

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-310
DA Number	1093/2020/JP/A
LGA	The Hills Shire Council
Proposed Development	Division 8.2 Review of Determination of DA 1093/2020/JP for a Residential Flat Building Development containing 110 Units and Subdivision of One Lot into Two Torrens Title Lots
Street Address	Proposed Lot 105, No. 13 Red Gables Road and Nos. 9, 9A, 9B Janpieter Road, Gables
Applicant/Owner	M Smith / Three Fratelli Pty. Ltd, J Cappello, JA Capello and Luca Brazzi Pty Ltd.
Consultant/s Architect: Town Planner: Surveyor: Landscape Architect: Acoustics: Accessibility: Bushfire: BASIX: Engineering: Quantity Surveyor: Waste: Traffic: Ecology: Trees: Wastewater:	Architex Think Planners G.J. Atkins & Associates Consulting Land Surveyors A Total Concept Landscape Architects Acouras Consultancy Vista Access Architects Bushfire Planning Services Pty. Ltd. Outsource Ideas Pty. Ltd. Malcolm Smith Pty. Ltd. / CJP Consulting Engineers Construction Consultants Dickens Solutions Pty. Ltd. GTK Consultants Niche Environment & Heritage Birds Tree Consultancy Jaycap Constructions
Date of DA lodgement	23 November 2021
Number of Submissions	62
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Development that has a capital investment value of more than \$30 million.
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • The Hills Local Environmental Plan 2019 • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy – Building Sustainability Index (BASIX) 2009 • Central City District Plan • Apartment Design Guide • The Hills Development Control Plan 2012 • Environmental Planning and Assessment Regulation 2021
List all documents submitted with this	<ul style="list-style-type: none"> • Copies of submissions

report for the Panel's consideration	
Clause 4.6 requests	Not Applicable
Summary of key submissions	<ul style="list-style-type: none"> • Traffic, safety and amenity impacts • Inadequate infrastructure • Opposition to high density apartment building development • Vehicular access to site
Report prepared by	Robert Buckham Principal Coordinator – Development Assessment
Report date	28 April 2022

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **No**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The key issues that need to be considered by the Panel in respect of the development application are:

- The Applicant has requested a review of determination of Development Application 1302/2020/JP under Division 8.2 of the Environmental Planning and Assessment Act, 1979, which was refused by the Panel on 24 November 2020. As the original determination was made by the Panel, the Division 8.2 review application is referred to the Panel (alternate members) for consideration and determination. A Class 1 Appeal in the Land and Environment Court was lodged on 23 November 2021. The Class 1 Appeal remains active however is being held in abeyance pending the determination of this application.
- The Panel's decision to refuse the original application did not relate to the built form of the development, however was associated with unresolved matters concerning arrangements for designated state public infrastructure and servicing (sewer).
- In relation to the reason 1 of the refusal, at the time, the Planning Secretary had not certified that satisfactory arrangements have been made to contribute to the provision of designated state public infrastructure in relation to the proposed lots (Clause 6.2 of the LEP). NSW Planning Industry & Environment has now issued a Secretary's Certificate for Satisfactory Arrangements for designated State Public Infrastructure (refer Attachment 17).
- In relation to reason 2 of the refusal, at the time, insufficient information had been provided as to whether public utility infrastructure (the disposal and management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required (Clause 6.3 of the LEP). The applicant has now obtained advice from Sydney Water regarding the provision of these services to the development. A copy of the letter dated 15th November, 2021 is attached. (refer Attachment 18).
- In relation to reason 3 of the refusal, the proposal relied on a preceding subdivision development application, to create the allotment and provide vehicular access to the site, which had not been determined at the time of the refusal decision of the panel. The underlying subdivision, 799/2020/ZB has since been approved by Council staff on 25 October 2021.
- Variations are proposed to The Hills Development Control Plan 2012 with respect to basement setbacks, landscape area, building length, apartment mix, and cut.
- The application was notified for a period of 14 days. Sixty-two submissions were received. The issues raised relate to opposition to residential flat building developments in the area and their associated impacts on amenity, traffic and infrastructure. These matters are addressed in this report and it is considered that they do not warrant refusal of the application or amendments to the application.
- Assessment of the application against the relevant planning framework and consideration by technical staff (planning, waste, engineering, environmental health, land information, developer contributions, landscaping) has identified the the proposal is now satisfactory.
- The development application is considered satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.

This report recommends that the Panel approve the application for the reasons outlined in the recommendation of this report.

BACKGROUND

The parent site is known as No. 13 Red Gables Road and Nos. 9, 9A, 9B Janpieter Road, Gables; and legally described as Lots 421 – 424 DP 1183810. It comprises 4 allotments and is located on the intersection of Red Gables Road and Janpieter Road.

The development relates to proposed residue lot 105 in an approved subdivision application 799/2020/ZB (refer Attachment 14). The development is reliant on this underlying subdivision to create the development (Lot 105) and construct public roads to facilitate the proposal. The subdivision application varied the Box Hill North DCP Indicative layout Plan (ILP) (refer Attachment 15) for the site to enable the R4 portion of land (residue lot 105) to be developed as a whole.

The development site (Lot 105) has an area of 13,098m² and will contain a frontage of 270.6m to its eastern boundary, a frontage of 277m to its western boundary, a frontage of 43.5m to its southern boundary (plus a splay of 6.2m) and a frontage of 47.5m to its northern boundary.

The site will be bound by public roads to its north (Red Gables Road) and south, and a public road and 5m wide public drainage reserve/pathway to its east. Land adjacent to the western boundary is currently undeveloped.

The original application was refused by the Panel on 24 November 2021 on the following grounds:

- 1. The Planning Secretary has not certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the proposed lots. (Clause 6.2 of The Hills Local Environmental Plan 2019 and Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)*
- 2. The consent authority is not satisfied that public utility infrastructure (the disposal and management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required. (Clause 6.3 of The Hills Local Environmental Plan 2019 and Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)*
- 3. The proposal relies on a facilitating subdivision development application, to create the allotment and provide vehicular access, which has not been determined. (Section 4.15(1)(c) of the Environmental Planning and Assessment Act, 1979)*
- 4. The proposal is not in the public interest given the outstanding concern regarding the provision of sewer infrastructure for the development. (Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979).*

The subject 8.2 application was lodged on 23 November 2021. A Class 1 Appeal in the Land and Environment Court was lodged on 23 November 2021. The Class 1 Appeal remains active however is being held in abeyance pending the determination of this application.

DETAILS AND SUBMISSIONS

Owner:	Three Fratelli Pty. Ltd. J. Capello JA. Capello Luca Brazi Pty Ltd.
Zoning:	R4 Medium Density Residential

	R2 Low Density Residential
Area:	Lot 105: 13,098m ²
Existing Development:	Vacant
Section 7.11 Contribution	\$5,032,864.47
Exhibition:	Not required
Notice Adj Owners:	Notification Period: 14 days
Number Advised:	135
Submissions Received:	62

PROPOSAL

The proposal is for a residential flat building development containing 110 units and subdivision of one lot into two Torrens title lots. There are no changes to the built form from the original application.

The proposal includes:

- Subdivision of Lot 105 (DA 799/2020/ZB) into two Torrens title allotments:
 - Lot 601 – 6573m²
 - Lot 602 – 6525m²
- 4 x four-storey residential flat buildings containing a total of 110 units:
 - Lot 602
 - Building A – 28 Units
 - Building B – 27 Units
 - Lot 601
 - Building C – 28 Units
 - Building D – 27 Units
- Overall Unit Mix:
 - 11 x 1 bedroom units (10%)
 - 88 x 2 bedroom units (80%)
 - 11 x 3 bedroom units (10%)
- Two separate basement levels (one on each lot) providing a total of 253 car parking spaces comprising 209 resident and 44 visitor spaces.
- Rooftop communal open space on Buildings A, B and C.
- Vehicular access to the site is proposed from future public roads to be constructed in Stage 2 of DA 799/2020/ZB (refer Attachment 14).

ISSUES FOR CONSIDERATION

1. Division 8.2 of the Environmental Planning and Assessment Act, 1979

Division 8.2 of the Environmental Planning and Assessment Act, 1979 allows an applicant to request a review of determination of a consent authority under Part 4 Development Assessment and consent.

Section 8.3 requires that any determination or decision cannot be reviewed after the period within which any appeal may be made to the Court has expired if no appeal was made. As amended by the the COVID-19 Legislation Amendment (Emergency Measures – Miscellaneous) Act 2020, the review period is 12 months after the determination notification date during the 6 month period immediately before the prescribed period commencing on 25 March 2020 and ending on 25 March 2022.

The Development Application was refused by the SCCPP on 24 November 2020. The subject 8.2 Review and a Class 1 Appeal in the Land and Environment Court we lodged on 23 November 2021. The Class 1 Appeal remains active however is being held in abeyance pending the determination of this application.

The review of determination made by a Sydney district or regional planning panel is also to be conducted by the panel. In this instance, as the original determination was made by the Sydney Central City Planning Panel, therefore the Division 8.2 review is referred back to the Sydney Central City Planning Panel for consideration and determination.

As permitted under Section 8.3(3) of the Act, the applicant has provided additional information relating to the reasons for refusal which have now been addressed as outlined in this report.

1. State Environmental Planning Policy (Planning Systems) 2021 - (Formerly State Environmental Planning Policy (State and Regional Development) 2011)

Part 2.4 and Schedule 6 of SEPP (Planning Systems) 2021 provides the following referral requirements to the SCCPP:-

- General development that has a capital investment value of more than \$30 million.

The proposed development has a Capital Investment Value of \$37,877,911 thereby requiring determination by the SCCPP.

2. The Hills Local Environmental Plan 2019

a. Permissibility

The site is zoned R4 Medium Density Residential and R2 Low Density Residential under The Hills Local Environmental Plan 2019. The development is defined as residential flat buildings.

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

Residential flat buildings are permitted with consent in the R4 High Density Residential Zone however are prohibited in the R2 Low Density Residential Zone. The development seeks to utilise the provisions of Clause 5.3 of the LEP to permit the development within the portion of land zoned R2 Low Density Residential. This is discussed in (d) below.

b. Zone Objectives

The site is zoned R4 Medium Density Residential and R2 Low Density Residential under The Hills Local Environmental Plan 2019.

The objectives of the R4 zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The proposed modifications are consistent with the above objectives of the R4 High Density Residential zone as they provide for the housing needs of the community within a high density residential environment close to the future Gables Town Centre that will include a school, shops and public transport routes.

In view of the above, it is considered that the proposal satisfies the R4 High Density Residential zone objectives under The Hills LEP 2019.

With respect to the R2 Low Density Residential zone objectives, refer to (d) below.

c. Development Standards

The following table addresses the principal development standards of the Hills LEP 2019:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1 Minimum subdivision lot size	1800m ² (R4 zone) 700m ² (R2 zone)	Lot 601: 6525m ² Lot 602: 6573m ²	Yes
4.1A Minimum lot sizes for dual occupancy, manor houses, multi dwelling housing and residential flat buildings	Residential flat buildings 4000m ²	Lot 601: 6525m ² Lot 602: 6573m ²	Yes
4.3 Height of buildings	16 metres (R4 zone) 10 metres (R2 zone)	The maximum building height for the development is 15.2 metres. There are no buildings located within the R2 zone that is subject to the 10m height limit.	Yes
4.4 Floor space ratio	There is no FSR specified for the site.	N/A	N/A

d. Clause 5.3 Development Near Zone Boundaries

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

During consideration of the original application, this clause could be applied to the land that was within 20m of the boundary between the R4 High Density Residential zone and R2 Low Density Residential zone. The R2 Low Density Residential zone prohibits residential flat buildings however a portion of the development site (up to 10m) is within the R2 zone. As shown in Attachment 13, the residential flat buildings are not located within the R2 Low Density Residential zone which only contains basement elements, a footpath and site landscaping.

An amendment was made to the LEP on 16 July 2021 (Amendment No. 20) that included subclause (aa), in bold below.

- (3) *This clause does not apply to—*
- (a) *land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or*
 - (aa) *land in Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential or Zone E4 Environmental Living, or***
 - (b) *land within the coastal zone, or*
 - (c) *land proposed to be developed for the purpose of sex services or restricted premises.*

At the time of consideration of the original application, the amendment was in draft and was publicly exhibited from 10 July to 7 August 2020.

The intention of the amendment was to prevent inappropriate use of the clause to enable higher density development than intended. Specifically the amendment was in response to a 2016 development in York Road, Kellyville (576/2016/JP) that was refused by the Regional Planning Panel but appealed and upheld in the Land and Environment Court (*Namul v The Hills Shire Council [2016]*). One of the contentions in the court proceedings was the utilisation of Clause 5.3 to permit the large development which included six 5-storey residential flat buildings. The development included parts of the five-storey residential flat buildings encroaching up to 20m within the neighbouring R3 Medium Density Residential zone where the development was prohibited.

The original application was lodged on 18 February 2020, prior to the exhibition of the draft LEP amendments on 10 July 2020.

LEP 2019 contains Clause 1.8A which states as follows:

1.8A Savings provisions relating to development applications

(1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.

The application has been assessed below with respect to Clause 5.3 as it applied at the time prior to the amendment. The amendments have been considered, however it would be unreasonable at this stage to require the applicant to amend the proposal and the underlying subdivision approval 799/2020/ZB as a result of the draft Clause 5.3 LEP amendment.

Subclause (4) states the following:

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—*
 - (a) the development is not inconsistent with the objectives for development in both zones, and*
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The R2 Low Density Residential zone prohibits residential flat buildings however a portion of the development site (up to 10m) is within the R2 zone. As shown in Attachment 13, the residential flat buildings are not located within the R2 Low Density Residential zone which only contains basement elements, a footpath and site landscaping.

The applicant has submitted the following with respect to Clause 5.3:

The relevant distance is 20m noting the area of encroachment is approximately 8m;

- *The zone is R2 and R4*
- *The site is not within the coastal zone*
- *The use is not sex services*
- *The development is not inconsistent with the objectives of the R2 or R4 zones, noting the R2 portion is in the front setback area of the development and the scheme is effectively a 'landswap' between the 2 triangular elements where the zone boundaries intersect with the site noting the zone boundary is not regular relative to the subdivision.*

The proposal is desirable given that:

- *The subdivision alignment and separation of the R2 and R4 land uses is provided by the proposed road and drainage reserve- rather than a defined zoning boundary and the zoning boundary would result in a poor outcome as the residential flat buildings would be much closer to the lower density development than as proposed;*
- *The development as proposed is the most efficient layout of the buildings and maximises a consistent setback to the boundaries of the square allotment rather than follow the arbitrary zone boundary alignment*
- *The development as proposed promotes compatible land use planning and the efficient and timely development of land.*

Comment:

The objectives of the R2 Low Density Residential zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To maintain the existing low density residential character of the area.*

The development encroaches into the R2 Low Density Residential zone up to 10m which is within the relevant 20m distance to which Clause 5.3 applies.

With respect to clause 5.3(4)(a), the development is not considered to be inconsistent with the objectives of the R2 Low Density Residential Zone. Buildings and common open spaces are all located within the R4 portion of the site and only a pathway, landscaping, and a small segment of the basement will be located within the R2 zoned land. These elements are not inconsistent with the objectives of the R2 Low Density Residential zone of maintaining the low density residential character of the area and providing for the housing needs of the community within a low density residential environment.

With respect to subclause (4)(b), the development and the allotment responds to a zoning boundary that runs at an irregular and non-perpendicular angle to Red Gables Road. The future 5m wide public drainage easement will provide greater than 17m separation between the development and future low density residential land to the south-east. The proposal is considered to be compatible and will not restrict the adjoining sites to the south-east being developed in accordance with their low density residential zoning.

The development satisfies the provisions outlined in subclause (4) and is considered satisfactory with respect to Clause 5.3 of the LEP.

e. Clause 6.2 Arrangements for Designated State public infrastructure

This clause requires that satisfactory arrangements be made for the provision of designated State public infrastructure before the subdivision of land in an urban release area to satisfy needs that arise from development on the land.

Clause 6.2(2) states the following:

- (2) *Development consent must not be granted for the subdivision of land in an urban release area if the subdivision would create a lot smaller than—*
- (a) *in relation to land shown as “Existing Urban Release” on the Urban Release Area Map—40 hectares, or*
 - (b) *in any other case—the minimum lot size permitted on the land immediately before the land became, or became part of, an urban release area, unless the Planning Secretary has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that lot.*

The site is within a mapped urban release area and involves the subdivision of land to a size of less than 40 hectares and therefore the provisions of this clause apply.

The original application was refused on the basis that the Planning Secretary had not certified that satisfactory arrangements have been made to contribute to the provision of designated state public infrastructure in relation to the proposed lots. NSW Planning Industry & Environment has now issued a Secretary's Certificate for Satisfactory Arrangements for designated State Public Infrastructure (refer Attachment 17)

The development is satisfactory with respect to Clause 6.2 of the LEP.

f. Clause 6.3 Public Utility Infrastructure

Clause 6.3(1) states the following:

- (1) *Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.*

Clause 6.3 of the LEP defines public utility infrastructure as any of the following:

- the supply of water,
- the supply of electricity,
- the disposal and management of sewage.

The original application was refused on the basis that the applicant had not provided sufficient information to demonstrate the disposal and management of sewage, or that adequate arrangements had been made to make that infrastructure available when it is required.

The applicant has now obtained advice from Sydney Water regarding the provision of these services to the development. A copy of the letter dated 15th November, 2021 is attached. (refer Attachment 18). No storage tanks will be required on the site and a pump to sewer (Sydney Water) or similar will be implemented.

The proposal is satisfactory with respect to Clause 6.3 of the LEP.

3. State Environmental Planning Policy (Resilience and Hazards) 2021 - (Formerly State Environmental Planning Policy No. 55 Remediation of Land)

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

Clause 4.6 of the SEPP states:-

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

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

A Stage 1 Preliminary Site Investigation and Stage 2 Detailed Site Investigation were carried out over the site in accordance with the relevant guidelines. A report was prepared and submitted with the application which concluded that the site could be safely developed for urban residential use. The report has been reviewed by Council's Environmental Health Officer and no objections were raised subject to conditions of consent.

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

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

The applicant has addressed this requirement through the preparation of BASIX certificates. These certificates confirm the proposed development will meet the NSW government's requirements for sustainability.

5. State Environmental Planning Policy (Biodiversity and Conservation) 2021 – (Formerly Sydney Region Environmental Plan No. 20 (Hawkesbury-Nepean River) No. 2 – 1997)

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.

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

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

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

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

neighbourhoods and centres, and providing services and social infrastructure to meet people's changing needs.

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

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

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

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

Comment:

The Central City District Plan seeks to provide housing supply which is diverse and affordable and which meets the needs of residents and which bring people together. The plan seeks to provide housing in locations which are easily accessible by public transport to reduce commuting time. Housing should be located in places which are liveable, walkable and cycle friendly. Housing should also respond to the changing needs of residents and consider single person and aging households. Great places are defined as areas which have a unique combination of local people, built form and natural features which reflect shared community values and which attract residents, workers and visitors.

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

- The proposal will provide a range of units types (1, 2 and 3 bedrooms) which will assist in meeting housing demands;
- The high density development is located in close proximity to the B2 Local Centre zone and will contribute to the viability of the future local centre in Gables;
- The site is located in close proximity to RE1 Public Recreation zoned land providing residents greater access to open space for enjoyment;
- To cater for the changing needs of residents and aging households, 11 units (10%) are capable of adaptation for access by people with all levels of mobility.

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

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

The proposal has been assessed against the SEPP 65 Design Principles and the provisions of the Apartment Design Guide (ADG) as outlined below.

a. Design Quality Principles

The development application was accompanied by a design verification statement prepared by Architex (Registered Architect No. 3972) with regard to the provisions of SEPP 65. The application has been assessed against the relevant design quality principles contained within the SEPP as follows:

- (i) Context and Neighbourhood Character

The site is located within the Box Hill North urban release area in the newly created suburb of Gables. Box Hill North is a masterplanned release area, rezoned in 2015 from rural land to a mix of low, medium and high density residential land with a commercially zoned local centre to support the area with services and employment opportunities.

Currently, the immediate area is a mix of rural residential development and changing to urban development in accordance with the LEP and Box Hill North DCP. The future context and character of the area will be characterised by residential flat buildings, town houses, dwelling houses and development associated with the B2 Local Centre zoned land to the northwest of the site. The proposed residential flat building will contribute to the gradual redevelopment of what was previously rural / residential land and is appropriate within the envisioned future context of the site.

(ii) Built Form and Scale

The height of the development is consistent with the desired future built form and character of the site proposing a compliant maximum height of 15.2 metres. The development has incorporated balconies, setbacks and deep indentations in the building length to provide an appropriate bulk and scale.

(iii) Density

Appropriate densities are those that are consistent with the area's existing or projected outcome and are appropriate to the site and its context. The Hills Development Control Plan sets density ranges for residential flat building developments of 150-175 persons per hectare. The proposal contains a density of 174.7 persons per hectare within with the desired density range.

(iv) Sustainability

The design achieves satisfactory natural ventilation which contributes to the overall reduction in energy consumption, resulting in a lower use of valuable resources and the reduction of costs. BASIX and NATHERS certificates have been lodged. The energy rating of the residential units has been assessed and satisfies the BASIX requirements.

(v) Landscape

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

(vi) Amenity

Building design elements of the proposal including access/circulation, apartment layouts, ceiling heights, private open space, common open space, adaptability and diversity contribute to positive amenity outcomes for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access, privacy and building separation.

(vii) Safety

The development achieves an appropriate level of safety and security within the development, with regard to the public domain and consideration to the principals and strategies outlined in Crime Prevention Through Environmental Design (CPTED).

(viii) Housing Diversity and Social Interaction

The development provides for an appropriate range of units types and sizes which respond appropriately to the site's social context.

(ix) Aesthetics

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

The proposal is considered satisfactory with respect to the design quality principles.

b. Apartment Design Guide

The proposal has been assessed against the provisions of the Apartment Design Guide (ADG) as outlined below.

Clause	Design Criteria	Compliance									
Siting											
Communal open space	<p>25% of the site</p> <p>50% of the area achieves a minimum of 50% direct sunlight for 2 hours midwinter.</p>	<p>Yes</p> <p>3,512.8m² of communal open space is provided covering 26.8% of the site.</p> <p>At least 50% of the communal open space receives minimum 2 hrs direct sunlight to 50% in midwinter.</p>									
Deep Soil Zone	<p>7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m² and 15% for sites greater than 1500m².</p>	<p>Yes</p> <p>4,427.5m² of deep soil zones are provided covering 33.8% of the site.</p>									
Separation	<table border="1"> <tr> <th>Building Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>4 storeys</td><td>6m</td><td>3m</td></tr> <tr> <td>5-8 storeys</td><td>9m</td><td>4.5m</td></tr> </table> <p><i>Distances are to be combined for buildings on the same site according to habitable/non-habitable room type.</i></p> <p>No separation is required for blank party walls.</p>	Building Height	Habitable rooms and balconies	Non-habitable rooms	4 storeys	6m	3m	5-8 storeys	9m	4.5m	<p>Yes</p> <p>Adequate separation and interface conditions have been provided between habitable room windows and balconies to ensure visual privacy is achieved.</p>
Building Height	Habitable rooms and balconies	Non-habitable rooms									
4 storeys	6m	3m									
5-8 storeys	9m	4.5m									
Visual privacy	<p>Visual privacy is to be provided through use of setbacks, window placements, screening and similar.</p>	<p>Yes</p> <p>Solid walls to balconies, screens and window placement are proposed</p>									

		where appropriate.
Carparking	<p>Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).</p>	<p>N/A – the site is not located within a metropolitan sub-regional centre.</p> <p>Nonetheless, the 253 car parking spaces provided comply with both these car parking requirements and that of the DCP.</p>
Designing the Building		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	<p>Yes</p> <p>74.5% of apartments (82) receive a minimum of 2 hours of sunlight between 9am and 3pm midwinter.</p>
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	<p>Yes</p> <p>11.8% of apartments (13) receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed.	<p>Yes</p> <p>62% of apartments (68) will be cross ventilated.</p>
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	N/A. No cross-over or cross-through apartments are proposed.
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas –</p>	<p>Yes</p> <p>3.1m floor to floor heights allow for minimum ceiling heights of: 2.7 m – habitable rooms 2.4 m – non-habitable room</p>

	3.3m for ground and first floor to promote future flexible use.	
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Yes</p> <p>Minimums: One-bed – 75m² Two-bed – 78m² Three-bed – 135m²</p> <p>All habitable rooms have windows greater than 10% of the floor area of the room.</p>
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts</p>	<p>Yes</p> <p>All rooms comply.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p> <p>For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.</p>	<p>Yes</p> <p>One-bed – 13m² + minimum 2m depth Two-bed – 16 m² + minimum 2m depth Three-bed – 20m² + minimum 2.4m depth</p> <p>Ground Level units POS – 16m² minimum with 3m minimum depth</p>
Common Circulation	The maximum number of apartments	Yes

and Spaces	<p>off a circulation core on a single level is eight</p> <p>For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>Maximum of 8 units off a single circulation core on each level.</p> <p>N/A</p>
Storage	<p>Storage is to be provided as follows: Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³</p> <p>At least 50% of the required storage is to be located within the apartment.</p>	<p>Yes</p> <p>One-bed – 13.6m³ Two-bed – 12.5m³ Three-bed – 15.3m³</p> <p>Minimum 50% is in the apartment</p>
Apartment mix	<p>A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.</p>	<p>Apartment mix is considered satisfactory.</p> <p>One-bed – 11 units Two-bed – 88 units Three-bed – 11 units</p> <p>A larger proportion of 2 bedroom apartments have been provided in an attempt to conform to the apartment size/mix requirements of the DCP. This is discussed further in the DCP section of this report below.</p>

8. The Hills Development Control Plan 2012

The proposed development has been assessed against the relevant development controls under The Hills Development Control Plan 2012 including Part D Section 17 Box Hill North, Part B Section 5 Residential Flat Building, Part C Section 1 Parking and Part C Section 3 Landscaping.

The proposed development achieves compliance with the relevant requirements of the development controls with the exception of the following:

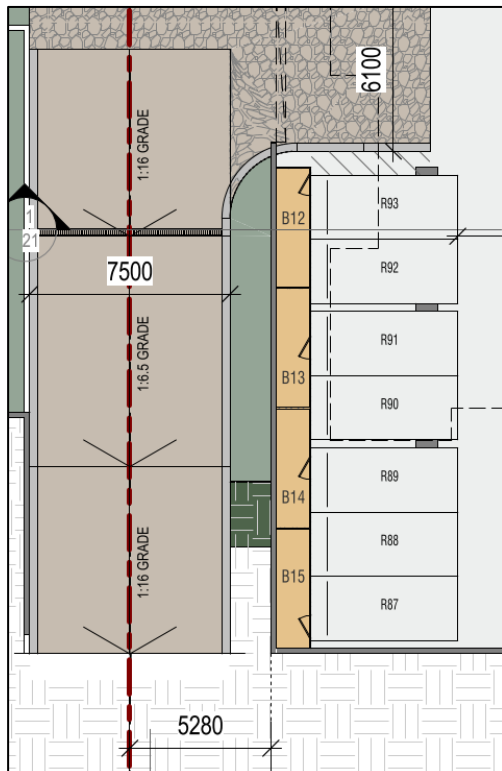
DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Setbacks – Building Zones	Side – 6m	Block A and B basement contains a 5.28m internal side setback.	No however proposed setback is considered satisfactory – see discussion

			below.																																							
Landscaped Area	50% of site area	46.2% or 6,050m ² landscape area.	No however proposed building landscape area is considered satisfactory – see discussion below.																																							
Building Length	Max. 50m	53m	No however proposed building length is considered satisfactory – see discussion below.																																							
Apartment Mix	<p><u>Apartment Mix</u></p> <p><u>Residential Flat Development (30 or more units)</u></p> <p>(d) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:</p> <table><thead><tr><th><u>Apartment Category</u></th><th><u>Size</u></th><th><u>Apartment</u></th></tr></thead><tbody><tr><td colspan="3"><u>Type 1</u></td></tr><tr><td>1 bedroom</td><td></td><td>50m²</td></tr><tr><td>2 bedroom</td><td></td><td>70m²</td></tr><tr><td>3 or more bedrooms</td><td></td><td>95m²</td></tr><tr><td colspan="3"><u>Type 2</u></td></tr><tr><td>1 bedroom</td><td></td><td>65m²</td></tr><tr><td>2 bedroom</td><td></td><td>90m²</td></tr><tr><td>3 or more bedrooms</td><td></td><td>120m²</td></tr><tr><td colspan="3"><u>Type 3</u></td></tr><tr><td>1 bedroom</td><td></td><td>75m²</td></tr><tr><td>2 bedroom</td><td></td><td>110m²</td></tr><tr><td>3 or more bedrooms</td><td></td><td>135m²</td></tr></tbody></table> <p>(f) Type 2 apartments shall not exceed 30% of the total</p>	<u>Apartment Category</u>	<u>Size</u>	<u>Apartment</u>	<u>Type 1</u>			1 bedroom		50m ²	2 bedroom		70m ²	3 or more bedrooms		95m ²	<u>Type 2</u>			1 bedroom		65m ²	2 bedroom		90m ²	3 or more bedrooms		120m ²	<u>Type 3</u>			1 bedroom		75m ²	2 bedroom		110m ²	3 or more bedrooms		135m ²	<p><u>Unit Mix:</u></p> <p>Type 1: 13% or 14 units</p> <p>Type 2: 54% or 60 units</p> <p>Type 3: 33% or 36 units</p>	No however proposed unit mix is considered satisfactory – see discussion below.
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	number of 1, 2 and 3 bedroom apartments.		
Cut	Maximum depth of any cut in the slope is 1 m.	5m depth excavation proposed for basement levels.	No however proposed cut is considered satisfactory – see discussion below.

(i) Building Zone Setback – Basement

The Hills DCP Part B Section 5 – Residential Flat Building states that building zone setbacks apply to buildings and also basement parking areas. The minimum setback for side boundaries is 6 metres. The setback for the basement on Lot 602 (Blocks A and B) to the internal western side boundary is proposed at 5.28m (refer figure below).



The applicant has offered the following justification for the variation:

Considering that both lots are to be developed concurrently and planned accordingly, a minimum building separation of 15m is to be achieved & comply with ADG requirements (12m control) and as such will ensure the privacy amenity to both lots is achieved. The side setbacks is otherwise maintained at 6m as required to the other side boundaries and the drainage reserve.

Comment:

The DCP objectives are as follows:

- (i) *To provide setbacks that complement the setting and contributes to the streetscape and character of the street while allowing flexibility in siting of buildings.*
- (ii) *To ensure that the space in front of the building is sufficient to permit landscaping that will complement the building form and enhance the landscape character of the street.*
- (iii) *Side and rear setbacks are to be proportioned to the slope of the site having regard to the height and relationship of the buildings on adjoining properties.*
- (iv) *The setbacks of proposed buildings are to minimise any adverse impacts such as overshadowing and privacy on adjacent and adjoining properties.*
- (v) *To ensure placement of buildings takes into account the retention and protection of existing trees.*

The proposed basement side boundary encroachment is internalised to the development and adjacent the common driveway between the two lots that provides basement and waste vehicular access. The 720mm encroachment allows for basement storage cages to be located behind car parking spaces as shown in the figure above. The basement encroachment is located directly beneath an access path at ground level and therefore does not reduce landscaped areas within the development. Given the side setback is internalised to the development the variation will not impact on any adjacent or adjoining properties. The proposal is considered to be consistent with the objectives and the variation is supportable on merit.

(ii) Landscape Area

The DCP specifies that the landscape area for residential flat buildings is to be minimum 50% of the area of the site.

The proposal contains 6,050m² of landscape area or 46.2% of the site.

The applicant provided the following justification for the variation:

The provision of landscape area will permit deep soil plants and sufficient vegetation and as such the non-compliance is considered acceptable and worthy of Council support. The development is to provide landscaping embellishment works that will improve and enhance the subject site whilst positively contribute to the cohesiveness and visual appreciation of the area and provides relief from the built form, softening the impact of the development. Landscaping of the site is to be undertaken in accordance with the Landscape Plan.

Comment:

The DCP objectives are as follows:

- (i) *To provide a satisfactory relationship between buildings, landscaping areas and adjoining developments.*
- (ii) *To minimise stormwater runoff and provide the opportunity for on-site groundwater recharge in accordance with Council's ESD objective 3.*
- (iii) *To ensure a high standard of environmental quality of residential flat building developments and the overall visual amenity and character of the neighbourhood.*
- (iv) *To ensure that landscaped areas can be efficiently maintained.*
- (v) *To ensure that existing trees are given every opportunity to be incorporated into the final design.*
- (vi) *To ensure a satisfactory relationship between buildings and open spaces.*
- (vii) *To ensure that vegetation removed as a part of the land development process is replaced by suitable indigenous species in accordance with Council's ESD objective 4.*
- (viii) *To avoid the creation of drainage and runoff problems though minimising the amount of impervious area.*

(ix) To minimise bulk and scale of the development.

The proposal provides large areas of landscaping covering 46.2% of the site, a 3.8% shortfall. This includes 4,428m² of deep soil zones covering 33.8% of the site which exceeds the ADG minimum requirements of 7% and allows for large areas of deep soil tree planting as shown on the landscape plan. The landscape plan shows dense landscaped areas along the road frontages which provide a high standard of environmental quality to ensure the development is consistent with the desired amenity and character of the future residential neighbourhood. The proposed development minimises potential for stormwater runoff and has provision for Water Sensitive Urban Design (WSUD) as part of the stormwater management strategy. In consideration of the objectives and the merits of the proposal, the variation is supportable.

(iii) Building Length

The DCP specifies the maximum linear length of any residential flat building is 50 metres. The proposed maximum length of the buildings is 52.9m.

The applicant has provided the following justification for the variation:

- *The proposed buildings are significantly fragmented into smaller segments to avoid the appearance of being excessively linear, without indentations and projections;*
- *The proposed buildings have been dimensioned to provide an accurate indication of the perceived lengths and are considered to be significantly segmented to achieve the objectives of the DCP;*
- *The architectural drawing (Drawing 51) illustrate the fragmentation of the buildings into two smaller segments with a three-metre wide recess to divide the segments into two clear structures;*

Comment:

The DCP objectives are as follows:

- (i) To reduce the visual bulk and scale of residential flat building developments.*
- (ii) To ensure that developments will enhance and contribute to the streetscape and desired character of the future and existing neighbourhood.*

The proposed buildings are 52.9 metres in length which exceeds the DCP maximum of 50m. With respect to the objectives, the applicant has sought to mitigate any impacts to bulk and scale through deep indentations to segment the building form. The development provides for compliant building heights and additional building separation of 15m which exceeds the DCP and ADG requirements of 12m which assists in the separation of building form and reduces the perceived bulk and scale of the development. The proposed landscaping of the site including large street trees enables the development to enhance and contribute the streetscape and desired character of the future residential neighbourhood. The proposal is considered to be consistent with the objectives and the variation is supportable on merit.

(iv) Apartment Mix

Clause 3.11 of the DCP Part B Section 5 – Residential Flat Building contains controls regarding unit mix where a variation is proposed. The relevant controls are provided below:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments.*
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms.*

Residential Flat Development (30 or more units)

(c) The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following:

Apartment Size Category	Apartment Size
Type 1	
1 bedroom	50m ²
2 bedroom	70m ²
3 or more bedrooms	95m ²
Type 2	
1 bedroom	65m ²
2 bedroom	90m ²
3 or more bedrooms	120m ²
Type 3	
1 bedroom	75m ²
2 bedroom	110m ²
3 or more bedrooms	135m ²

- (d) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (e) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.
- (f) All remaining apartments are to comply with the Type 3 apartment sizes.

The proposed unit breakdown and unit mix is as follows:

- 1 Bedroom – 10% (11 units)
- 2 Bedroom – 80% (18 units)
- 3 Bedroom – 10% (11 units)
- Category Type 1 – 13% or 14 units
- Category Type 2 – 54% or 60 units
- Category Type 3 – 33% or 36 units

A variation is proposed to control (e) above as Type 2 apartments exceed the 30% maximum at 54% of proposed apartments.

The applicant has provided the following justification for the variation:

The proposed buildings seek to provide such variations with only a small number of Type 3 apartments due to the lack of demand and high cost for excessively large apartment areas. The current market demands more efficient floor areas and more affordable housing prices. Considering that the development provides a mix of 1,2 and 3 bedroom units, the inconsistency with the apartment mix provision is considered acceptable and worthy of Council support as the intent of the control is satisfied by the proposal. The development provides a minimum internal floor area of each unit in accordance with the ADG, which prevails over the DCP. The development has also been designed to comply with the minimum solar access and natural ventilation requirements under the ADG.

The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity. This includes the siting/internal layout of dwellings, location/size of windows, location/size of balconies,

proposed building materials as well as the incorporation of other elements including setbacks and building separation.

Comment:

The DCP objectives are as follows:

- (i) To ensure that individual units are of a size suitable to meet the needs of residents.*
- (ii) To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
- (iii) To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (iv) Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (v) To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*

A larger proportion of Type 2 units is proposed for the development at the expense of the smaller Type 1 units but also the larger Type 3 units. The proposal generally complies with the DCP unit mix and apartment size provisions as outlined above including control (a) a maximum 25% proportion of 1 bedroom units and control (b) a minimum 10% proportion of 3 bedroom units. In compliance with control (d), Type 1 units do not exceed 30% of the total at only 11% however the increase in sizes of these units has resulted in a greater proportion of Type 2 apartments overall at 54% which exceeds the maximum 30% specified in control (e).

The development complies with and generally exceeds the minimum apartment sizes specified in the ADG in order to achieve greater compliance with the unit mix and size provisions of the DCP. In this respect, the individual units are considered to be of a size suitable to meet the needs of residents. The layout of the units has been assessed against the ADG and are considered to be of a design that provides an appropriate level of residential amenity to future occupants. With regard to natural ventilation and solar access, the development complies with ADG requirements and is considered satisfactory in this respect. In consideration of the unit mix objectives and the merits of the proposal, the variation is supportable.

v. Cut

The DCP specifies cut is to be a maximum of 1m. The proposal seeks up to 5m of excavation to accommodate the basement levels.

The applicant has provided the following justification:

This application seeks Council consent for the excavation of the site as per the attached plans. It is considered that the proposed excavation, particularly for the basement car parking area, will have minimal adverse environmental or amenity impact. It is considered that the proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.

Comment:

The DCP objectives are as follows:

- (i) To minimise incidence of cut and fill and alterations in natural ground levels.*
- (ii) To ensure that dwellings are designed with regard to site conditions and minimise the impact on landform.*
- (iii) To lessen the visual impact of retaining walls on allotment boundaries.*

The proposed 5m of cut is to accommodate the proposed basement levels which provide underground car parking and storage for the development. The design of the development appropriately integrates proposed cut and retaining walls with the landscaping of the site to reduce visual impacts upon the streetscape and adjoining properties. The proposed variation to cut is supportable on merit.

9. Issues Raised in Submissions

The application was notified and 62 submissions were received (43 were received to the original Development Application). The issues raised in the submissions are generally consistent with the issues raised for the original application and are summarised below:

ISSUE/OBJECTION	COMMENT
There have been no changes that can be seen to development application from that that was rejected previously.	The built form remains unchanged from the original Development Application. The Panel's decision to refuse the original application did not relate to the built form of the development, however was associated with unresolved matters concerning arrangements for designated state public infrastructure and servicing (sewer). These have now been resolved as addressed in this report.
The original DA rejection noted the community concerns. These concerns have not been addressed in the resubmission and I believe these concerns are still valid.	The original application was refused in regard to public interest on the basis concern regarding the provision of sewer infrastructure for the development. This matter has now been addressed.
I have looked at the notification list and believe that all residents of Obsidian Road should be notified as they will be significantly affected by this development.	Council's DCP requires that adjoining neighbours be notified. Notification beyond neighbours directly adjoining the site was undertaken. Refer Attachment 1.
Concerns were raised with the negative effect the development would have on surrounding property values and that residents were not told such high density development would occur when purchasing property in the Gables.	<p>The Box Hill North Masterplan included the zoning of large areas surrounding the local commercial centre to R4 High Density Residential including the subject site.</p> <p>This information was publicly available to all future residents of Gables with the masterplan rezoning of the suburb from rural to residential.</p> <p>Impacts of a permitted development on surrounding property values is not a planning matter for consideration in a development application.</p>

Concerns were raised with the proposed vehicular access not being from Red Gables Road and impacts on local streets.	The preceding subdivision application 799/2020/ZB is to construct roads and provide vehicular access to the development. Given the street frontages to New Roads Nos. 2 and 3 it is not unreasonable for basement vehicular access to be provided from these roads. Future developments to the west of the site will also contain vehicular access from future local roads.
Concern was raised with the design and orientation of the access roads to the site.	<p>This development application only relates to the construction of the residential flat building development on the future lot.</p> <p>The design of the subdivision and road patterns relate to the underlying subdivision development application 799/2020/ZB which creates the lots and sets the road patterns.</p>
Concerns were raised by residents along Obsidian Road and the additional traffic from the development using the thoroughfare causing congestion, safety and amenity impacts for residents.	The road layout of the urban release area was considered at the masterplanning stage and is defined in the DCP. Obsidian Road is to extend from Red Gables Road to Ironstone Parkway parallel to Janpieter Road. No changes are proposed to the DCP layout of Obsidian Road under this application.
Concerns were raised with the additional traffic and congestion that would be generated by the development.	The Box Hill North Masterplan for the Gables included the rezoning of the site to R4 High Density Residential. Therefore it was envisaged this type of development would occur on the site and the road layout and hierarchy was planned accordingly as part of the masterplan.
There are not enough spaces at local preschools, schools and medical centres nor enough shops for residents.	The site is located within an urban release area. It is anticipated that services will be amplified once the population is in place and demand rises.
The development has not taken into consideration providing open green space/parkland and is relying on using existing parks and playgrounds in the neighbouring development. This developer should be required to provide its own private open space for its residents. The existing parks were built with the proposed number of allotments within the gables development and an additional 110 units would see them overwhelmed.	The provision of public open space has been determined at the planning proposal (rezoning) stage for the precinct taking into consideration all proposed densities. In addition the proposal provides for common open space within the development site.

Concerns were raised with there being insufficient infrastructure to service the development such as roads and the provision of electricity and sewer.	<p>The applicant has now made the necessary arrangements for public utility infrastructure (electricity, water, sewer) that is essential for the proposed development.</p> <p>The preceding subdivision 799/2020/ZB is to construct roads to provide access to the development.</p>
Power supply ability appears contingent on installation of a 22kv feeder by another developer, outside of this application, so ability to provide suitable utility to a development of this nature is unclear.	Endeavour Energy have indicated that there is capacity on existing 22kV feeders adjacent to the site.
<p>There is no Sydney Water sewage system. 'Altogether', which is the Gables' recycled water company, will need to be able to take on the load of 110 units.</p> <p>Has a feasibility study been performed to ensure it is built large enough for all these extra unplanned units.</p>	The applicant has provided advice from Sydney Water that connection will be made to Sydney Water Infrastructure.
I have read the letter from Sydney Water stating they can supply wastewater disposal to these sites. I believe this letter has been issued in error as there are no Sydney Water sewage mains within this suburb or nearby suburbs. They would have to build a wastewater pipe for tens of kilometres costing billions.	Despite no sewage mains existing in the locality, Sydney Water have provided advice that arrangements for servicing the site have been identified as outlined in their letter, refer Attachment 18.
The development also doesn't have holding tanks for sewer nor does plans show how sewer is to be processed.	No sewage storage tanks are proposed. Sydney Water have provided advice that arrangements for servicing the site have been identified.
The development does not provide for enough parking.	Parking is provided on site in accordance with Council's DCP including 44 visitor parking spaces.
The unit development will have an impact on the neighbourhood demographic and long term safety of residents.	There is no evidence that the future residents of this development an impact on the neighbourhood demographic and long term safety of residents.
The Basix sustainability calculations and certificate provided do not align with the new Basix rating tool and requirements.	The applicant has addressed this requirement through the preparation of BASIX certificates. These certificates confirm the proposed development will meet the NSW government's requirements for sustainability.
Finishes proposed are not consistent with the balance of neighbouring residences and the estate - for example use of natural materials such as stone.	The proposed finishes are considered to be consistent with adjoining properties. Natural stone is not required to be utilised.

No acoustic reporting or impact assessment has been completed.	An acoustic assessment was undertaken for the original application. The report has been reviewed by Council's Environmental Health Officer and no objections were raised subject to conditions of consent.
No formal traffic impact assessment is provided to assess inferior infrastructure to service the development as well as impacts to existing residential dwellings.	A traffic report has been provided by the applicant. Traffic volume is within environmental capacity.

10. Internal Referrals

The application was referred to the following sections of Council:

- Engineering
- Environmental Health
- Landscaping
- Resource Recovery
- Land and Spatial Information
- Development Contributions

No objections are raised to the proposal subject to conditions.

11. External Referrals

a. NSW Police

The original application was referred to NSW Police for comment who raised no objection to the proposal subject to the implementation of security and surveillance measures during and after construction including the use of CCTV access control and appropriately lighting and vegetation management.

CONCLUSION

The Review of Determination Application had been assessed against the relevant planning instruments including The Hills Local Environmental Plan 2019, SEPP No 65—Design Quality of Residential Apartment Development, Apartment Design Guide and The Hills Development Control Plan 2012. The proposal generally satisfies the requirements of these instruments with including Clauses 6.2 and 6.3 of the LEP which relate to the provision of State public infrastructure and public utility infrastructure.

Issues raised in submissions have been addressed in this report and do not warrant further amendments to the application.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 and Section 8.2 of the Environmental Planning and Assessment Act, 1979, and is considered satisfactory.

IMPACTS:

Financial

Refusal of this application will likely result in the recommencement of the Class 1 Appeal which is currently being held in abeyance pending the determination of this application.

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future". The proposed development provides for urban growth and a choice in housing within the Box Hill North Urban Release Area.

RECOMMENDATION

The Development Application be approved for the reasons listed below and subject to the following conditions:

- The applicant has now addressed Clauses 6.2 and 6.3 of the LEP which relate to the provision of State public infrastructure and public utility infrastructure.
- The development is considered satisfactory with respect to Clause 5.3 of the LEP.
- The site is considered suitable for the development.
- The proposal adequately satisfy the relevant state and local planning provisions.
- The proposal will have no unacceptable impacts on the built or natural environments.
- The proposal is in the public interest.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

JOB NO.	DESCRIPTION	SHEET	REVISION	DATE
2454	Cover Sheet	00	F	25/08/2020
2454	Subdivision Plan	02	E	12/05/2020
2454	Site Plan	03	F	25/08/2020
2454	Basement Level 01 - Lot 602	04	E	12/05/2020
2454	Basement Level 01 - Lot 601	05	H	19/11/2020
2454	Level 01 - Lot 602	06	F	25/08/2020
2454	Level 01 - Lot 601	07	H	19/11/2020
2454	Level 02 - Lot 602	08	E	12/05/2020
2454	Level 02 - Lot 601	09	F	25/08/2020
2454	Level 03 - Lot 602	10	E	12/05/2020
2454	Level 03 - Lot 601	11	E	12/05/2020
2454	Level 04 - Lot 602	12	F	25/08/2020
2454	Level 04 - Lot 601	13	F	25/08/2020
2454	Roof Level - Lot 602	14	D	05/02/2020
2454	Roof Level - Lot 601	15	F	25/08/2020
2454	Site Elevations	16	F	25/08/2020

2454	Elevations – Block A	17	F	25/08/2020
2454	Elevations – Block B	18	F	25/08/2020
2454	Elevations – Block C	19	F	25/08/2020
2454	Elevations – Block D	20	F	25/08/2020
2454	Site Sections	21	F	25/08/2020
2454	Site Sections	22	D	05/02/2020
2454	Site Sections	23	D	05/02/2020
2454	Site Details	24	G	12/11/2020
2454	Driveway Ramp Sections	25	G	12/11/2020
2454	Waste Management Plan	26	H	19/11/2020
2454	Typical Unit Layouts – Block A	27	E	12/05/2020
2454	Typical Unit Layouts – Block B	28	E	12/05/2020
2454	Typical Unit Layouts – Block C	29	F	25/08/2020
2454	Typical Unit Layouts – Block D	30	F	25/08/2020
-	Landscape Cover sheet	L/00	C	12/08/2020
-	Level 1, Lot 602 – Planting Plan	L/01	C	12/08/2020
-	Level 1 and 2, Lot 601 – Planting Plan	L/02	C	12/08/2020
-	Level 4, Lot 602 – Planting Plan	L/03	C	12/08/2020
-	Roof Level, Lot 601 – Planting Plan	L/04	C	12/08/2020
-	Landscape Details	L/05	C	12/08/2020
---	Street/Unit Numbering Plans (13 Pages – for numbering purposes only)	-	-	-

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

2. External Finishes

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

3. Tree Removal

Approval is granted for the removal of all existing trees within the subject site boundaries.

4. Planting Requirements

All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs and groundcovers planted as part of the landscaping are to be provided in pot sizes in accordance with approved Landscape Plan prepared by A Total Concept, Revision C, dated 13/08/20.

5. Provision of Parking Spaces

The development is required to be provided with 253 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

6. Separate Application for Strata Subdivision

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

7. Protection of Public Infrastructure

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

8. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

9. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

10. Street Trees

Street trees must be provided for the section of road 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.

11. Road Opening Permit

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

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

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. Construction Certificate

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

14. Building Work to be in Accordance with BCA

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

15. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acouras Consultancy Pty Ltd, referenced as SYD2019-1116-R001C, dated 7 February 2020 and submitted as part of the Development Application are to be implemented as part of this approval.

16. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

17. Rooftop and on Slab Landscaping

For all planting on slab and planter boxes, the following minimum soil depths are to be provided:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

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

Retaining wall/planter box height to Block C rooftop is to be heightened to TOW 52.8 to provide 900mm depth to support the small trees on the approved Landscape Plan.

The large expanses of Artificial Turf to Rooftop Common Open Space areas are to be substituted for hardwearing outdoor tiles and/or decking. Decorative Mulch areas of children's

rooftop play areas are to be substituted for long lasting play surfaces suitable for high wind rooftop areas.

18. Adherence to Waste Management Plan

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

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.

19. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2:2018 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.
- All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
- Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

20. Communal Composting Areas

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

21. 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.

22. 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.

23. Commencement of Domestic Waste Service

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

24. Construction of Waste Storage Areas

The waste storage area(s) must be designed and constructed in accordance with the following requirements. The area(s) must provide minimum storage facility for 12 x 1100 litre bins in both bin rooms.

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins as specified above.
- The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area(s) must be constructed of brickwork.
- The floor of the waste storage area(s) must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area(s) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred).
- The waste storage area(s) must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double

swinging doors. The resident access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.

- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

25. Property Numbering and Cluster Mail Boxes

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

The existing property address of 13 Red Gables Road or 9, 9A or 9B Janpieter Road, Gables are not to be used for the development as Red Gables Road a Janpieter Road will need to be re-numbered in the future.

The overall property address for this development is:-

Lot 601 (building D) = Future number to New Road 3

Lot 602 (building B) = Future number to New Road 3

Approved unit numbering is as per plans submitted marked as Job No 2453; Site Plan, Drawing No 03, Issue F; Drawing No 06, Issue F; Drawing No 07, Issue H; Drawing No 08, Issue E; Drawing No 09, Issue F; Drawing No 10, Issue E; Drawing No 11, Issue E; Drawing No 12, Issue F; Drawing No 13, Issue F; Drawing No 14, Issue D; Drawing No 15, Issue F and marked up as 'Numbering Plans' by Council's Land Information Team within consent documentation and as follows:

Building A will be addressed to Red Gables Road, Gables. Street number not yet available.

Building B, C & D will each be address to New Road 3, Gables. Street number not yet available.

	<u>Proposed Lot 602</u>		<u>Proposed Lot 601</u>	
Level	Building A & Building B		Building C & Building D	
Ground	G08-G15	G01-G07	G05-G08	G01-G04
One	109-116	101-108	108-115	101-107

Two	209-216	201-208	209-216	201-208
Three	305-308	301-304	309-316	301-308

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

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

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

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

Mail Boxes

Australia Post requires cluster mail boxes to be perpendicular to the footpath or road and within easy reach for the postal delivery officer. For resident's useability and convenience, they are to be located close to relevant entry points.

Cluster mail boxes are to be located as shown on plans submitted marked as Blocks A- B, DWG No. 06, Issue F and C-D DWG No. 09, Issue F and marked up as 'Numbering Plan' by Council's Land Information Team within consent documentation. Cluster mail boxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer.

The number of mail boxes to be provided is to be equal to the number of units, plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at Building B (proposed Lot 602) and Building D (proposed Lot 601) future numbers to New Road 3.

Strata Developments

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

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

Please call 9843 0555 or email a copy of the final strata plan before it is registered at Land Registry Services NSW to council@thehills.nsw.gov.au for the approval of final Property and Unit numbering with corresponding Lot Numbers now required to be included within the registered Strata Administration sheet.

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

26. Connection to Sewer

The development must be connected to a reticulated system of sewage management capable of receiving and treating all waste water from the development.

27. Maintenance of the Development Site

The subject development site shall be maintained in a safe and healthy condition. The vegetation (excluding live trees, live shrubs and plants under cultivation) on the site is to be maintained and controlled so that the site does not become overgrown and thus creating an unsafe and / or unhealthy environment. Waste must be controlled and prevented from leaving

the site. Building contractors and subcontractors must be briefed and instructed to manage all waste including lunch scraps and takeaway food waste.

28. Ventilation for Basement Carpark

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

Certification of compliance shall be submitted to the Certifying Authority.

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

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

29. Registration of Subdivision

The registration of the preceding subdivision approved by Development Consent 799/2020/ZB by the applicant must occur, prior to a Construction Certificate or Subdivision Works Certificate being issued.

30. Design Verification

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

31. Notice of Requirements

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

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

32. Stormwater Pump/ Basement Car Park Requirements

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

33. Works on Adjoining Land

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

34. 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 \$213,568.00 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 (284m) multiplied by the width of the road (8m). The bond must be lodged with Council before a Construction Certificate is issued.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction. Should the cost of restoring any damage exceed the value

of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

35. 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 Malcolm Smith Pty Ltd Revision C dated 7 August 2020 is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.

a) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the approved plans. 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.

b) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of pit inserts and stormfilter cartridges, 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.

c) Inter-allotment Stormwater Drainage

Piped inter-allotment stormwater drainage catering for the portion of stormwater within lot 601 driveway draining into lot 602 drainage system must be provided. The easement width must be in accordance with The Hills Shire Council Design Guidelines Subdivision/Development. All collected stormwater is to be piped to an approved constructed public drainage system. Alternatively the stormwater runoff within the driveway of lot 602 is to be redirected so that it drains towards Road 2.

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.

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

37. Erosion & Sediment Control Plan

Submission of an Erosion and Sediment Control Plan to the Principal Certifier, including details of:

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

(NOTE: For guidance on the preparation of the Plan refer to 'Managing Urban Stormwater Soils & Construction' produced by the NSW Department of Housing).

38. Section 7.11 Contribution

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

Payments comprise of the following:-

	<i>Purpose: Credit</i>	<i>Purpose: 1 bedroom unit</i>	<i>Purpose: 2 bedroom unit</i>	<i>Purpose: 3 bedroom unit</i>
Open Space - Land	\$ 13,024.24	\$ 6,512.12	\$ 6,895.19	\$ 9,576.65
Open Space - Capital	\$ 5,152.88	\$ 2,576.44	\$ 2,728.00	\$ 3,788.89
Transport Facilities - Land	\$ 5,558.73	\$ 2,779.36	\$ 2,942.85	\$ 4,087.30
Transport Facilities - Capital	\$ 27,974.76	\$ 13,987.38	\$ 14,810.17	\$ 20,569.67
Water Management - Land	\$ 9,573.50	\$ 4,786.74	\$ 5,068.32	\$ 7,039.34
Water Management - Capital	\$ 10,479.63	\$ 5,239.81	\$ 5,548.04	\$ 7,705.61
Community Facilities - Land	\$ 40.36	\$ 20.18	\$ 21.36	\$ 29.67
Total	\$ 71,804.10	\$ 35,902.04	\$ 38,013.92	\$ 52,797.12

No. of 1 Bedroom Units: 11	No of 2 Bedroom Units: 88	No of 3 Bedroom Units: 11	Sum of units	No of Credits: 1	Total S7.11
\$ 71,633.32	\$ 606,776.34	\$ 105,343.11	\$ 783,752.77	\$ 13,024.24	\$ 770,728.53
\$ 28,340.85	\$ 240,063.84	\$ 41,677.77	\$ 1,093,835.23	\$ 5,152.88	\$ 1,088,682.35
\$ 30,572.97	\$ 258,971.07	\$ 44,960.26	\$ 334,504.30	\$ 5,558.73	\$ 328,945.57
\$ 153,861.23	\$ 1,303,294.84	\$ 226,266.39	\$ 1,683,422.46	\$ 27,974.76	\$ 1,655,447.70
\$ 52,654.17	\$ 446,012.01	\$ 77,432.71	\$ 576,098.89	\$ 9,573.50	\$ 566,525.40
\$ 57,637.91	\$ 488,227.19	\$ 84,761.69	\$ 630,626.78	\$ 10,479.63	\$ 620,147.15
\$ 222.02	\$ 1,879.74	\$ 326.37	\$ 2,428.13	\$ 40.36	\$ 2,387.77
\$ 394,922.46	\$ 3,345,225.03	\$ 580,768.30	\$ 5,104,668.56	\$ 71,804.10	\$ 5,032,864.47

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 16.

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

39. Internal Pavement Structural Design Certification

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

PRIOR TO WORK COMMENCING ON THE SITE

40. 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.

41. 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.

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. Management of Building Sites

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

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

45. Approved Temporary Closet

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

46. Erosion and Sedimentation Controls

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

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

47. Soil and Water Management Plan

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

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

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 Certifying Authority must contact Council Customer Service on (02) 9843 0555 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.

DURING CONSTRUCTION

50. 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.

51. 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.

52. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

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

53. Compliance with BASIX Certificate

Under Section 75 of the Environmental Planning and Assessment Regulation 2021, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 1071637M is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

54. Critical Stage Inspections and Inspections Nominated by the Principal Certifier

Section 6.6 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Section 61 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021. Prior to allowing building works to commence the Principal Certifier must give notice of these inspections pursuant to Section 58 of the Environmental Planning and Assessment (Development Certification and fire Safety) Regulation 2021.

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

55. 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.

56. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- 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;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

57. Rock Breaking Noise

Upon receipt of a justified complaint in relation to noise pollution emanating from rock breaking as part of the excavation and construction processes, rock breaking will be restricted to between the hours of 9am to 3pm, Monday to Friday.

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

58. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be certified by an Accredited Landscape Architect to be in accordance with the approved plans and the following additional requirements:

- Street Tree Planting is to be in accordance with the approved plan of subdivision and the Box Hill North Street Tree Masterplan.
- Planting Requirements condition of consent.

All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

59. Design Verification Certificate

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

60. Completion of Engineering Works

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

61. Property Condition Report – Public Assets

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

62. Pump System Certification

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

63. 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.

64. 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

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.

65. Confirmation of Pipe Locations

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

66. Section 73 Compliance Certificate

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

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

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

67. Provision of Electrical Services

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

68. Provision of Telecommunication Services

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

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

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

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

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

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

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

69. 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) Easement – Private Stormwater Drainage

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

b) Easement – Right of Access/ Easement for Services

A right of access/ easement for services must be created over the access handle of proposed lot 601 and 602.

c) Covenant – Onsite Waste Collection

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

d) Restriction/ Covenant – Water Sensitive Urban Design

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

e) Positive Covenant – Stormwater Pump

The subject site must be burdened with a positive covenant using the "basement stormwater pump system" terms included in the standard recitals.

70. 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.

71. Internal Pavement Construction

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

72. Final Inspection of Waste Storage Area(s)

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

73. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, 4 x full sets of waste educational signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of both waste storage areas/ bin rooms. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

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

74. Domestic Waste Collection Risk Assessment

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

75. Insect and Odour Control

Before the issue of an occupation certificate, Council's Resource Recovery Assessment Officer must be satisfied with the installation of an insect control system provided in the waste holding or collection room(s). The equipment installed must be an ultra violet fly trap with a UV lamp of at least 20W or higher or similar. The fly trap should be an electric-grid style and mounted to an internal wall or attached to the ceiling. In addition, an adequate air deodoriser must be installed to help prevent offensive odours.

76. Installation of Master Key System to Waste Collection Room

Before the issue of an Occupation Certificate, the site project manager must organise with Council's contractor to install a lock box fitted with Council's Waste Management Master Key System 'P3520', to allow Council's collection waste Contractor to access the waste storage area. The lock box must be fitted to the wall outside the waste storage area at the cost of the developer. Please contact Council's Resource Recovery Assessment Officer to organise the installation.

THE USE OF THE SITE

77. Offensive Noise

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

78. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of

the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

79. Waste and Recycling Management

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


ATTACHMENTS

1. Locality Plan
2. Aerial Photo
3. Zoning Map
4. Building Height Map
5. Proposed Site Plan
6. Proposed Floor Plans
7. Proposed Elevations
8. Proposed Sections
9. Proposed Landscape Plans
10. Building Height Plane Diagram
11. Perspectives
12. External Works Diagram
13. Zoning Boundary Overlay
14. Approved Subdivision DA 799/2020/ZB
15. Box Hill North DCP Indicative Layout Plan (ILP)
16. Potential Future Layout Plan for Neighbouring Site to West of Subject Site
17. Secretary's Certificate for Satisfactory Arrangements for designated State Public Infrastructure
18. Sydney Water Advice
19. Traffic advice from Applicant

ATTACHMENT 1 – LOCALITY PLAN




 LOT 105 (799/2020/ZB)

 SUBMISSIONS RECEIVED

 PARENT SITE

NOTE: 35 SUBMISSIONS RECEIVED OFF THE SCOPE OF THIS MAP OR UNKNOWN

 PROPERTIES NOTIFIED
(ORIGINAL OBJECTOR PROPERTIES ALSO NOTIFIED OFF THE SCOPE OF THIS MAP)

THE HILLS
Sydney's Garden Shire

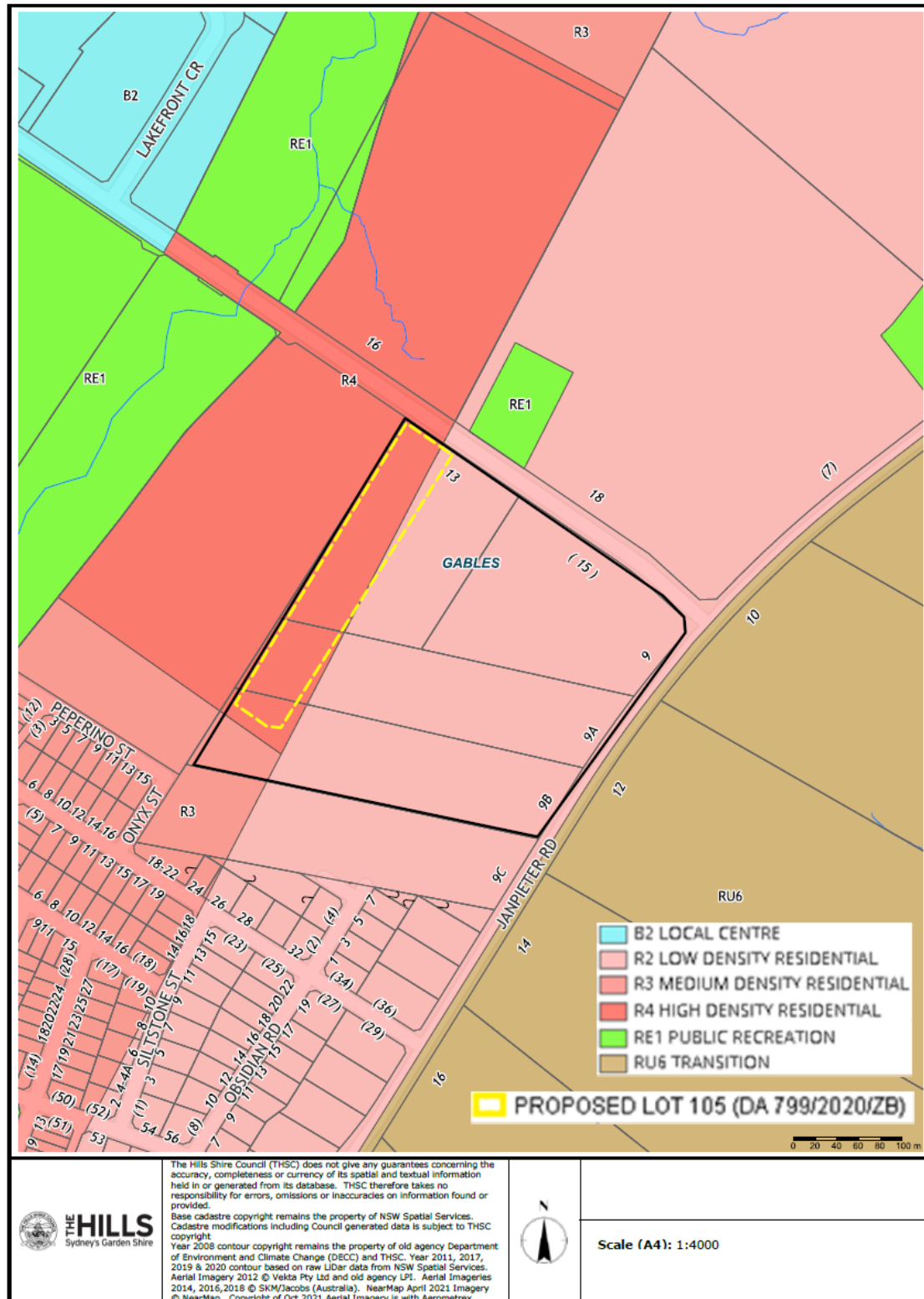
THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THIS COPYRIGHT.

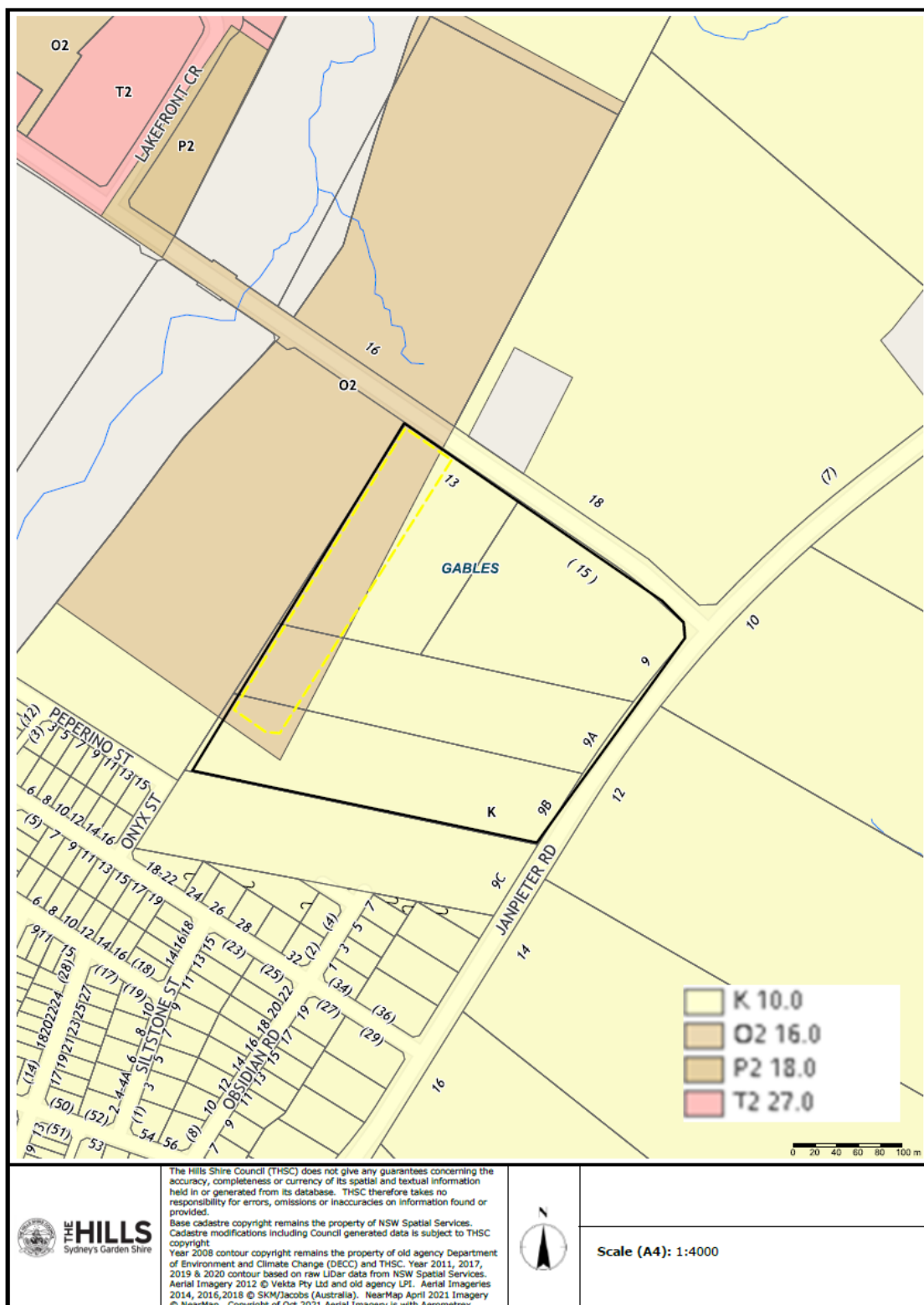
ATTACHMENT 2 – AERIAL PHOTO



ATTACHMENT 3 – ZONING MAP



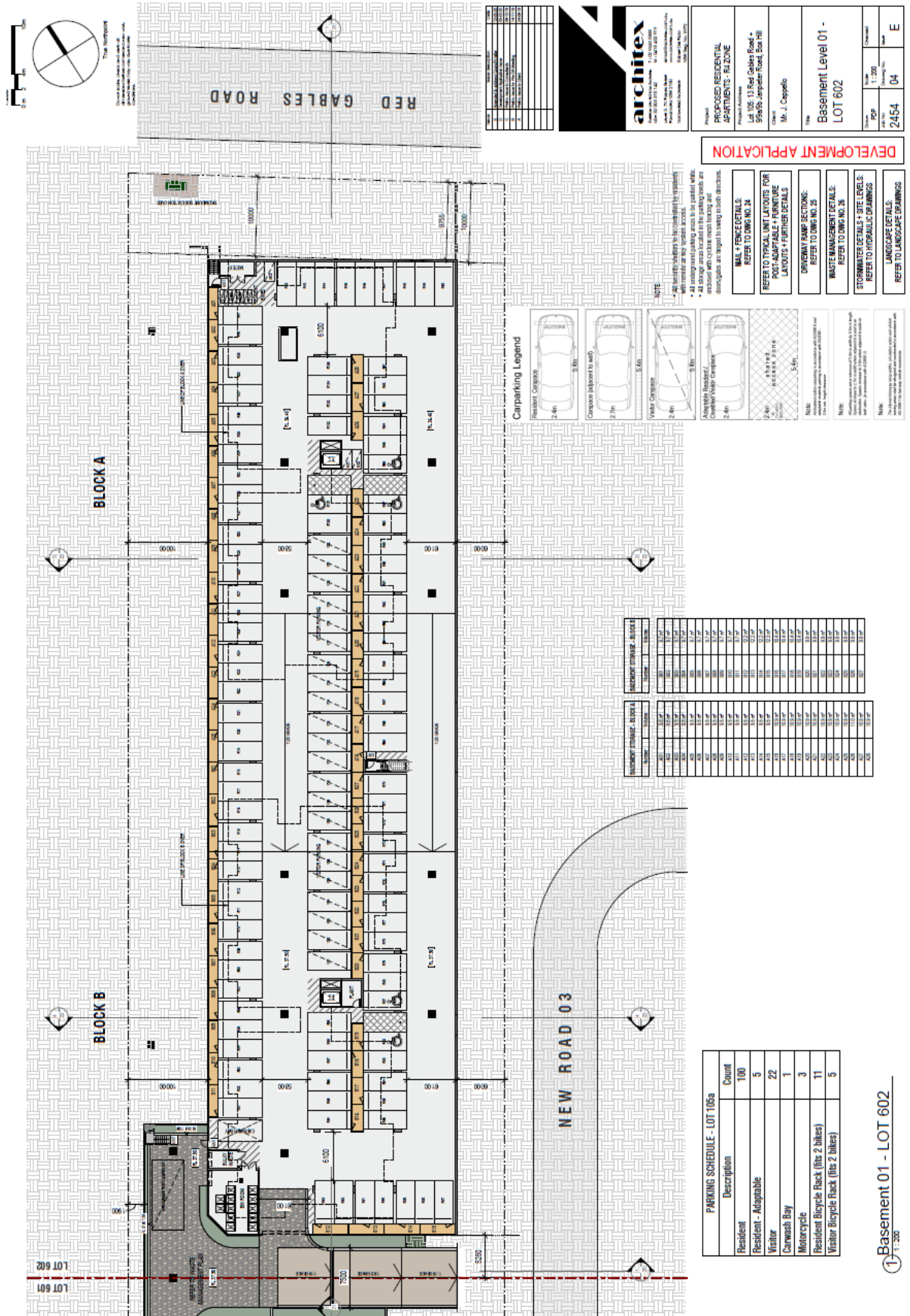
ATTACHMENT 4 – BUILDING HEIGHT MAP

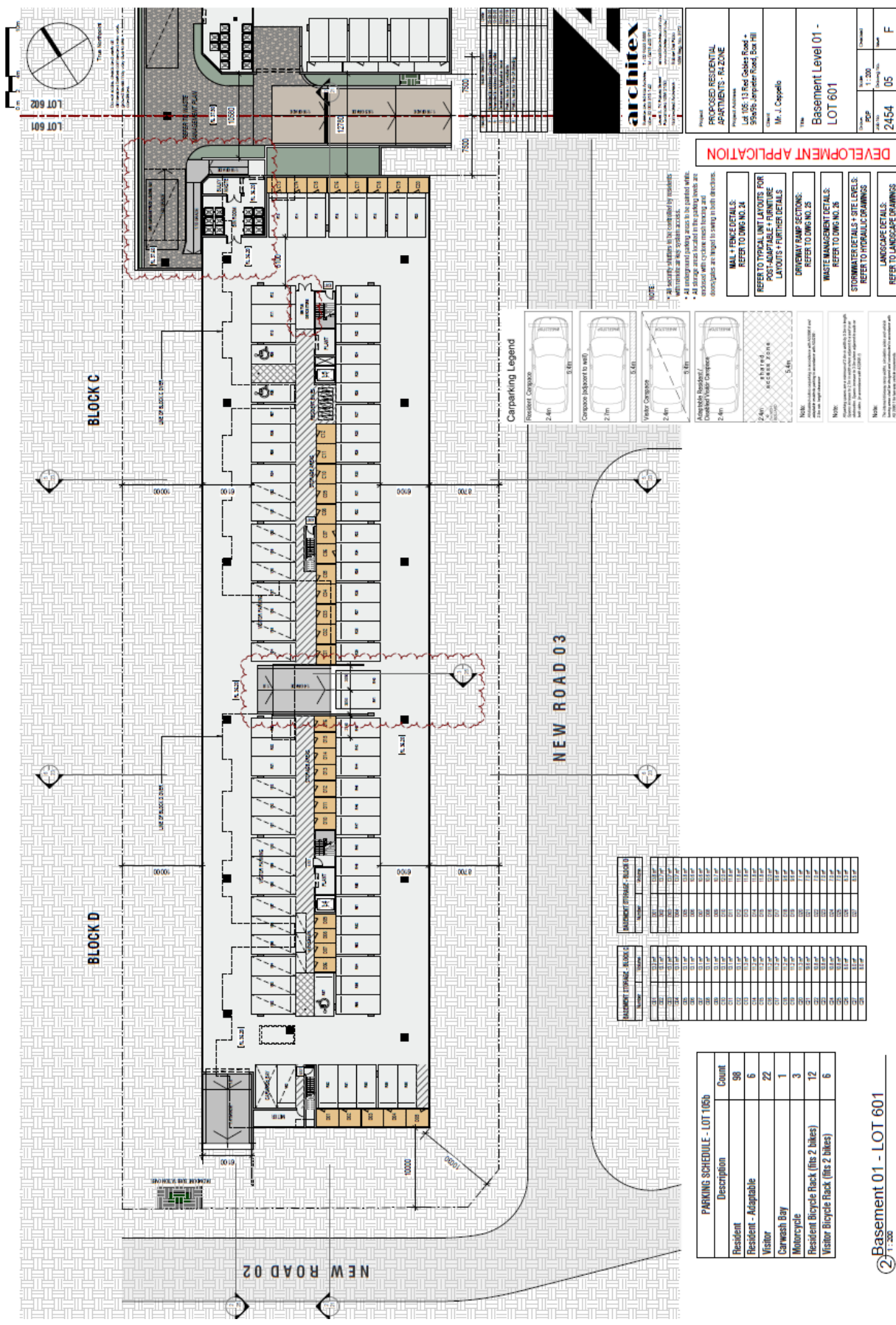


The site plan for Lot 602 is divided into four blocks, each containing building footprints and landscaping. The plan is bounded by Gables Road to the north, New Road 02 to the east, and New Road 03 to the south. The plan includes a north arrow, a scale bar, and a table of dimensions.

NO.	REMARKS	DATE	BY	CHECKED	APPROVED
1	PRELIMINARY DESIGN	11/11/2023	ARCHITECT	ENGINEER	PLANNING
2	REVISION 1: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
3	REVISION 2: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
4	REVISION 3: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
5	REVISION 4: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
6	REVISION 5: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
7	REVISION 6: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
8	REVISION 7: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
9	REVISION 8: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
10	REVISION 9: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
11	REVISION 10: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
12	REVISION 11: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
13	REVISION 12: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
14	REVISION 13: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
15	REVISION 14: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
16	REVISION 15: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
17	REVISION 16: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
18	REVISION 17: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
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22	REVISION 21: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
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26	REVISION 25: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
27	REVISION 26: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
28	REVISION 27: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
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37	REVISION 36: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
38	REVISION 37: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
39	REVISION 38: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
40	REVISION 39: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
41	REVISION 40: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
42	REVISION 41: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
43	REVISION 42: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
44	REVISION 43: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
45	REVISION 44: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
46	REVISION 45: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
47	REVISION 46: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
48	REVISION 47: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
49	REVISION 48: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
50	REVISION 49: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
51	REVISION 50: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING
52	REVISION 51: ADDITIONAL LANDSCAPING	12/11/2023	ARCHITECT	ENGINEER	PLANNING

ATTACHMENT 6 – PROPOSED FLOOR PLANS





PARKING SCHEDULE - LOT 116b		
Description	Count	
Resident	98	
Resident - Adaptable	6	
Visitor	22	
Carwash Bay	1	
Motorcycle	3	
Resident Bicycle Rack (fits 2 bikes)	12	
Visitor Bicycle Rack (fits 2 bikes)	6	

BASEMENT STORAGE - BLOCK C		
Unit	Area	Volume
1	10.0m ²	10.0m ³
2	10.0m ²	10.0m ³
3	10.0m ²	10.0m ³
4	10.0m ²	10.0m ³
5	10.0m ²	10.0m ³
6	10.0m ²	10.0m ³
7	10.0m ²	10.0m ³
8	10.0m ²	10.0m ³
9	10.0m ²	10.0m ³
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32	10.0m ²	10.0m ³
33	10.0m ²	10.0m ³
34	10.0m ²	10.0m ³
35	10.0m ²	10.0m ³
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99	10.0m ²	10.0m ³
100	10.0m ²	10.0m ³

Carparking Legend

Resident Carparking: 2.4m x 5.4m

Visitor Carparking: 2.4m x 5.4m

Adaptable Resident/Disabled Visitor Carparking: 2.4m x 5.4m

NOTE

All parking spaces are to be paved with permeable asphalt.

All parking spaces are to be paved with permeable asphalt.

All parking spaces are to be paved with permeable asphalt.

NOTE

All parking spaces are to be paved with permeable asphalt.

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All parking spaces are to be paved with permeable asphalt.

DEVELOPMENT APPLICATION

MAIL + FENCE DETAILS:
REFER TO DWG NO. 24

REFER TO TYPICAL UNIT LAYOUTS FOR POST-ADAPTABLE + FURNITURE LAYOUTS + FURTHER DETAILS

DRIVEWAY RAMP SECTIONS:
REFER TO DWG NO. 25

WASTE MANAGEMENT DETAILS:
REFER TO DWG NO. 26

STORMWATER DETAILS + SITE LEVELS:
REFER TO HYDRAULIC DRAWINGS

LANDSCAPE DETAILS:
REFER TO LANDSCAPE DRAWINGS

architex

PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE

Lot 105, 13 Red Gables Road + 55 South Jerrard Road, Box Hill

Client: Mr. J. Cappello

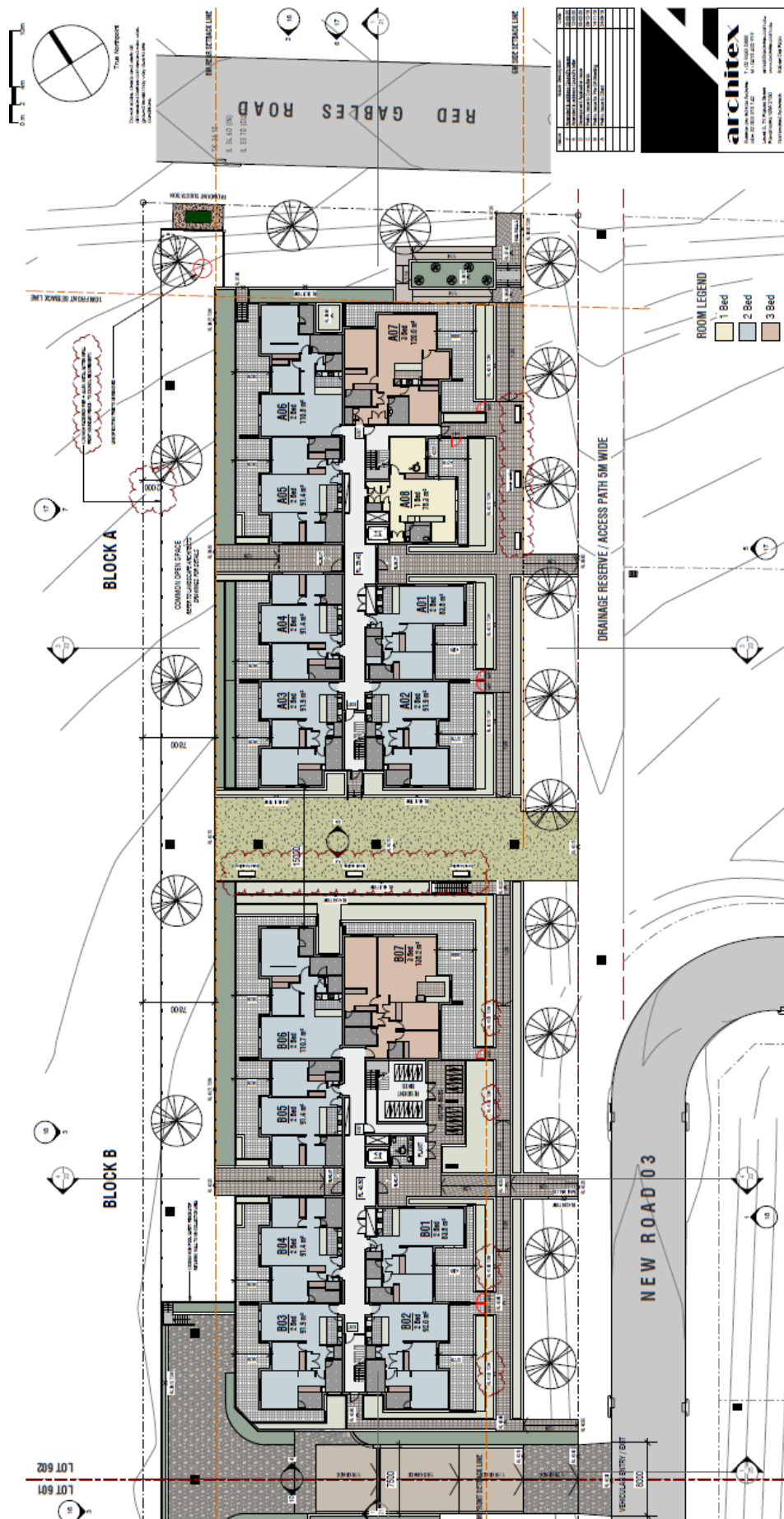
Project: Basement Level 01 - LOT 601

Drawn: 24/54

Scale: 1:200

Page: 05

F



Week	Week description	Score
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3	Week 3: Welcome to the course	100%
4	Week 4: Welcome to the course	100%
5	Week 5: Welcome to the course	100%
6	Week 6: Welcome to the course	100%
7	Week 7: Welcome to the course	100%
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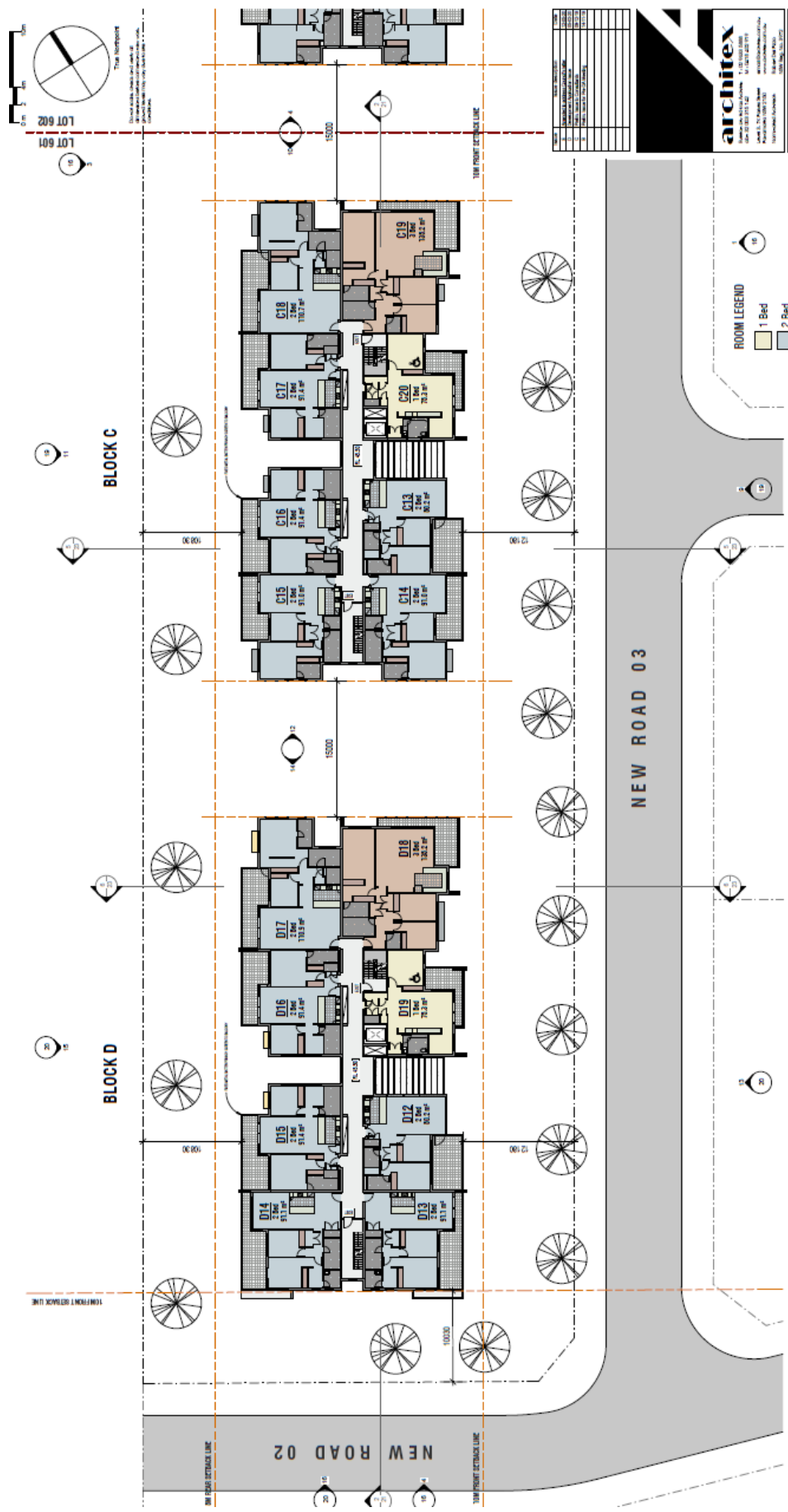
Proposed PROPOSED RESIDENTIAL APARTMENTS - RA ZONE Proposed Address 105-13 Red Gables Road - 99010 Argenteau Road, Box 111	Owner Mr. J. Cappello	Title Level 01 - LOT 602	Date 1/200	Created 06	User F
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DEVELOPMENT APPLICATION

MAIL & FENCE DETAILS: REFER TO DWG NO. 24	REFER TO TYPICAL UNIT LAYOUTS FOR POST-ADAPTABLES & FURNITURE LAYOUTS - FURTHER DETAILS	DRIVEWAY RAMP SECTIONS: REFER TO DWG NO. 25	WASTE MANAGEMENT DETAILS: REFER TO DWG NO. 26	STORMWATER DETAILS & SITE LEVELS: REFER TO HYDRAULIC DRAWINGS	LANDSCAPE DETAILS: REFER TO LANDSCAPE DRAWINGS
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PARKING SCHEDULE - LOT 105a	
Description	Count
Resident	100
Resident - Adaptable	5
Visitor	22
Carwash Bay	1
Motorcycle	3
Resident Bicycle Rack (fits 2 bikes)	11
Visitor Bicycle Rack (fits 2 bikes)	5

③ Level 01 - LOT 602
1:200



DEVELOPMENT APPLICATION

REFER TO TYPICAL UNIT LAYOUTS FOR POST-ADAPTABLE + FURNITURE LAYOUTS + FURTHER DETAILS

STORMWATER DETAILS + SITE LEVELS REFER TO HYDRAULIC DRAWINGS

LANDSCAPE DETAILS REFER TO LANDSCAPE DRAWINGS

architex

PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE

Project Address: Lot 105, 13 Reed Gables Road + 999/95 Juppeter Road, Box Hill

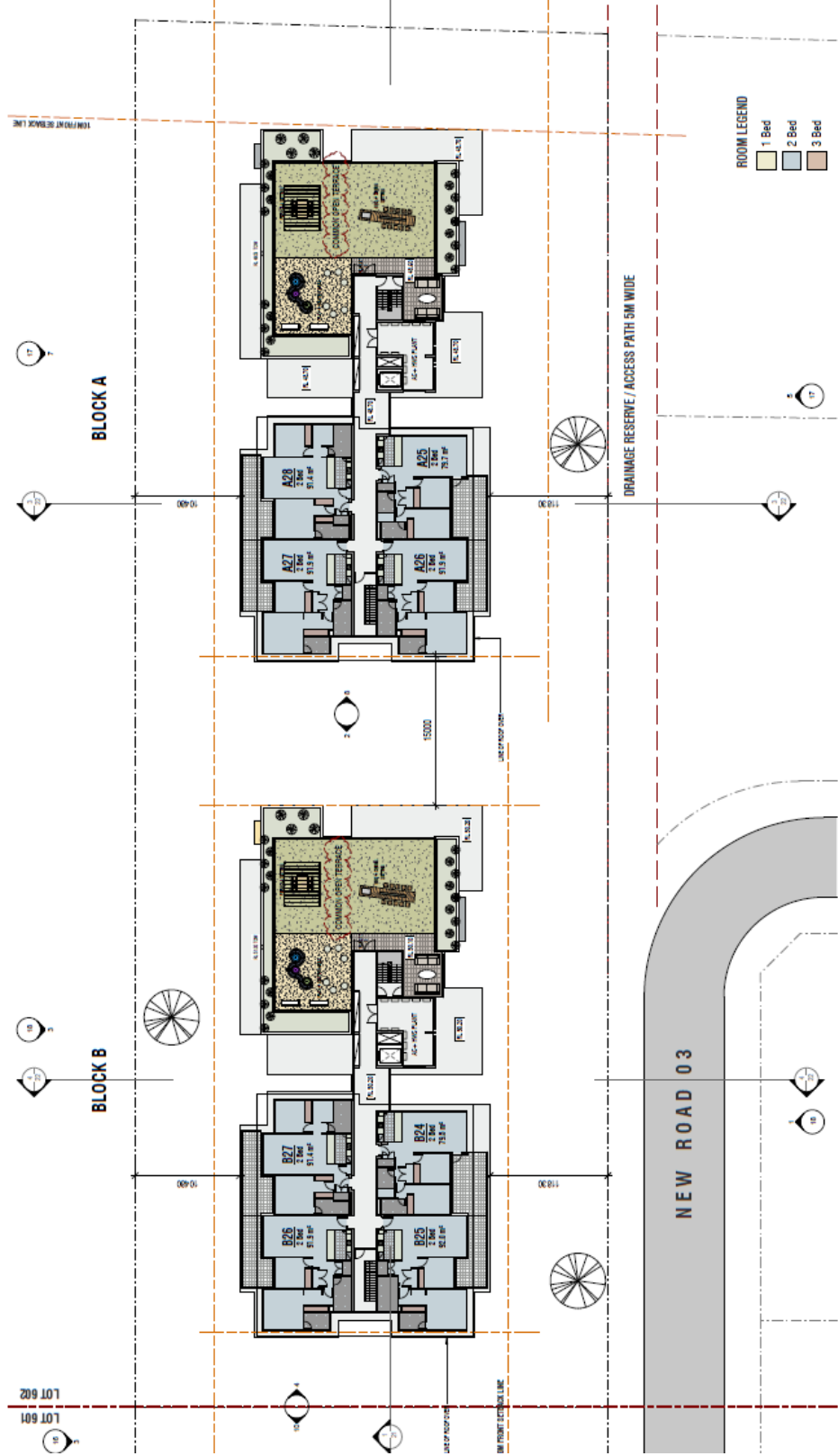
Client: Mr. J. Cappello

Level 03 - LOT 601

Scale: 1:300

Sheet: 2454

East



ATTACHMENT 7 – PROPOSED ELEVATIONS



① East Elevation - New Road 03
1:400



③ West Elevation
1:400



② North Elevation - Red Gables Road
1:400



④ South Elevation - New Road 02
1:400

DEVELOPMENT APPLICATION

REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION

NO.	DATE	REVISIONS
1	10/10/2023	ISSUED FOR TENDERS
2	10/10/2023	ISSUED FOR TENDERS
3	10/10/2023	ISSUED FOR TENDERS
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Project

PROPOSED RESIDENTIAL APARTMENTS - RJ ZONE

Project Address

Lot 105-13 Red Gables Road + 8946/65 Jergelton Road, Bon Hill

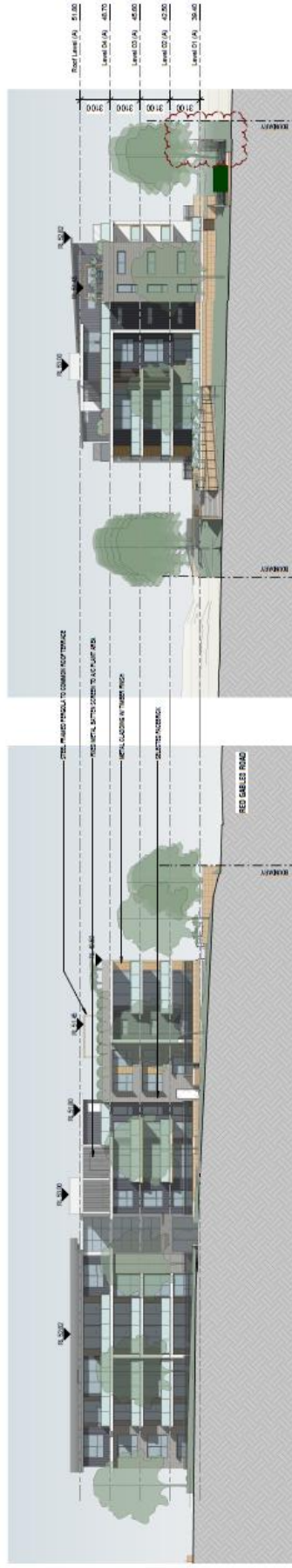
Client

Mr. J. Cappello

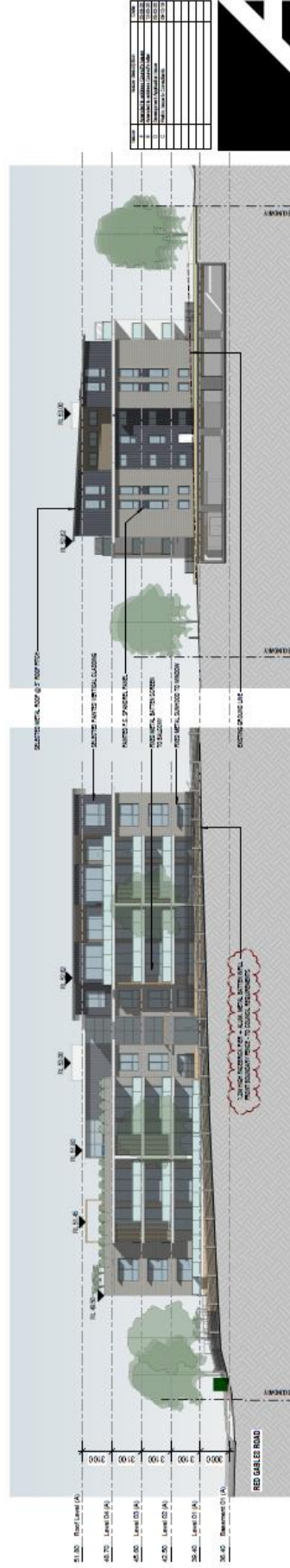
Title

Site Elevations

Scale	1:400	1:400
PDF	2454	16
Page		F



⑤ Block A - East Elevation
1 : 200



7 Block A - West Elevation



8 Block A - South Elevation
1:200



6 Block A - North Elevation
1 : 200

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architect

Robert van Nieuwen Architect
T. (212) 512-1888
info@vnaa.com M. (917) 422-7119
www.vnaa.com

David A. De Vries Design
Robert Smith (212) 778-7783
www.daviddevries.com
100 West 42nd Street

Proposed PROPOSED RESIDENTIAL APARTMENTS - RA ZONE Project Address: 105 13 Red Gables Road + 59455 Jasper Road, San Hill	Owner: Mr. J. Cappello	Title: Elevations - Block A	Sheets: 2454	Scale: 1/320	Date: 17	Checked: F
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DEVELOPMENT APPLICATION

BUILDING HEIGHT LINES - REFER TO SITE SECTIONS
+ 3D BUILDING HEIGHT PLANE DIAGRAM

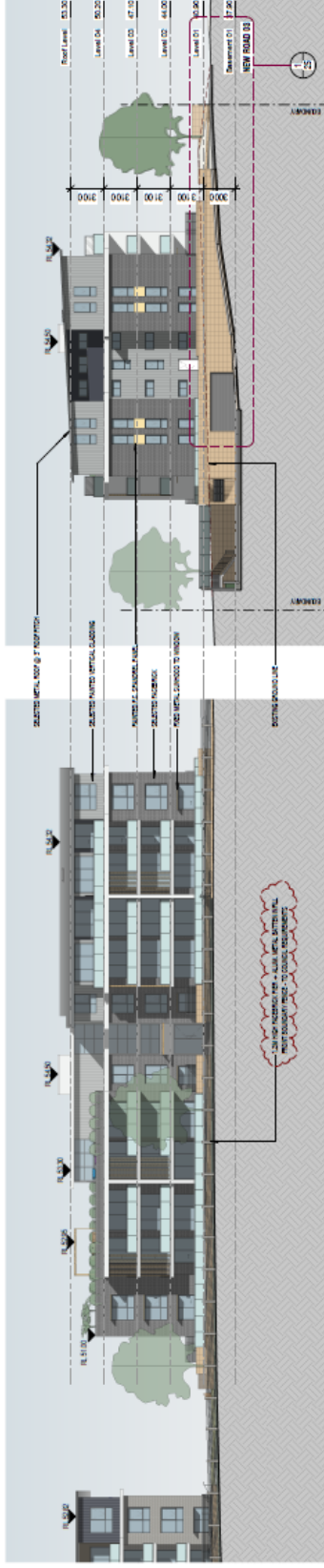
REFER TO SCHEDULE OF FINISHES + SAMPLE
BOARD FOR MATERIALS AND ALLOCATION

REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION



① Block B - East Elevation
1:200

② Block B - North Elevation
1:200



③ Block B - West Elevation
1:200

④ Block B - South Elevation
1:200

NO.	REVISION	DATE
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10	ISSUED FOR PERMIT	11/11/2020



Project	PROPOSED RESIDENTIAL APARTMENTS - RA ZONE
Project Address	Lot 105, 13 Red Gables Road + 9500s, Jupiter Road, Box Hill
Client	Mr. J. Cappello
Drawn	Mr. J. Cappello
Scale	1:200
Sheet No.	2454
Sheet	F

DEVELOPMENT APPLICATION

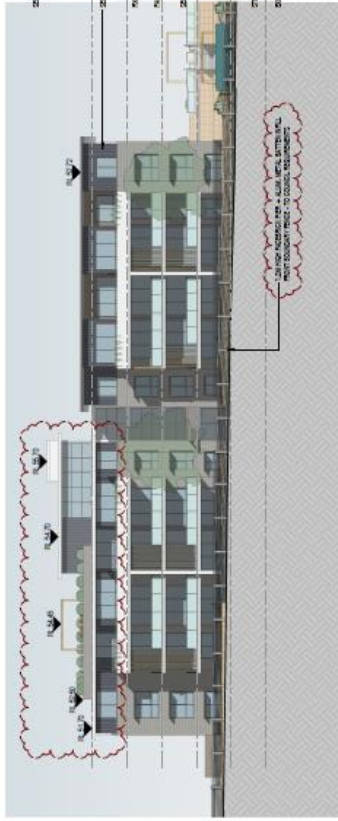
BUILDING HEIGHT LINES - REFER TO SITE SECTIONS + 3D BUILDING HEIGHT PLANE DIAGRAM
REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION



⑨ Block C - East Elevation
1:200



⑩ Block C - North Elevation
1:200



⑪ Block C - West Elevation
1:200



⑫ Block C - South Elevation
1:200

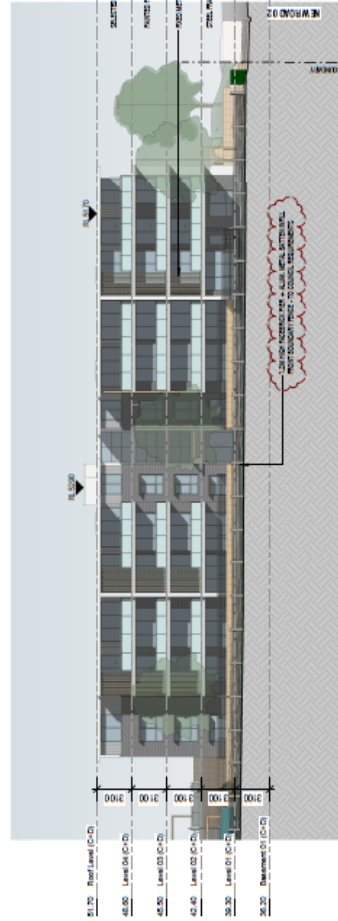
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Project	PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE
Project Address	Lot 105, 11 Red Gulcher Road + 9600 Jumper Road, Box Hill
Client	Mr. J. Cappello
File	Elevations - Block C
Scale	1:200
Sheet	2454
Drawn By	F

DEVELOPMENT APPLICATION

BUILDING HEIGHT LINES - REFER TO SITE SECTIONS + 3D BUILDING HEIGHT PLANE DIAGRAM
REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION



QUESTION	ANSWER	MARKS
1. Which of the following is not a part of the cell wall?	Cellulose	1
2. Which of the following is not a part of the cell wall?	Cellulose	1
3. Which of the following is not a part of the cell wall?	Cellulose	1
4. Which of the following is not a part of the cell wall?	Cellulose	1
5. Which of the following is not a part of the cell wall?	Cellulose	1
6. Which of the following is not a part of the cell wall?	Cellulose	1
7. Which of the following is not a part of the cell wall?	Cellulose	1
8. Which of the following is not a part of the cell wall?	Cellulose	1
9. Which of the following is not a part of the cell wall?	Cellulose	1
10. Which of the following is not a part of the cell wall?	Cellulose	1



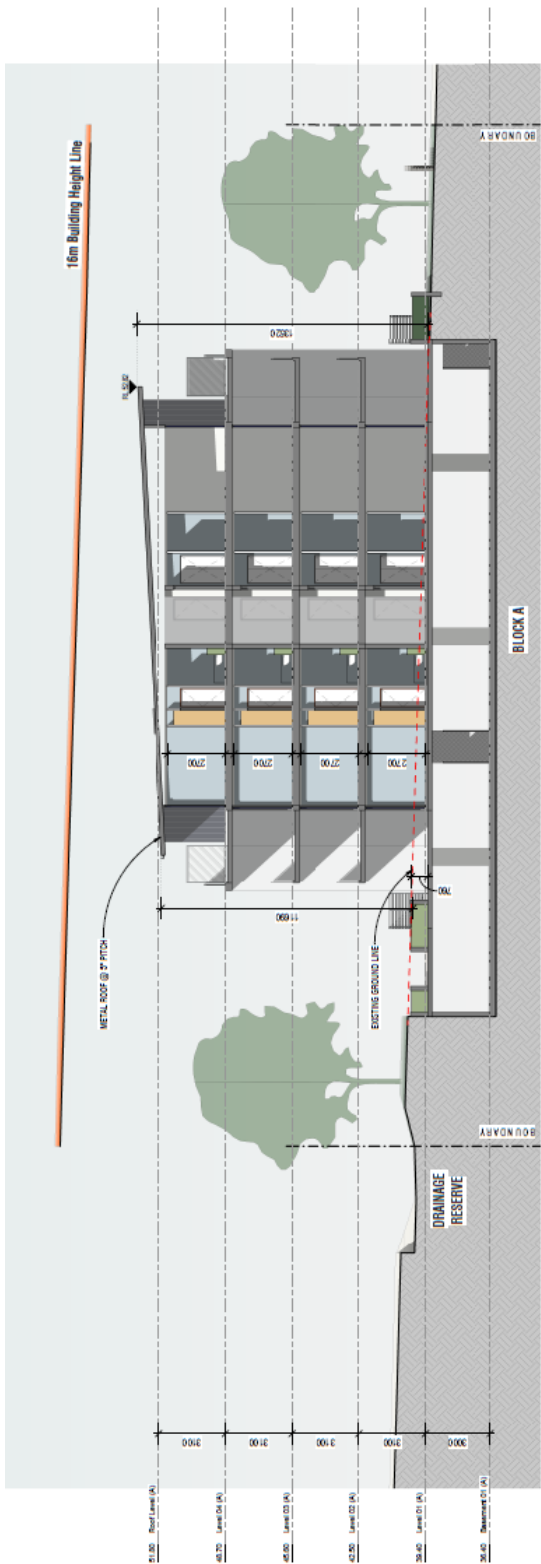
Proposed PROPOSED RESIDENTIAL APARTMENTS - ALZONE Proposed Address: Lot 105, 13 River Garden Road + 105/13 River Garden Road, Box Hill	Owner: Mr. J. Cappello	Title: Elevations - Block D	Shown on P.P. 100	Scale 1:200	Drawn Date	2454	20	F
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DEVELOPMENT APPLICATION

**BUILDING HEIGHT LINES - REFER TO SITE SECTIONS
+ 3D BUILDING HEIGHT PLANE DIAGRAM**

REFER TO SCHEDULE OF FINISHES + SAMPLE BOARD FOR MATERIALS AND ALLOCATION

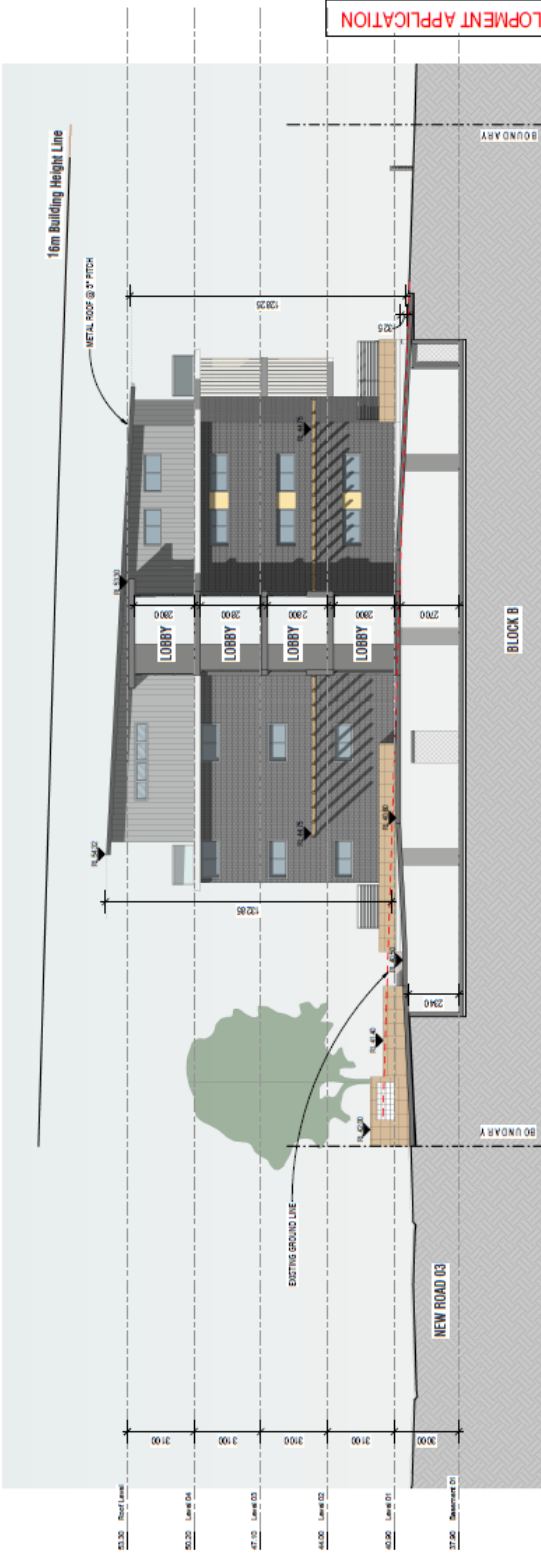
ATTACHMENT 8 – PROPOSED SECTIONS



ROOM LEGEND

1 Bed
2 Bed
3 Bed

3 Section A-A
1:100



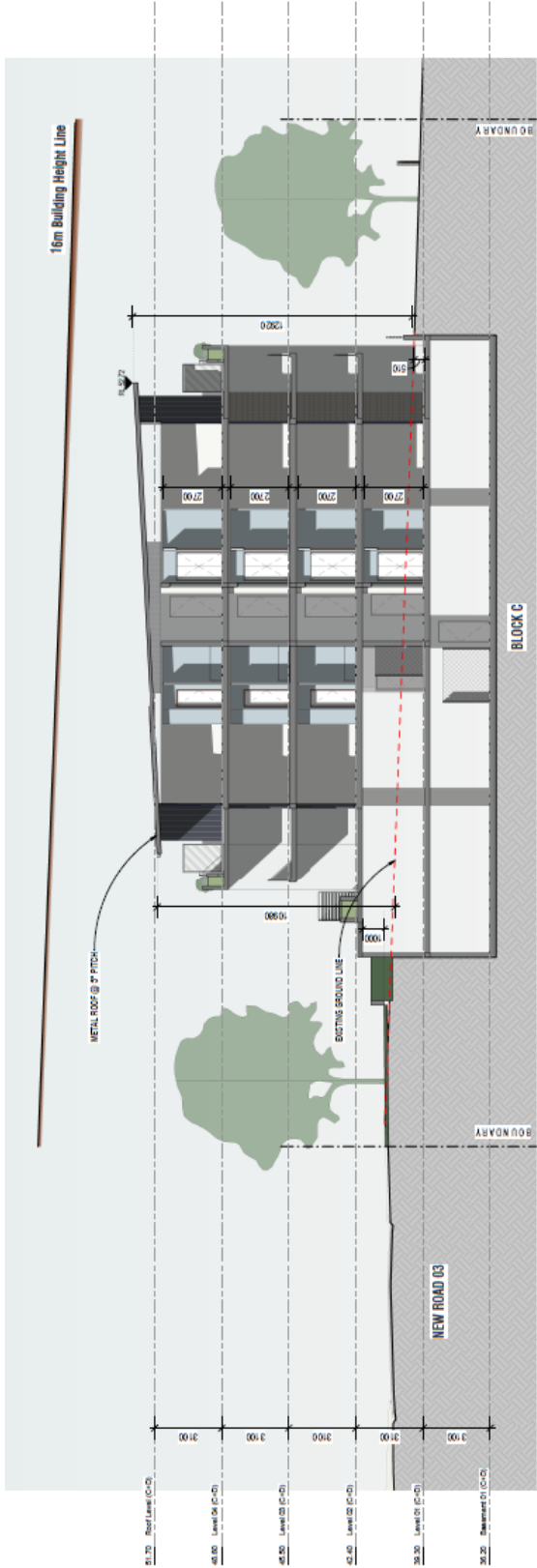
4 Section B-B
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Project	PROPOSED RESIDENTIAL APARTMENTS - RAZONE
Project Address	Lot 1005 13 Road Gables Road + 55acres Jangar Road, East Hill
Client	Mr. J. Cappello
Title	Site Sections
Drawn By	2454
Check By	22
Date	D

DEVELOPMENT APPLICATION



⑤ Section C-C
1:100

ROOM LEGEND

- 1 Bed
- 2 Bed
- 3 Bed



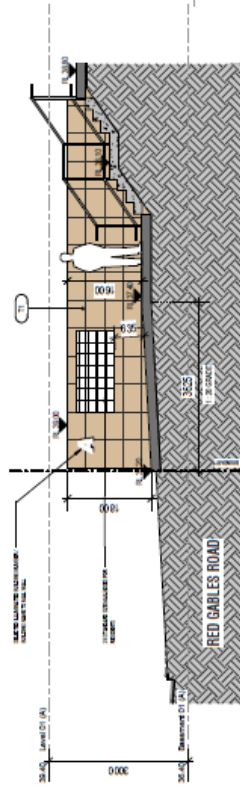
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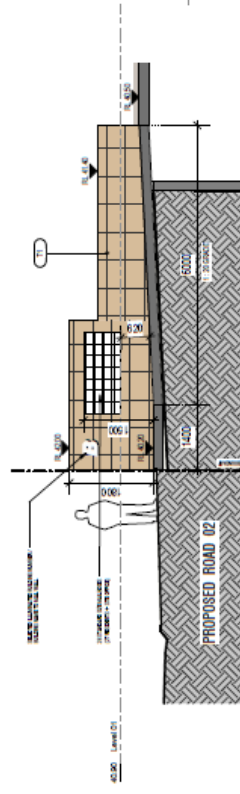


Project	PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE
Project Address	Lot 105/13 Red Gables Road + 955/95 Jumper Road, Sun Hill
Client	Mr. J. Cappello
Site	Site Sections
Scale	1:100
Sheet No.	2454
Sheet	D

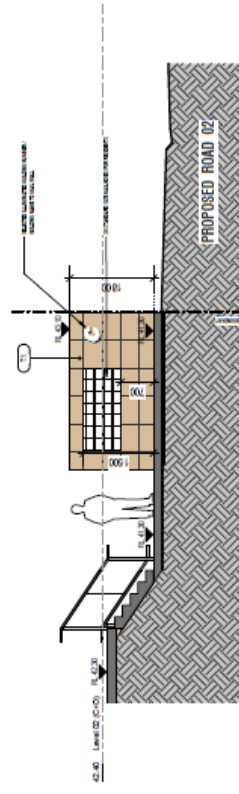
DEVELOPMENT APPLICATION



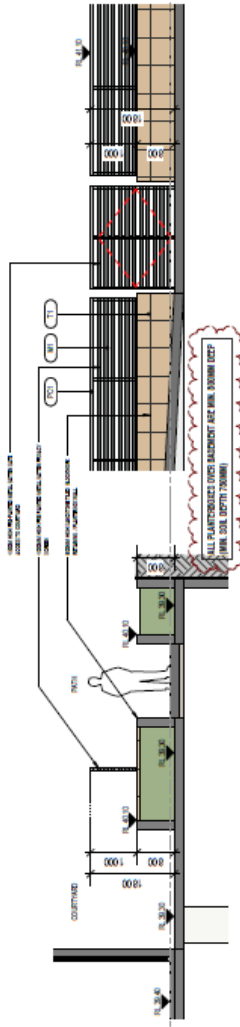
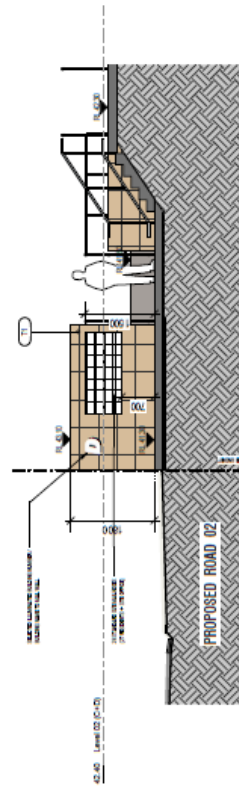
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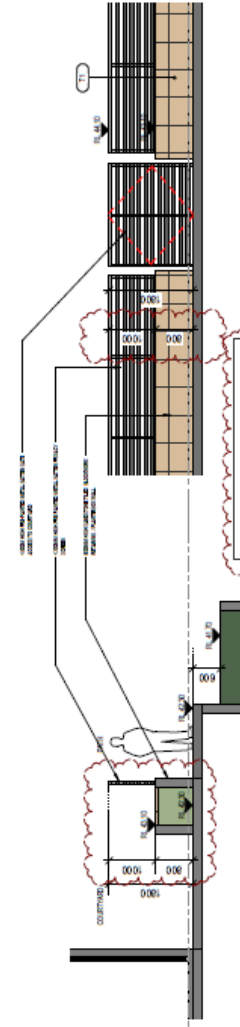
7 Section - Courtyard Fence Type 2
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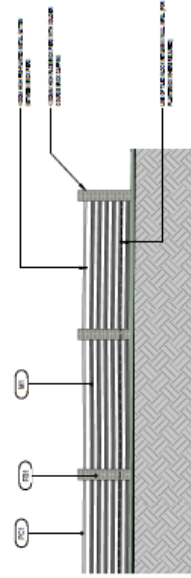
9 Front Fence Elevation 1:50



⑥ Elevation - Courtyard Fence Type 1
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8 Elevation - Courtyard Fence Type 2
1:50



9 Front Fence Elevation 1:50

Sl. No.	Topic	Page No.	Date
1	Basics of the course	1-5	10-10-20
2	Basics of the course	6-10	11-10-20
3	Basics of the course	11-15	12-10-20
4	Basics of the course	16-20	13-10-20
5	Basics of the course	21-25	14-10-20
6	Basics of the course	26-30	15-10-20
7	Basics of the course	31-35	16-10-20
8	Basics of the course	36-40	17-10-20
9	Basics of the course	41-45	18-10-20
10	Basics of the course	46-50	19-10-20
11	Basics of the course	51-55	20-10-20
12	Basics of the course	56-60	21-10-20



1000 Reg. No. 07573	
Project: PROPOSED RESIDENTIAL APARTMENTS - RM ZONE	Project Address: Lot 1005-13 Red Gables Road + 590456 Janglebird Road, Box Hill
Client: Mr. J. Caspello	Title: Site Details
Drawn: PGP	Scale: 1:50 Date: 24/04/24
A48:150 2454	Check: F

DEVELOPMENT APPLICATION

[illegible]



<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>	<p>Project Name: Level 4, Lot 602 - Planting Plan</p> <p>Client: Proposed Residential Apartments</p> <p>Architect: Architect</p> <p>Scale: 1:200</p> <p>Revision: C</p> <p>Sheet: OF 5</p>
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16m BUILDING HEIGHT PLANE
(taken from existing ground line)

NEW ROAD 03

RED GABLES ROAD

NOTE: NO PROPOSED BUILDING STRUCTURES EXCEED THE BUILDING HEIGHT PLANE

1-3D Building Height Plane

① 3D Building Height Plane

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Proposed	PROPOSED RESIDENTIAL APARTMENTS - RA ZONE	Project Address	Lot 105: 13 Red Gables Road + 99a/9b Jangarup Road, Box Hill	Owner	Mr. J. Cappello	Title	3d Building Height Plane Diagram	Drawn	page	Sheet No.	Checked	Scale	F
								2454	31				

DEVELOPMENT APPLICATION

ATTACHMENT 11 – PERSPECTIVES



① Lot 105a - View from Red Gables Road



② Lot 105b - View from Cnr. New Roads 02 + 03

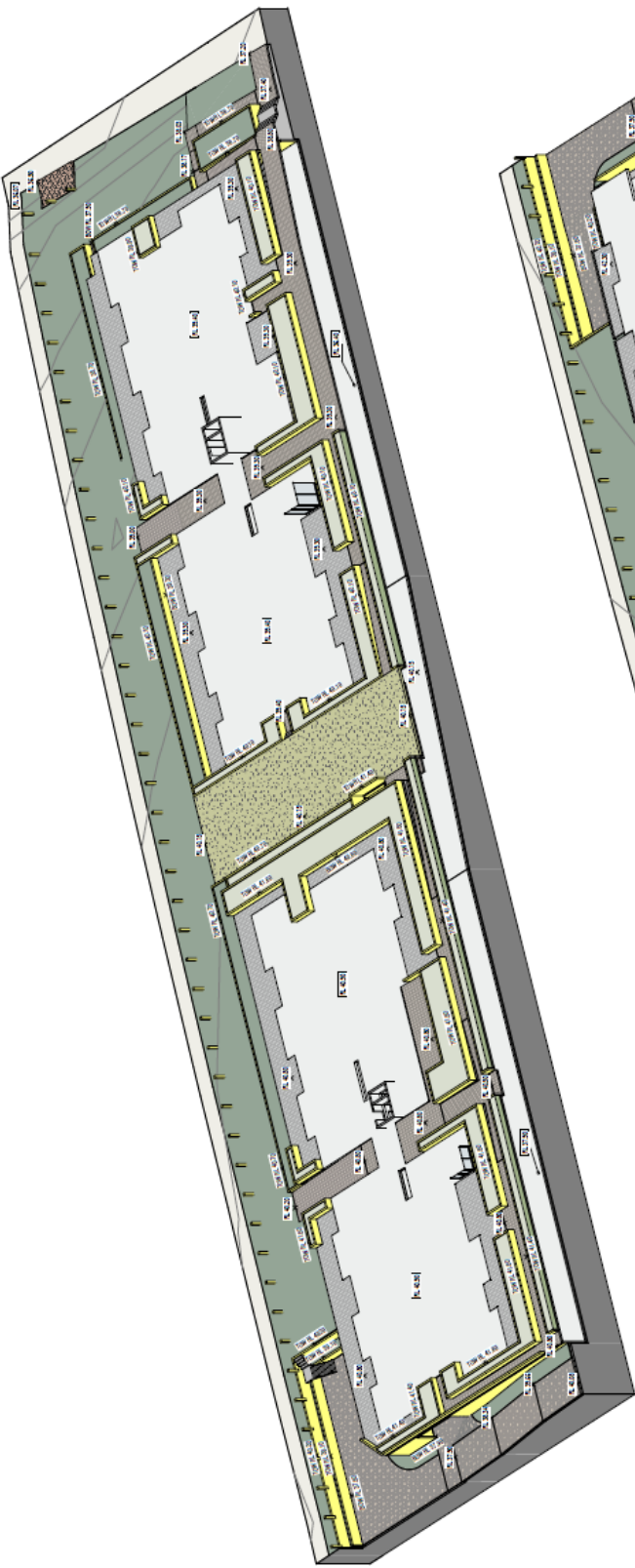
DEVELOPMENT APPLICATION	
Project: PROPOSED RESIDENTIAL APARTMENTS - R4 ZONE	
Project Address: Lot 105, 13 Red Gables Road - 9560-95 Jerrard Road, East Hill	
Owner: Mr. J. Coppello	
Title: Perspective Views	
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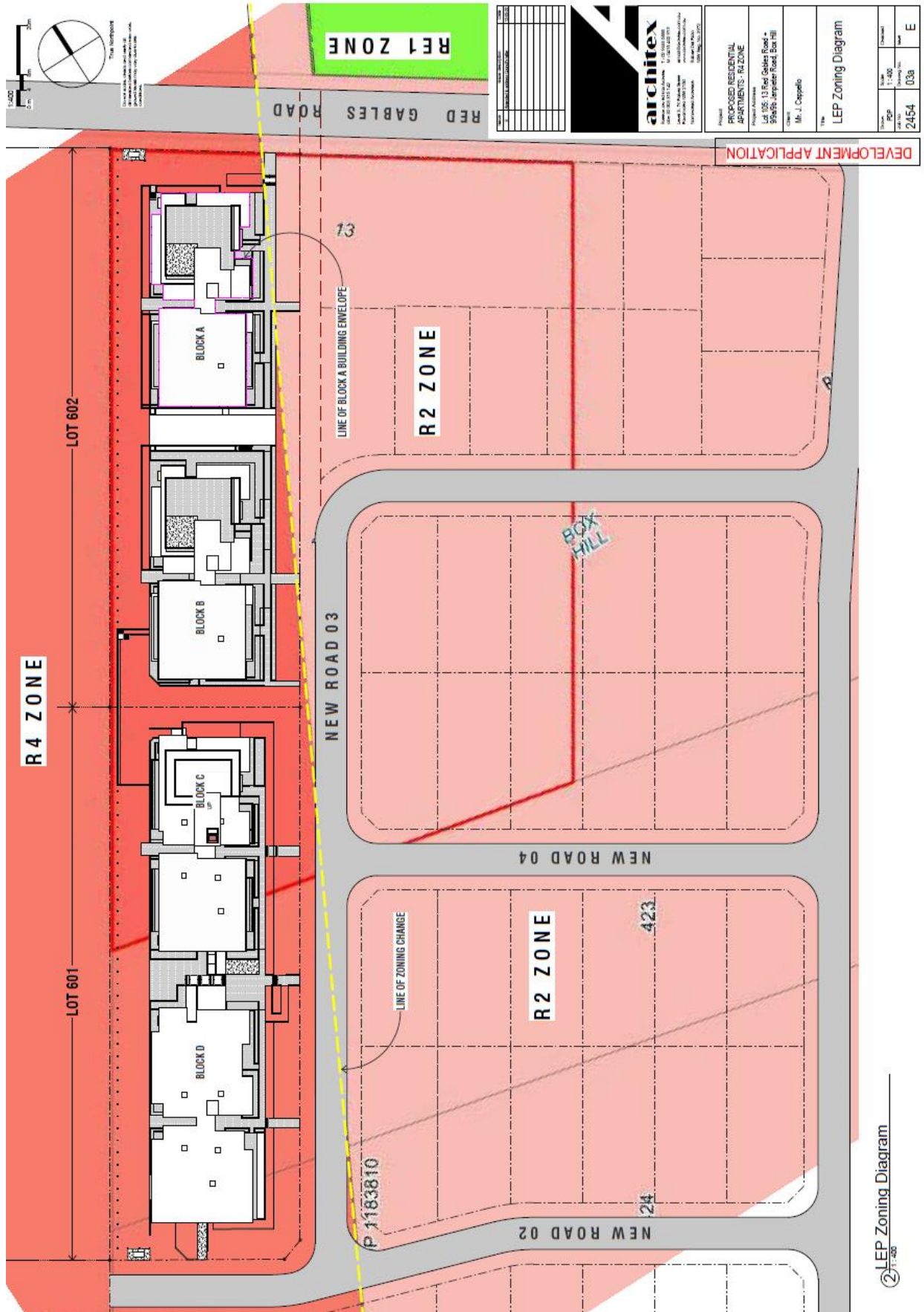
architex
1000 Hwy 101, Suite 100
Vancouver, BC V6P 6K1
Tel: 604.271.1111
Fax: 604.271.1112
www.architex.ca

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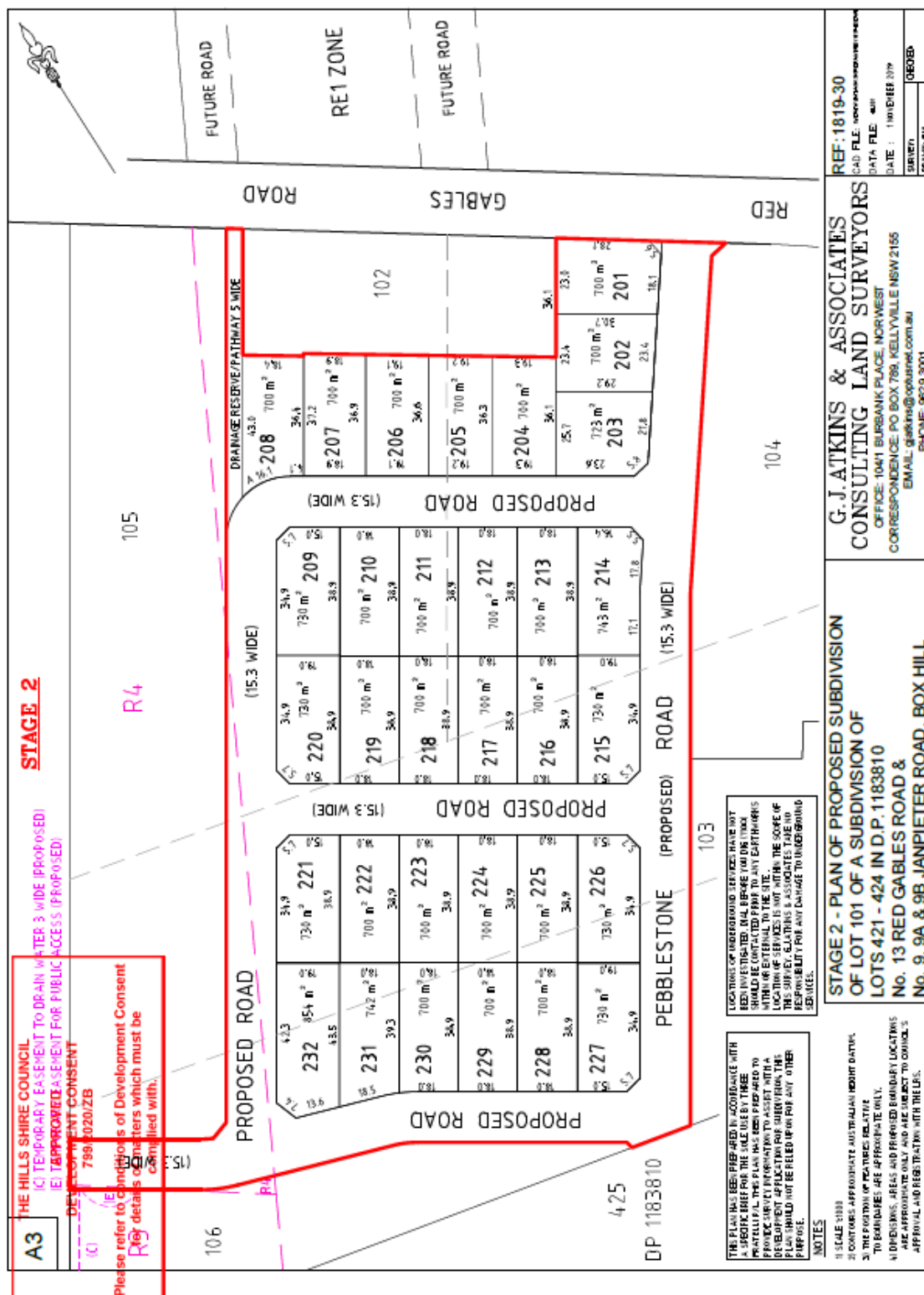
ATTACHMENT 12 – EXTERNAL WORKS DIAGRAM

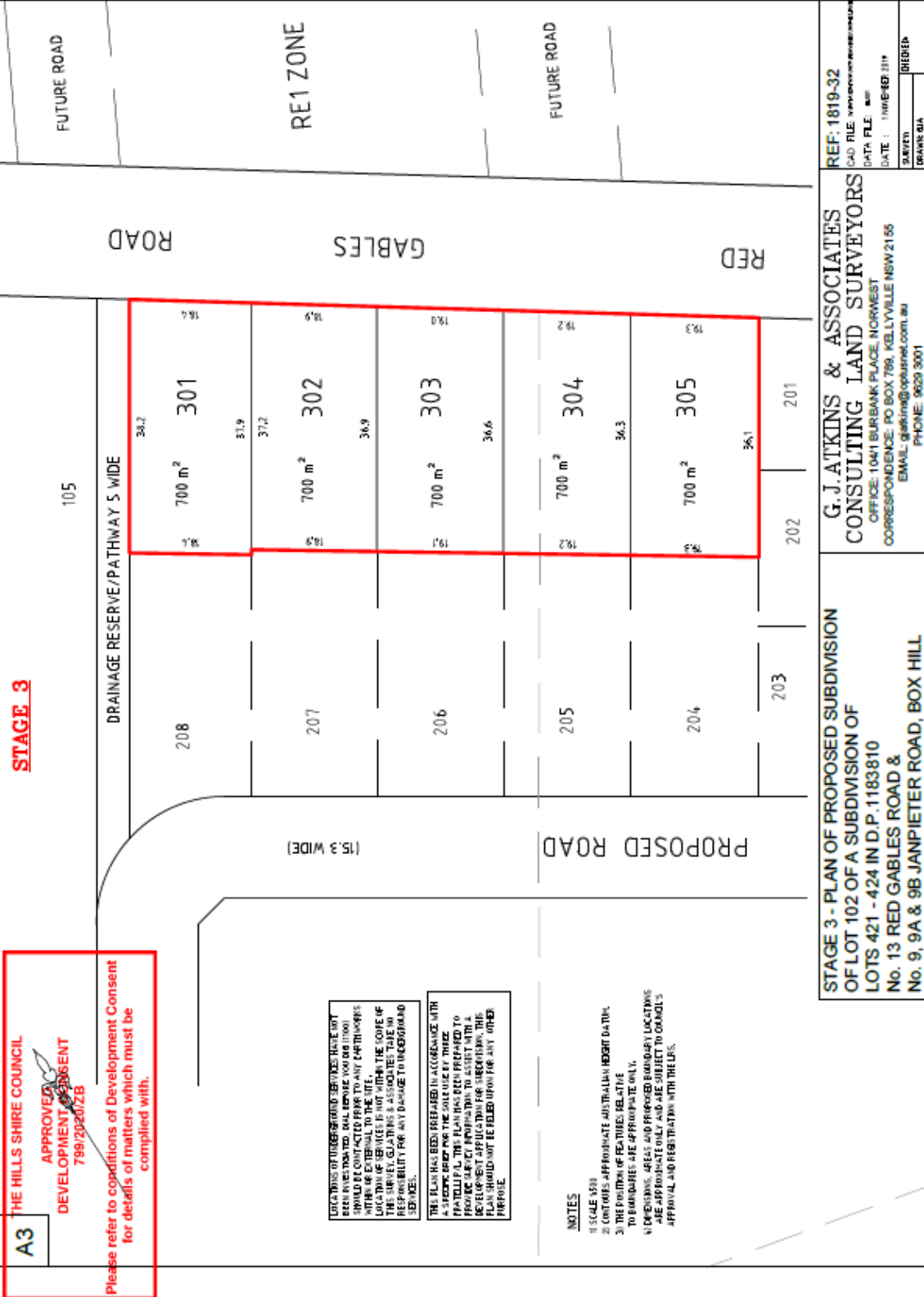


ATTACHMENT 13 – ZONING BOUNDARY OVERLAY



[illegible]





THE HILLS GRADUATE COUNCIL

APPROVED
DEVELOPMENT CONSENT
799/2020/ZB

Please refer to conditions of Development Consent for details of matters which must be complied with.

LOCATIONS OF UNDERGROUND SERVICES HAVE NOT BEEN INVESTIGATED. DIAL BEFORE YOU DIG (7000) SHOULD BE CONTACTED PRIOR TO ANY EAR THROBES WITHIN OF EXTERNAL TO THE SITE.

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH A SPECIFIC BRIEF FOR THE SCOPE USE BY THREE PRELIMINARY. THE PLAN HAS BEEN PREPARED TO PRELIMINARY SURVEY INFORMATION TO ASSIST WITH DEVELOPMENT APPLICATIONS FOR SUBDIVISIONS. THIS PLAN SHOULD NOT BE RELIED UPON FOR ANY OTHER PURPOSE.

NOTES

- 1:5 SCALE 4593
 3) THE POSITION OF FEATURES RELATIVE TO BOUNDARIES ARE APPROXIMATE ONLY.
 1) LOCATIONS, AREAS AND PROPOSED BOUNDARY LOCATIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO COUNCIL'S APPROVAL AND RECONSTRUCTION WITH THE LEAS.



JANPIETER

ROAD

STAGE 4 - PLAN OF PROPOSED SUBDIVISION
OF LOT 103 OF A SUBDIVISION OF
LOTS 421 - 424 IN D.P. 1183810
No. 13 RED GABLES ROAD &
No. 9, 9A & 9B JANPIETER ROAD, BOX HILL

G. J. ATKINS & ASSOCIATES
CONSULTING LAND SURVEYORS
OFFICE: 1041 BURBANK PLACE, NORWEST
CORRESPONDENCE: PO BOX 789, KELLYVILLE NSW 2155

REF: 1819-34

CAD FILE: [NATIONWIDE.MXD](#) (3/25/2014)

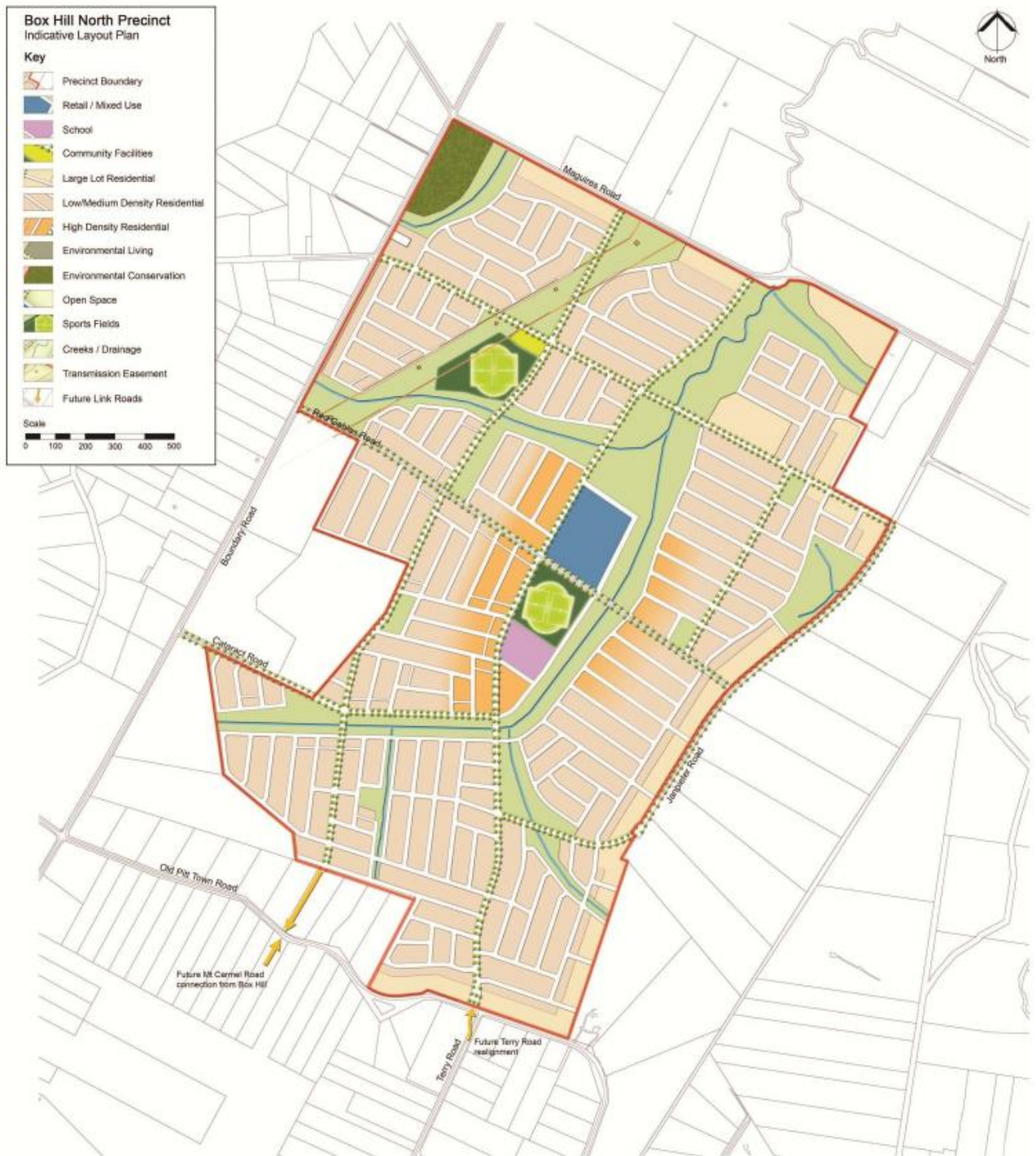
DATA FILE: 10000

DATE : NOVEMBER 2019

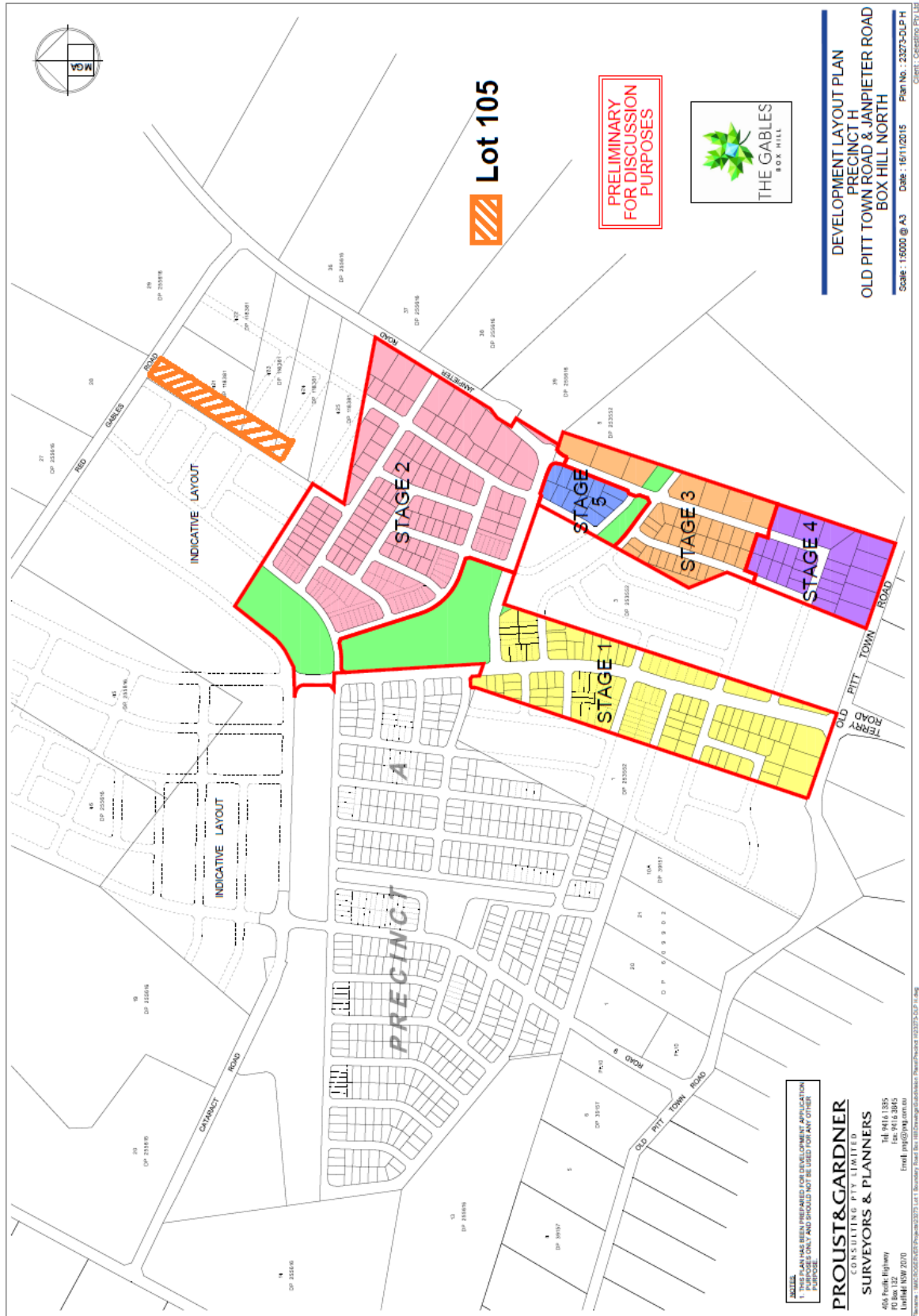
REVIEWED	CHECKED
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DATE: 11/11/2011

ATTACHMENT 15 – BOX HILL NORTH DCP INDICATIVE LAYOUT PLAN (ILP)



ATTACHMENT 16 – POTENTIAL FUTURE LAYOUT PLAN FOR NEIGHBOURING SITE TO WEST OF SUBJECT SITE



**ATTACHMENT 17 – SECRETARY'S CERTIFICATE FOR SATISFACTORY
ARRANGEMENTS FOR DESIGNATED STATE PUBLIC INFRASTRUCTURE**



**Planning,
Industry &
Environment**

SVPA2020-33

Secretary's Certificate

**Satisfactory Arrangements for designated State public
infrastructure**

**Development Application
DA 799/2020/ZB**

For the purposes of clause 6.1 in the *Hills Local Environmental Plan 2019*, I, Brett Whitworth, Deputy Secretary, Greater Sydney, Place and Infrastructure as delegate for the Secretary of the Department of Planning, Industry and Environment, certify that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to:

Development application number:	DA 799/2020/ZB
Address:	9 Janpieter Road, Box Hill 2765 Lot 421-424 DP 1183810
Development application description:	Subdivision to create sixty-one (61) residential lots and two (2) residue lots and the proposed further subdivision of land for four (4) residential flat buildings, containing 110 units
Map at Attachment A:	Yes

A blue ink signature of Brett Whitworth.

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

Date:

9 May 2021

(as delegate for the Secretary)

**the satisfactory arrangements certificate is being issued in relation to the above development application only.*

ATTACHMENT 18 – SYDNEY WATER ADVICE



15 November 2021

Mr Robert Buckham
Principle Coordinator Development Assessment
The Hills Shire Council
PO Box 7064, NORWEST NSW 2153

Re: Proposed development at 9A & 9B Janpieter Rd & 13 Red Gables Rd, Box Hill.

- 1093/2020/JP - Residential Flat Building Development containing 110 Units and Subdivision of One Lot into Two Torrens Title Lots.
- 799/2020/ZB - Subdivision creating 54 residential lots and three residue lots including new road and demolition over five stages.

Dear Mr Buckham

Sydney Water would like to confirm that Waste Water services can be made available to this proposed development site. Options for servicing the site have been identified by Sydney Water with further development required and subject to a number of specific requirements that will need to be addressed at a detailed design stage.

These requirements may include:

1. Laying of gravity mains and pressure mains,
2. Connection to Sydney Water's existing sewer.
3. Construction of a sewage pump station on site.
4. Other identified works.

If you require any further information relating to the servicing of this proposed development please contact me on Tel: 0428 942 974 or Email: mitchell.hoffmann@sydneywater.com.au

Yours sincerely,

A handwritten signature in blue ink, appearing to read "m. Hoffmann", written over a horizontal line.

Mitchell Hoffmann
Major Account Manager
City Growth & Development

ATTACHMENT 19 – TRAFFIC ADVICE FROM APPLICANT



8 April 2022

Ref: 22041

Malcolm Smith Pty Ltd
PO Box 6189
NORWEST NSW 2153

Attention: Malcolm Smith
msptyltd@bigpond.net.au

Dear Malcolm,

1093/2020/JP – s8.2 Review
Lot 105, 13 Red Gables Road & 9, 9A and 9B Janpieter Road, Gables
Review of Proposed Residential Flat Building Development & Torrens Title Subdivision

Introduction

As requested, I have undertaken a review of the refused application 1093/2020/JP, involving the subdivision of one lot (the subject site) into two Torrens Title lots and the construction of a new residential apartment development comprising 110 dwellings.

In informing my opinion, I have reviewed the following reports and documents provided by yourself as well as Council's DA tracker:

- Application 799/2020/ZB deferred commencement consent (25 October 2021)
- Application 799/2020/ZB stamped approved subdivision plans
- Traffic and Pedestrian Access Assessment – Proposed Amendment to Indicative Layout Plan (GTK Consulting – September 2019)
- Traffic and Pedestrian Assessment – Proposed Subdivision (GTK Consulting – November 2019)
- Statement of Environmental Effects for 1093/2020/JP (Think Planners – February 2020)
- Architectural Plans for 1093/2020/JP (prepared by Architex)
- Submissions for 1093/2020/JP
- Council Assessment Report for 1093/2020/JP

Project Details - Application 799/2020/ZB

On the 25th October 2021, Council granted deferred commencement approval for the subdivision of the "parent site" 13 Red Gables Road and 9-9B Janpieter Road, Box Hill, into 54 residential lots and 3 residue lots, including demolition works and new roads, over 5 stages. The sole deferred commencement condition related to sewer and water services – i.e. not traffic related.

The majority of the subject site itself (Lot 105) is zoned R4 – High Density Residential (with the exception of a small triangular slice at the north-eastern end) under The Hills LEP 2019, with a height control of 16m. As indicated in the land zoning map on the following page, the subject site lies within a larger R4 parcel surrounding the future town centre in the B2 zone.

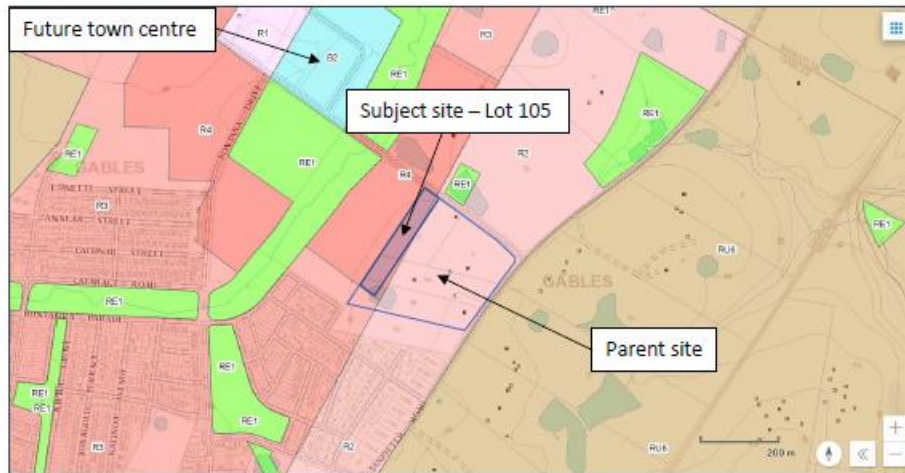


Figure 1 – Land Zoning Map (The Hills LEP 2019)

Consistent with the existing local roads within the release area, the new local roads throughout the parent site are approved with a road reservation width of 15.3m and a road carriageway width of 8.3m, facilitating two-way traffic flow. A copy of the stamped approved subdivision plan is reproduced below.

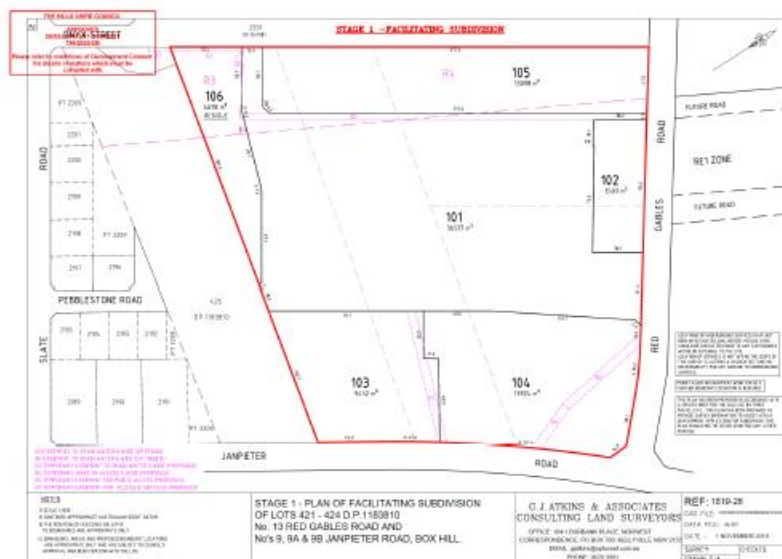


Figure 2 – Stamped approved subdivision plan (799/2020/ZB)

Stage 2 of the approved subdivision involved the creation of 32 low density residential allotments with a minimum lot size of 700m², and the construction of a number of new local roads, including the extension of the existing Pebblestone Road to meet Red Gables Road. A copy of the stamped approved Stage 2 subdivision plan is reproduced below, which also indicates its relationship with the subject site, Lot 105.

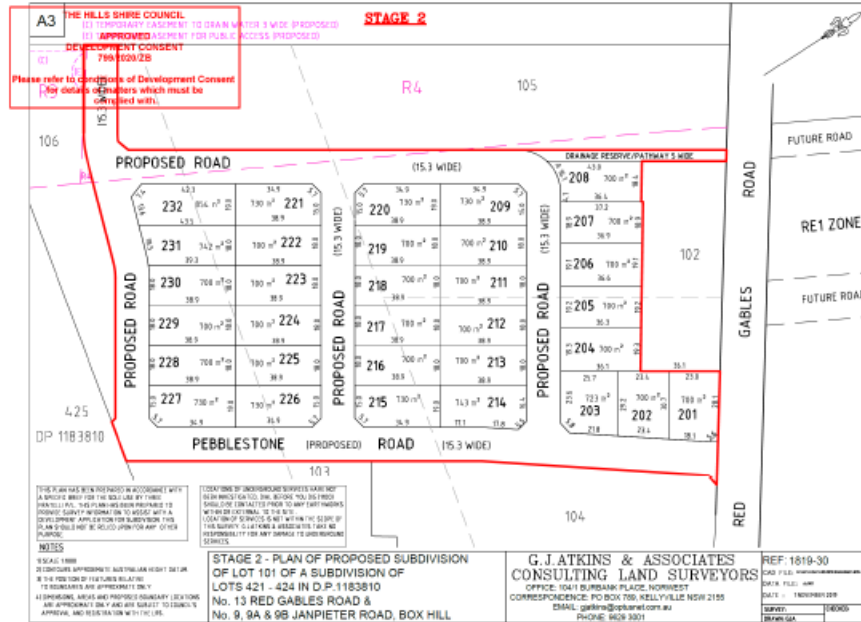


Figure 3 – Stamped approved Stage 2 subdivision plan (799/2020/ZB)

As part of the subdivision application 799/2020/ZB, a Traffic and Pedestrian Assessment was prepared by GTK Consulting (November 2019), which assessed the traffic generation potential of the parent site and its impact on the surrounding road network.

With respect to the subject site (Lot 105), GTK Consulting (GTK) applied TfNSW's "high density residential" trip generation rate of 0.19 peak hour vehicle trips per dwelling. Based on 110 apartments, GTK estimated Lot 105 had a traffic generation potential of 21 peak vehicle trips during the weekday AM and PM peak periods.

There were no architectural plans prepared as part of application 799/2020/ZB, hence the vehicular access points for the proposed residential apartment development under 1093/2020/JP were not known at that stage.

Project Details - Application 1093/2020/JP

On the 18th February 2020, application 1093/2020/JP was lodged with Council for the subdivision of the subject site (Lot 105) into two Torrens Title lots and the construction of a new four-storey residential apartment development comprising 110 dwellings across four separate buildings.

Off-street car parking was proposed for a total of 253 cars across two separate basement levels (one on each lot), comprising 209 residential spaces and 44 visitor spaces, in accordance with Council's DCP 2012 parking rates.

Off-street loading facilities were also proposed, comprising two loading bays (one on each lot) capable of accommodating an 8.8m long MRV truck, such as Council's waste truck.

Vehicular access to the southern lot (proposed Lot 601) was proposed to be provided via a new entry/exit driveway located off New Road 02, whilst vehicular access to the northern lot (proposed Lot 602) was proposed to be provided via a new entry/exit driveway located off New Road 03.

A copy of the architectural subdivision plan submitted with 1093/2020/JP, which includes the proposed apartment building footprints and two vehicular access points, is reproduced below.



Figure 4 – Architectural subdivision plan (1093/2020/JP)

Council Assessment Report - Application 1093/2020/JP

As required, Council staff undertook a full and thorough assessment of application 1093/2020/JP, recommending refusal, primarily on the grounds of the provision of public sewerage infrastructure for the development. A copy of the Council's recommendation and reasoning is reproduced below.

RECOMMENDATION

The Development Application be refused for the following reasons:

1. Development consent cannot be granted as the Planning Secretary has not certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to the proposed lots.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)
2. Development consent cannot be granted as the consent authority is not satisfied that public utility infrastructure (the disposal and management of sewage) that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.
(Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act, 1979)
3. The proposal relies on a facilitating subdivision development application, to create the allotment and provide vehicular access, which has not been determined.
(Section 4.15 1(c) of the Environmental Planning and Assessment Act, 1979).
4. The proposal has not adequately addressed outstanding engineering and resource recovery matters.
(Section 4.15(1)(a)(iii), 1(b) and 1(c) of the Environmental Planning and Assessment Act, 1979).
5. The proposal is not in the public interest given the outstanding concern regarding the provision of sewer infrastructure for the development as raised in public submissions.
(Section 4.15(1)(e) of the Environmental Planning and Assessment Act, 1979).

The two relevant items above are Items 3 & 4, whilst Item 1 relates to the provision of Stage public infrastructure and Items 2 & 5 relate mainly to the public sewerage infrastructure. It is pertinent to note however, that since the preparation of the Council Assessment Report, Item 3 has been addressed by way of the deferred commencement approval of subdivision application 799/2020/ZB, whilst Item 1 has been addressed by way of a VPA. Items 2 & 5 have been satisfied through advanced arrangements with Sydney Water for the provision of sewerage infrastructure. The only outstanding item is therefore Item 4, with Council's comments reproduced below, along with my response.

Engineering

The proposal has been reviewed by the Subdivision Engineer. Whilst the proposal generally satisfies all subdivision engineering requirements, the applicant was requested to provide information relating to car parking spaces R41 and R42 with respect to compliance with Australian Standard AS/NZS 2890.1 and the available vehicle headroom for car parking. The development relies on these two spaces to meet the minimum provision of car parking spaces as required by the DCP. The requested information remains outstanding.

Response

Architectural drawing No.25 (Rev F), Section 3 is reproduced below which confirms that the overhead clearance above the two car parking spaces underneath the vehicular ramp complies with AS2890. Whilst the two car parking spaces located underneath the ramp are not accessible spaces, reference is made to Figure 2.7 of AS2890.6, which indicates a zone at the far end of a car space that can be used for services, structure etc. The non-accessible (2200mm clearance) section of the parking space envelope is shown on the driveway section drawing below. The overhead clearance at the far end of the two car spaces underneath the ramp is 2020mm (which exceeds the 1800mm allowable minimum), thereby satisfying Figure 2.7 below.

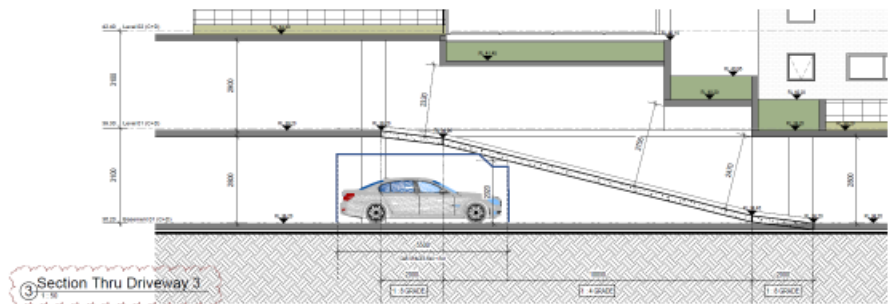
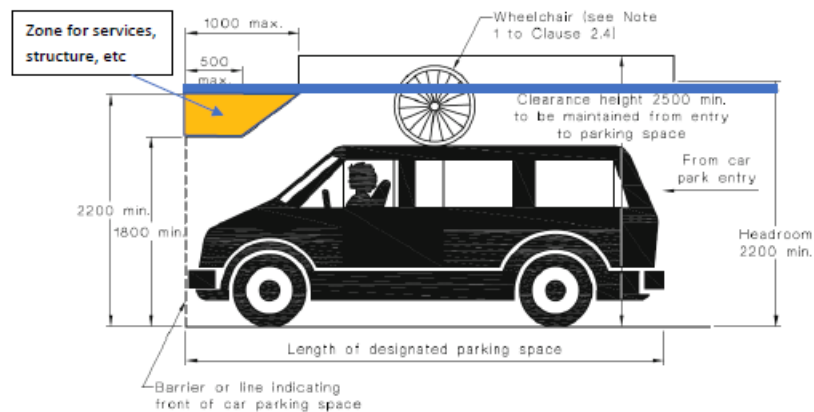


Figure 5 – Architectural drawing No.25 (Rev F), Section 3 (1093/2020/JP)



DIMENSIONS IN MILLIMETRES

FIGURE 2.7 HEADROOM REQUIRED ABOVE CAR SPACES FOR PEOPLE WITH DISABILITIES

Figure 6 – AS2890.6 Figure 2.7 extract

The resource recovery matter noted under Item 4 of Council's reasons for refusal are a matter for the waste consultant, however it would appear that a suitable design could be achieved during the detailed design stage, subject to a suitably worded condition of consent.

Traffic Assessment

As noted in the foregoing, part of the subdivision application 799/2020/ZB, a Traffic and Pedestrian Assessment was prepared by GTK Consulting (November 2019), which assessed the traffic generation potential of the parent site and its impact on the surrounding road network.

With respect to the subject site (Lot 105), GTK applied TfNSW's "high density residential" trip generation rate of *0.19 peak hour vehicle trips per dwelling*. Based on 110 apartments, GTK estimated Lot 105 had a traffic generation potential of 21 peak vehicle trips during the weekday AM and PM peak periods.

The GTK report also assessed the environmental capacity of the local road network, including referencing TfNSW's thresholds for maximum peak hour volumes for local and collector roads. Extracts from the GTK report are reproduced below.

Table 3: RMS recommended environmental capacity performance standards for residential streets, i.e. local and collector roads

Road Class	Road Type	Maximum Speed (km/h)	Maximum Peak Hour Volume (veh/h)
Local	Access way	25	100
Local	Street	40	200 environmental goal 300 environmental maximum
Collector	Street	50	300 environmental goal 500 environmental maximum

Source: RMS Guide to Traffic Generating Development 2002 Ver 2

Table 4: Pebblestone Rd traffic volumes compared to RMS environmental capacity goals

Location	Maximum traffic volume	Environmental capacity
Pebblestone Road	100 vph	200 - 300 vph

Source: gtk consulting 2019

In summary, GTK concluded that during times of peak traffic on Pebblestone Road, the volumes generated by the subject subdivision and adjacent subdivision represents between 33% (based on 300 vph) and 50% (based on 200 vph) of the environmental capacity set by TfNSW.

I can confirm that I have reviewed the GTK report and agree with its findings and conclusions. In particular:

- that traffic generated by the subdivision (which includes the proposed residential apartment development on the R4 land within Lot 105), will not present any unsatisfactory traffic safety or capacity issues on the future road network,
- Pebblestone Road, the highest traffic volume road within the subdivision, is below the acceptable environmental capacity goals set by TfNSW,
- the site will be serviced by local buses and there is convenient access to excellent rail links to the Sydney CBD via the Sydney Metro Northwest, and
- the site is located within 10 minutes' walking distance of the future town centre and community facilities.

Submissions

It is noted that the proposed residential apartment development under application 1093/2020/JP, received a number of submissions, many of which related to traffic. Having read the submissions it would appear that they are primarily emotionally based rather than having any significant planning or technical merit. A summary of the traffic-related submissions are reproduced on the following page, along with my respective responses.

Concern

Concerns were raised with the additional traffic and congestion that would be generated by the development.

CJP Response

With respect to the subject site (Lot 105), GTK applied TfNSW's "high density residential" trip generation rate of 0.19 peak hour vehicle trips per dwelling. Based on 110 apartments, GTK estimated Lot 105 had a traffic generation potential of 21 peak vehicle trips during the weekday AM and PM peak periods. Even applying a more conservative trip rate of 0.29 peak hour vehicle trips per dwelling, would result in a mere 11 additional peak vehicle trips.

The proposed residential apartment development under application 1093/2020/JF complies with the planning controls which apply to the site, particularly with respect to its R4 zoning and 16m height control. Essentially, the planning controls dictate that a development of this scale and density is permissible and envisaged, and the proposal complies with those controls.

Furthermore, Council's assessment report from 13 May 2014 on the rezoning of the surrounding area, known as Box Hill North Precinct, noted the following:

A Traffic and Parking Assessment Report was prepared by GTA Consultants (GTA) at the Masterplan stage, assessing existing traffic and transport conditions, operating conditions of surrounding intersections and future traffic conditions with respect to the proposed rezoning. The assessment identified what transport infrastructure improvements were required in the immediate vicinity of the Box Hill North area, in addition to those already planned and funded through the North West Growth Centre planning framework to accommodate the development of the Box Hill Precinct.

Further analysis by Council has determined that all internal access roads for the Box Hill North area will operate at full development within their environmental capacities. It has also been determined that Old Pitt Town Road and Boundary Road will provide satisfactory levels of service at all intersections, and mid-block subject to the construction of the various intersection controls and road widening requirements specified in the Box Hill North proposal.

The GTA study's findings and conclusions would have been a contributing factor in setting the future planning controls of the precinct, based on how much traffic the surrounding road network could accommodate, and what upgrades were required as a result.

It is also pertinent to note that the subject site (Lot 105) is not a stand-alone R4 site, it lies within a larger R4 parcel, such that other similar high density residential apartment developments will eventually be constructed as well, all of which would have been assessed in the Masterplan traffic study.

Concern

Concerns were raised with there being insufficient infrastructure to service the development such as roads and the provision of electricity and sewer.

CJP Response

Subdivision application 799/2020/ZB, approved by way of a deferred commencement consent, includes the construction of new local roads within the parent site to service the proposed residential apartment development on Lot 105. This includes the extension of Pebblestone Road to connect with Red Gables Road, however only through the parent site itself – i.e. not through the adjoining Lot 425.

Notwithstanding, application 949/2022/ZB is currently under review with Council, which includes the linking up of Pebblestone Road and Pepperino Street. It is likely that this development will be carried out in conjunction with, or shortly after, the subdivision of the subject site under 799/2020/ZB. A copy of the 949/2022/ZB subdivision plan is reproduced below.



Figure 7 – Proposed subdivision plan (949/2022/ZB)

Concern

Concerns were raised with the proposed vehicular access not being from Red Gables Road and impacts on local streets.

CJP Response

Traffic engineering principles dictates that vehicular access driveways should be located on lower order roads wherever possible. This is also consistent with the Clause 101(2)(a) of the SEPP (Infrastructure) 2007, which notes that, "where practicable and safe, vehicular access to the land is provided by a road other than the classified road".

Red Gables Road is considered a collector road through the precinct, therefore based on the above principles of minimising vehicular access points of higher order roads, vehicular access to the residential apartment development is proposed to be provided via New Road 02 and New Road 03.

The GTK report concluded that during times of peak traffic on Pebblestone Road, the volumes generated by the subject subdivision and adjacent subdivision represents between 33% (based on 300 vph) and 50% (based on 200 vph) of the environmental capacity set by TfNSW. It is considered that the other existing and future local roads will carry even less of the proposed development's traffic, such that they too, will not result in any environmental capacity implications, nor will any upgrades be required.

It should also be noted that the future residential apartment developments on the surrounding R4 land will also have their vehicular access points off the future local road network.

Concern

Concerns were raised with the design and orientation of the access roads to the site.

CJP Response

The above concerns are not relevant to the subject application, 1093/2020/JP, which is for the construction of a new residential apartment development on Lot 105, which does not include any future roads within its boundary. The design and orientation of the access roads to the site were assessed under the subdivision application 799/2020/ZB which has received deferred commencement development consent.

Concern

Concerns were raised by residents along Obsidian Road and the additional traffic from the development using the thoroughfare causing congestion, safety and amenity impacts for residents.

CJP Response

Obsidian Road currently extends north from Ironstone Parkway to Slate Road. In the future, it will extend through to Red Gables Road and be known as Pebblestone Road. The design and orientation of the future road network were thoroughly assessed at the Masterplan stage and is defined in the DCP. The subject application does not propose to alter Obsidian Road and/or Pebblestone Road.

Notwithstanding, with respect to the subject site (Lot 105), based on TfNSW's high density residential trip rates, the proposed development with 110 apartments is expected to generate in the order of 21-31 peak trips (depending on the trip rate used), equating to 1 trip every 2-3 minutes during peak periods, less at other times. Once distributed across the surrounding road network, the additional traffic load on any particular street associated with the subject application is minimal and will not result in any unacceptable environmental capacity, road safety or amenity implications.

Conclusion

Based on a thorough review of all relevant reports, documents, plans and planning controls, I am of the opinion that the subject application, 1093/2020/JP, is supportable on traffic engineering grounds, and is consistent with Council's planning controls. Please do not hesitate to contact me if you wish to discuss further.

Kind regards



Chris Palmer
Director
B.Eng (Civil), MAITPM