

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-273 – DA 130/2022/JPZ
PROPOSAL	Subdivision creating six residue/ development lots, one stormwater management lot and three road widening lots over two stages including demolition, dam dewatering and new road
ADDRESS	Lot 1 DP 237578 – 33 Terry Road, Box Hill Lot 2 DP 237578 – 35 Terry Road, Box Hill Lot 3 DP 237578 – 37 Terry Road, Box Hill Lot 4 DP 237578 – 39 Terry Road, Box Hill
APPLICANT	Universal Property Group Pty Ltd
OWNER	The Hills Shire Council – 33 Terry Road, Box Hill Mr E McHale and Mrs M McHale – 35 Terry Road, Box Hill Mr J MI Mercieca and Mrs J B Mercieca – 37 Terry Road, Box Hill Baranch Pty Ltd – 39 Terry Road, Box Hill
DA LODGEMENT DATE	22 July 2021
APPLICATION TYPE	Development Application – Integrated
REGIONALLY SIGNIFICANT CRITERIA	Clause 2, Schedule 7 of the SRD SEPP: CIV > \$30 million
CIV	\$1,669,597.56 (excluding GST) (initial CIV was \$47,067,534.57 (excluding GST))
CLAUSE 4.6 REQUESTS	No Clause 4.6 requests are included
KEY SEPP/LEP	<ul style="list-style-type: none"> • <i>State Environmental Planning Policy (State and Regional Development) 2011</i> • <i>State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan</i> • <i>State Environmental Planning Policy No. 55 – Remediation of Land</i> • <i>Draft SEPP (Sydney Region Growth Centres) 2006 – North West Priority Growth Area</i> • <i>Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)</i> • <i>Box Hill Growth Centre Precincts Development Control</i>

	<i>Plan 2018</i>
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No objections
DOCUMENTS SUBMITTED FOR CONSIDERATION	<p>Subdivision Plan – Stages 1 and 2 – prepared by Group Development Services Pty Ltd Revision D dated 20/01/2022</p> <p>Survey Plan prepared by Group Development Services Pty Ltd Revision A dated 27/10/2020</p> <p>Amended Statement of Environmental Effects prepared by Universal Property Group Pty Ltd dated July 2021</p> <p>Section 55 Amendment Cover Letter prepared by The Bathla Group Pty Ltd dated 15/02/2022</p> <p>Civil Engineering Drawings prepared by Group Development Services Pty Ltd Revision E dated 24/01/2022</p> <p>Bush Fire Assessment Report prepared by Australian Bushfire Consulting Services dated 14/06/2021</p> <p>Asset Protection Zone and Bushfire Attack Level Plan prepared by Australian Bushfire Consulting Services dated 14/06/2021</p> <p>Contamination Site Investigation Report prepared by Geotesta Pty Ltd dated 22/03/2021</p> <p>Geotechnical Site Investigation Report prepared by Geotesta Pty Ltd dated 23/03/2021</p> <p>Dam Dewatering Report prepared by Geotesta Pty Ltd dated 09/07/2021</p> <p>Aboriginal Archaeological Due Diligence Assessment prepared by Dominic Steel Consulting Archaeology dated 07/02/2021</p> <p>Preliminary Tree Assessment Report prepared by Monaco Designs Pty Ltd dated 29/10/2020</p> <p>Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 30/07/2021</p> <p>Demolition Work Plan prepared by Universal Property Group Pty Ltd dated March 2021</p> <p>Waste Management and Demolition Plan prepared by The Bathla Group Revision 1 dated 23/09/2020</p> <p>Waste Management Plan prepared by Universal Property Group dated March 2021</p> <p>Site Investigation Report (Demolition) prepared by The Bathla Group dated March 2021</p> <p>Pavement Design Report prepared by Geotesta Pty Ltd dated 22/03/2021</p> <p>Cost Estimate Report prepared by Gibson Quantity Surveyors dated 19/01/2022</p> <p>Owners Consent Letters</p>
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	The proposed development is subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the EP&A Act 1979. A condition of consent has been imposed

	requiring payment of the contribution prior to the issue of a Subdivision Certificate.
RECOMMENDATION	Approval/ deferred commencement
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	17 March 2022
PLAN VERSION	20 January 2022 Revision D
PREPARED BY	Jacob Kiner
DATE OF REPORT	10 March 2022

EXECUTIVE SUMMARY

Development Application DA 130/2022/JPZ seeks consent for a subdivision creating six residue lots, three road widening lots and one stormwater management lot over two stages. The application also seeks consent for the construction of six new local roads, the reconstruction of Terry Road to a collector road standard fronting the site, demolition of existing structures located on the site, tree removal, dewatering of the existing dams located on the site and a temporary stormwater management basin. The residue lots will be subject to future applications for subdivision/ development creating residential lots and dwellings.

The subject site is identified as Lots 1 to 4 DP 237578, known as 33-39 Terry Road, Box Hill. The site comprises four large rural residential lots with frontage to Terry Road, which provides the only current access point to the site. The existing site contains two dwelling houses (located on 33 Terry Road and 37 Terry Road) and is typically managed land with several trees and dams.

The site is located within the Box Hill Growth Centre Precinct which is currently experiencing significant development and transition to low to medium density residential areas. The site is also located immediately north of the future Box Hill Town Centre at 29-31 Terry Road which is currently under construction. There are several residential subdivisions approved and constructed to the north and east of the site that are reflective of the future intended use of the site.

The site is predominantly located in the R3 Medium Density Residential zone pursuant to Clause 2.2 of State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan (SRGC SEPP). A portion of 33 Terry Road is zoned SP2 Infrastructure and will be retained by Council/ form part of the future regional basin and drainage network of the Box Hill precinct. Subdivision and demolition are permitted with development consent under Clauses 2.6 and 2.7 of the SRGC SEPP respectively.

The principle planning controls relevant to the proposal include the SRGC SEPP, Box Hill Growth Centre Precincts Development Control Plan 2018 (DCP) and the Draft State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North West Priority Growth Area (draft SEPP). The proposed development is considered to be generally consistent with the controls outlined within the instruments.

The application is identified as integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A Act 1979). The application was

referred to the New South Wales Rural Fire Service (RFS) pursuant to Section 100B of the Rural Fires Act 1997 and referred to the Natural Resource Access Regulator (NRAR) pursuant to Section 91 of the Water Management Act 2000. Both the RFS and NRAR raised no objections, subject to compliance with their General Terms of Approval and recommended conditions of consent.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied, or will be satisfied subject to conditions of consent including Clause 7(1) of State Environmental Planning Policy No 55 – Remediation of Land for consideration of whether the land is contaminated.

The proposal was exhibited in accordance with Clause 4.46 of EP&A Act 1979 and under Section 89 of the Environmental Planning and Assessment Regulation 2000 from 5 August 2021 until 3 September 2021. The proposal was also notified to surrounding properties in accordance with Council's Community Participation Plan. No submissions were received objecting to the proposed development.

The application is referred to the Sydney Central City Planning Panel (Panel) as the initial proposal was identified as regionally significant development pursuant to Clause 2 of Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. The initial proposal was for development with a capital investment value of more than \$30 million. The initial proposal was for a small lot housing development and subdivision creating 198 residential lots and three residue lots containing 65 dwelling houses and 132 semi-detached dwellings (with one vacant residential lot) including demolition, dam dewatering and new road over eight stages, and had a capital investment value of \$47,067,534.57 (excluding GST). The application was amended pursuant to Section 55 of the Environmental Planning and Assessment Regulation 2000 and would otherwise not meet the criteria for regionally significant development. Given the initial application was identified as regionally significant development; the Secretariat have advised the Panel remain the consent authority for the proposed application.

An initial kick off briefing by the applicant was held with the Panel on 19 August 2021. The kick off briefing provided the applicant and Council to introduce the proposed development and discuss identified issues with the Panel; such as lack of detail provided on plans, issues relating to earthworks, retaining walls and building design, exceedance of the draft maximum density and design outcomes. A request for additional information was issued to the applicant on 30 August 2021 detailing these matters.

A second briefing by Council staff was held with the Panel on 8 December 2021, where key issues outstanding were discussed relating to issues with staging, minimum lot sizes, DCP controls relating to block and lot design, setback non-compliances, details regarding floor levels, lots unable to meet solar access requirements, and lack of landscaping detail. The Panel provided further comments that were to be considered with regards to the application relating to the design of the public domain, reducing the urban heat island effect and providing greater variety in building types.

The key issues associated with that initial proposal included:

1. Minimum Lot Size – several lots were below the minimum lot size requirements stipulated under Clause 4.1A of the SRGC SEPP.
2. Density – the proposed development provided a density of 30.43 dwellings per hectare, which resulted in a minor exceedance to the draft maximum density proposed under the draft SEPP amendment.

3. Earthworks and Retaining Walls – details relating to reduced levels and retaining wall heights was lacking from plans and it was unable to be determined whether the proposed earthworks were suitable for the proposed development. Several retaining walls appeared to exceed the maximum 1 metre height established by the DCP.
4. Principal Private Open Space/ Solar Access – due to orientation of the lots and the Indicative Layout Plan, several lots were unable to meet the minimum solar access requirements to the principal private open space areas of the dwellings. No alternative or secondary private open space areas were provided to the impacted dwellings in order to achieve the solar access requirements.
5. Urban Design – consideration had not been given to providing a mix of architectural design to provide greater variety along the streetscape and reduce the monotony of design. The proposed development had not provided much variety with regards to building design and had not included any architectural features or embellishment. Consideration had not been given to amending the colours or materials of the dwellings to provide greater variety, or provide lighter colours to reduce the urban heat island effect.

Rather than addressing those matters mostly relating to the planned built form the applicant instead amended the application under Clause 55 of the Environmental Planning and Assessment Regulation 2000 to remove the proposed dwellings and residential lots, and now seeks consent for a subdivision creating six residue lots, three road widening lots and one stormwater management lot over two stages including dam dewatering, demolition and new road. The previous issues raised are not considered to be relevant to the amended proposal and will otherwise be considerations for future applications for subdivision and dwellings over the proposed residue lots.

Following consideration of the matters for consideration under Section 4.15(1) of the EP&A Act 1979 the provisions of the relevant State Environmental Planning Policies, in particular the SRGC SEPP and the DCP, the proposal can be supported. The proposed development is generally consistent with the provisions of the SRGC SEPP and the DCP, in which the site is suitable for the intended residential use as outlined by the zoning of the site and the Indicative Layout Plan of the DCP. The proposed development is unlikely to generate any negligible impacts on the natural and built environments (subject to conditions) and is considered to be in the public interest.

Following a detailed assessment of the proposal, pursuant to Section 4.16(1)(a) and (3) of the EP&A Act 1979, DA 130/2022/JPZ is recommended for a deferred commencement approval subject to the conditions of consent contained in Attachment A of this report. The deferred commencement condition requires the construction of stormwater basins to remove the flood extent from the subject site prior to an actual consent being issued.

1. THE SITE AND LOCALITY

1.1 The Site

The development is proposed across 33-39 Terry Road, Box Hill (Lots 1 to 4 DP 237578). The overall site has an area of 8.093 hectares. The overall site has a frontage of approximately 258m to Terry Road, which each site gains access from. The existing site contains two dwelling houses (located on 33 Terry Road and 37 Terry Road) and is typically managed land with several trees and dams. The site generally slopes to the south towards the existing creek, which will form part of the future regional basin. Due to the location of the site adjoining the watercourse, the site has flooding and bushfire constraints.



Figure 1. Aerial photograph of Site (Source: Nearmaps, 03/12/2021)

1.2 The Locality

The subject site is located within the Box Hill Growth Centre Precinct. The immediate locality is largely undeveloped, however there are several approved/ developed subdivisions to the north and west of the site that are typical of the future character of the area. To the south of the site there is 29-31 Terry Road; which forms part of the Box Hill Town Centre Precinct and there is a mixed use development under construction as approved by Development Consent 945/2016/JP (as amended).

The site is accessed via Terry Road and is bounded by adjoining residential properties and the SP2 zoned land which is identified to facilitate local drainage for the Box Hill area. Terry Road is subject to future upgrade as part of both the North West Growth Area Special Infrastructure Contribution and Contribution Plan 15 Box Hill Precinct. Terry Road is identified to be a sub-arterial/ collector road.

Several bus stops are located along Terry Road, with the nearest bus stops located directly opposite 35 Terry Road for north bound traffic and south of the site (opposite 36 Terry Road) for south-bound traffic. Additional services are likely to be provided once the locality is further developed and the Town Centre becomes operational.



Figure 2. Locality Plan

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The proposal seeks consent for a facilitating subdivision creating six residue lots, three road widening lots and one stormwater management lot over two stages including demolition, dam dewatering and new roads.

Specifically the proposal involves:

- Demolition of the existing dwellings and ancillary structures on site
- Full width construction of Celestial Street, Capella Street, Equinox Drive, Libra Drive, Carina Street and Stellar Street and half-width reconstruction of Terry Road.
- Subdivision creating six residue lots and one stormwater management lot
- Civil/ subdivision works relating to earthworks and stormwater infrastructure.
- Removal of all existing trees on site.
- Staging of the development over two stages.

As noted above, the development is proposed to be undertaken over two stages. Stage 1 seeks to facilitate the excision of the SP2 zoned land from the rest of the site. This has been reflected in the Stage 1 plan through the creation of lot 1, which will form part of the future regional basin infrastructure and lots 3, 5 and 6 which form part of the future widening of Terry Road. Lot 2 and 4 form the R3 zoned section of 33 Terry Road with lot 2 to form the future Libra Drive and Lot 4 to form part of the residue lots created in Stage 2. Council are currently processing the sale of the R3 portion of land to the applicant/ developer. The sale of the R3 part of 33 Terry Road was reported at the Council Meeting on 11 May 2021, where it was resolved to approve the excision of the R3 zoned land from the site and sale to the applicant/ developer subject to terms relating to the contract, deed, transfer and other required documents. As part of the same Council meeting, Council also resolved to the purchase of the SP2 zoned land fronting 35 and 37 Terry Road, which are shown as Lots 5 and 6 within Stage 1. It has been agreed by Council's property team and the applicant/ developer to excise the R3 portion of the 33 Terry Road as part of a facilitating stage under this application.

Table 1: Development Data

Control	Proposal
Site area	8.093 hectares
Zoning	R3 Medium Density Residential
Clause 4.6 Requests	No variations to development standards are proposed
Lot sizes	3801 square metres to 1.034 hectares

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 1 December 2020 where various issues were discussed. A summary of the key issues raised at the prelodgement stage are outlined as follows:

- Minimum lot size – Compliance with Clause 4.1A and Clause 4.1AA of the SRGC SEPP.
- Compliance with Density with respect to Clause 4.1B of the SRGC SEPP
- Compliance with the Indicative Layout Plan
- Orderly Development of residue lots with respect to adjoining properties
- Details of Earthworks, site sections, retaining walls, etc.
- Flood Controlled Lots and flood requirements.

The development application was lodged on 22 July 2021. A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals and the like) with the application:

Table 2: Chronology of the DA

Date	Event
22 July 2021	DA lodged
2 August 2021	DA referred to external agencies

5 August 2021	Exhibition of the application
19 November 2021	Kick-off briefing meeting held
30 August 2021	Request for additional information issued relating to planning and waste management matters
2 September 2021	Request for additional information issued relating to property matters
23 September 2021	Request for additional information issued relating to engineering matters
22 October 2021	Amended plans submitted relating to additional information requested on 30 August 2021 and 2 September 2021. Accepted by Council under Clause 55 of the Regulation on 22 October 2021.
12 November 2021	Request for additional information issued relating to planning and landscaping matters.
4 December 2021	Amended plans submitted relating to planning and landscaping matters requested on 12 November 2021.
7 December 2021	Amended engineering plans and reports submitted relating to engineering matters issued on 23 September 2021.
8 December 2021	Panel Briefing meeting held. Recommendation of determination to be scheduled for Panel meeting in February 2022.
24 December 2021	Request for additional information issued relating to planning matters.
17 January 2022	Applicant advised Council that the application is to be amended to remove the residential lots and dwellings. Description amended to 'Subdivision creating six residue lots over two stages including demolition, dam dewatering and new road'.
20 January 2022	Amended subdivision plan submitted reflecting six residue lots over two stages.
21 January 2022	Amended civil plans, reports and models submitted.
25 January 2022	Clause 55 referrals sent to NRAR and RFS for assessment.
10 February 2022	Bushfire Safety Authority received from RFS.
16 January 2022	General Terms of Approval received from NRAR.

2.3 Site History

No previous development proposals have been lodged/ approved over the site other than for the existing dwellings on the properties and alterations/ additions to these dwellings.

The land at 33 Terry Road is split zoned but was acquired by Council as a whole of lot acquisition due to the requirements of Clause 5.1 of the SEPP which identify Council as the relevant acquisition authority for the SP2 zoned land. The majority of 33 Terry Road is zoned SP2 Infrastructure; however contains a portion of R3 Medium Density Residential which forms part of the development. The initial acquisition was for the entirety of the site with the intention of selling/ excising the R3 portion of the site as part of any future development over 35 Terry Road. Council are currently processing the sale of the R3 portion of land to the applicant/ developer. It has been agreed by Council's Property Department and the applicant/ developer to excise the R3 portion of the 33 Terry Road as part of a facilitating stage.

The following applications have been approved for sites immediately north adjoining the subject site:

- 1267/2020/ZA – 41 Terry Road, Box Hill – Subdivision creating 35 residential lots and one residue lot including new road and demolition.
- 579/2017/ZA – 43 Terry Road, Box Hill – Subdivision creating 34 residential lots and three residue lots including new road and demolition.
- 525/2020/ZA – 43 Terry Road, Box Hill - Subdivision creating 21 residential lots.

Most notably, these adjoining developments include partial construction of Solstice Street and the creation of residue lots adjoining the proposed development. Under DA 579/2017/ZA, the half width of Solstice Street can be constructed, however for DA 1267/2020/ZA, a bond has been submitted to Council applying to the portion of Solstice Street situated within 41 Terry Road. The remainder of Solstice Street is located within the subject site (specifically 39 Terry Road). The remaining half of Solstice Street situated over 39 and 41 Terry Road will need to be constructed and dedicated before residue lots 200 and 201 can be subdivided/ created as residential lots and before development can be permitted on lot 199.

DA 579/2017/ZA creates residue lot 37 and DA 1267/2020/ZA creates residue lot 101 at the corner of Solstice Street and Equinox Street. The proposed development seeks to create residue lot 201 adjoining these residue lots. Future amalgamation of these residue lots will create a residential lot; however this is subject to a future application/ commercial agreement between all owners.

3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the EP&A Act 1979. These matters as are of relevance to the development application include the following:

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*
- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*

- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

- Integrated Development (s4.46)

3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (State and Regional Development) 2011*
- *State Environmental Planning Policy No. 55 – Remediation of Land;*
- *State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River No 2 1997*

A summary of the key matters for consideration arising from these Environmental Planning Instruments are outlined in Table 3 and considered in more detail below.

Table 3: Summary of Applicable Environmental Planning Instruments

EPI	Matters for Consideration	Comply (Y/N)
SRD SEPP	<ul style="list-style-type: none"> • Clause 20(1) declared the initial proposal as regionally significant development pursuant to Clause 2 of Schedule 7. • The amended application is no longer classified as regionally significant development pursuant to Schedule 7. 	Y
SEPP 55	<ul style="list-style-type: none"> • Clause 7 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions. 	Y
SRGC SEPP	<ul style="list-style-type: none"> • Clause 4.1 – no minimum lot size applicable • Clause 4.1A – minimum lot size of 300m² applies for dwelling houses in the R3 zone. All proposed residue lots are significantly larger and comply. • Clause 4.1B – the proposal is not required to consider the density requirements as the clause applies to development for the purposes of an attached dwelling, dual occupancy, dwelling house, multi-dwelling housing, residential flat building or semi-detached dwelling. The proposed lots are considered capable of achieving the density requirements under future subdivision applications over the residue lots. • Clause 5.1 – SP2 zoned land is created as separate lots for acquisition by Council. • Clause 5.10 – no heritage items are identified on the 	Y

	<p>site and conditions of consent have been imposed for any unexpected finds.</p> <ul style="list-style-type: none"> • Clause 6.1 – conditions of consent have been imposed requiring essential public utility infrastructure to be provided to the proposed development. 	
SREP 20	<ul style="list-style-type: none"> • Clause 5 – the impacts of the proposed development have been considered with regards to the environment of the Hawkesbury-Nepean River catchment and are considered to have no adverse impact on the system, subject to conditions. 	Y

State Environmental Planning Policy (State and Regional Development) 2011

The initial application, being a subdivision creating 198 residential lots and three residue lots containing 65 dwellings houses and 132 semi-detached dwellings (with one vacant lot), was identified as regionally significant development and therefore State Environmental Planning Policy (State and Regional Development) 2011 ('SRD SEPP') applied to the proposal. With respect to the initial proposal, the application was identified as regionally significant development pursuant to Clause 2 of Schedule 7 of the SRD SEPP as the proposal had a capital investment value (CIV) over \$30 million. As the CIV exceeded this threshold, the Sydney Central City Planning Panel was nominated as the consent authority for the application. The initial proposal was consistent with this Policy.

Notwithstanding this, the application was amended to remove all built product (i.e. the dwelling houses and semi-detached dwellings) and now seeks approval for a facilitating subdivision creating six residue lots and one stormwater management lot over two stages including demolition, dam dewatering and new road. The amended application has a revised CIV of \$1,836,557.32, which would not otherwise meet the criteria for regionally significant development as per Schedule 7 of the SRD SEPP. The Panel was notified of the amendment to the application and have confirmed that the Panel will remain as the consent authority due to the initial application being identified as regionally significant development.

State Environmental Planning Policy No. 55 – Remediation of Land

The provisions of State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) have been considered in the assessment of the development application. Clause 7(1) of SEPP 55 requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out. A Detailed Site Investigation (DSI) was prepared for the site in order to consider the provisions of the SEPP.

The DSI consisted of a review of current and historical activities on the site, an assessment of the potential risk of soil/groundwater contamination existing on the land, the fieldworks for soil sampling and lab analysis and assessment. The report found that the existing dwellings on the house have been present since 1975. The results of the site inspection and sampling indicate that the site to be predominantly natural silty clay overlying on shale. Based on the laboratory test results, the site was found to have concentrations of contaminants of concern to be below the adopted Site Criteria and the risk of gross.

The report concluded that the site can be made suitable for its proposed residential use subject to conditions of consent. Council's Environmental Health department have reviewed the DSI and have raised no objections to the recommendations of the report, subject to

conditions. Most notably, a data gap assessment of subsurface soils below the dwellings and sheds is required to be performed after demolition of the dwellings and sheds to ensure that there are no significant contaminants underneath these structures. Following satisfactory completion of the data gap assessment and compliance with conditions of consent, the site will be made suitable for its intended residential use and is considered to be consistent with SEPP 55.

State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan

The site is located within the Box Hill Growth Centre Precinct and is therefore pursuant to the provisions outlined within State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan.

The aims of the SEPP include the following:

- To rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan for the Box Hill and Box Hill Industrial Precincts.
- To deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity.
- To guide the bulk and scale of future development within the Precincts.
- To protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Precincts.
- To protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites.
- To identify land within the Precincts that is proposed to be brought into public ownership for the purposes of roads, parks, drainage and schools.

The proposal is considered to be consistent with these aims as the proposal seeks to develop the site in an orderly manner that is consistent with the Precinct Plan, provides opportunity to deliver additional housing types and facilitates land identified for the purposes of roads and drainage to be separated for the site for public ownership.

Zoning and Permissibility (Part 2)

The site is zoned part R3 Medium Density Residential and part SP2 Infrastructure under Clause 2.2 of the SEPP.

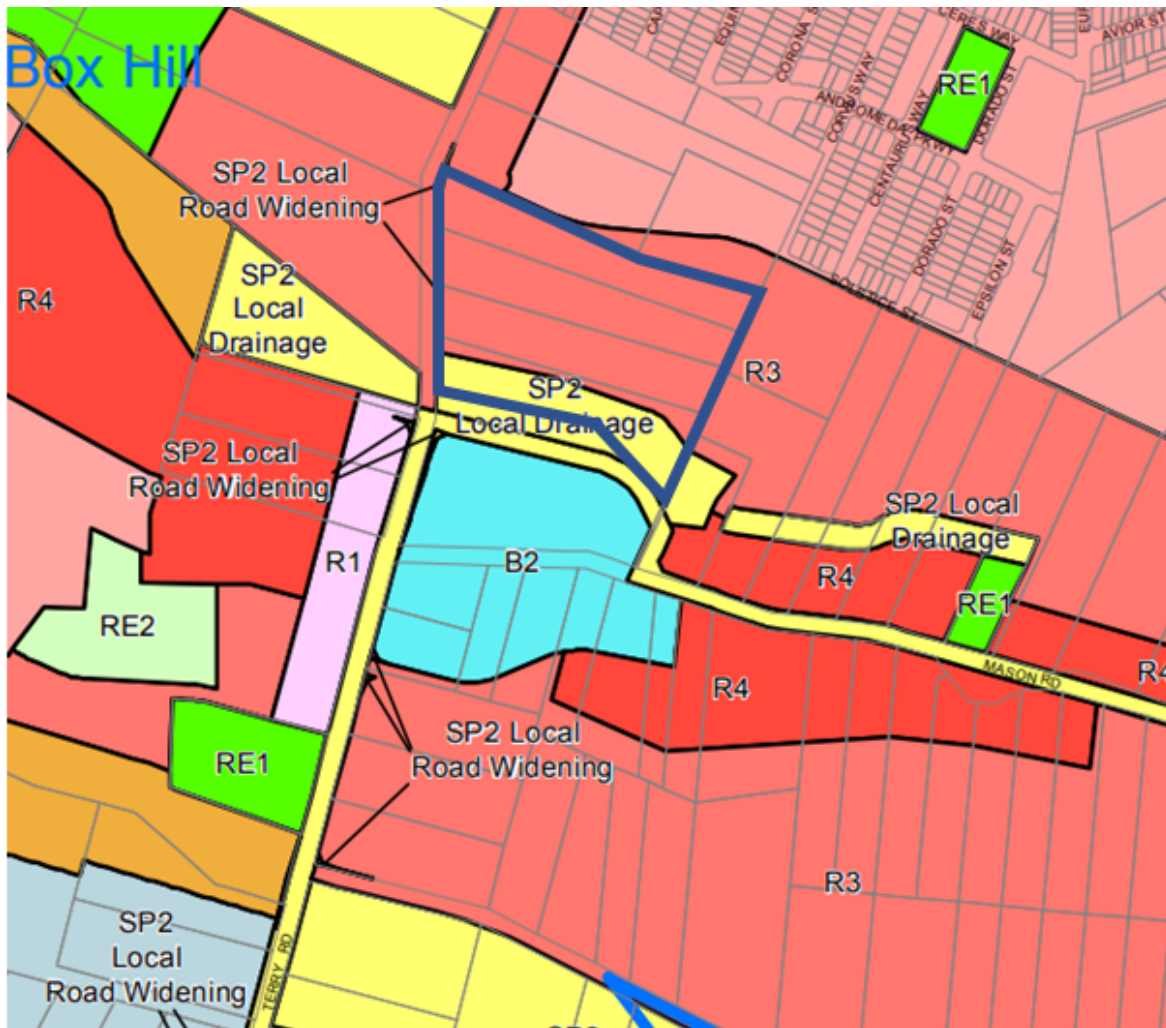


Figure 3. Extract of Zoning Map Sheet LZN_008. Site outlined in blue.

The proposal is defined as subdivision and is permissible with development consent in accordance with Clause 2.6 of the SEPP. The proposal also includes 'demolition', which is permissible with development consent in accordance with Clause 2.7 of the SEPP.

The objectives of the R3 zone include the following (pursuant to the Land Use Table in Clause 2.3):

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

The proposal is considered to be consistent with these zone objectives for the following reasons:

- The facilitating subdivision will enable future subdivision of the residue lots in accordance with the provisions of the SEPP and DCP in order to provide additional housing opportunities within the medium density residential environment.
- The proposed residue lots are of a suitable size to provide flexibility for future subdivision and provide opportunity for a range of housing types to be explored under future applications within the medium density residential environment.

The objectives of the SP2 zone include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 proposal is considered to be consistent with these zone objectives as the facilitating stage (Stage 1) will ensure that the SP2 zoned land is separated from the R3 zoned portions of the site in order to facilitate the future provision of the regional basin and road widening over the SP2 zoned land.

General Controls and Development Standards (Part 2, 4, 5 and 6)

The SEPP also contains controls relating to development standards, miscellaneous provisions and local provisions. The controls relevant to the proposal are considered in Table 4 below.

Table 4: Consideration of the SEPP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	N/A	3801m ² – 1.034ha	N/A
Minimum lot size for residential development (CI 4.1A)	300m ²	3801m ² – 1.034ha	Yes
Residential Density (CI 4.1B)	18 dwellings per hectare	N/A to residual land.	N/A
Land acquisition (CI 5.1)	SP2 Local Drainage and Local Road – Council	Council have acquired the SP2 Local Drainage land and the SP2 Local Road is being acquired as part of the agreement between Council and the developer regarding the R3 zoned portion of 33 Terry Road.	Yes

Height of Buildings (CI 4.3)	14 metres	N/A	N/A
Floor Space Ratio (CI 4.4)	N/A	N/A	N/A
Heritage (CI 5.10)	No heritage items present.	Conditions applied.	Yes
Public Utility Infrastructure	Public Utility Infrastructure essential for the proposed development must be available or adequate arrangements have been made to make infrastructure available when required.	Conditions applied.	Yes

The proposal is considered to be generally consistent with the SEPP.

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

The provisions of State Regional Environmental Plan No. 20 – Hawkesbury-Nepean River No 2 1997 (SREP 20) have been considered in the assessment of the development application. Clause 5 of SREP 20 establishes general planning considerations for proposed developments within the catchment area and aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposed development is not considered to create any negligible impacts on the river system as it will facilitate future residential uses that are unlikely to generate any significant impacts. Conditions of consent have been imposed that are to be applied at the subdivision works and construction stage that ensure that the works do not have any adverse impact on the Hawkesbury-Nepean River catchment.

3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are several proposed instruments which have been the subject of public consultation under the EP&A Act, and which may be relevant to the proposal, including the following:

- *Draft State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North West Priority Growth Area*

These proposed instruments are considered below:

Draft State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North West Priority Growth Area

Amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 were exhibited in May 2017 with several changes proposed in order to implement actions from the North West Priority Growth Area Land Use and Infrastructure Implementation Plan (LUIIP). The amendments remain in draft form and have not been formally adopted into the SEPP. The proposed amendments maintain the zoning of the subject site. The draft SEPP proposes amendments to the residential density applying to the site through the

implementation of a density band, and further seeks to apply a minimum lot size of 300m² to the site under Clause 4.1.

Control	Current Requirements	Proposed Requirements	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	N/A	300m ²	3801m ² – 1.034ha	Yes
Residential Density (CI 4.1B)	18 dwellings per hectare	Minimum density – 15 dwellings per hectare Maximum density – 30 dwellings per hectare	The application is not required to demonstrate compliance with CI 4.1B, however further subdivision of the proposed lots can achieve compliance with the draft density requirements.	Yes

3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- *Box Hill Growth Centre Precincts Development Control Plan 2018*

A summary of the key controls is provided below. A detailed compliance table is attached to this report as Attachment D.

2.2 – Indicative Layout Plan

Control 2.2 of the DCP establishes an Indicative Layout Plan (ILP) for the Box Hill Growth Centre Precinct. The objective of the control is to ensure development of the Precinct is undertaken in a co-ordinated manner consistent with the North West Sector Structure Plan and ILP. The Control requires all development to be generally in accordance with the ILP subject to compliance with the objectives and development controls outlined in the DCP. An extract of the ILP is provided below with the subject site outlined in red.

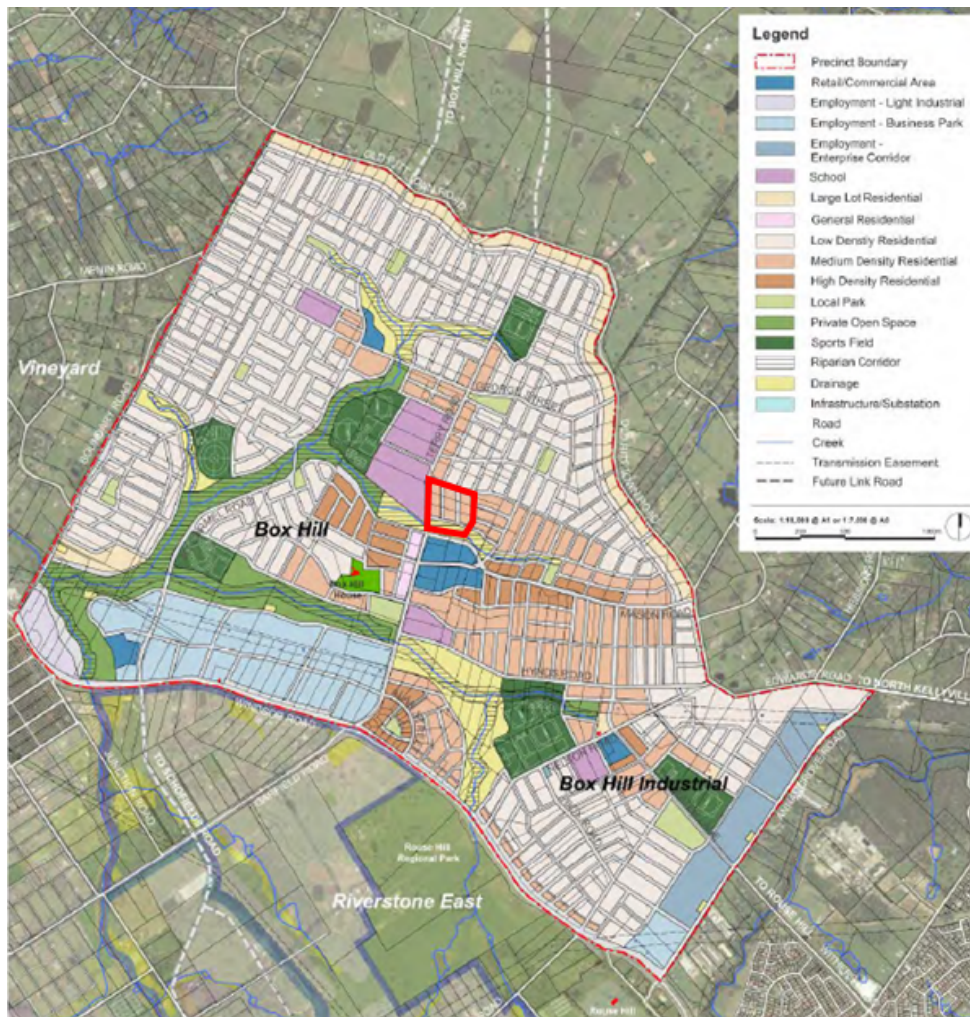


Figure 4. Extract of Box Hill Indicative Layout Plan

The proposed development is considered to be consistent with the road layout and intended land use established by the ILP and is therefore satisfactory with regards to Control 2.2.

3.5 Residue Lots

Control 3.5 of the DCP provides requirements for any residue lots created to ensure that any further subdivision of the residue lots can be facilitated in accordance with the provisions of the DCP. More specifically, any application creating residue lots must demonstrate:

- How the minimum density can be achieved across each residue lot through future subdivision;
- How the future development of each residue lot can be consistent with the character statement of the local area;
- Each residue lot can be serviced and accessed;
- Future development of the residue lot can be undertaken without compromising the other objectives and controls of the DCP; and
- Each residue lot can be connected to reticulated public sewer.

Given the initial application included the built product and creation of residential lots, it is considered that the proposed residue lots are capable of being developed in accordance with the SEPP and DCP controls. It is noted that the initial proposal had several issues relating to density (maximum), block length and streetscape impacts, and solar access to

private open space; however these issues are capable of being addressed or resolved as part of any future application for subdivision over the proposed residue lots.

The integrated housing subdivision proposal was able to meet the minimum density requirement with respect to Clause 4.1B of the SEPP; however it was raised during the assessment process that the proposal exceeded the maximum density requirement. Notwithstanding this, the proposed residue lot subdivision has demonstrated that the minimum density control can be achieved as required by Control 3.5 of the DCP. Any non-compliance with the maximum density will be required to be addressed as part of any further subdivision applications and may be resolved through the creation of less residential lots or a different dwelling typology to the initial proposal (namely 65 dwelling houses and 132 semi-detached dwellings).

Each residue lot is able to be accessed as the proposed development includes the construction and dedication of roads internally to the site in accordance with the ILP. The residue lots are also able to be connected to services and reticulated public sewer, with conditions of consent imposed related to these matters.

7.1 Integrated Stormwater Management

The proposed development includes a temporary On-site Detention basin on proposed residue lot 21 which will operate until such a time that the downstream regional basin is constructed and operational.

With respect to the subject site being identified as a “flood control lot”, the applicant’s Engineer has responded to Council’s Request for Additional Information letter dated 23 September 2021 that the 1% AEP is maintained within the Basins (BH02A and BH02B) and Libra Street is proposed above the 1% AEP. Therefore, this applicant is relying on construction and dedication of Basins (BH02A and BH02B) to contain the post development 1% AEP within the BASIN. Given the above, a deferred commencement condition has been imposed and is considered to be appropriate as a Flood Impact Assessment is deemed not necessary if the Basins (BH02A and BH02B) are proposed to be constructed first.

7.2 Aboriginal Heritage

The subject sites are identified to contain low to moderate Aboriginal Archaeological Sensitive Areas within the site, as per Figure 53 of the DCP. An Aboriginal Archaeological Due Diligence Assessment prepared by Dominic Steele Consulting Archaeology dated 7 February 2021 was prepared and submitted as part of the application and found that the site contained no documented Aboriginal sites, objects or areas of potential Aboriginal archaeological sensitivity. Notwithstanding this, conditions of consent have been imposed in the event any unexpected finds are uncovered during subdivision works.

7.3 European Heritage

The site does not contain any items of European Heritage Significance. To the south-west of the site is Box Hill House, located at 10-32 Terry Road, Box Hill. The proposed development is not considered to have any impacts on Box Hill House or its visual curtilage control area.

7.4 Bushfire Hazard Management

The southern portion of the site is identified to be bushfire prone land. The application was referred to the RFS under Section 100B of the Rural Fires Act 1997 as the proposal relates to the subdivision of bushfire prone land that could lawfully be used for residential purposes. The proposed development is capable of complying with the controls outlined under Section 7.4 of the DCP, subject to compliance with conditions of consent and the RFS General Terms of Approval and Bushfire Safety Authority.

7.5 Tree and Bushland Protection

The subject site is biodiversity certified and is not required to consider the requirements of the Biodiversity Conservation Act. The site is largely cleared, however contains several trees within the property that are proposed for removal under the application as they are impacted by the proposed subdivision works. The proposed removal of these trees is considered satisfactory with regards to Control 7.5 of the DCP, subject to conditions of consent. Additional street trees are required to be planted along the new proposed roads in accordance with the Box Hill Street Tree Master Plan, which forms part of the conditions of consent.

7.8 Subdivision Earthworks

The proposed development includes cut up to 4.0 metres (associated with the temporary OSD basin) and fill up to 2.0 metres. The proposed earthworks for the development are required to ensure the site matches the levels set by the future Terry Road design, the basins (BH02A and BH02B) to the south, and the approved developments DA 1267/2020/ZA and DA 1186/2021/ZB to the north and east of the site respectively. As the proposed development adjoins the future regional basins BH02A and BH02B, the lots and Libra Drive adjoining the drainage channel will need to be above the 1% AEP. A condition of consent has been imposed requiring the development to be above the 1% AEP extent, which may entail additional earthworks. Notwithstanding this, the proposed earthworks are considered reasonable in this instance and necessary to ensure the development matches into the levels set by the surrounding developments and infrastructure.

Further earthworks may be required as part of the future subdivision of the residue lots, however will need to be associated with the built product. Any additional earthworks for future applications will be assessed on their merits and with respect to the DCP controls.

Contributions

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

- The Hills Contributions Plan No. 15 – Box Hill Precinct (KCP)

This Contributions Plan has been considered and included the recommended draft consent conditions

The proposed development is also subject to the North West Growth Area Special Infrastructure Contribution under Section 7.24 of the EP&A Act 1979 which has also been considered in the recommended conditions.

3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the EP&A Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site.

3.5 Section 4.15(1)(a)(iv) - Provisions of Regulations

Clause 92(1) of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- The provisions of AS 2601 – the demolition of structures.

These provisions have been considered and addressed in the draft conditions (where necessary).

3.6 Section 4.15(1)(b) - Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

- Context and setting – The proposed development is considered to be generally consistent with the Indicative Layout Plan for the Box Hill Growth Centre Precinct and further the future context of the locality. The proposed subdivision will facilitate future development within the R3 Medium Density Residential environment. Further consideration of impacts such as character, streetscape, scale, mass and form will need to be considered for any built form development over the residue lots created.
- Access and traffic – The proposed development is for subdivision only and does not include any built product that would otherwise be classified as traffic generating development. The proposed development will include the full width construction of Celestial Street, Capella Street, Equinox Drive, Libra Drive, Carina Street and Stellar Street and half-width reconstruction of Terry Road, which will contribute to the future road network for the Box Hill Precinct.

Conditions of consent have been imposed to manage any traffic impacts that may occur at the subdivision works stage. Specifically, a condition of consent has been imposed requiring a construction management plan to be prepared prior to the issue of a subdivision works certificate, and similarly a condition of consent has been imposed requiring a traffic control plan to be prepared prior to works commencing on the site.

- Public Domain – The existing site/ surrounding area is mostly large lot residential; however the site (and Box Hill more broadly) is identified as a Growth Centre Precinct under the SRGC SEPP. Consequently, the proposed development is unlikely to generate any negative impacts on the existing public domain. Notwithstanding this, the future Box Hill area is required to provide adequate street trees to ensure a positive streetscape and public domain is created. A condition of consent has been imposed requiring the proposed development, and each new road constructed under this application, to provide for street trees in accordance with the Box Hill Street Tree Masterplan.
- Utilities – Conditions of consent have been imposed requiring adequate servicing arrangements to be available to proposed development. The conditions of consent stipulate that water, electrical and telecommunication services will need to have satisfactory arrangements for the provision of these services prior to the issue of a subdivision certificate.
- Heritage – The proposed development is not considered to impact on any known items of Aboriginal or European significance. The site is not identified to contain any items or places of heritage significance. The proposed development is not considered to have any impacts on Box Hill House or its visual curtilage control area, located to the south-west of the site.

Conditions of consent have been imposed for any unexpected finds during activities involving earthworks and soil disturbance. The conditions stipulate that all work must cease if any unexpected sites or relics or uncovered during works, and must comply with Part 6 of the National Parks and Wildlife and the Office of Environment and Heritage to be contacted immediately.

- Water Catchment – The subject site is located within the Hawkesbury-Nepean River Catchment and is subject to the provisions of Sydney Regional Environmental Plan 20 – Hawkesbury-Nepean River (No 2 -1997) (the SREP). In order to ensure that the subdivision works do not generate any runoff or pollution in the catchment, conditions of consent have been imposed requiring a Soil and Water Management Plan to be prepared and approved prior to the issue of a Subdivision Works Certificate that must also be in place prior to works commencing and maintained during construction. The Soil and Water Management Plan will ensure that any sediment or waste generated by the works will be controlled within the site so as not to impact on the water catchment.

The proposed development also includes works that are located within 40m of water front land. Accordingly, the development must comply with the General Terms of Approval issued by Natural Resources Access Regulator (attached to the consent as Appendix A), which further requires them to obtain a Controlled Activity Approval prior to the commencement of works.

- Air Impacts – The subdivision works for the proposed development may generate dust due to the earthworks and other ground disruption required to facilitate the works. In addition to the Soil and Water Management Plan, a condition of consent has been imposed require dust control measures to be in place during constructions. These m
- easures may include the likes of dust screens, water spraying devices to wet down dusty surfaces, and covering of stockpiles that may generate dust. The dust control measures will ensure that any adjoining residents are not impacted by the subdivision works.
- Flora and fauna impacts – The subject site is biodiversity certified and therefore does not trigger the requirements for biodiversity considerations under the Biodiversity Conservation Act 2016 No 63. Notwithstanding this, the site contains largely modified vegetation but does contain a small cluster of Cumberland Plain Woodland which is otherwise covered by the biodiversity certification. The application does include removal of trees internal to the site as they are otherwise impacted by the subdivision works or will need to be removed under any future residential subdivision.

Council's Tree Management department have reviewed the application with respect to the proposed tree removal and have raised no objections subject to conditions of consent.

- Natural environment – The proposed development requires extensive earthworks to ensure it matches the levels set by the Terry Road upgrade design, the Regional Basin/ Drainage network to the south of the site, as well as subdivision developments to the north and east of the site. The proposed earthworks/ changes to contours are deemed necessary in order to match the intended future levels of the area.
- Noise and vibration – The subdivision works relating to demolition, dam dewatering, road construction and earthworks may be noise-generating sources due to the equipment, vehicles and machinery generally required for such activities. A condition of consent has been imposed requiring all works to be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday in order to mitigate noise impacts for surrounding

properties/ dwellings. The condition further specifies that the hours may be reduced if traffic impacts arise.

- Bushfire – The subject site is identified as being bushfire prone. In order to address the bushfire hazard, an Asset Protection Zone is required to be implemented along the southern boundary of the site in accordance with the Bush Fire Assessment Report prepared by Australian Bushfire Consulting Services dated 14th June 2021 and the Asset Protection Zone and Bushfire Attack Level Plan prepared by Australian Bushfire Consulting Services dated 14 June 2021. The application was also referred to the NSW Rural Fire Service under Clause 100B of the *Rural Fires Act 1997*. The RFS have issued General Terms of Approval and a Bushfire Safety Authority which must be complied with as part of the development. The GTA's and BSFA are attached to the consent as Appendix B.
- Social impact – The proposed development is not required to provide any communal open space at this stage, noting the site does not contain any RE1 Public Recreation zoned land. Any future applications over the site for multi-dwelling housing may require communal open space to be provided, although this is a consideration for future applications as the built form is not confirmed/ approved at this stage.

The proposed development will complete a portion of the Box Hill Street network and will dedicate these new roads to Council for public use. Future residents within the area will be able to utilise the street network for navigating around the Box Hill Precinct.

The proposed development is not considered to generate any negative social impacts.

- Economic impact – The proposed development is considered to generate positive economic impacts through the generation of employment opportunities within the construction industry. Further subdivision of the residue lots created will also provide further employment opportunities in relation to the construction of future residential dwellings or similar developments permissible within the R3 zone.
- Site design and internal design – The proposed development is considered to be a site responsive design as it ties into the adjoining approved developments, future Terry Road design levels and the basin levels. The levels set by the development are unlikely to create any impacts on adjoining developments.
- Cumulative impacts – The proposed development does not include any built product and is therefore not considered to generate any on-going impacts in its current form. Further development of the residue lots created that include the built product may create additional impacts, however any such impacts will need to be assessed and considered as part of any future applications (i.e. solar impacts on dwellings, waste impacts, etc).

Accordingly, it is considered that the proposal will not result in any significant adverse impacts in the locality as outlined above.

3.7 Section 4.15(1)(c) - Suitability of the site

The proposed development is consistent with the Indicative Layout Plan for the Box Hill area and is considered to align with the intended character of the site as a medium density residential area through further subdivision of the residue lots.

The proposed development is required to provide adequate services to the lots and will ensure these are available for further subdivisions for residential purposes. Further

subdivision of the residue lots will provide future residents with housing opportunities within proximity to the future Box Hill Town Centre that is currently under construction.

The site is identified to be bushfire prone and further identified as a flood controlled lot. Both of these natural hazards will be addressed and satisfied through satisfactory compliance with the recommended conditions of consent and the conditions set in the General Terms of Approval issued by the NSW Rural Fire Service.

The site is not considered to have any significant constraints that would otherwise restrict future residential subdivision of the residue lots created.

3.8 Section 4.15(1)(d) - Public Submissions

No submissions objecting to the proposed development have been submitted against the proposed development.

3.9 Section 4.15(1)(e) - Public interest

The proposed development is not considered to generate any significant impacts that would otherwise impact on the public. The proposed development is generally consistent with the provisions of the SRGC SEPP and Box Hill DCP and most importantly is consistent with the Indicative Layout Plan for the Box Hill Growth Centre Precinct.

Further subdivision and development of the residue lots created will provide additional housing opportunities to the public within the medium density residential environment.

Given this, the proposal is considered to be within the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/ concurrence/ referral as required by the EP&A Act 1979 and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Integrated Development (s4.46 of the EP&A Act 1979)			
RFS	S100B - <i>Rural Fires Act 1997</i> bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	General Terms of Approval (subject to conditions) and a Bushfire Safety Authority has been issued by the RFS in relation to the proposed development. Conditions of consent have been imposed requiring compliance with the RFS requirements throughout	Y

		all stages of the development.	
Natural Resources Access Regulator	S89-91 – <i>Water Management Act 2000</i> water use approval, water management work approval or activity approval under Part 3 of Chapter 3	General Terms of Approval have been issued by NRAR in relation to the proposed development. The consent holder must apply to NRAR for a Controlled Activity Approval after consent has been issued and before the commencement of any work or activity. Conditions of consent have been imposed requiring compliance with the NRAR requirements throughout all stages of the development.	Y

4.2 Council Referrals

The development application has been referred to various Council officers for technical review as outlined Table 6.

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	Council's Engineering Officer reviewed the amended civil engineering plans and raised several issues with the applicant's engineer. These matters are able to be resolved at the Subdivision Works Certificate stage and be satisfied through conditions of consent. Council's Engineer has raised no objections, subject to a deferred commencement condition and conditions of consent.	Y
Certification	The initial proposal was reviewed by Council's Certification team, who raised no objection to the proposed development subject to conditions. Given the application has been amended to remove the built product; their conditions are no longer applicable.	Y
Health	Council's Environmental Health Officer has reviewed the submitted Detailed Site Investigation and has raised no objections subject to conditions.	Y
Landscape Management	Council's Landscape Management Officer reviewed the initial proposal and raised several concerns with regards to the landscaping of the residential dwellings. Given the application has been amended to remove the built product, their assessment was no longer required. Any future applications for the built product will be referred to Council's Landscape Management department for assessment.	Y
Tree	Council's Tree Management Officer has reviewed	

Management	the application and has raised no objections, subject to conditions.	
Resource Recovery	Council's Resource Recovery Officer has reviewed the application and has raised no objections, subject to conditions.	Y
Property	Council's Property team have raised no objection to the proposed subdivision. The applicant and Council's Property team have reached an agreement for the sale of the R3 zoned section of 33 Terry Road, Box Hill. Stage 1 of the proposed subdivision creates the required SP2 zoned lots and residue R3 zoned lot in accordance with Council's Property team requirements. Stage 1 of the development must occur in order to facilitate the sale of the R3 zoned land. Stage 2 cannot occur until the land sale has been processed.	Y

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

4.3 Community Consultation

The proposal was exhibited in accordance with Clause 4.46 of the Environmental Planning and Assessment Act 1979 and under Section 89 of the Environmental Planning and Assessment Regulation 2000 from 5 August 2021 until 3 September 2021. The proposal was also notified to surrounding properties in accordance with Council's Community Participation Plan. Council received no submissions objecting to the proposed development.

5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

5.1 Flooding

A portion of the subject site is identified as a flood controlled lot (being 33 Terry Road). Consequently, any development of this property is required to address the flood affectation and demonstrate compliant levels and suitable access can be provided. The flooding extent was raised as part of the prelodgement meeting held for the application (60/2021/PREZ) and further the applicant was requested to address the flood affectation as part of the Request for Additional Information letter issued on 23 September 2021. The initial application did not contain any reports or documentation to address the flood controlled lot identification through a Flood Impact Assessment or similar.



Figure 5. Flood Extent over 33 Terry Road

The Box Hill Water Cycle Management Report prepared by J. Wyndham Prince dated November 2012 further indicates the existing flood extent and identifies a portion of 33 Terry Road being flood affected.

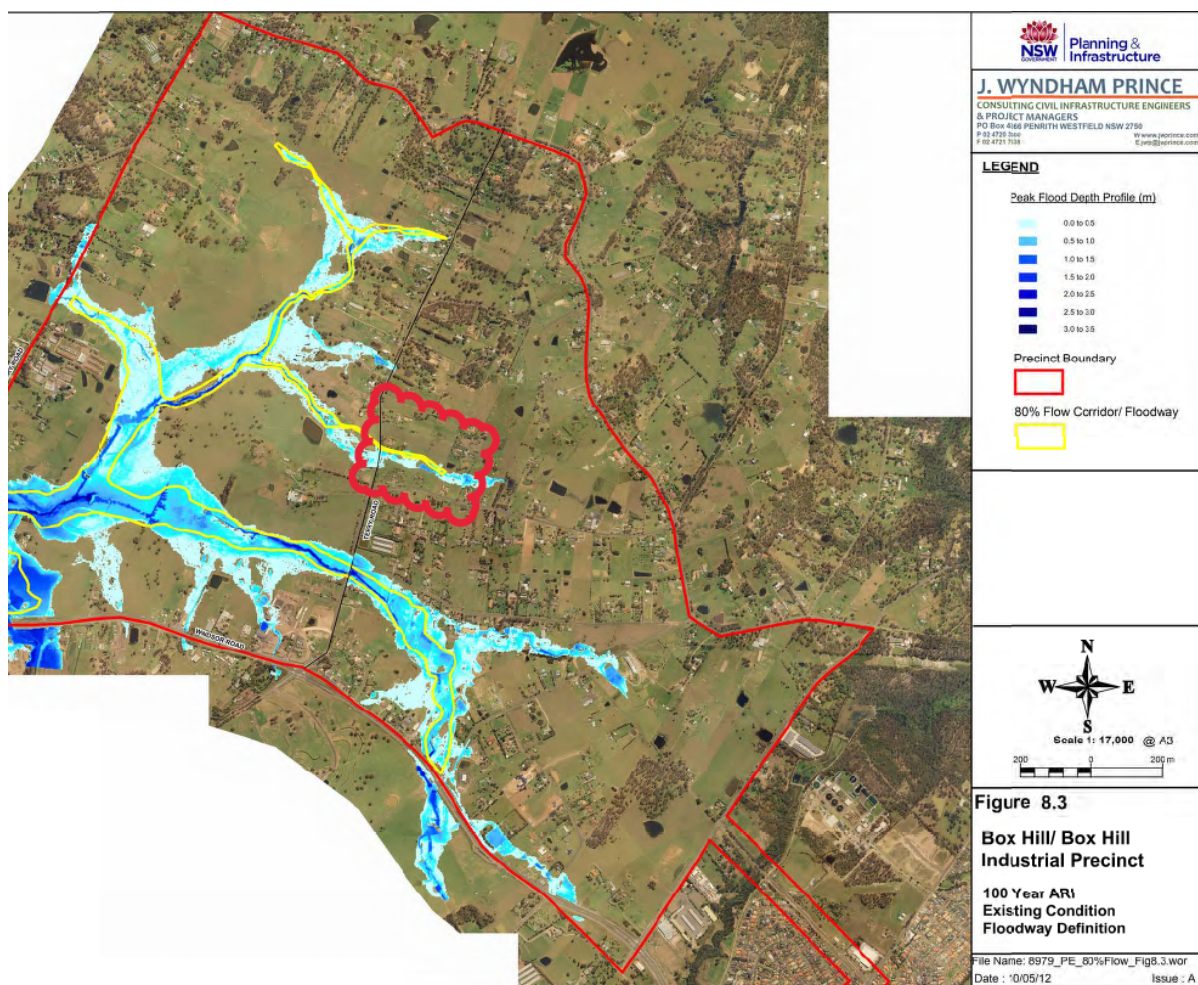


Figure 6. Existing Flood Extent

The applicant's engineer has responded to Council's Request for additional information letter dated 23 September 2021 stating that the 1% AEP is maintained within the planned Basins (BH02A) and (BH02B) and Libra Street which adjoins the basins is proposed above the 1% AEP. The applicant is therefore relying on the construction of the Basins in order to address the flooding extent.

The Basins (BH02A) and (BH02B) and Open Channel have capacity to contain the 1% AEP within the post development scenario as per the Box Hill Water Cycle Management Report prepared by J. Wyndham Prince dated November 2012, as shown in Figure 7 below. A condition of consent has been imposed to ensure that Libra Drive is designed and constructed to be above the 1% AEP.

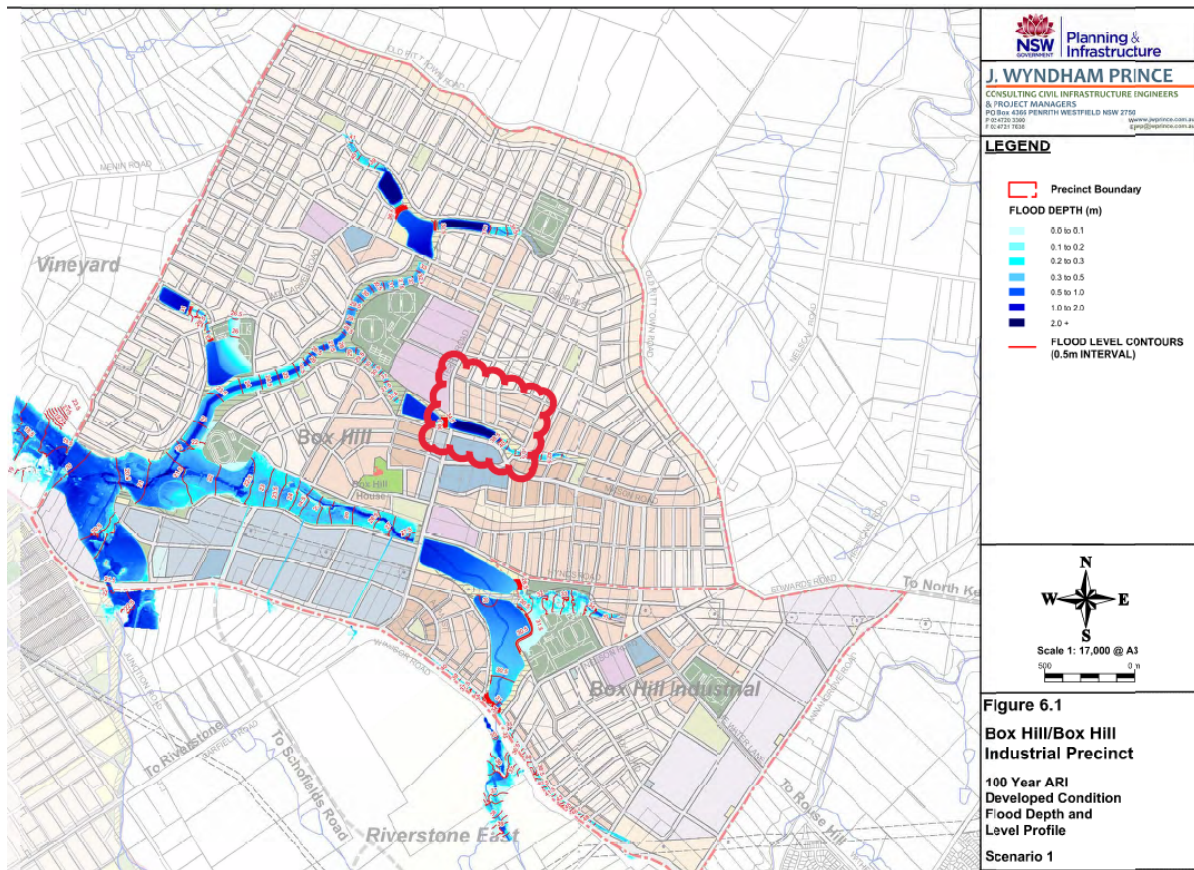


Figure 7. Post-Development Flood Extent

Given the above a deferred commencement condition is recommended requiring the construction of the Basins prior to the consent being operational. If the basins are constructed and operational and remove the flood extent from the subject site; then a Flood Impact Assessment is not necessary for the proposed development.

6. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act 1979 and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report it is considered that the application can be supported (subject to a deferred commencement condition).

The proposed development is generally in accordance with the provisions of the SRGC SEPP and Box Hill DCP and is generally consistent with the Indicative Layout Plan for the precinct. The proposed development will create residue lots that are likely to be further developed for the purposes of medium density residential typologies, and is considered to be in accordance with the intended future character of the Box Hill Growth Centre Precinct.

The subject site is deemed suitable for the proposed development subject to conditions of consent that will ensure that the site is suitable from a contamination, bushfire and flooding perspective. As noted in Section 5 of this report the development relies upon the construction of the regional basins and therefore requires a deferred commencement condition that stipulates the basins must be constructed to the issue of an operational consent.

It is considered that the key issues as outlined in Section 6 have been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at Attachment A.

7. RECOMMENDATION

Development Application DA 130/2022/JPZ be approved pursuant to Section 4.16(1)(a) and 4.16(3) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A (including a deferred commencement condition).

The following attachments are provided:

- Attachment A: Draft Conditions of Consent
- Attachment B: NRAR Cover Letter and General Terms of Approval
- Attachment C: RFS General Terms of Approval and Bushfire Safety Authority
- Attachment D: DCP Table of Compliance
- Attachment E: Subdivision Plans

ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

DEFERRED COMMENCEMENT CONDITIONS

1. Construction of the BH02A, BH02B, and Open Channel Requirements

- A. Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:
1. Construction of the BH02A and BH02B as prepared for Council by JWP, Project Number 110630-02 Revision Various dated Various.
- B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.
- C. Upon compliance with the requirements of Part A1 above, a full consent will be issued subject to the following conditions:

CONDITIONS OF CONSENT

GENERAL MATTERS

2. Approved Plan

The development must be carried out in accordance with the approved plans and other supporting documentation listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
P00415-SUBDIV-001	Subdivision Plan – Stage 1	GDS	-	D	20/01/2022
P00-415-SUBDIV-002	Subdivision Plan – Stage 2	GDS	-	D	20/01/2022

No work is to be undertaken before a Subdivision Works Certificate has been issued.

The following additional requirements apply:

- a) Stormwater easements shall be reflected on subdivision plan as per requirements of this consent.
- b) The restriction/ positive covenant area for the temporary stormwater management basin shall be reflected on subdivision plan as per requirements of this consent.
- c) 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, and extending into proposed residue lots adjacent. The temporary cul-de-sac turning head shall not be extended into the verge of proposed lot one fronting the BH02A land to the south within 33 Terry Road. The temporary cul-de-sac for Libra Drive is to be relocated so it is clear of proposed lot one and instead extends into proposed lot 26.

3. Compliance with Integrated Development/ Concurrence Referrals

Compliance with the requirements of the Natural Resources Access Regulator throughout all stages of the subdivision as outlined in their letter dated 16 February 2022 Reference IDAS-2022-10063 attached to this consent as Appendix A.

Compliance with the requirements of the Rural Fire Service throughout all stages of the subdivision as outlined in their letter dated 10 February 2022 Reference DA20210811003352-CL55-1 attached to this consent as Appendix B.

4. 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.

5. 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.

6. Approved Street Naming

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

7. Street Trees

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

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

8. Minor Engineering Works

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

Works 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. The application form for a minor engineering works approval is available on Council's website and the application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

b) Site Stormwater Drainage

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

The site discharge shall comply with the requirements of this consent and shall be consistent with Council's basins design (BH02A, BH02B and Open Channel) as prepared by JWP, Project Number 110630-02 Revision: Various and Dated: Various.

c) Inter-allotment Stormwater Drainage

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

d) 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.

9. Protection of Public Infrastructure

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

10. Requirements for Council Drainage Easements

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

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

11. 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 Subdivision Works 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.

12. Subdivision Works Approval

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

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

13. Demolition Notification

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

14. Demolition Inspections (Subdivision Applications)

Before demolition works commence a pre-demolition inspection must be arranged with Council's Construction Engineer. 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 Construction Engineer.

15. 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.

16. Contamination Assessment and Site Remediation

The recommendations of the Contamination Site Investigation Report prepared by Geotesta Pty Ltd referenced as NE758 dated 22 March 2021 and submitted as part of the Development Application are to be implemented as part of this approval. In particular Section 10:

- a) A data gap assessment of subsurface soils below the dwellings and sheds to be performed after demolition of the dwellings and sheds.

17. Tree Removal

Approval is granted for the removal of trees shown for removal on the Tree Removal Plan prepared by GDS dated 18/05/2021 (Revision C)

All other trees are to remain and are to be protected during all works.

18. Dam Dewatering Requirements

The recommendations of the Dam Dewatering Report prepared by Geotesta Pty Ltd referenced as NE944 dated 9 July 2021 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: each of the dam dewatering methods for each of the three dams and irrigation of the dam water onto the adjacent cleared grass areas within the property boundaries.

19. Imported Waste Derived Fill Material

The only waste derived fill material that may be received at the development site is:

- Virgin excavated natural material (within the meaning of the Protection of the Environment Operations Act 1997); or
- Any other waste-derived material the subject of a resource recovery exemption under clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014 that is permitted to be used as fill material.

Any waste-derived material the subject of a resource recovery exemption received at the development site must be accompanied by documentation as to the material's compliance with the exemption conditions and must be provided to the Principal Certifier on request.

20. Management of Construction and/ or Demolition Waste

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

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

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

www.wastelocate.epa.nsw.gov.au

21. Disposal of Surplus Excavated Material

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

22. Sediment and Erosion Control Dam Dewatering

Details of all sediment and erosion control measures that will be in place during the dewatering of the dam are to be submitted to Council. These measures must also be shown on a plan of the dam and the surrounding area so that the adequacy of these measures can be assessed.

PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

23. Engineering Works

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

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

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

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

The concept engineering plan prepared by GDS Project P00415 Drawing 200 and 202 inclusive Revision E dated 24/01/2022 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

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)
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Celestial Street	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12)
Libra Drive	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12)
Capella Street	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12)
Equinox Drive	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12)
Stellar Street	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12)
Carina Street	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12)

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

All roads are to have a two-way cross fall with a crown in the middle of the carriageway.

All civil infrastructures (roads, stormwater drainage and the like) should be built for saline soils.

b) Partial Width Road Construction

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

Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)
Terry Road	Road Type: Collector Road DCP: Box Hill Precinct (Figure 21) 4.5/ 11.6 / 3.5 Pavement Design: Collector Street (Design Guidelines Section 3.12) The 1.2m wide footpath must be provided on the narrower 3.5m wide verge
Solstice Road	Road Type: Local Street DCP: Box Hill Precinct (Figure 21) 3.5/ 11/ 3.5 Pavement Design: Local Street (Design Guidelines Section 3.12) The construction of this road is predicated on the remainder within DA 525/2020/ZA and DA 1267/2020/ZA over the land to the north being completed first.

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

For Terry Road the following applies:

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 7m of road pavement.

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

All civil infrastructures (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 not 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 northern end of Celestial Street, Capella Street, Equinox Drive extending into the proposed lots adjacent.

A temporary turning head is required at the eastern end of Libra Drive, Stellar Street, and Carina Street extending into the proposed lots adjacent. The temporary cul-de-sac turning head shall not extend into the verge of proposed lot one fronting the BH02A land. The temporary cul-de-sac for Libra Drive is to be relocated so it is clear of proposed lot one and instead extends into proposed lot 26.

d) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or

give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

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

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

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37.

e) Footpath Verge Formation

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

f) Concrete Footpath

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

g) Gutter Crossings

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

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

h) Service Conduits

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

i) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by GDS Project No. P00415 Drawing 200 Revision E dated 24/01/2022 . Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent. The proposed retaining wall shall be designed such that it accepts and caters for any surface runoff from the upslope/ adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. The proposed retaining wall including footing and subsoil drain shall be design and constructed fully inside the property boundary.

The proposed earthwork must be amended to comply with the requirement of this consent.

The earthworks/ site regrading shall be redesigned to match with the design surface levels for the future approval of Terry Road under DA 945/2016/JP (as amended) and relevant Subdivision Works Certificate 14/2022/EC; and DA 579/2017/ZA (as amended) and relevant Subdivision Works Certificate 56/2022/EC

The earthworks/ site regrading shall be redesigned to match with the design surface levels for BH02A, BH02B and Open Channel as prepared by JWP Project number 110630-02 Revision: Various and Dated: Various.

j) Inter-allotment Stormwater Drainage

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

k) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of a temporary bio-retention and OSD basin; are to be located generally in accordance with the plans and information submitted with the application.

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.

l) Stormwater Drainage – Temporary Management (Box Hill)

Temporary stormwater management in the form of a temporary bio-retention and OSD basin; as shown on the concept Stormwater Drainage Layout – Sheet 1 prepared by GDS Drawing 301 Revision F dated 27/01/2022 are to be provided in accordance with the concept plan and the requirements of this consent.

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

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

m) Construction of Terry Road

Prior to the issue of a Subdivision Works Certificate for the relevant work under this development the detailed design of Terry road must be submitted to and approved by Council's Manager – Subdivision and Development Certification.

The road design of Terry Road shall be redesigned to match with the design surface levels for the future approval of Terry Road under DA 945/2016/JP (as amended) and relevant Subdivision Works Certificate 14/2022/EC and DA 579/2017/ZA (as amended) and relevant Subdivision Works Certificate 56/2022/EC. Transition along Terry Road will be required for both directions to match with the adjoining design and existing surface levels.

The earthwork plan under this development shall be redesigned to comply with the requirement of this condition.

The extent of 1% AEP form BH02A, BH02B and Open Channel as prepared by JWP Project Number 110630-02 shall be shown on the civil plans.

n) Construction of Libra Drive

Prior to the issue of a Subdivision Works Certificate for the relevant work under this development, the detailed design of Libra Drive must be submitted to and approved by Council's Manager – Subdivision and Development Certification.

The road design of Terry Road shall be redesigned to match with the design surface levels for the future approval of Terry Road under this application and the requirements of this consent.

The extent of 1% AEP form BH02A, BH02B and Open Channel as prepared by JWP, project number 110630-02 shall be shown on the civil plans.

Libra Drive must be designed to be above the 1% AEP.

The earthwork plan under this development shall be redesigned to comply with the requirement of this condition.

24. Onsite Stormwater Detention – Temporary

Temporary Onsite Stormwater Detention (OSD) is required. The Stormwater Drainage Layout Sheet 1 prepared by GDS Drawing 301 Revision F dated 27/01/2022 is for development application purposes only and is not to be used for construction. The detailed design must reflect the stormwater concept plan and the following necessary changes:

- a) The development shall be designed to accept and cater for any surface runoff from the up slope adjoining land in a failsafe manner without affecting any other property
- b) A revised contributing catchment plan (including external contributing catchment to the site) draining through the site shall be provided.
- c) The temporary OSD shall be redesigned/ resized to comply with the requirements of this consent and with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective.
- d) The outlet drainage pipe from the temporary OSD shall be consistent with the Basins design (BH02A, BH02B and Open Channel) as prepared by JWP Project Number 110630-02 Revision: Various and: Dated: Various. Capacity of the stormwater system into which stormwater from the development discharges into must be confirmed.
- e) The headwalls/ outlets from the proposed drainage pipes shall be located above the 5% AEP/ 20years ARI
- f) The stormwater pit on the road directly upstream of the headwall shall not be surcharged during minor events up to the 5% AEP/20years ARI
- g) Analysis shall be provided for the drainage pipe where it is impacted by tailwater effect/ submerged.

Water sensitive urban design elements, consisting of a temporary bio-retention basin, are to be located generally in accordance with the plans and information submitted with the application.

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

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

All model parameters and data outputs are to be provided.

The design and construction of the stormwater management system must be approved by Council.

25. Approval – Design of Terry Road and Outlet/ Headwall

Prior to the issue of a Subdivision Works Certificate for the relevant work all design amendments requirements under Condition 23 points (m) and (n) and Condition 24 above have been submitted, accepted and signed off by Council's Manager – Subdivision and Development Certification.

This works requires separate construction approval from Council beforehand, under Section 68 of the Local Government Act 1993, where the works is proposed within Council land and Section 138 of the Roads Act 1993 where the works is proposed within the public road/ road reserve. The cost of application, approval and inspection fees are payable by the applicant in accordance with Council's Schedule of Fees and Charges.

26. 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 Subdivision Works Certificate is issued.

27. 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 Subdivision Works Certificate is issued.

28. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$100,000.00 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 per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (360m) multiplied by the width of the road (7m). The bond value has been reduced to take into account the majority of the existing public infrastructure in question is being reconstructed as part of these works.

The bond must be lodged with Council before a Subdivision Works 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.

29. Security Bond – External Works

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

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

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

30. 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.

31. Construction Management Plan – Major Subdivision Works

Prior to the issuing of a Subdivision Works 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 as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.
- Sediment and erosion control as separately conditioned.
- Stockpiles.
- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

32. Controlled Activity Authority – Natural Resources Access Regulator

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

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

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

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

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

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

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

An SWMP is required for this development.

34. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

35. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970-2009 Protection of Trees on Development Sites.

At a minimum a 1.8m high chain-wire fence is to be erected at least three metres from the base of each tree and is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone.
- Placement of fill within the root protection zone.
- Parking of vehicles within the root protection zone.
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

36. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the Onsite Stormwater Detention system has been approved by either Council or a Registered Certifier.

37. Property Condition Report – Public Assets

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

- Planned construction access and delivery routes; and

- Dated photographic evidence of the condition of all public assets.

38. Erosion and Sediment Control/ Soil and Water Management

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

39. Dust Management Plan – Major Subdivision Works

A site specific dust management plan must be developed to proactively address the issue of dust during construction. 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, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with 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.
- Where required, 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.
- Speed control on haul routes.
- Stockpile management such as location, orientation, volume and height 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 any creeks/ riparian corridors.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

40. 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.

41. Erection of Signage – Supervision of Subdivision Work

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

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

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

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

42. Contractors Details

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

43. Service Authority Consultation – Subdivision Works

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

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

44. Pavement Design

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

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

45. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours and Council must be given a minimum five days written notification of the works.

46. Site Water Management Plan

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

47. Erosion and 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.

48. Demolition Works and Asbestos Management

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

49. Discontinuation of Domestic Waste Services

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

50. Construction and Demolition Waste Management Plan Required

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

51. Hazardous Materials Survey

A suitably qualified Occupational Hygienist shall be engaged to undertake an assessment of buildings and infrastructure prior to any demolition at the site to assess for the presence of hazardous building materials, such as asbestos containing materials and lead etc;. Surficial areas around buildings should also be inspected and cleared by the Occupational Hygienist. Submit a copy of the hazardous materials survey to Council's Manager – Environment and Health.

DURING CONSTRUCTION

52. 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.

53. 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.

54. 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.

55. Aboriginal Archaeological Sites or Relics

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

56. Aboriginal Heritage Impact Permit

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

57. European Sites or Relics

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

58. Working Hours

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

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

59. Stockpiles

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

60. Breaching and Filling of Dam

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

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

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

61. Asbestos Removal

Asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principal Certifier, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principle Certifier.

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

62. 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:

- a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;
- b) 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
- c) All stockpiles of materials that are likely to generate dust must be kept damp or covered.

63. Tree Removal and Fauna Protection

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity. Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground,

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

64. Dam Decommissioning – Ecology Requirements

The decommissioning of the dam is to be undertaken in accordance with the following requirements:

- An appropriately qualified aquatic ecologist is to oversee the decommissioning of the dam.
- The aquatic ecologist is to ensure that any native species (such as eels and eastern snake-necked turtles) are captured and relocated to a suitable waterway and pest species (such as carp and mosquito fish) are humanely removed and euthanized in a manner consistent with the Prevention of Cruelty to Animals Act, 1979.
- If the aquatic ecologist is required to relocate any terrestrial or aquatic fauna, then a licence under the Fisheries Management Act 1994 or the National Parks and Wildlife Act 1974 must be obtained.
- A fine mesh is to be placed around intake pumps used to drain the dam water to prevent the uptake and spread of carp eggs, juvenile pest species or eggs into the catchment.
- Water is to be pumped from the dam and irrigated onto adjacent grassed areas to minimise the risk of invasive and exotic pest species from entering the natural waterways.
- The intake pipe for the irrigation is to be monitored to prevent injury to aquatic fauna.
- The dewatered dam must be inspected for fauna which may be buried in the sediments on the bottom of the dam by the aquatic ecologist.
- Following dewatering, fauna is to be provided with an opportunity to relocate prior to reshaping. A minimum of 72 hours is to be provided.
- If large numbers of predatory fish (e.g. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.

- Any rescued fauna is to be released at a suitable nearby location or if injured, placed into the care of a wildlife carer.

The fauna ecologist is to submit a report to Council's Manager – Environment and Health following their site inspection and any subsequent action taken relating to the development. The report is to include tallies of fauna removed from the dam with details of their relocation destination (or destruction).

65. Further Contamination Assessment

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

66. Removal of Septic Tank and Effluent Disposal Area

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

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

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

Note: Methods 1.1 and 2.1 (Demolition) are not permissible.

Tipping documentation or other relevant documentation must be provided to the Principal Certifier confirming the suitable action, as listed above, has been completed.

67. Contamination

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

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

68. Dam Decommissioning Work Procedure

- a) Water from the dam is not to be discharged to the stormwater drainage line, street gutter or to the local creek.
- b) Water from the dam is to be irrigated across the grass irrigation area of the subject sites on Terry Road, Box Hill.
- c) Water from the dam irrigation is not to enter neighbouring premises or run off the site.
- d) The dam water must not be disposed of on the approved onsite sewage management system effluent disposal area.
- e) The irrigation system and irrigation area must be monitored by a suitable person at the time of dewatering to ensure that the water from the dewatering does not enter neighbouring properties and that suitable sediment and erosion control devices are installed at the premises.
- f) If requested, access is to be granted to an officer of Council during the dewatering process so as to ensure that the requirements of the conditions of consent are being complied with and that no harm is being done to the environment.

69. Dewatering of the Dam

- a) The dam shall be dewatered through the controlled release of the water and disposed of on-site unless an assessment of the water quality has been undertaken and submitted to Council for approval. The discharge of water must be managed to ensure the water does not flow beyond the site boundaries and does not cause erosion or scouring.
- b) The dam wall shall not be breached without the dam having first being dewatered.
- c) Water from the dam shall not be discharged to any watercourse or placed in a position where it will wash or percolate to a watercourse. Polluted water is defined in the dictionary of the Protection of the Environment Operations Act 1997 and includes that matter as prescribed by Schedule 5 of the Protection of the Environment Operations (General) Regulation 2009.
- d) An appropriately qualified fauna ecologist (licensed by NSW National Parks and Wildlife Service) is to be available to attend the site for the duration of dewatering and breaching of the dam should any native fauna species be observed. The ecologist shall rescue, provide care and relocate a previously identified location (or destroy, if appropriate) the animal.
- e) Any introduced fauna shall be euthanized in a manner that is consistent with the Prevention of Cruelty to Animals Act 1979. Information on the humane harvesting of fish and crustaceans is available from NSW Industry and Investment.
- f) Water from dams containing introduced species (including, but not limited to Common carp (*Cyprinus carpio*) and Mosquito fish (*Gambusia holbrooki*) shall not be discharged to any watercourse so as to prevent the discharge of eggs and individuals.
- g) Note: Developers are reminded that penalties up to \$11,000 for incorrect disposal of noxious fish species into waterways can apply under the Fisheries Management Act 1994.
- h) All fill must be Virgin Excavated Natural Material (VENM) and must not contain contaminants such as demolition material or organic wastes. Details of the source of the material are to be obtained and provided to Council. All fill is to be placed according to geotechnical advice and compacted in layers to achieve a standard suitable for residential development (Australian Standard AS 2870.1).

70. Dam Decommissioning Plan and Procedures Kept On Site

There shall be a dam decommissioning plan kept on site at all times, detailing the decommissioning procedures, as well as the sediment and erosion control measures required to be in place throughout the decommissioning. The proposed flow rates per day and the saturation levels of the soil shall also be noted on the plan. There shall be detail on the plan of due diligence checks required to be carried out, i.e. weather forecast checks, as well as detail outlining any contingency steps to be carried out should they be required throughout the dam dewatering process.

PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

71. Compliance with Rural Fire Service Requirements

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

72. Compliance with Natural Resources Access Regulator Requirements

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

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

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

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

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

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

74. Section 7.11 Contribution

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

Payments comprise of the following:

Stage 1

N/A

Stage 2

	<i>Purpose: Subdivision</i>	<i>Purpose: Credit</i>	<i>No. of Lots: 6</i>	<i>No. of Credits:4</i>	<i>Total \$7.11</i>
Open Space - Land	\$14,898.58	\$14,898.58	\$ 89,391.46	\$ 59,594.31	\$ 29,797.15
Open Space - Capital	\$9,057.29	\$9,057.29	\$ 54,343.74	\$ 36,229.16	\$ 18,114.58
Transport Facilities - Land	\$3,858.97	\$3,858.97	\$ 23,153.84	\$ 15,435.90	\$ 7,717.95
Transport Facilities - Capital	\$9,729.96	\$9,729.96	\$ 58,379.77	\$ 38,919.85	\$ 19,459.92
Administration	\$373.02	\$373.02	\$ 2,238.10	\$ 1,492.06	\$ 746.03
Water Management - Land (KCP)	\$5,926.65	\$5,926.65	\$ 35,559.88	\$ 23,706.59	\$ 11,853.29
Water Management - Capital (KCP)	\$6,592.47	\$6,592.47	\$ 39,554.81	\$ 26,369.88	\$ 13,184.94
Total	\$ 50,436.93	\$50,436.93	\$ 302,621.61	\$ 201,747.74	\$ 100,873.87

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

Prior to payment of the above contributions, the applicant is advised to contact Council's Development Contributions Officer on 9843 0555. 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.

75. Biodiversity Compliance

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

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

76. Clearance Certificate

On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

77. Stormwater Management Certification

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

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

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

78. Approval – Construction of Terry Road and Outlet/ Headwall

Prior to the issue of Subdivision Certificate for stage two; all design amendments required under Condition 23 points (m) and (n) and Condition 24 above must have been submitted, accepted and signed off by Council's Manager – Subdivision and Development Certification.

79. Completion of Subdivision Works/ Satisfactory Final Inspection

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

80. Subdivision Works – Submission Requirements

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

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

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

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

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

81. 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.

82. Security Bond – Temporary Turning Head

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

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

83. Section 73 Compliance Certificate

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

84. Provision of Electrical Services

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

85. Provision of Telecommunication Services

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

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

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

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

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

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

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

86. 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 (GDA2020/ MGA Zone 56).

87. Site/ Lot Classification Report – Vacant Residential Lots

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

88. 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 Terry Road, Celestial Street, Libra Drive, Capella Street, Equinox Drive, Solstice Road, Stellar Street, and Carina Street.

b) Easement – Temporary Public Access

A temporary public access easement must be created within proposed lots 21 to 26 included over the temporary cul-de-sac turning head using the “temporary public access easement” terms included in the standard recitals.

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) Restriction – Flood Planning Level

Lot 21 must be burdened with a restriction that refers to the flood information submitted with the development application using the “flood planning level” terms included in the standard recitals.

e) Restriction – Restricted Access

Lots 21 to 23 included must be burdened with a restriction precluding access to Solstice Road using the “restricted access” terms included in the standard recitals.

f) Restriction – Residue Lots

Lots 21 to 26 must be burdened with a restriction using the “residue lots” terms included in the standard recitals.

g) Easement – Temporary Stormwater Management (Box Hill)

Lot 21 must be burdened with an easement over the temporary stormwater management measures referred to earlier in this consent using the “temporary stormwater management” terms included in the standard recitals.

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

Lot 21 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.

ATTACHMENT 2: NRAR COVER LETTER AND GENERAL TERMS OF APPROVAL



Natural Resources
Access Regulator

Contact: Natural Resources Access Regulator
Phone: 1800 633 362
Email: nrar.enquiries@nrar.nsw.gov.au

Our ref: IDAS-2022-10063
Your ref: DA130/2022/JPZ

16 February 2022

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

Attention: Jacob Kiner

Uploaded to the ePlanning Portal

Dear Sir/Madam

Re: IDAS-2022-10063 - Integrated Development Referral – General Terms of Approval
Dev Ref: DA130/2022/JPZ
Description: Subdivision creating six residue lots and one stormwater management lot over two stages including demolition, dam dewatering and new road
Location: 35 TERRY ROAD BOX HILL 2765 – 1-4//DP237578

The Natural Resources Access Regulator (NRAR) has reviewed amended documents for your recent referral regarding an integrated Development Application (DA) proposed for the above location. Attached, please find Natural Resources Access Regulator's updated General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval under the *Water Management Act 2000* (WM Act), as detailed in the subject DA. These GTA replace those previously issued on 27 August 2021, NRAR reference number IDAS1140461.

Please note Council's statutory obligations under section 4.46 of the *Environmental Planning and Assessment Act 1979* (EPA Act) which requires consent, granted by a consent authority, to be consistent with the general terms of any approval proposed to be granted by the approval body.

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

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

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

- if Council receives an application under s4.46 of the EPA Act to modify the development consent and the modifications change the proposed work or activities described in the

4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150 | LOCKED BAG 5022, Parramatta, NSW 2124
nrar.enquiries@nrar.nsw.gov.au | www.dpie.nsw.gov.au/nrar

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original DA.

- of any legal challenge to the consent.

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

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

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

Applications for controlled activity approval should be made to NRAR, by lodgement of a Controlled Activity Approval – New approval application on the NSW Planning Portal at: <https://www.planningportal.nsw.gov.au/>

NRAR requests that Council provide a copy of this letter to the development consent holder.

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

Yours Sincerely



For
Bryson Lashbrook
Manager Licensing & Approvals
Water Regulatory Operations
Natural Resources Access Regulator



Reference Number:	IDAS-2022-10063
Issue date of GTA:	16 February 2022
Type of Approval:	Controlled Activity
Location of work/activity:	35 TERRY ROAD BOX HILL 2765 – 1-4//DP237578
Waterfront Land:	3 rd order tributary of Killamey Chain of Ponds
DA Number:	DA130/2022/JPZ
LGA:	The Hills Shire Council

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

Condition Number	Details
TC-G001	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
TC-G004	<p>A. This General Terms of Approval (GTA) only applies to the proposed controlled activity described in the plans and associated documents found in Schedule 1, relating to Development Application DA130/2022/JPZ provided by Council to Natural Resources Access Regulator.</p> <p>B. Any amendments or modifications to the proposed controlled activity may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, must be notified in writing to determine if</p>
TC-G005	<p>A. The application for a controlled activity approval must include the following plan(s):</p> <ol style="list-style-type: none">Site plans indicating the demarcation of waterfront land, designated riparian corridors and identifying any areas of encroachments and offsetsDetailed civil construction plans;Construction streamworks plans;Construction watercourse crossing design plans;Soil and water management plan;Erosion and sediment control plans;Construction detailed drainage plans;Construction stormwater drainage outlet plan;Vegetation management plan; <p>B. The plan(s) must be prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.dpie.nsw.gov.au/nrar/how-to-apply/controlled-activities/guidelines-for-controlled-activities</p>

SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with IDAS-2022-10063 as provided by Council:

- Statement of Environmental Effects (Amended), prepared by Universal Property Group Pty Limited and dated July 2021
- Amended Subdivision Plans Superlot, Subdivision Plans Stage 1 and Stage 2 Revision D, prepared by Group Development Services Pty Ltd and dated 20.01.2022
- Amended Superlot Civil Plans, DA Engineering Drawings Revision E, prepared by Group Development Services Pty Ltd and dated January 2022.

ATTACHMENT C: NSW RURAL FIRE SERVICE GENERAL TERMS OF APPROVAL AND BUSHFIRE SAFETY AUTHORITY



NSW RURAL FIRE SERVICE

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

Your reference: 130/2022/JPZ (CNR-25823)
Our reference: DA20210811003352-CL55-1

ATTENTION: Jacob Kiner

Date: Thursday 10 February 2022

Dear Sir/Madam,

Integrated Development Application
s100B – Subdivision – Subdivision
35-39 Terry Road Box Hill NSW 2765, 2//DP237578, 3//DP237578, 4//DP237578

I refer to your correspondence dated 25/01/2022 seeking general terms of approval for the above Integrated Development Application.

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

Asset Protection Zones

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

1. At the issue of a subdivision certificate, and in perpetuity to ensure ongoing protection from the impact of bush fires, the entirety of the proposed residential lots must be managed as an inner protection area (IPA) in accordance with the requirements of Appendix 4 of *Planning for Bush Fire Protection 2019*. When establishing and maintaining an IPA the following requirements apply:

- tree canopy cover should be less than 15% at maturity;
- trees at maturity should not touch or overhang the building;
- lower limbs should be removed up to a height of 2m above the ground;
- tree canopies should be separated by 2 to 5m;
- preference should be given to smooth barked and evergreen trees;
- large discontinuities or gaps in vegetation should be provided to slow down or break the progress of fire towards buildings;
- shrubs should not be located under trees;
- shrubs should not form more than 10% ground cover; and
- clumps of shrubs should be separated from exposed windows and doors by a distance of at least twice the height of the vegetation.

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- grass should be kept mown (as a guide grass should be kept to no more than 100mm in height); and
- leaves and vegetation debris should be removed.

Access – Public Roads

Intent of measures: to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

2. Access roads must comply with the following general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- subdivisions of three or more allotments have more than one access in and out of the development;
- traffic management devices are constructed to not prohibit access by emergency services vehicles;
- maximum grades for sealed roads do not exceed 15 degrees and an average grade of not more than 10 degrees or other gradient specified by road design standards, whichever is the lesser gradient;
- all roads are through roads;
- dead end roads are not recommended, but if unavoidable, are not more than 200 metres in length, incorporate a minimum 12 metres outer radius turning circle, and are clearly sign posted as a dead end;
- where kerb and guttering is provided on perimeter roads, roll top kerbing should be used to the hazard side of the road;
- where access/egress can only be achieved through forest, woodland and heath vegetation, secondary access shall be provided to an alternate point on the existing public road system;
- one way only public access roads are no less than 3.5 metres wide and have designated parking bays with hydrants located outside of these areas to ensure accessibility to reticulated water for fire suppression;
- the capacity of perimeter and non-perimeter road surfaces and any bridges/causeways is sufficient to carry fully loaded firefighting vehicles (up to 23 tonnes); bridges/causeways are to clearly indicate load rating.
- hydrants are located outside of parking reserves and road carriageways to ensure accessibility to reticulated water for fire suppression;
- hydrants are provided in accordance with the relevant clauses of AS 2419.1:2005 - Fire hydrant installations System design, installation and commissioning; and
- there is suitable access for a Category 1 fire appliance to within 4m of the static water supply where no reticulated supply is available.

3. Perimeter roads (Libra Drive) must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- are two-way sealed roads;
- minimum 8m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;
- the maximum grade road is 15 degrees and average grade of not more than 10 degrees;
- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

4. Non-perimeter roads (Celestial Street, Capella Street, Equinox Drive, Stellar Street) must comply with the general requirements of Table 5.3b of *Planning for Bush Fire Protection 2019* and the following:

- minimum 5.5m carriageway width kerb to kerb;
- parking is provided outside of the carriageway width;
- hydrants are located clear of parking areas;
- roads are through roads, and these are linked to the internal road system at an interval of no greater than 500m;
- curves of roads have a minimum inner radius of 6m;



- the road crossfall does not exceed 3 degrees; and
- a minimum vertical clearance of 4m to any overhanging obstructions, including tree branches, is provided.

5. Temporary turning heads must be provided to temporary dead end roads incorporating either a minimum 12 metre radius turning circle or turning heads compliant with A3.3 Vehicle turning head requirements of *Planning for Bush Fire Protection 2019*. The turning areas may be removed upon opening of future proposed through roads.

Water and Utility Services

Intent of measures: to provide adequate services of water for the protection of buildings during and after the passage of a bush fire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

6. The provision of water, electricity and gas must comply the following in accordance with Table 5.3c of *Planning for Bush Fire Protection 2019*:

- reticulated water is to be provided to the development where available;
- fire hydrant, spacing, design and sizing complies with the relevant clauses of Australian Standard AS 2419.1:2005;
- hydrants are and not located within any road carriageway;
- reticulated water supply to urban subdivisions uses a ring main system for areas with perimeter roads;
- fire hydrant flows and pressures comply with the relevant clauses of AS 2419.1:2005;
- all above-ground water service pipes are metal, including and up to any taps;
- where practicable, electrical transmission lines are underground;
- where overhead, electrical transmission lines are proposed as follows:
 - a) lines are installed with short pole spacing (30m), unless crossing gullies, gorges or riparian areas; and
 - b) no part of a tree is closer to a power line than the distance set out in accordance with the specifications in *ISSC3 Guideline for Managing Vegetation Near Power Lines*.
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 and the requirements of relevant authorities, and metal piping is used;
- reticulated or bottled gas is installed and maintained in accordance with AS/NZS 1596:2014 - The storage and handling of LP Gas, the requirements of relevant authorities, and metal piping is used;
- all fixed gas cylinders are kept clear of all flammable materials to a distance of 10m and shielded on the hazard side;
- connections to and from gas cylinders are metal; polymer-sheathed flexible gas supply lines are not used; and
- above-ground gas service pipes are metal, including and up to any outlets.

Landscaping Assessment

Intent of measures: to provide sufficient space and maintain reduced fuel loads to ensure radiant heat levels at the buildings are below critical limits and prevent direct flame contact.

7. Landscaping within the required asset protection zone must comply with Appendix 4 of *Planning for Bush Fire Protection 2019*. In this regard, the following principles are to be incorporated:

- a minimum 1m wide area, suitable for pedestrian traffic, must be provided around the immediate curtilage of the building;
- planting is limited in the immediate vicinity of the building;
- planting does not provide a continuous canopy to the building (i.e. trees or shrubs are isolated or located in small clusters);
- landscape species are chosen to ensure tree canopy cover is less than 15% (IPA), and less than 30% (OPA) at maturity and trees do not touch or overhang buildings;
- avoid species with rough fibrous bark, or which retain/shed bark in long strips or retain dead material in their canopies;
- use smooth bark species of trees species which generally do not carry a fire up the bark into the crown;
- avoid planting of deciduous species that may increase fuel at surface/ ground level (i.e. leaf litter);

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- avoid climbing species to walls and pergolas;
- locate combustible materials such as woodchips/mulch, flammable fuel stores away from the building;
- locate combustible structures such as garden sheds, pergolas and materials such as timber garden furniture away from the building; and,
- low flammability vegetation species are used.

General Advice – Consent Authority to Note

It is noted that the proposed southern perimeter road (Libra Drive) may not comply with the requirements of *Planning for Bush Fire Protection 2019* as initially designed, and a redesign may be required to substantiate this compliance.

This letter is in response to an assessment of the application based on the submitted further information and supersedes our previous general terms of approval dated 22/09/2021.

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

Yours sincerely,

Kalpana Varghese
Supervisor Development Assessment & Plan
Built & Natural Environment



NSW RURAL FIRE SERVICE

BUSH FIRE SAFETY AUTHORITY

Subdivision – Subdivision

35-39 Terry Road Box Hill NSW 2765, 2//DP237578, 3//DP237578, 4//DP237578

RFS Reference: DA20210811003352-CL55-1

Your Reference: 130/2022/JPZ (CNR-25823)

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

This authority supersedes the previous Bush Fire Safety Authority DA20210811003352-Original-1 issued on 22/09/2021 and confirms that, subject to the attached reissued General Terms of Approval being met, the proposed development will meet the NSW Rural Fire Service requirements for Bush Fire Safety under s100b of the Rural Fires Act 1997.

Kalpana Varghese

Supervisor Development Assessment & Plan
Built & Natural Environment

Thursday 10 February 2022

ATTACHMENT D: DCP TABLE OF COMPLIANCE

Control:	Proposal:	Compliance:
2.0 – Vision and Character		
2.1 – Vision and Development Objectives	The proposed development is considered to be consistent with the objectives.	Yes
2.2 – Indicative Layout Plan	The proposed development is consistent with the Indicative Layout Plan.	Yes
2.3 – Character Areas	The subject site is not located within an identified Character Area.	N/A
2.4 – Sub-precincts	The proposed development is consistent with the Indicative Layout Plan and does not seek a departure from the ILP.	Yes
3.0 – Land Development		
3.1.1 – Residential Density 18 Dwellings per Hectare	Residential density is not calculated with regards to residue lots. Notwithstanding this, future subdivision of the residue lots is capable achieving compliance with the minimum density control.	Yes
3.1.2 – Block and Lot Layout	The proposed development is consistent with the ILP and therefore satisfies the block and lot layout controls. Further consideration to these controls will be required for future subdivision applications over the residue lots, however there is scope to comply with these controls.	Yes
3.1.2 (5) Minimum lot sizes for each dwelling type will comply with the minimum lot size provisions permitted by the Sydney Region Growth Centres SEPP, summarised here as Table 6. In certain density bands, variations to some lot sizes may be possible subject to clauses 4.1AC, 4.1AD and 4.1AE in the Sydney Region Growth Centres SEPP.	The proposed residue lots are sufficiently sized to allow future subdivision in accordance with the minimum lot size requirements and allow flexibility with regards to future built product.	Yes
3.1.2 (6) Minimum lot frontages applying to each density band will comply with	All residue lots are sufficiently sized to enable future residential lots to	Yes

Table 7. Lot frontage is measured at the street facing building line as indicated in Figure 7.	comply with the minimum lot frontage requirements. Further consideration is required for future subdivision applications.	
3.1.2 (7) A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.	The proposed residue lots are large enough to provide flexibility for future applications for a variety of housing types and dwelling sizes.	Yes
3.1.2 (8) In areas with a minimum residential density of $\leq 20dw/ha$ no more than 40% of the total residential lots proposed in a street block may have a frontage of less than 10m wide.	Further consideration of this control is relevant to future residential lot subdivisions over the residue lots.	N/A
3.1.2 (9) In density bands $\leq 25dw/Ha$, total lot frontage for front accessed lots greater than or equal to 7m and less than 9m should not exceed 20% of any block length due to garage dominance and on-street parking impacts.	Further consideration of this control is relevant to future residential lot subdivisions over the residue lots.	N/A
3.1.2 (10) Lots should be rectangular. Where lots are an irregular shape, they are to be large enough and oriented appropriately to enable dwellings to meet the controls in this DCP.	The proposed residue lots are large enough to facilitate reasonably shaped and sized residential lots in accordance with the DCP controls through future subdivision applications.	Yes
3.1.2 (11) Where residential development adjoins land zoned RE1 Public Recreation or SP2 Drainage, subdivision is to create lots for the dwelling and main residential entry to front the open space or drainage land.	The site contains SP2 zoned land along the southern portion of the site. Any future residential lots/ dwellings adjoining the SP2 zoned land will need to be oriented to front the SP2 zoned land.	Yes
3.1.2 (15) The location of a zero lot line is to be determined primarily by topography and should be on the low side of the lot to minimise water penetration and termite issues. Other	No zero lot lines proposed.	N/A

factors to consider include dwelling design, adjoining dwellings, landscape features, street trees, vehicle crossovers and the lot orientation as illustrated at Figure 39.		
3.1.2 (16) On all lots where a zero lot line is permitted, the side of the allotment that may have a zero lot alignment must be shown on the approved subdivision plan.	No zero lot lines proposed.	N/A
3.1.2 (17) Where a zero lot line is nominated on an allotment on the subdivision plan, the adjoining (burdened) allotment is to include a 900mm easement for single storey zero lot walls and 1200mm for two storey zero lot walls to enable servicing, construction and maintenance of the adjoining dwelling. No overhanging eaves, gutters or services (including rainwater tanks, hot water units, air-conditioning units or the like) of the dwelling on the benefited lot will be permitted within the easement. Any services and projections permitted under Clause 4.4 (6) within the easement to the burdened lot dwelling should not impede the ability for maintenance to be undertaken to the benefitted lot.	No zero lot lines proposed.	N/A
3.1.2 (18) The S88B instrument for the subject (benefited) lot and the adjoining (burdened) lot shall include a note identifying the potential for a building to have a zero lot line. The S88B instrument supporting the easement is to be worded so that Council is removed from any dispute resolution process between	No zero lot lines proposed.	N/A

adjoining allotments.		
3.1.2 (19) Shallow lots (typical depth 14-18m, typical area <200m ²) intended for double storey dwellings should be located only in locations where it can be demonstrated that impacts on adjoining lots, such as overshadowing and overlooking of private open space, satisfy the requirements of the DCP. For lots over 225m ² where development is not Integrated Assessment, the Building Envelope Plan should demonstrate in principle how DCP requirements such as solar access and privacy to neighbouring private open spaces will be satisfied.	The proposed residue lots are not considered shallow lots. Further consideration is to be given to future subdivision applications of the residue lots with respect to this control. It is noted that the residue lots are relatively large in size and are unlikely to create shallow lots.	Yes
3.1.3 – Battle-axe Lots 3.1.3 (2) Subdivision layout should minimise the use of battle-axe lots without public frontage to resolve residual land issues.	No battle-axe lots proposed.	N/A
3.1.4 – Corner Lots 3.1.4 (1) Corner lots, including splays and driveway location, are to be designed in accordance with AS 2890 and Council's Engineering Specifications.	Any future subdivision applications will be required to demonstrate compliance with this control.	N/A
3.3.1 – Street Network, Design and Hierarchy 3.3.1 (1) The street network and road hierarchy is to be provided generally in accordance with Figure 14 and Table 9	The proposed development is in accordance with the Street Network and road hierarchy. The proposed development includes partial or full width construction of Terry Road, Libra Drive, Solstice Street, Celestial Street, Capella Street, Equinox Drive, Carina Street and Stellar Street. These roads are proposed to be designed in accordance with the relevant design requirements within the DCP.	Yes
3.3.1 (2) Roads are to be at the cost of the developer unless the Section 94 plan	The application includes the construction and dedication of new public roads which	Yes

<p>makes provision for the road construction.</p>	<p>are not covered by the Contribution Plan/ Section 7.11 fees. Therefore these roads are required to be constructed and dedicated to the public/ Council at no cost.</p> <p>The application includes the full width construction of Libra Drive, however half of the road width is covered under the Contribution Plan. The applicant has discussed the matter with Council's Property team and will be reimbursed for the half width of the road/ have the cost considered as part of the sale of the R3 land in 33 Terry Road.</p>	
<p>3.5 – Residue Lots Any development proposal including creation of residue lots for future subdivision must: Include documentation demonstrating how the minimum density can be achieved across each residue lot through future subdivision. Demonstrate how the future development of each residue lot can be consistent with the character statement for the local area in terms of the built form, dwelling types, bulk and scale, height and other public domain considerations. Demonstrate that the residue lot can be serviced and accessed in accordance with Figure 2. Demonstrate that development of the residue lot can be undertaken without compromising the other objectives and controls of this DCP. Demonstrate that the residue lot shall be connected to the reticulated public sewer.</p>	<p>Given the initial application included the built product and creation of residential lots, it is considered that the proposed residue lots are capable of being developed in accordance with the SEPP and DCP controls. It is noted that the initial proposal had several issues relating to density (maximum), block length and streetscape impacts, and solar access to private open space, however these issues are capable of being addressed or resolved as part of any future application for subdivision over the proposed residue lots.</p> <p>The site is capable of being serviced and accessed, subject to conditions of consent.</p> <p>See report for further detail.</p>	<p>Yes</p>
<p>7.0 – Managing the Environment</p>		

7.1 – Integrated Stormwater Management	The proposed development is able to satisfy these controls, subject to satisfactory compliance with conditions of consent. See report for further detail.	Yes
7.2 – Aboriginal Heritage (5) Areas of moderate archaeological sensitivity as shown in Figure 53 warrant an Aboriginal archaeological due diligence assessment. This assessment is to be conducted in accordance with the relevant code of practice stipulated in the NPW Regulation.	The site is identified as an area of low to moderate archaeological sensitivity. An Aboriginal Archaeological Due Diligence Assessment was submitted as part of the application and did not identify any Aboriginal items, objects or sites of significance. Conditions of consent have been imposed for any unexpected finds.	Yes
7.3 – European Heritage	The site does not contain any heritage items. Box Hill House is located to the south-west of the site (at 10-32 Terry Road), however the proposed development is unlikely to impact the heritage item or its visual curtilage.	Yes
7.4 – Bush Fire Management	The subject site is identified as being bushfire prone land and was consequently referred to the RFS under Clause 100b of the Rural Fires Act. The proposed development is able to satisfy these controls subject to the recommendations of the bushfire assessment report and compliance with the RFS General Terms of Approval, conditions and Bushfire Safety Authority.	Yes
7.5 – Tree and Bushland Protection		
7.6 – Contamination Management	The subject site is considered to be suitable for its intended residential use subject to conditions.	Yes
7.7 – Geotechnical	The site is considered to be stable.	Yes
7.8 – Subdivision Earthworks	The proposed development includes cut up to 4.0 metres (associated with the temporary OSD basin) and fill up to 2.0 metres. The	Yes

	<p>proposed earthworks for the development are required to ensure the site matches the levels set by the future Terry Road design, the basins (BH02A and BH02B) to the south, and the approved developments DA 1267/2020/ZA and DA 1186/2021/ZB to the north and east of the site respectively. The proposed earthworks are considered reasonable in this instance.</p> <p>Further earthworks may be required as part of the future subdivision of the residue lots, however will need to be associated with the built product. Any additional earthworks for future applications will be assessed on their merits and with respect to the DCP controls.</p>	
7.9 – Cut and Fill	<p>This control relates to flood affected areas where fill may be permissible. The site is not identified as one of these areas in accordance with Figure 53 of the DCP. As noted above, the proposed earthworks are considered reasonable in order to match the levels of the surrounding developments and infrastructure.</p>	Yes
7.10 – Salinity Management	<p>The Detailed Site Investigation Report submitted highlights that the site is located in an area of moderate salinity potential as per the 1:100 000 Salinity Potential in Western Sydney Sheet. The report identified from site inspections that vegetation growth appeared healthy and uninhibited and there were no water marks or salt crystals observed on the ground surface. Council's Environmental Health department have reviewed the DSI and have raised no</p>	Yes

	objections with regards to salinity.	
7.11 – Waste Management	Conditions of consent have been imposed requiring a Waste Management Plan to be submitted prior to works commencing on the site.	Yes
7.12 – Riparian Corridors and Environmental Conservation Areas	The site is not identified to contain or adjoin a Riparian Corridor or Environmental Conservation Area as per Figure 56 of the DCP.	N/A
7.13 – Noise and Vibration	The site is not identified as an existing or future potential noise source. Conditions of consent have been imposed to ensure that the subdivision works do not generate any unreasonable acoustic impacts (i.e. specified work hours).	Yes
7.14 – Odour	The site is not identified to be a potential odour source and is not affected by an odour buffer or adjacent to land which may contain odour generating activities.	Yes

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