT 8 – DEVELOPMENT CONSENT 945/2016/JP



21 December 2016

Toplace Pty Ltd
DAVID KREPP
121 Majors Bay Rd
CONCORD NSW 2137

Ref No.:945/2016/JP
Sydney West Central Planning Panel: 15 December 2016

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by Sydney West Central Planning Panel of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.

This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Appeal

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

APPLICANT Toplace Pty Ltd

OWNER: Box Hill Projects Pty Ltd

PROPERTY: Lot 34A DP 11104, Lot 34 DP 11104, Lot 34B DP 11104, Lot 34C DP 11104
29-31 Terry Road, BOX HILL

DEVELOPMENT: A Mixed Use Development comprising Box Hill Town Centre Precinct (part northern side) containing demolition of existing structures and construction of building containing a retail podium, 668 apartments and 2 levels of basement parking

ENDORSED DATE OF CONSENT: 15 December 2016

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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. 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.

The amendments in red include: -

- Details of eastern façade treatment of 'Building H' are to be submitted to and approved by Council's Manager Development Assessment prior to Issue of a Construction Certificate.
- Residential fitout of 'SOHO' units require separate approval. Refer Condition 3.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
A00	Title Sheet, Location and Demolition Plan	C	08/07/2016
A01	Site Analysis Plan	C	08/07/2016
A02	Basement 2 Plan	K	21/10/2016
A03	Basement 1 Plan	H	21/10/2016
A04	Ground Level Plan	K	21/10/2016
A05	Mezzanine Plan	H	21/10/2016
A06	Level 1 Plan	J	21/01/2016
A07	Level 2 Plan	G	21/10/2016
A08	Level 3 Plan	G	21/10/2016
A09	Level 4 Plan	G	21/10/2016
A10	Level 5 Plan	G	21/10/2016
A11	Level 6 Plan	G	21/10/2016
A12	Level 7 Plan	G	21/10/2016

A13	Roof Plan	D	21/10/2016
A20	Building A Level 1 and Typical Plan	C	28/04/2015
A20_1	Building A Level 4 and 4 Plans	A	08/07/2016
A21	Building B Level 1 Plan	C	08/07/2016
A21_1	Building B Typical Plan	A	08/07/2016
A21_2	Building B Level 6 and 7 Plans	A	08/07/2016
A22	Building C Ground, Mezzanine and Typical Plans	D	08/07/2016
A22_1	Building C Typical and Level 7 Plans	A	08/07/2016
A23	Building D Plans	D	08/07/2016
A24	Building E Plans	D	08/07/2016
A25	Building F Plans	C	08/07/2016
A26	Building G Ground, Mezzanine and Typical Plans	E	21/10/2016
A26_1	Building G Level 4 Plan	C	21/10/2016
A27	Building H Plans	D	21/10/2016
A28	Building J Level 1 and Typical Plans	D	21/10/2016
A28_1	Building J Level 4 and 5 Plans	B	21/10/2016
A30	Elevations 1	E	21/10/2016
A31	Elevations 2	E	21/10/2016
A32	Elevations 3	E	21/10/2016
A33	Elevations 4	E	21/10/2016
A40	Sections A and B	E	21/10/2016
A55	Material Board	C	21/10/2016
50.15/446	Landscape Package - Sheets 1 -10	-	November 2016

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. Compliance with Department of Primary Industries - Water Requirements

Compliance with the requirements of the Department of Primary Industries - Water as attached as Appendix A to this consent and dated 14 March 2016.

3. Residential Fitout of SOHO Units not Approved

The residential components of the 'SOHO' units are not approved. They are permitted to be used for retail or commercial purposes only. Any change of use to these units for residential purposes will require lodgement of a Development Application. Any application shall demonstrate compliance with the permitted Floor Space Ratio for the site.

4. 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.

5. Separate application for signs

A separate application is to be submitted to, and approved by, Council prior to the erection of any advertisements or advertising structures.

6. Separate Development Application for Occupations

A separate development application is required for the occupation of the approved non-residential tenancies unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Where a Development Application is required, the application should specifically address the following:

- Proposed use and its Permissibility
- Hours of Operation
- Delivery Details
- Staff Numbers
- Signage, and
- Parking Provision

7. Compliance with NSW Police Force Requirements

The following conditions are required by the NSW Police or as otherwise agreed by NSW Police and Council in writing:-

Surveillance:

- CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.
- Paint the basement white to reflect light.
- Vegetation to be kept trimmed at all times.
- Installation of a security intercom system is required to access the residential parts of the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.

Lighting:

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.

Environmental Maintenance:

- Use of anti-graffiti building materials.
- High fencing during construction is to be used.
- Use of security sensor lights and a security company to monitor the site during construction phase are required.

Access Control:

- Ground level units are required to have upgraded security measures in place such as doors/ windows being alarmed, thickened glass and sensor lights.
- High quality letter boxes that meet AS ISO9001:2008 are required and are only to be accessed via within the unit complex by residents.
- Lift from car park into the residential part of the building to be used with a fob or pin code is required.
- Entry into residential car park to be secured by a fob, remote/code access and camera are required.
- Ensure improved strength to security roller shutters/garage doors is used.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanism are to be used.

- All non-residential Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- External doors that can be used to enter the car park or into the complex are required to have a plate installed to the door.
- Devices are to be fitted to enable windows to be locked at 12.5cm when the devices are engaged.

8. 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.

9. 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.

10. Tree Removal

Approval is granted for the removal of 87 trees in accordance with the Tree Report prepared by Birds Tree Consultancy dated 18 June 2015.

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

11. Adherence to Operational Waste Management Plan

All requirements of the Waste Management Plan submitted as part of this Development Application must be implemented during the construction (design of facilities) and the operational phases of the development, unless where amended by other conditions of consent.

12. Demolition Inspections

Before demolition works commence, a pre-demolition inspection must be arranged with Council's Development Certification team. All conditions required to be addressed before works commence must be satisfied. Once demolition works are complete, a post demolition inspection must be arranged with Council's Development Certification team.

13. External Finishes

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

14. Management of Construction and 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 off site. 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 on site 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 off site 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.

15. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing on site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the

Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

16. Waste and Recycling Collection Contract(s)

There must be a contract with a licenced contractor(s) for the removal of all non-residential waste generated on site. Written evidence of a valid and current collection contract(s) must be held on site at all times and produced in a legible form to any authorized officer of the Council who asks to see it. Council and its contractor are to provide a waste service to the residential component of the development, unless otherwise determined by Council. All servicing instructions from Council are to be complied with at all times.

17. Construction of Garbage Rooms

The development must incorporate separate garbage rooms constructed in accordance with the construction requirements for garbage rooms as specified in the Waste Management Plan submitted as part of this Development Application, to facilitate the separation of retail/ commercial waste and recycling from residential waste and recycling. All rooms are to easily accommodate all bins and equipment required in them as per the plan.

18. Food premises construction standards

The construction of any food premises is to comply with *Australian Standard 4674:2004 – Design, construction and fitout of food premises*, which includes solid construction walls (ie walls without voids or cavities).

19. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

20. Approved Subdivision Detail/ Extent

The subdivision of the site is included as part of this approval, but only to the extent of dedicating the required roads and road widening, excising the stormwater management part of the site and creating a single development lot in accordance with the plans/ detail that was submitted. The final subdivision plan must generally reflect the subdivision plan prepared by H Ramsey and Co Sheets 1 to 6 dated 7/12/2016 and include/ account for the following:

- The dedication as road of the section of the new bypass road (BHN09) within the subject site. This road reserve must be 24m wide as per the concept plan prepared by ACE Revision C dated 2/11/2016 (noting the site plan prepared by KTA refers to a road width of 21m). Any planned works in kind/ material public benefit agreement or voluntary planning agreement must take into consideration the work/ land covered by the Contribution Plan (15). The additional 3m must be taken from the part of the site north of the SP2 zoned road extent rather than the B2 zoned land to the south as per the subdivision plan referred to earlier. This will reduce the size of the SP2 zoned stormwater management land/ lot required to be created (see below).
- The dedication as road widening of the SP2 zoned road widening along the Terry Road site frontage (BHRU02B). The eventual/ full width road reserve must be 25.7m as per the concept plan prepared by ACE Revision C dated 2/11/2016 however this will not be realised until the road widening opposite is taken from 10 to 38 Terry Road.
- The dedication as road widening of the additional land-take associated with the planned traffic signals at the intersection between the bypass road/ Terry Road (BHT18). This additional land-take must come from the B2 zoned part of the site as per the detail/ extent provided by Council on 13/05/2016 (2036 option) and generally as shown on the concept plan prepared by ACE Revision C dated 2/11/2016 and the site plan prepared by KTA. The roof level building

encroachment shown extending into the planned road reserve/ footpath verge amended (approved) plan set will need to be reviewed at the detailed design/ Construction Certificate stage to ensure the encroachments, particularly those at ground level, are suitably setback from the kerb return at both intersections so as to encroach into the actual trafficable carriageway/ conflict with the swept turning path for the largest design service vehicle. Any encroachments/ awnings will need structural certification (both design and as-built) and the details of such will need to be submitted to Council before construction of the affected works.

- The dedication as road widening at no cost to Council of the road widening along the Mason Road site frontage within the subject site/ B2 zoned land. The necessary road widening (2.4425m and variable) to provide for the eventual 25m wide road reserve is shown on the concept plan prepared by ACE Revision C dated 2/11/2016 and the site plan prepared by KTA. An appropriately sized splay corner must be provided at this location also, so that the road/ footpath and all associated services (including street drainage) are contained to the road reserve. Council's Design Guidelines call for a 12m kerb return radii and a 5m by 5m corner splay, however this is able to be refined once the detailed design of the intersection is finalised. Taking into consideration the wider verges provided in Terry Road and Mason Road here, a smaller splay corner is likely. This dedication must occur at no cost to Council.
- The creation of a separate lot(s) containing the SP2 zoned stormwater management land north of the bypass road associated with the future basins (BH02A/ RGB02A and BH02B/ RGB02B) and containing the two temporary basins proposed under this approval. This needs to be created as a separate lot(s) so that it may be acquired later under a separate process, unless the transfer is included in any planned works in kind/ material public benefit agreement or voluntary planning agreement.
- The creation of a second/ separate lot containing the actual development site/ remainder of the B2 zoned land. Any planned subdivision of this proposed lot will require separate approval.
- A right of access (easement) relating to the eventual orderly development of the B2 zoned part of 8 and 10 Mason Road (conditioned separately/ later).
- The final subdivision plan must be registered before an Occupation Certificate can be issued.
- The requirements of any other relevant/ applicable conditions of this consent.

21. 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.

22. Right of Access/ Orderly Development of 8 to 10 Mason Road

The final subdivision plan must include a right of access (easement) over the subject site/ development lot within basement levels one and two to provide legal access to the planned/ possible extension of these basements as part of the planned/ possible future development of the B2 zoned parts of 8 and 10 Mason Road generally in accordance with the details submitted with the application in the letter prepared by TPG dated 21/10/2016. The authority with the rights to vary, release or modify the easement must be Council and the terms must comply with Council's standard recitals (a copy of which is available on our website).

23. 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.

24. Approved Street Naming

Street naming must comply with Council's approved street names map; which will be finalised by the time street name signs need to be installed and the roads dedicated to the public.

Mason Road (within the subject site) between Terry Road and the eastern extent of the bypass road within 10 and 12 Mason Road will need to be renamed to reflect the fact that the new bypass road will be named Mason Road instead. This renaming is not included on the exhibited street naming map for Box Hill; because it requires the physical realignment of Mason Road/ the construction and dedication of the bypass road to occur first.

25. Street Trees

Street trees must be provided on both sides of the bypass road within the development site and in Terry Road and Mason Road fronting the development site spaced between 7m and 10m apart. 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, including the Box Hill Street Tree Masterplan. Details demonstrating compliance with the above must be submitted for 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.

26. 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.

27. Water Sensitive Urban Design Handover Process

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

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

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

28. 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.

29. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

30. 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.

31. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

32. Service Vehicles – Access Requirements

All service vehicles, defined as a vehicle classified by AS 2890.2 rather than AS/ NZS 2890.1; must access and service the site via the two service vehicle areas and associated driveways on Terry Road and the planned bypass road. Service vehicles are not to access either basement level or service the development directly from any of the existing or proposed fronting public roads.

33. Excavation/ Anchoring Near Boundaries

Earthworks near the property boundary must be carried out in a way so as to not cause an impact on adjoining public or private assets. Where anchoring is proposed to sustain excavation near the property boundary, the following requirements apply:

- Written owner's consent for works on adjoining land must be obtained.
- For works adjacent to a road, anchoring that extends into the footpath verge is not permitted, except where expressly approved otherwise by Council, or the RMS in the case of a classified road.
- Where anchoring within public land is permitted, a bond must be submitted to ensure their removal once works are complete. The value of this bond must relate to the cost of their removal and must be confirmed by Council in writing before payment.
- All anchors must be temporary. Once works are complete, all loads must be removed from the anchors.
- A plan must be prepared, along with all accompanying structural detail and certification, identifying the location and number of anchors proposed.
- The anchors must be located clear of existing and proposed services.

Details demonstrating compliance with the above must be submitted to the Principal Certifying Authority and included as part of any Construction Certificate or Occupation Certificate issued.

34. Finished Floor Level – Flooding

The finished floor level (or levels) of the structure must reflect the approved plans and are to be no lower than:

- RL 38.5 AHD along any point in the bypass road.
- RL 39 AHD for the finished floor level of the retail tenancies facing the bypass road.
- RL 39 AHD for the crest/ highest point along all four driveways facing the bypass road.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

35. 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.

36. Special Infrastructure Contribution – Growth Centres

The applicant is to make special infrastructure contribution in accordance with any determination by the Minister administering the Environmental planning and Assessment Act 1979 under Section 94EE of the Act that is in force on the date of this consent, and must obtain a certificate to that effect from the Growth Centres Commission before a Construction certificate or subdivision certificate is issued in relation to any part of the development to which this consent relates

More information on the Special Infrastructure Contribution can be found at the Growth Centres Commission's website at www.gcc.nsw.gov

To obtain an estimate of the Special Infrastructure Contribution that may be payable for the application please email infrastructurecontribution@gcc.nsw.gov.au

37. Property Numbering and Mailboxes

The responsibility for property numbering is vested solely in Council.

Council's Land Information Section is to be issued with amended unit numbering plans prior to the issue of a construction certificate. Unit numbering must comply with NSW Addressing policy and must not be repeated throughout the site

Council's Land Information Section has prepared marked plans to reflect the correct numbering. Plans relating to this development must be renumbered by applicant so that

any reference to a particular unit for any purpose, including marketing, will reflect the approved numbering.

Approved unit numbering for this development based on plans provided is as follows:

Retail & Commercial Numbering

Basement 1 B101

Ground G01 – G49

Unit Numbering (clockwise from lift location)

	<u>Building A</u>	<u>Building B</u>	<u>Building C</u>
	Lift A	Lift B1	Lift B2
Mezzanine	N/A	N/A	N/A
First	1001-1013	1014-1033*	1014-1033*
Second	2001-2013	2014-2018	2019-2033
Third	3001-3013	3014-3018	3019-3033
Fourth	4001-4013	4014-4018	4019-4033
Fifth	5001-5013	5014-5018	5019-5033
Sixth	N/A	6001-6020*	6001-6020*
Seventh	N/A	7001-7005	7006-7020

Note: * = units can be accessed via either of 2 lifts

	<u>Building D</u>	<u>Building E</u>	<u>Building F</u>
	Lift D	Lift E	Lift F
Mezzanine	114-122	N/A	N/A
First	1043-1052	1053-1063	1064-1071
Second	2043-2052	2053-2063	2064-2071
Third	3043-3052	3053-3063	3064-3071
Fourth	4043-4052	4053-4063	4064-4071
Fifth	N/A	5043-5053	5054-5061
Sixth	N/A	6030-6040	6041-6048
Seventh	N/A	7030-7040	7041-7048

	<u>Building G</u>	<u>Building H</u>	<u>Building J</u>
	Lift G1	Lift G2	Lift H
Mezzanine	123-126	N/A	N/A
First	1072-1079	1080-1089	1090-1099
Second	2072-2079	2080-2089	2090-2099
Third	3072-3079	3080-3089	3090-3099
Fourth	4072-4079	4080-4089	4090-4099
Fifth	N/A	N/A	5062-5071
Sixth	N/A	N/A	6049-6058
Seventh	N/A	N/A	7049-7058

Plans detailing the positioning of letterboxes are also to be submitted and approved prior to issue of Construction Certificate. This will determine the street address for each particular building once plans are received.

Written correspondence from Australia Post certifying that they have agreed to the proposed location of the letterboxes must accompany this plan.

38. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 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 component

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units 182	No. of 2 Bedroom Units: 440	No. of 3 Bedroom Units 46	Sum of Units	No. of Credits: 1	Total S94
Open Space - Land	\$ 5,635.33	\$ 5,956.24	\$ 6,640.90	\$ 6,640.90	\$ 1,023,810.12	\$ 2,820,743.60	\$ 305,485.21	\$ 3,950,038.93	\$ 6,640.90	\$ 3,943,397.96
Open Space - Capital	\$ 7,066.72	\$ 7,482.42	\$ 8,343.61	\$ 8,343.61	\$ 1,286,143.93	\$ 3,292,262.84	\$ 303,760.19	\$ 4,962,166.95	\$ 8,343.61	\$ 4,953,823.34
Transport Facilities - Land	\$ 545.27	\$ 577.35	\$ 643.72	\$ 643.72	\$ 99,239.94	\$ 254,034.01	\$ 29,611.07	\$ 382,885.02	\$ 643.72	\$ 382,241.30
Transport Facilities - Capital	\$ 4,665.63	\$ 4,940.07	\$ 5,508.00	\$ 5,508.00	\$ 849,144.00	\$ 2,173,621.17	\$ 253,367.98	\$ 3,276,143.14	\$ 5,508.00	\$ 3,270,635.14
Water Management - Land (KCP)	\$ 2,073.90	\$ 2,195.97	\$ 2,440.43	\$ 2,440.43	\$ 377,463.62	\$ 966,220.83	\$ 112,627.82	\$ 1,456,320.26	\$ 2,440.43	\$ 1,453,879.83
Water Management - Capital (KCP)	\$ 5,214.34	\$ 5,521.07	\$ 6,155.70	\$ 6,155.70	\$ 949,009.21	\$ 2,429,269.27	\$ 283,166.05	\$ 3,661,444.53	\$ 6,155.70	\$ 3,655,288.74
Administration	\$ 220.64	\$ 233.62	\$ 260.47	\$ 260.47	\$ 40,156.00	\$ 102,791.40	\$ 11,901.69	\$ 154,929.97	\$ 260.47	\$ 154,669.50
Total	\$ 25,411.91	\$ 26,906.73	\$ 30,000.00	\$ 30,000.00	\$ 4,624,967.62	\$ 11,838,961.20	\$ 1,380,000.00	\$ 17,843,928.82	\$ 30,000.00	\$ 17,813,928.82

Non-residential component

Development Category	Rate per M ² of GFA: 16,889	TOTAL S94
Transport Facilities - Land	\$ 6.04	\$ 102,009.56
Transport Facilities - Capital	\$ 59.14	\$ 998,815.46
Administration	\$ 0.92	\$ 15,200.10
Water Management - Land (KCP)	\$ 6.64	\$ 112,142.96
Water Management - Capital (KCP)	\$ 16.68	\$ 281,708.52
Total	\$ 89.40	\$ 1,509,876.60

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 contributions are updated quarterly.

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

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

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

39. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practising 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 heavy rigid waste collection vehicle (i.e. 28 tonne gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

40. Acoustic assessment

Prior to the issue of the Construction Certificate, an acoustic report shall be submitted to the satisfaction of Council's Manager - Environment and Health which confirms that:

- the selected mechanical plant should not give rise to offensive noise;
- the design and proposed materials will be adequate to prevent offensive noise from the loading docks and car parks.

42. 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.

43. Controlled Activity Authority – NSW Department of Primary Industries – Water

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

44. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

45. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- Lot boundaries;
- Roads;
- Contours;
- Existing vegetation;
- Existing site drainage;
- Critical natural areas;
- Location of stockpiles;
- Erosion control practices;
- Sediment control practices; and
- A maintenance program.

46. Requirements for Creek Crossing/ Culvert – Terry Road

The design and construction of the creek crossing/ culvert under Terry Road (CR-F) must be carried out with the subdivision works.

Prior to the issuing of a Construction Certificate, the applicant must submit to Council for approval detailed design plans and specifications for the creek crossing/ culvert prepared by a suitably qualified structural engineer with demonstrated experience and knowledge of creek crossing/ culvert design and construction. The design must be accompanied by certification from the design engineer confirming that the design complies with:

- Any requirements of DPI – Water;
- All relevant or applicable RMS road bridge design standards;
- All relevant or applicable Australian Standards;
- Council's Design Guidelines Subdivisions/ Developments;
- Council's Works Specifications Subdivisions/ Developments;

- Any other relevant design or construction considerations.

The design engineer must nominate all necessary critical stage inspections. These inspections are to be carried out by a suitably qualified structural engineer with demonstrated experience and knowledge of creek crossing/ culvert design and construction as the creek crossing/ culvert construction progresses, with a copy of the results submitted to Council as soon as practicable after the inspection. Additionally, Council must be notified of any upcoming inspections a minimum of 24 hours beforehand.

The proposed creek crossing/ culvert must be transferred into Council ownership at the end of the project. The following is required in order to facilitate this handover process:

- Council staff inspects the creek crossing/ culvert.
- A whole of life assessment is provided for the creek crossing/ culvert and documentation is provided to confirm the expenses nominated.
- WAE drawings and all required as-built structural engineering certifications and inspection results are provided to Council.

If Council determines that the creek crossing/ culvert is not complying with the conditions of this approval, Council may request that alterations be made to the creek crossing/ culvert prior to transfer.

47. Construction Management Plan

Prior to the issuing of a Construction Certificate a Construction Management Plan must be submitted to Council's Manager – Subdivision and Development Certification for approval. The Construction Management Plan must specifically address each of the following matters:

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network.
- Public asset protection.
- Dust (and mud/ silt) management. This has been separately conditioned.
- Sediment and erosion control. This has been separately conditioned.
- Stockpiles, both temporary and non-temporary.
- Noise. Outside of standard work hours for float deliveries will need to have RMS written approval and Council and affected neighbours must be notified in writing.
- Working hours. This needs to include plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna (and fauna habitat) protection, recovery and relocation.
- Dam dewatering (water quality, contamination and aquatic fauna).

48. 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 WSUD 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.

49. 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 is issued.

50. Stormwater Discharge Acceptance

Where the engineering works included in the scope of this approval necessitate the discharge of stormwater onto adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

51. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$150,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontage of the subject site plus an additional distance on either side multiplied by the width of the road but reduced to account for the fact both Terry Road and Mason Road are being reconstructed (partial width only however) as part of the approved subdivision works.

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

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

52. Security Bond – External Works

In accordance with Section 80A(6)(b) of the Environmental Planning and Assessment Act 1979, a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.

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

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

This bond only relates to the works external to the site that are not covered by the Contribution Plan (15) that will be constructed by the developer under a planned works in kind/ material public benefit agreement or voluntary planning agreement. Specifically, this then only includes the partial width reconstruction of Terry Road (1) and Mason Road explained in Condition 53 below.

53. Engineering Works and Design

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

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed. A "compliance certificate" as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This "compliance certificate" can be issued by Council's Manager – Subdivision and

Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued "compliance certificate". Post construction, a further "compliance certificate" as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so. This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

a) Full Width Road 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)
Bypass Road	Road Type: DCP Typical Sub-arterial Road (amended) 4.5m/ 16m/ 3.5m (24m) Pavement Design: Sub-arterial/ Enhanced Collector (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 12m based on a 5m splay corner unless otherwise directed by Council/ addressed in this consent via this condition or Condition 20.
- The wider 4.5m verge must be located on the northern side of the bypass road correlating with the shared path required at this location.
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway.
- The footpath verge on the northern side of the bypass road facing the creek/ basin must have a reverse cross-fall of 4% falling away from the kerb, contrary to the concept plan prepared by ACE Revision C dated 02/11/2016. The level difference between the creek/ basin and the road needs to be addressed via a stabilised batter informed by a geotechnical engineer. This interface/ batter needs to consider the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B) and not affect the flood storage/ surface treatment area provided by the same.
- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the

subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.

- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- Sags, crests and cross roads (and other similar/ standard detail) needs to be added to the long-sections for all roads.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

b) Partial Width Road Reconstruction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Terry Road (1)	Road Type: DCP Collector Road 3.5m/ 11.6m/ 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Terry Road (2)	Road Type: DCP Sub-arterial Road (between KCP and Mason Road) 4.5m/ 7m/ 1.2m/ 7m/ 6m (25.7m) Pavement Design: Sub-arterial/ Enhanced Collector (Design Guidelines Section 3.12)
Mason Road	Road Type: DCP Town Centre Main Street 4m/ 15m/ 6m (25m) Pavement Design: Industrial/ Commercial (Design Guidelines Section 3.12)

The following additional/ specific requirements apply:

- The design must incorporate a standard kerb return radius of 12m based on a 5m splay corner unless otherwise directed by Council/ addressed in this consent via this condition or Condition 20.
- The 4.5m verge must be located on the western/ opposite side of Terry Road correlating with the shared path required at this location.
- The wider 6m wide verge must be located on the northern side of Mason Road fronting the site.
- Terry Road (1) relates to the section of this road north of the intersection between the bypass road/ Terry extending to the northern site boundary. The portion of Terry Road south of this intersection is a different road type/ formation and only partial width reconstruction is required (see below).

- Terry Road (2) relates to the section of this road south of the intersection between the bypass road/ Terry extending to the southern site boundary. The portion of Terry Road north of this intersection is a different road type/ formation and full width reconstruction is required (see above).
- Roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor, in which case barrier kerb must be used.
- All roads are to have a two-way cross fall with a crown in the middle of the carriageway. The footpath verge on both sides of Terry Road (1) where this road crosses the creek/ basin must have a reverse cross-fall of 4% falling away from the kerb, contrary to the concept plan prepared by ACE Revision C dated 02/11/2016. The level difference between the creek/ basin and the road needs to be addressed via a stabilised batter informed by a geotechnical engineer. This interface/ batter needs to consider the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B) and not affect the flood storage/ surface treatment area provided by the same.
- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.
- Dish crossings at intersections between roads are to be avoided wherever possible. Where they are proposed, the detailed design must be accompanied by a design statement from the design engineer clearly explaining why they are unavoidable in each case.
- The construction of Terry Road (1) must account for the culvert/ creek crossing required here (CR-F), see below.
- The construction of Terry Road (1) must account for the regrading (lifting) of this road, requiring a temporary transition/ section of reconstruction to a rural residential road standard back to the existing road carriageway further north (at the existing road surface level), generally as shown on the concept plan prepared by ACE Revision C dated 02/11/2016.
- The works proposed/ required on 33 Terry Road relating to the existing driveway for that property must be arranged in consultation with the affected neighbour. Consent/ agreement from that owner for these works on their land must be submitted with the Construction Certificate/ detailed design.
- Temporary retaining walls within the road reserve are to be avoided wherever possible/ replaced with steeper (stabilised) batters. It must be demonstrated that a reasonable attempt has been made to obtain written consent from the owner/s of the affected properties opposite/ fronting the works at the detailed design/ Construction Certificate stage for battering into their land to provide for the future/ permanent finished levels along this boundary up-front (save the need for temporary works).
- The filling/ regrading within the site adjacent to the eastern edge of Terry Road (1) between chainages 95 and 140 must be added to the cross-sections for this road, showing how the road edge correlates with the creek/ basin (and temporary basin/ swale) here.
- The construction of Mason Road and Terry Road (2) must account for the regrading (lifting) of this road, requiring a temporary transition/ section of reconstruction to a rural residential road standard back to the existing road carriageway further south and east respectively (at the existing road surface level), generally as shown on the concept plan prepared by ACE Revision C dated 02/11/2016.

- The works proposed/ required on 34, 36 and 38 Terry Road relating to the existing driveways for those properties must be arranged in consultation with the affected neighbours. Consent/ agreement from those owners for these works on their land must be submitted with the Construction Certificate/ detailed design.
- 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 (for Terry Road (1)), 7m of road pavement (for Terry Road (2)) and 11m of road pavement (for Mason Road), generally as shown on the concept plan prepared by ACE Revision C dated 02/11/2016. This new road pavement must transition into the existing road pavement opposite where possible.
- 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.
- Sags, crests and cross roads (and other similar/ standard detail) needs to be added to the long-sections for all roads.
- The temporary intersection/ bend connecting the new part of Mason Road at the eastern site boundary with the existing section of this road as it extends further east must be provided generally in accordance with the concept plan prepared by ACE Revision C dated 02/11/2016.
- All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.

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 eastern end of the bypass road.

d) Street Names Signs

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

e) Creek Crossing/ Culvert – Terry Road

The alignment, width and formation of the creek crossing/ culvert for Terry Road between basins BH02A/ RGB02A and BH02B/ RGB02B must be provided for generally in accordance with the limited detail included with the concept plan prepared by ACE Revision C dated 02/11/2016.

The following additional/ specific requirements apply:

- Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.
- Design to be substantially in accordance with the principles set out in the publications Australian Standard Bridge Design Part 1: Scope and General Principles (AS 5100.1-2004 (Incorporating Amendment No.1)), and Austroads Guide to Bridge Technology Part 4: Design Procurement and Concept Design.

- Minimum freeboard to the underside of the bridge structure is to be in accordance with the requirements of the abovementioned publications, having regard to carriageway cross-falls.
- Bridge clear opening to be a minimum of 50% of the overall width of the riparian corridor, measured from toe of abutments, and allowing for bridge pier widths.
- Piers are to be designed to be streamlined in the direction of flow. Other than in unavoidable circumstances, no piers are to be constructed so as to obstruct the primary waterway area (between low banks).
- Bridges are to be low energy style structures, minimising afflux at the design flood (100 year ARI post-development case).
- Allowance for blockage is to be in accordance with the requirements of the publication Australian Rainfall and Runoff Revision Project 11: Blockage of Hydraulic Structures - Blockage Guidelines (February 2015).
- Consideration may be made for the construction of relief culverts through each abutment to account for the allowance of blockage in the bridge design.
- Hydraulic modelling is to be undertaken to determine the two dimensional flow behaviour for channel forming flows (consider the 1:2 and 1:5 year storm events) and the design flood (1:100 year storm event) to enable the design of any bed, bank and abutment scour protection works.

f) Intersection Design – Terry Road Traffic Signals

The construction/ reconstruction of the bypass road, Terry Road and Mason Road must design for/ include the planned traffic signals at bypass road/ Terry Road (BHT18) and Mason Road/ Terry Road (BHT11). The basic intersection geometry/ required land-take for both were provided by Council on 13/05/2016 (2036 option). The land-take is generally shown correctly on the concept plan prepared by ACE Revision C dated 2/11/2016 and the site plan prepared by KTA however the intersection geometry is not.

Council is in the process of having a detailed concept design prepared for Terry Road, Mason Road/ the bypass road, the intersections between these roads, the culvert/ creek crossing under Terry Road and the basins on either side of Terry Road. If this design is available/ finalised by the time the detailed design for the subdivision works is being prepared then it must be considered as part of the same. Contact Council's Construction Engineer to discuss the progress of this detailed concept design prior to finalising the detailed design.

The warrants for traffic signals here are not met yet. Until this is the case, the detailed design must provide for an appropriate level of priority control informed by a traffic consultant. This signage/ line-marking will need to be approved by the Local Traffic Committee because it relates to existing public roads.

The conduits for the eventual/ planned traffic signals must be installed up-front to save the need for re-work later.

g) Concrete Footpath

A 3.5m wide concrete footpath, including access ramps at all intersections, must be provided on the southern side of the bypass road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on the eastern side of Terry Road (1) in accordance with the DCP and the above documents.

A 6m wide concrete footpath, including access ramps at all intersections, must be provided on the eastern side of Terry Road (2) of the bypass road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

A 4m wide concrete footpath, including access ramps at all intersections, must be provided on the northern side of Mason Road in accordance with the DCP and the above documents. Street tree pits must be accounted for. The footpath finish/ detail must be approved by Council via a public domain plan.

h) Concrete Cycleway/ Shared Path

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

i) Driveway Requirements

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

All five proposed driveways must be built to Council's heavy duty standard.

A separate driveway application fee is payable as per Council's Schedule of Fees and Charges.

j) 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.

k) 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.

l) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

Retaining walls are limited to those locations and heights shown on the concept plan prepared by ACE Revision C dated 02/11/2016.

m) 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.

n) Stormwater Drainage – Creek Outlets

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the Department of Primary Industries – Water (even where the receiving waterbody is not a natural watercourse).

o) Water Sensitive Urban Design Elements – Permanent/ On-site

Water sensitive urban design elements within the development site/ lot, consisting of three rainwater reuse tanks (with volumes of 121.26 cubic metres, 77.7 cubic metres and 60.8 cubic metres) and three filtration tanks containing a total of 15 SW 360 690mm high filtration cartridges (or an approved/ industry tested and accepted equivalent proprietary product), are to be located generally in accordance with the concept stormwater plan prepared by ACE Revision E dated 02/11/2016.

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.

These elements must be designed and constructed in accordance with best practice water sensitive urban design techniques and guidelines. Such guidelines include, but are not limited to:

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>
- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

p) Stormwater Drainage – Temporary Management (Box Hill)

The temporary stormwater management measures described below are to be provided in accordance with the concept plan prepared by ACE Revision C dated 02/11/2016. The temporary stormwater management measures referred to above include:

- Two temporary detention basins (east and west) with a minimum storage volume of 280.6 cubic metres and 536.3 cubic metres respectively. These basins have a staged discharge via a low flow pipe and two weirs/ spillways for each.
- A grassed/ vegetated swale (the final finish and treatment will depend on how DPI – Water want to see this area treated temporarily via the Controlled Activity Approval process) along the northern edge of both basins to act as an outlet for the basins and to convey runoff from the upstream catchment around the temporary stormwater management measures towards the planned culvert under Terry Road (see above).
- A temporary piped inlet to each basin from the bypass road (two).
- A piped outlet to the grassed/ vegetated swale from the trapped low point in the bypass road near Terry Road.
- A piped outlet to the downstream side of the planned culvert under Terry Road (see above) from the street drainage network in Terry Road.

The detailed design must include/ account for the eventual/ permanent street drainage in both roads and the discharge of this runoff to the planned basins here (BH02A/ RGB02A and BH02B/ RGB02B), so that the kerb and gutter etc; being installed now does not need to be removed to provide for the permanent street drainage when adjoining properties are developed and the temporary basins referred to above removed. Where additional lines need to be added to the plan, the permanent/ future lines need to be capped so that water does not pond in them in the meantime.

The purpose of the temporary stormwater management measures is to ensure there is no impact downstream between the pre-development and post development conditions for a range of storm events. The scope and 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 to ensure this occurs when the permanent basin/ rain gardens planned here (BH02A/ RGB02A and BH02B/ RGB02B) are constructed and runoff from the subject site is/ can be connected to the same. These temporary basins are not part of the permanent basin/ rain gardens planned here and so cannot be included in any planned works in kind/ material public benefit agreement or voluntary planning agreement.

Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.

As these measures are primarily located within the stormwater management land intended to be acquired by Council under a separate process, the detailed design will need to be finalised in consultation with Council's Infrastructure Group via Council's Construction Engineer.

PRIOR TO WORK COMMENCING ON THE SITE

54. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

55. Builder and PCA Details Required

Notification in writing of the builder's name, address, telephone and fax numbers to be submitted to the Principal Certifying Authority prior to work commencing.

Two days before work commences, Council shall be notified of the Principal Certifying Authority in accordance with the Regulations.

56. Management of Building Sites – Builder's Details

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. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

57. 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.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

58. 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).

59. 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.

60. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the

public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. 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. Asbestos removal must be carried out in accordance with the WorkCover, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

61. Construction and Demolition Waste Disposal Details Required

Prior to the commencement of works, the location of waste disposal and recycling for all construction and demolition waste materials (bricks, concrete, timber and so on) must be submitted to and approved by the Principal Certifying Authority. Alternatively, details of an appropriately licensed skip bin hire company or site clean company can be provided where the company is engaged to undertake all works during construction of the development (collection, transportation and disposal).

62. Erosion & Sediment Control Plan Kept on Site

A copy of the Erosion and Sediment Control Plan must be kept on site at all times during construction and available to Council on request.

63. 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.

64. Dust Management Plan

Due to the size of the area being disturbed by the works a site specific dust management plan must be developed by a suitably qualified and experienced construction management consultant in conjunction with the civil contractor to proactively address this issue. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, at a minimum:

- 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.
- Heavy vehicle speed control on haul 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.
- Jute matting of the core riparian zone within the creek/ riparian corridor.

- 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.
- Complaints management and community engagement plan.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.

The plan must also demonstrate how the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

65. 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.

66. Erection of Signage – Supervision of Work

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

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

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

67. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, 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.

68. 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 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

69. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared and submitted to Council recording the condition of all public assets in the direct vicinity of the development site.

This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

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

DURING CONSTRUCTION

70. 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.

71. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

72. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 670878M_02 are to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

A Section 96 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design changes to the development. However, a Section 96 Application **will** be required for a BASIX Certificate with a new number.

73. Compliance with Critical Stage Inspections and Other Inspections

Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as "Critical Stage Inspections" to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

74. 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).

The recommendations contained within the Day Design Pty Ltd report *Construction Noise Management Plan, Box Hill Town Centre Corner of Mason Road and Terry Road (Report No 5706-1.1R, dated 2 October 2015)* shall be implemented.

75. 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.

76. 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.

77. Subdivision Earthworks – Lot Topsoil

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

78. Landscaping Prior to Issue of Occupation Certificate

Landscaping of the site shall be carried out prior to issue of the Final Occupation Certificate (within each stage if applicable) in accordance with the approved plan. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

79. Provision of Electricity Services

Submission of a compliance certificate from the relevant service provider confirming satisfactory arrangements have been made for the provision of electricity services. This includes undergrounding of existing and proposed services where directed by Council or the relevant service provider.

80. Provision of Telecommunication Services

For a fibre-ready facility, written certification from a qualified installer must be submitted confirming that the telecommunications infrastructure has been installed in accordance with the following requirements:

- The Telecommunications Act 19978 (Cth).
- The standard specifications of NBN Co current at the time of installation.
- All telecommunications infrastructure must be undergrounded.

The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

In all other cases (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.

81. Design Verification Certificate

Prior to the release of the Occupation Certificate design verification is required from a qualified designer to confirm that the development has been constructed in accordance with approved plans and details and has satisfied the design quality principles consistent with that approval.

82. Section 73 Certificate must be submitted to the Principal Certifying Authority 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 Certifying Authority before occupation of the development/release of the plan of subdivision.

83. Internal Pavement Construction

Prior to an Occupation Certificate being issued, a Certified Practising 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 loaded heavy rigid waste collection vehicle.

84. Final Inspection of Garbage Rooms

Prior to an Occupation Certificate being issued, a final inspection of all residential garbage rooms and associated areas must be undertaken by Council. This is to ensure compliance with design specifications (as per other conditions of consent) and that necessary arrangements are in place for waste collection by Council. The garbage chutes and bin carousels must be operational at the time of this inspection. The time for the inspection should be arranged with Council at least 48 hours prior to the suggested appointment time.

85. Agreement for Onsite Waste Collection

Prior to an Occupation Certificate being issued, an Indemnity Agreement is to be obtained from Council, completed, signed and submitted to Council for approval. This is to enable Council and its contractor to enter onto private property with its collection vehicles to enable it to collect waste and recyclables.

86. Completion of Subdivision Works

The new road (specifically, the bypass road) cannot be dedicated as public road unless it has first been constructed and the subdivision works signed off by Council. If a Subdivision Certificate is sought before this requirement is satisfied, then the bypass road will need to be created as a separate lot in the plan, so that the construction can be finalised latter/ linked to the issuing of an Occupation Certificate as per Condition 98 below. This condition needs to be read in conjunction with Condition 20 and considered as part of any planned works in kind/ material public benefit agreement or voluntary planning agreement (which would deal with both the dedication/ purchase of land any physical works).

87. Compliance with NSW Department of Primary Industries – Water Requirements

A letter from the NSW Department of Primary Industries – Water must be submitted confirming that all works associated with the Controlled Activity Authority have been completed to their satisfaction.

88. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

89. 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.

90. Confirmation of Pipe Locations

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

91. 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).

92. 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.

93. Public Asset Creation Summary

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

94. Building Adjacent to Proposed Boundary

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

95. Building Services

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

96. Final Plan and Section 88B Instrument

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

a) Dedication – New Road

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

b) Dedication – Road Widening

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

c) Easement – 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.

d) Easement – Temporary Public Stormwater Drainage/ Outlet

Temporary drainage easements, minimum 5m wide and 30m long, must be created over all temporary outlets within the property or on adjoining land using the "temporary public stormwater outlet" terms included in the standard recitals.

e) Restriction – Bedroom Numbers

The development site/ lot must be burdened with a restriction using the "bedroom numbers" terms included in the standard recitals.

f) Covenant – Onsite Waste Collection

The development site/ lot must be burdened with a positive covenant relating to onsite waste collection using the "onsite waste collection" terms included in the standard recitals.

g) Restriction/ Covenant – Water Sensitive Urban Design

The development site/ lot must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the "water sensitive urban design elements" terms included in the standard recitals.

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

The stormwater management site/ lot north of the bypass road 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.

i) Positive Covenant – Stormwater Pump

The development site/ lot must be burdened with a restriction and a positive using the "basement stormwater pump system" terms included in the standard recitals.

98. 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.

99. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory 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.

100. Public Road/ Road Widening Dedication

An Occupation Certificate must not be issued until the proposed public roads/ road widening have been dedicated.

101. 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 suitably qualified hydraulic engineer.

102. Construction Certification of Bridge Structures

A certificate of structural adequacy prepared by a suitably qualified and practicing structural engineer must be submitted with the WAE plans certifying that the bridge has been built in accordance with the approved design. An itemised list detailing the quantity, length and tendered cost of each bridge component and associated works must also be submitted, along with a maintenance schedule.

103. 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.

THE USE OF THE SITE

104. Shopping Trolley Management

Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The plan shall:-

- Install a geospatial fenced trolley containment plan. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land). Details are to be submitted and approved by Council's Manager Development Assessment.
- Provide to The Hills Shire Council a list of contacts for the store;
- Ensure that all trolleys are easily identifiable by Council staff;
- Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours;
- Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification;
- Ensure that all trolleys reported are collected within the time frame agreed by Council;
- Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex;
- Provide suitable, well signed trolley bays at exit points; and
- Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.

105. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation or use of the premises, all garbage and recyclable materials emanating from the premises must be stored in a designated waste storage area(s), which includes 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. Under no circumstances should waste storage containers be stored in locations that restrict access to any of the car parking spaces provided onsite.

106. Waste and Recycling Collection

All waste generated onsite must be removed at regular intervals. The collection of waste and recycling must not cause nuisance or interfere with the amenity of the surrounding area. Garbage and recycling must not be placed on public property for collection without the formal approval of Council. Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.

107. Hours of operation of the loading dock

Delivery of goods shall be restricted to the following times;

Monday to Saturday – 7.00am to 8.00pm

Sunday and public holidays – 8.00am – 8.00pm

These times may be varied if it can be demonstrated that the noise from the loading docks will not cause offensive noise at residential receivers.

ATTACHMENT 9 – MODIFICATION 945/2016/JP/A



13 March, 2017

Toplace Pty Ltd
121 Majors Bay Rd
CONCORD NSW 2137

Ref No.945/2016/JP/A

Dear Sir/Madam

SECTION 96 MODIFICATION OF DEVELOPMENT APPLICATION

CONSENT NUMBER: 945/2016/JP/A

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

APPLICANT:	Toplace Pty Ltd
OWNER:	Box Hill Projects Pty Ltd
PROPERTY:	Lot 34A DP 11104, Lot 34 DP 11104, Lot 34B DP 11104, Lot 34C DP 11104 29-31 Terry Road, BOX HILL
DEVELOPMENT:	Section 96 (1A) Modification to an Approved Mixed Use Development to Amend Condition 38 regarding the Timing of Section 94 payments
DATE OF APPROVAL:	13 March 2017
ENDORSED DATE OF ORIGINAL CONSENT:	15 December 2016

The Section 96 application for modification of Development Consent 945/2016/JP be approved as follows:

CONDITIONS OF CONSENT

- Condition No. 38 be deleted and replaced as follows:

38. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 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:-

Prior to the issue of the Construction Certificate for the Residential component

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 882	No. of 2 Bedroom Units: 460	No. of 3 Bedroom Units: 88	Sum of Units	No. of Credits: 1	Total \$94
Open Space - Land	\$ 5,025.33	\$ 9,950.26	\$ 6,640.98	\$ 6,640.98	1,022,411.17	2,205,743.60	357,861.71	2,985,916.48	6,640.98	\$ 2,992,557.46
Open Space - Capital	\$ 7,266.12	\$ 14,532.24	\$ 9,687.99	\$ 9,687.99	1,228,133.33	2,456,266.66	397,333.33	3,081,733.32	9,687.99	\$ 3,091,421.31
Transport Facilities - Land	\$ 549.77	\$ 1,099.54	\$ 733.17	\$ 733.17	80,725.34	161,450.68	25,411.02	267,587.04	733.17	\$ 268,320.21
Transport Facilities - Capital	\$ 4,581.63	\$ 9,163.26	\$ 6,108.80	\$ 6,108.80	495,144.27	1,187,831.11	233,767.39	1,916,742.77	6,108.80	\$ 1,922,851.57
Water Management - Land (KCP)	\$ 2,075.98	\$ 4,151.96	\$ 2,767.97	\$ 2,767.97	317,453.52	634,907.04	112,727.82	1,065,088.38	2,767.97	\$ 1,067,856.35
Water Management - Capital (KCP)	\$ 1,712.25	\$ 3,424.50	\$ 2,283.00	\$ 2,283.00	200,000.00	400,000.00	75,000.00	675,000.00	2,283.00	\$ 677,283.00
Administration	\$ 20.42	\$ 40.84	\$ 26.89	\$ 26.89	2,977.78	5,955.56	1,191.11	10,124.45	26.89	\$ 10,151.34
Total	\$ 25,411.51	\$ 50,823.02	\$ 33,856.81	\$ 33,856.81	4,025,947.23	8,838,941.28	1,385,050.00	17,849,938.51	30,000.00	\$ 17,879,938.51

Prior to the issue of the Construction Certificate for the Non-residential component

Development Category	Rate per M ² of GFA: 16.889	TOTAL \$94
Transport Facilities - Land	\$ 5.24	\$ 102,009.46
Transport Facilities - Capital	\$ 29.14	\$ 999,815.46
Administration	\$ 0.90	\$ 15,200.10
Water Management - Land (KCP)	\$ 5.54	\$ 112,142.96
Water Management - Capital (KCP)	\$ 16.55	\$ 281,708.52
Total	\$ 59.40	\$ 1,509,876.60

The contributions above are applicable at the time this consent was issued. Please be aware that Section 94 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.

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

- To facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
- To ensure that the local amenity is maintained and is not adversely affected, and that adequate safeguards are incorporated into the development.
- To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
- To ensure the relevant heads of consideration under Section 79C of the Act are maintained.

Right of Appeal

Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of

appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

Should you require any further information please contact Robert Buckham on 9843 0267.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Osborne', written in a cursive style.

Paul Osborne

MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMNET 10 – MODIFICATION 945/2016/JP/B



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

6 February, 2019

Toplace Pty Ltd
121 Majors Bay Road
CONCORD NSW 2137

Ref No.945/2016/JP/B

Dear Sir/Madam

SECTION 4.55 MODIFICATION OF DEVELOPMENT APPLICATION

CONSENT NUMBER: 945/2016/JP/B

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

APPLICANT:	Toplace Pty Ltd
OWNER:	Box Hill Projects Pty Ltd
PROPERTY:	Lot 34A DP 11104, Lot 34 DP 11104, Lot 34B DP 11104, Lot 34C DP 11104 29-31 Terry Road, BOX HILL
DEVELOPMENT:	Section 4.55 (1A) modification to an approved Mixed Use Development to Amend Condition 44 relating to the timing of a Works in Kind Agreement
DATE OF APPROVAL:	06 February 2019
ENDORSED DATE OF ORIGINAL CONSENT:	15 December 2016

www.thehills.nsw.gov.au | 9843 0555

The Section 4.55 application for modification of Development Consent 945/2016/JP be approved as follows:

CONDITIONS OF CONSENT

1. Condition No. 44 be deleted and replaced as follows:

44. Separate Approval for WIK/ MPB Agreement

Separate approval is required where a works in kind (WIK) or material public benefit (MPB) is proposed in lieu of the part or full payment of either a monetary contribution or the dedication of land. Any WIK or MPB application must be made in writing. Contact Council to ascertain the information required to accompany any such application.

The WIK or MPB agreement must be finalised before a Construction Certificate is issued for the residential component.

Once the WIK or MPB agreement has been finalised an application must be submitted to modify the Section 94 Contribution amount identified in this consent, unless it is agreed that the difference can be reimbursed after payment is made.

Pursuant to Clause 122(2) of the Environmental Planning and Assessment Act Regulations 2000, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objects of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's Planning instrument.
2. To ensure that the local amenity is maintained and is not adversely affected, and that adequate safeguards are incorporated into the development.
3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.
4. To ensure the relevant heads of consideration under Section 4.15 of the Act are maintained.

Right of Appeal

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

Should you require any further information please contact Robert Buckham on 9843 0267.

Yours faithfully



Paul Osborne
MANAGER-DEVELOPMENT ASSESSMENT

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

ATTACHMENT 1: STATEMENT OF REASONS FOR THE DECISION

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

DECISION:

APPROVAL

DATE OF THE DECISION:

06 February 2019

REASONS FOR THE DECISION:

The Development Application has been assessed against the relevant heads of consideration under the following statutory requirements:

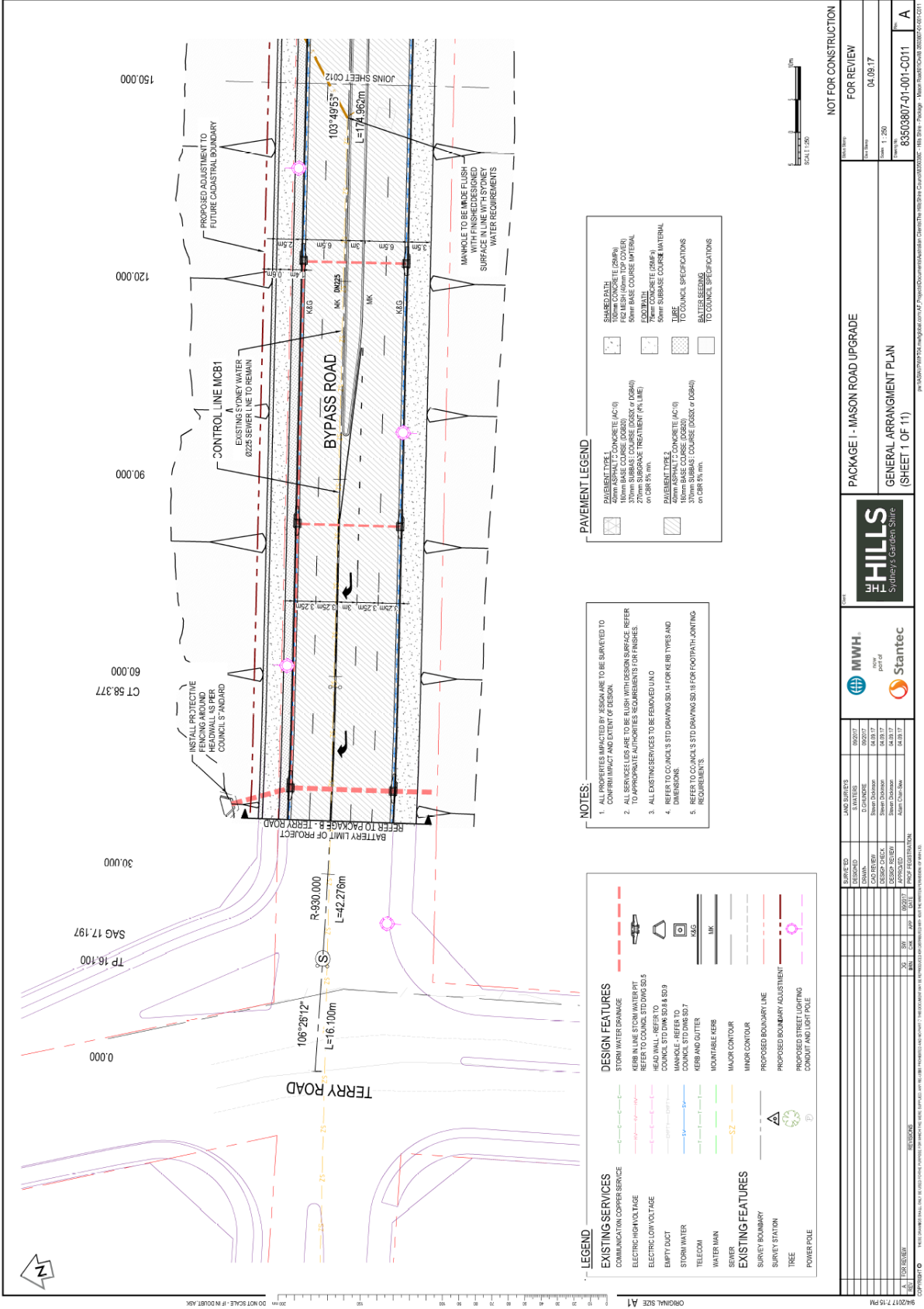
- Section 4.15 of the Environmental Planning and Assessment Act, 1979
- Section 4.55(1A) of the Environmental Planning and Assessment Act, 1979
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006

and is considered satisfactory subject to conditions as outlined in the Notice of Determination.

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

1. The Development Application was not required to be notified in the local newspaper in accordance with The Box Hill Development Control Plan which outlines the advertising and notification procedure pathways for various forms of development.
2. The Development Application has been assessed having regard to Section 4.15(e) of the Act taking into consideration the public interest.

NO.	REVISION	DATE	BY	CHECKED	APPROVED
1	ISSUED FOR CONSTRUCTION	04/08/17	...	...	...
2	FOR REVIEW	04/08/17	...	...	...



LEGEND

EXISTING SERVICES

- COMMUNICATION COPPER SERVICE
- ELECTRIC HIGH VOLTAGE
- ELECTRIC LOW VOLTAGE
- EMPTY DUCT
- STORM WATER
- TELECOM
- WATER MAIN
- SEWER

DESIGN FEATURES

- STORM WATER DRAINAGE
- KERB W/ LINE STORM WATER DRAIN
- HEAD WALL - REFER TO COUNCIL STD DMS SLS
- COUNCIL STD DIM SLS & SLS
- MANHOLE - REFER TO COUNCIL STD DMS SLS
- KERB AND GUTTER
- MOUNTABLE KERB
- MAJOR CONTOUR
- MINOR CONTOUR
- PROPOSED BOUNDARY LINE
- SURVEY STATION
- TREE
- POWER POLE

- NOTES:**
1. ALL PROPERTIES IMPACTED BY DESIGN ARE TO BE SURVEYED TO CONFIRM IMPACT AND EXTENT OF DESIGN.

2. ALL SERVICES LIES ARE TO BE FLUSH WITH DESIGN SURFACE. REFER TO APPROPRIATE AUTHORITIES REQUIREMENTS FOR FINISHES.

3. ALL EXISTING SERVICES TO BE REMOVED UNLESS OTHERWISE NOTED.

4. REFER TO COUNCIL STD DRAWING SLS 14 FOR KERB TYPES AND DIMENSIONS.

5. REFER TO COUNCIL STD DRAWING SLS 14 FOR FOOTPATH LAYOUT REQUIREMENTS.

PAVEMENT LEGEND

PAVEMENT TYPE 1

- 100mm CONCRETE (20MPa)
- 100mm ASPHALT (20MPa)
- 20mm SUBBASE COURSE (DOSS or DOBA)
- 20mm SUBBASE TREATMENT (F/L LINE)
- on GR 5% min.

PAVEMENT TYPE 2

- 100mm CONCRETE (20MPa)
- 100mm ASPHALT (20MPa)
- 20mm SUBBASE COURSE (DOSS or DOBA)
- on GR 5% min.

NOT FOR CONSTRUCTION

FOR REVIEW

PACKAGE 1 - MASON ROAD UPGRADE

GENERAL ARRANGEMENT PLAN
(SHEET 1 OF 11)

THE HILLS
SUNSHINE COAST COUNCIL

MWH
STANTEC

NO.	DATE	BY	CHKD	APPD	REV	DESCRIPTION
1	04/01/17	...	...	...	...	...

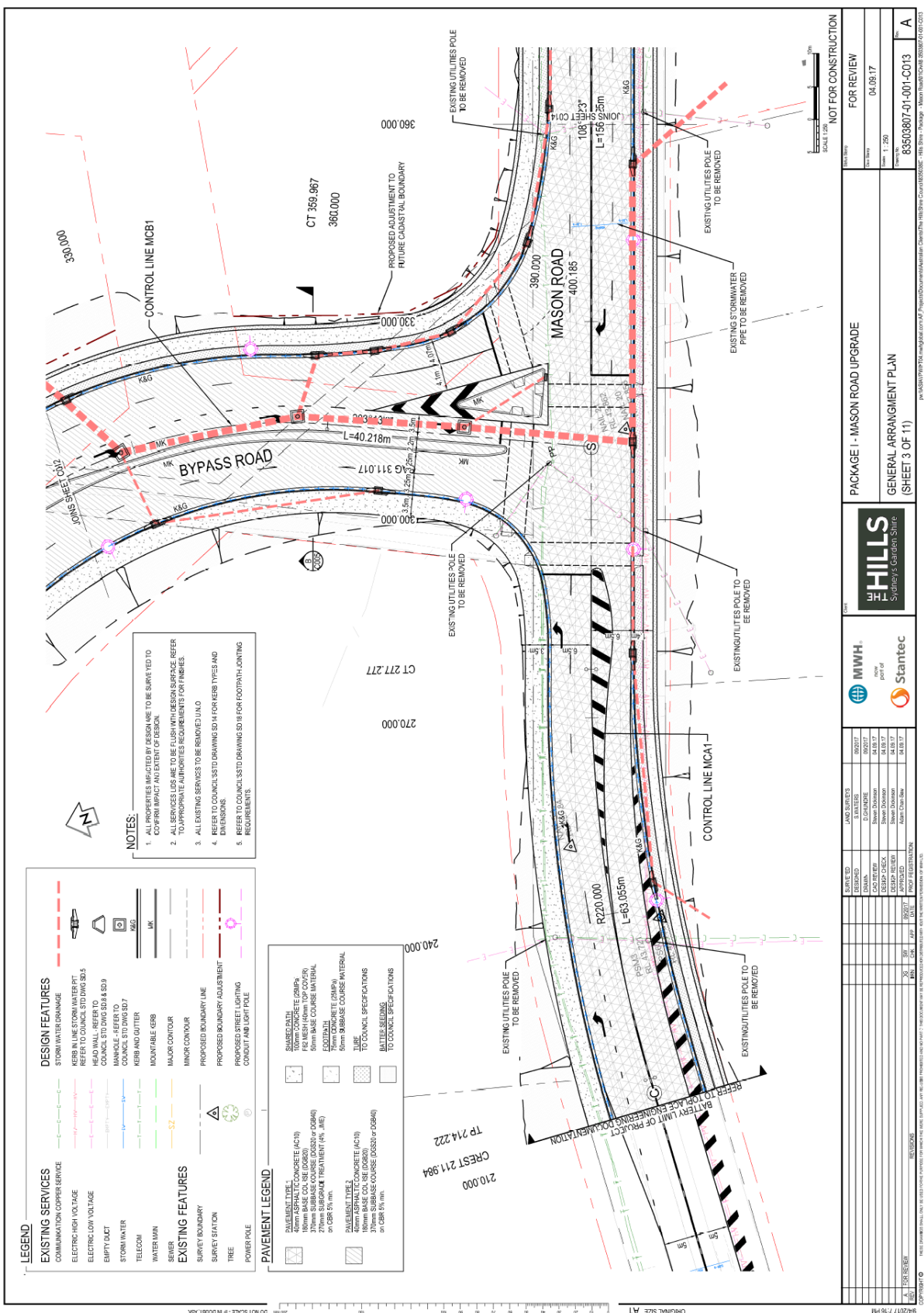
REVISIONS

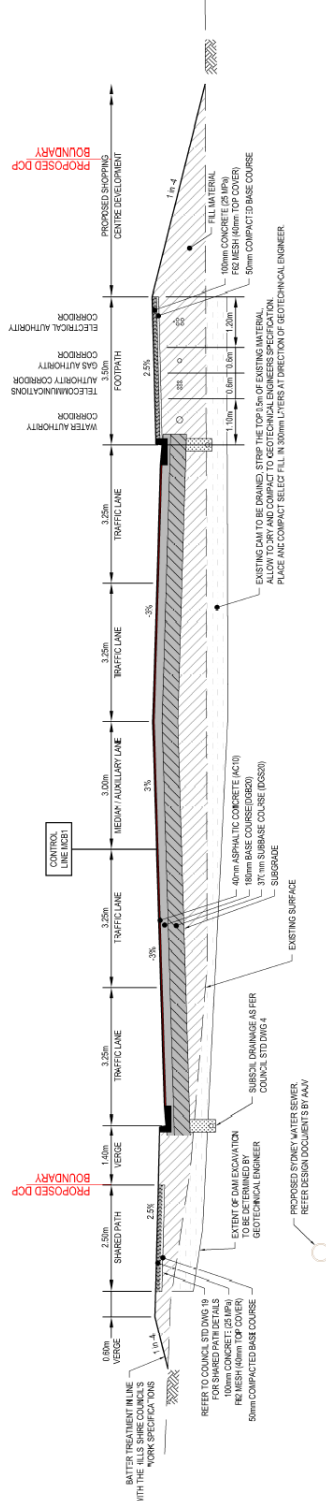
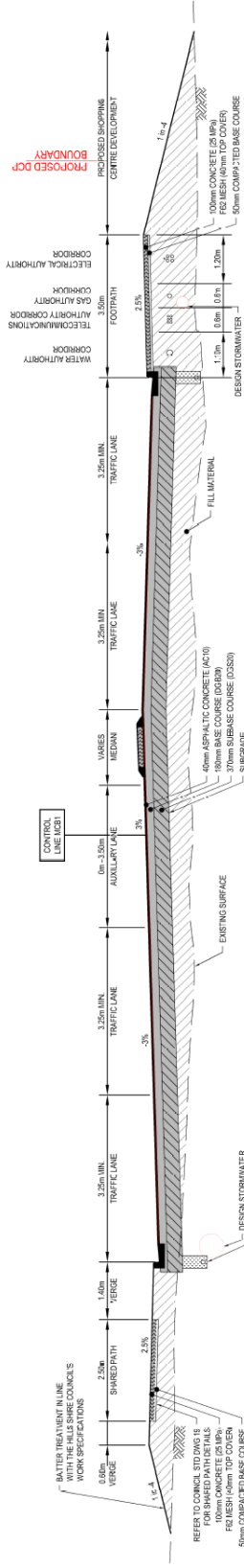
NO.	DATE	BY	CHKD	APPD	REV	DESCRIPTION
1	04/01/17	...	...	...	...	...

PROJECT INFORMATION

PROJECT NO.	85503807-01-001-0011
PROJECT NAME	...
PROJECT LOCATION	...
PROJECT SCALE	1:250
PROJECT DATE	04/01/17







TYPICAL SECTION A - BYPASS ROAD

STN. 20 to STN. 300 (STN. 213.58)

SCALE 1:50

[illegible]