

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-426 - DA 1207/2023/JP
PROPOSAL	Residential Flat Building Development containing 178 Units on Proposed Lot 1 in a Subdivision of 6 Alan Street under DA 132/2023/ZB.
ADDRESS	Lot 121 DP 10157, 6 Alan Street Box Hill
APPLICANT	Universal Property Group Pty Ltd
OWNER	Mrs N Ferella
DA LODGEMENT DATE	06 February 2023
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Clause 2 of Schedule 6 of SEPP (Planning Systems) 2021: Development that has a Capital Investment Value of more than \$30 million (\$39,753,382)
CIV	\$39,753,382
CLAUSE 4.6 REQUESTS	Clause 4.3 Height of Buildings of State Environmental Planning Policy (Precincts – Central River City) 2021
KEY SEPP's	SEPP (Planning Systems) 2021 SEPP (Precincts – Central River City) 2021 SEPP (Resilience and Hazards) 2021 SEPP 65 – Design Quality of Residential Apartment Development SEPP BASIX 2004 SEPP (Biodiversity and Conservation) 2021
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	Nil
CONSULTANTS	Architect: Cottee Parker Landscape Architect: Conzept Landscape Architects Arborist: Monaco Designs Pty Ltd Engineering: Enspire Solutions Pty Ltd Acoustics: Acoustic Logic Pty Ltd

	Quantity Surveyor: Thomas Lander Traffic: Varga Traffic Planning Pty Ltd Accessibility: Vista Access Architects Pty Ltd Waste Management: BRP Consulting BCA Consultant: 360 Certification (Mosman Certifiers Pty Ltd) BASIX: SLR Consulting Pty Ltd Site Investigations: Geotesta Pty Ltd Aboriginal Assessment: Apex Archaeology
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	Yes
RECOMMENDATION	Approval subject to conditions
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	16 November 2023
PLAN VERSION	N/A
PREPARED BY	Amanda Hawkins – Senior Town Planner
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	15 November 2023

EXECUTIVE SUMMARY

The Development Application seeks consent for the construction of a residential flat building development comprising four, six storey residential flat buildings containing 178 units.

The development is proposed to be constructed on Proposed Lot 1 of Subdivision Development Consent 132/2023/ZB. Vehicular access is provided from a proposed road to the north-eastern boundary (Village View) with the basement containing 257 parking spaces.

The application was notified from 10 February 2023 to 3 March 2023, with no submissions received.

A briefing was held with the Panel on 30 March 2023 where key issues were discussed, including the proposed building height variation, waste management, property numbering and landscaping matters.

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

- The variation to Clause 4.3 Height of Buildings pursuant to Clause 4.6 Exceptions to Development Standards in relation to the proposed residential flat building.

- The variations to the Box Hill Development Control Plan 2018 with respect to front and secondary street frontage setback, rear setback, private open space and building separation.

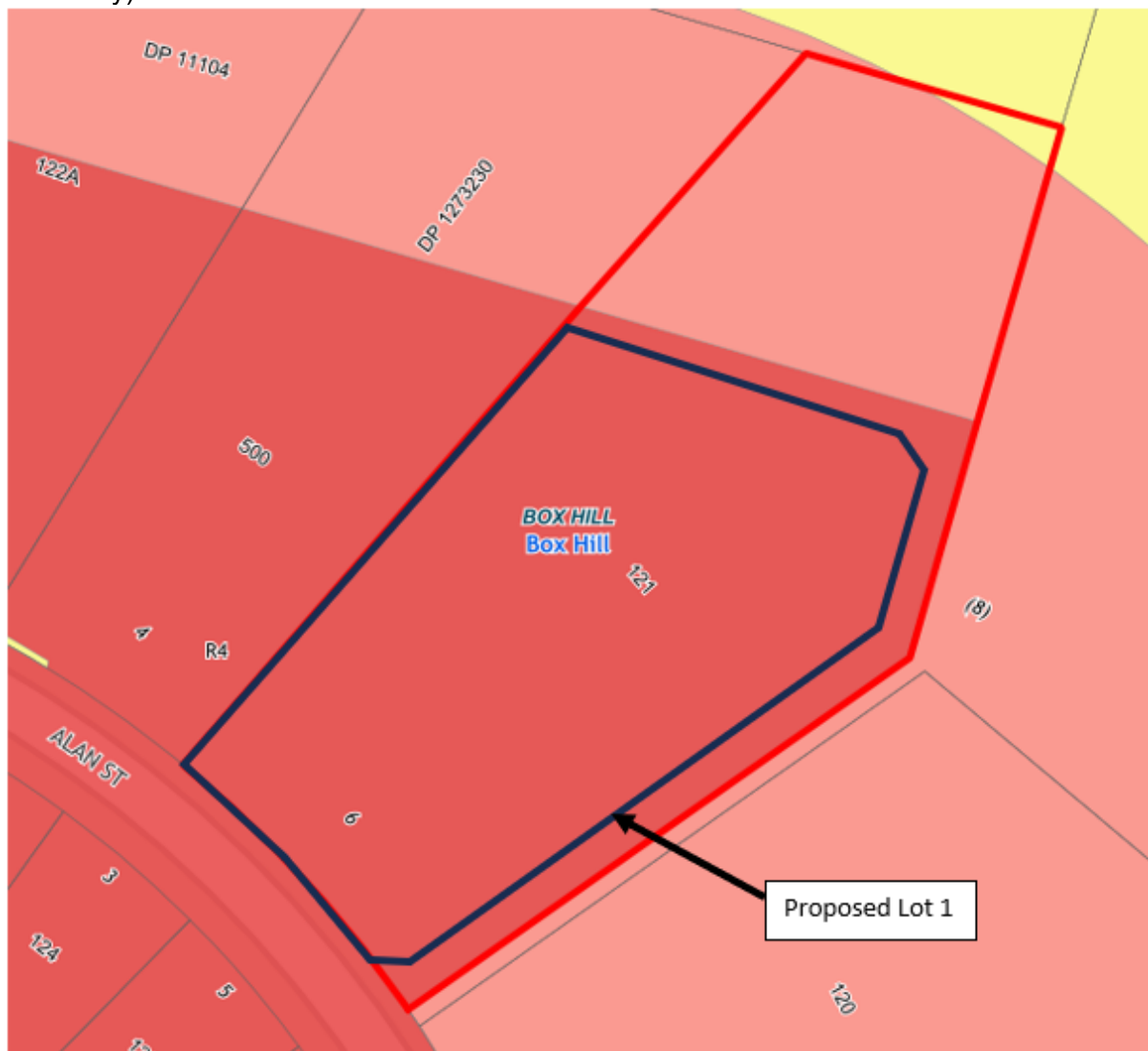
The proposal is considered to respond appropriately to the topography of the site and will result in an appropriate urban outcome. The proposed variations do not result in any adverse amenity impacts and will not result in a detrimental impact on the streetscape. The development, as proposed, will be compatible with the future Alan Street streetscape.

The Development Application is recommended for approval.

1. THE SITE AND LOCALITY

The subject site is an allotment located on the northern side of Alan Street. The site is irregular in shape with a frontage of approximately 60 metres to Alan Street, a depth ranging between 115m and 195m, and a total area of 13,262m².

The site is zoned part R4 High Density Residential, part R3 Medium Density Residential and part SP2 Infrastructure pursuant to State Environmental Planning Policy (Precincts – Central River City) 2021 as shown below:



Zoning Map

The site falls to the rear and is occupied with one residential dwelling and two sheds in the southern and western parts of the site. In the northeast of the site there is a dam, which is surrounded by long grass.



Aerial Photograph of the site

The site is surrounded by residential dwellings, residential subdivisions, and high and medium density residential development under varying stages of construction.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The Development Application seeks consent for the construction of four x six storey residential flat buildings containing 178 units comprising:

- 24 x 1 bedroom units
- 95 x 2 bedroom units
- 59 x 3 bedroom units

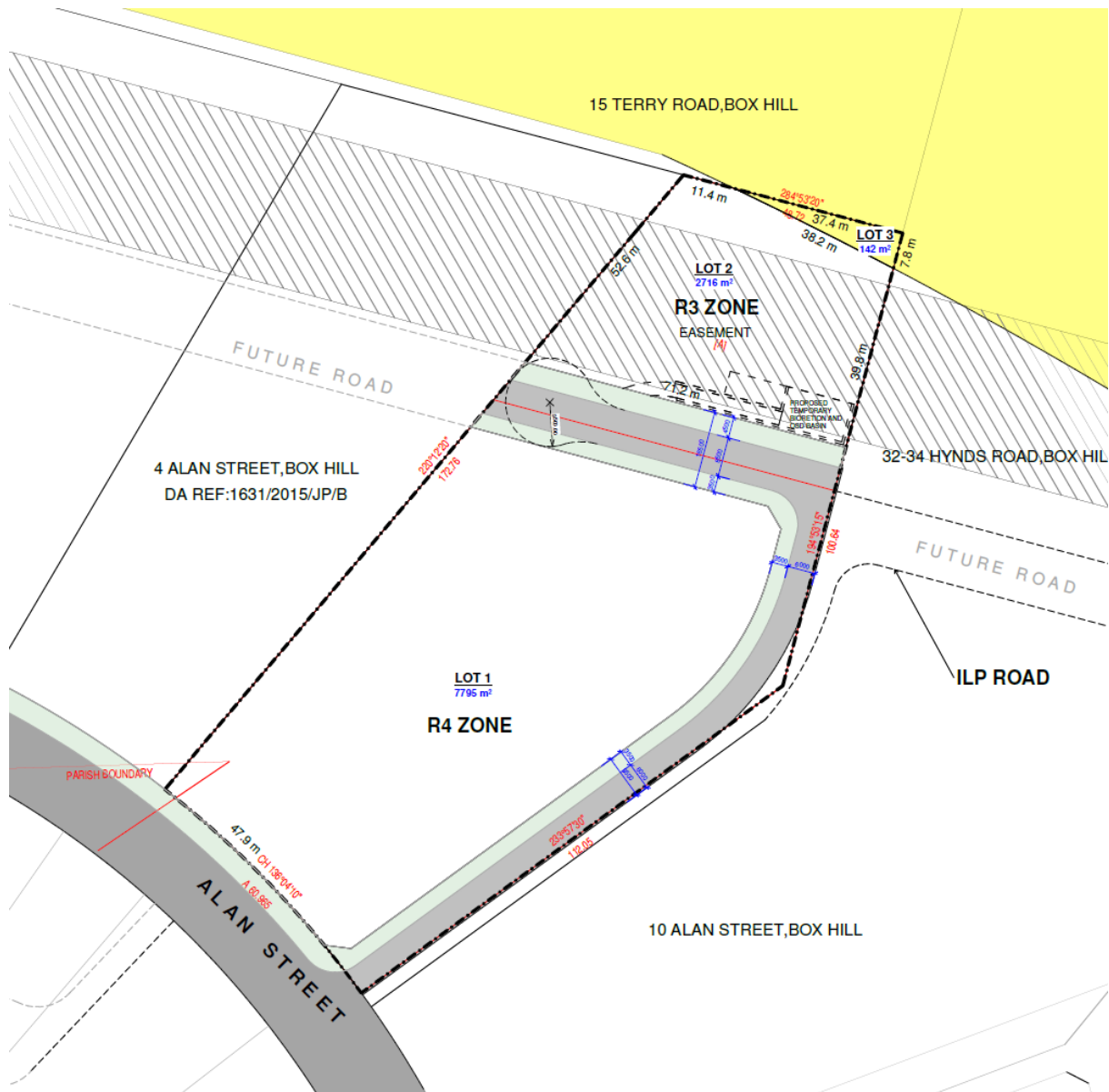
A total of 257 car spaces are proposed within the basement levels comprising:

- 112 spaces on the lower basement level
- 105 spaces on the middle basement level
- 40 spaces on the upper basement level

The demolition of all existing structures on site was approved on 5 July 2022 under Development Consent 1955/2022/LA.

Vehicular access to the development is provided from a proposed road to the north-eastern boundary (Village View).

The development is proposed to be constructed on Proposed Lot 1 of Subdivision Development Consent 132/2023/ZB which was approved under delegated authority on 13 October 2023. The approval creates two residue lots, one stormwater management lot, new road and dam dewatering.



Approved Plan of Subdivision pursuant to Development Consent 132/2023/ZB

The alignment/ location of Village View was first varied under the developments approved to the west of the site (being 1631/2015/JP and 846/2016/JP). The amended road location moved the road further north into the R3 portion of the lot given that the R3 zoned land is largely undevelopable due to the transmission easement traversing the site.

The realignment resulted in 9 metres of the Village View road reserve being located within the R3 zoned portion, and 7.5 metres of the road reserve being located within the R4 zoned portion of the lot. The change to the location of Village View within the subject site was approved in the preceding subdivision approval to ensure consistency with adjoining approved development.

Table 1: Development Data

Control	Proposal
Site area	Parent Lot: 13,262m ² Proposed Lot 1: 7,795m ² (not including road dedication) 9,702m ² (including road dedication)
GFA	17,456m ²
FSR	1.799:1
Clause 4.6 Requests	Yes, a Clause 4.6 request against Clause 4.3 Height of Buildings has been submitted with the application.
No of apartments	178
Max Height	21.3 metres
Landscaped area	37% (2,941m ²)
Car Parking spaces	257

2.2 Background / Site History

Development Consent 1955/2022/LA was issued on 5 July 2022 for the demolition of all existing structures on site.

No pre-lodgement meeting was held for the proposed development.

The subject Development Application was lodged on 6 February 2023. The application was notified from 10 February 2023 to 3 March 2023, with no submissions received.

The Regional Planning Panel was briefed on 30 March 2023.

Requests for additional information were sent to the applicant on 28 February 2023, 15 June 2023 and 10 August 2023 with regard to planning, landscaping, engineering, property numbering and resource recovery issues related to the application.

Amended plans and documentation were received on 28 April 2023, 4 May 2023, 18 July 2023 and 8 September 2023. In response to the issues raised, the application was modified to

amend the unit composition from 93 x two bedroom units to 95 x two bedroom units and from 61 x three bedroom units to 59 x three bedroom units. The composition amendment was to the top two levels of Building A. Two units were reduced from 3 bedrooms to 2 bedrooms plus a study (Units 403 & 503). Other minor changes were also made relating to the landscape design, waste management and waste room layout, unit numbering and driveway gradients.

Subdivision Development Consent 132/2023/ZB was issued on 13 October 2023 creating two residue lots, a stormwater management lot, new roads and dam dewatering.

A chronology of the development application since lodgement is outlined below including the Panel's involvement (briefings, deferrals etc) with the application:

Table 2: Chronology of the DA

Date	Event
26 July 2022	Subdivision Development Application 132/2023/ZB lodged.
6 February 2023	Subject DA lodged.
28 February 2023	Request for additional information and amendments sent to the applicant by Council staff.
30 March 2023	Panel briefing.
28 April 2023	Amended Landscape Plan submitted.
4 May 2023	Additional waste management information submitted.
15 June 2023	Request for additional information and amendments sent to the applicant by Council staff.
18 July 2023	Additional information and amended architectural plans submitted.
10 August 2023	Request for additional information and amendments sent to the applicant by Council staff.
15 August 2023	Request for additional information relating to future property numbering sent to the applicant by Council staff.
8 September 2023	Additional information and amended plans submitted.
13 October 2023	Subdivision Development Consent 132/2023/ZB issued.

3. STATUTORY CONSIDERATIONS

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

- (a) *the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

These matters are further considered below.

It is noted that the proposal is not considered to be:

- Integrated Development (s4.46)
- Designated Development (s4.10)
- Requiring concurrence/referral (s4.13)
- Crown DA (s4.33)

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

The following Environmental Planning Instruments are relevant to this application:

- *State Environmental Planning Policy (Planning Systems) 2021.*
- *State Environmental Planning Policy (Resilience and Hazards) 2021.*
- *State Environmental Planning Policy (Precincts – Central River City) 2021.*
- *State Environmental Planning Policy (SEPP) No. 65 – Design Quality of Residential Apartment Development.*
- *State Environmental Planning Policy (Biodiversity and Conservation) 2021.*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

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

Table 3: Summary of Applicable State Environmental Planning Policies

EPI	Matters for Consideration	Comply (Y/N)
SEPP (Planning Systems) 2021	• Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
SEPP (Resilience and Hazards)	• Clause 4.6 - Contamination and remediation have been considered in the Preliminary Site Investigation Report and the proposal is satisfactory subject to conditions.	Y
SEPP (Precincts)	• Clause 4.1A Minimum Lot Size • Clause 4.1B Residential Density • Clause 4.3 Height of Buildings • Clause 4.4 Floor Space Ratio • Clause 4.6 Exceptions to Development Standards • Clause 6.1 Public Utility Infrastructure	Y Y N Y Y Y
SEPP 65	• Clause 30(2) - Design Quality Principles - The proposal is consistent with the design quality principles and the ADG requirements as detailed below.	Y

SEPP (Biodiversity and Conservation)	Clause 6.13 - Hawkesbury-Nepean conservation area sub-catchments. The development is unlikely to have detrimental impacts on the health of the environment of the Hawkesbury and Nepean River system.	Y
BASIX SEPP	The applicant has addressed this requirement through the preparation of a BASIX certificate for the proposed development. The certificate confirms the proposed multi dwelling housing and residential flat building will meet the NSW government's requirements for sustainability.	Y

State Environmental Planning Policy (Planning Systems) 2021

State Environmental Planning Policy (Planning Systems) 2021 applies to the proposal as it identifies if development is regionally significant development. In this case, pursuant to Clause 2.19(1) of the SEPP, the proposal is a regionally significant development as it satisfies the criteria in Clause 2 of Schedule 6 of the SEPP as the proposal is development for *general development* with a CIV of more than \$30 million.

Accordingly, the Sydney Central City Planning Panel is the determining authority for the application.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of SEPP (Resilience and Hazards) 2021 have been considered in the assessment of this application. 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.*

In order to consider this, a Preliminary Site Investigation ('PSI') has been prepared for the site by Geotesta Pty Ltd dated 20 June 2022. The investigation found that the site has a low risk of widespread soil contamination and is therefore suitable for the proposed development pending the results of an additional post demolition assessment. It was recommended that a data gap assessment be performed after demolition of the existing dwelling and sheds on the site.

It is also noted that contamination and remediation works are to be carried out under the Subdivision Approval, however conditions are also recommended as part of this application to ensure the land is suitable for the proposed use.

The proposal is therefore considered to be consistent with the SEPP, subject to the imposition of relevant conditions of consent in relation to contamination assessment and site remediation.

State Environmental Planning Policy (Precincts - Central River City) 2021

a. Permissibility

The site is zoned part R4 High Density Residential, part R3 Medium Density Residential and part SP2 Infrastructure pursuant to State Environmental Planning Policy (Precincts – Central River City) 2021. The proposed development is to be sited on Proposed Lot 1, which is zoned R4 High Density Residential.

The proposed development is defined as a residential flat building.

“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 in the R4 High Density Residential zone.

In view of the above, the proposed development satisfies the provisions for permissibility with respect to the SEPP.

b. Zone Objectives

The objectives of the R4 zone are:

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

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

In view of the above, it is considered that the development application satisfies the R4 High Density Residential zone objectives under SEPP (Precincts) 2021.

c. Development Standards

The following table addresses the principal development standards of the SEPP.

Residential Flat Building

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.1A Minimum lot sizes for development	Residential Flat buildings – 1,000m ²	7,795m ² (net developable area of Proposed Lot 1 after road dedication)	Yes

4.1B Density	Residential	Minimum residential density – 30 dwellings per hectare	228 dwellings per hectare	Yes
4.3 Height of buildings		21 metres	21.3 metres (with the highest point being the lift overrun as shown on the Height Plane Plan) (representing a 1.43% variation)	No, refer to Section 4 of this report.
4.4 Floor space ratio		2:1	GFA: 17,456m ² Proposed Lot 1: 9,702m ² (including road dedication) Proposed FSR: 1.799:1	Yes

d. Clause 6.1 Public Utility Infrastructure

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

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

The applicant engaged the services of a Level 3 ASP who provided written confirmation of the approximate electrical load required to supply the development and advice that a new padmount substation would be provided on site. The letter also confirmed that a HV connection to the proposed substation can be provided.

The application was referred to Endeavour Energy for comment as well who provided comments and conditions for the proposed development. These include a condition that the applicant will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

The applicant also engaged the services of an accredited water service coordinator who provided written confirmation that a Section 73 Compliance Certificate for the development is required.

The application was referred to Sydney Water for comment as well who provided comments and conditions for the proposed development. These include a condition that the applicant will need to submit an appropriate application for a Section 73 Certificate and Building Plan Approval.

Therefore, sufficient information been provided to demonstrate compliance with Clause 6.1 – Public Utility Infrastructure of the SEPP.

e. Variation to Building Height

Clause 4.6 Exceptions to Development Standards states:

- (1) *The objectives of this clause are as follows:*
 - a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant has demonstrated that—*
 - a) *compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

Note— The Environmental Planning and Assessment Regulation 2021 requires a development application for development that proposes to contravene a development standard to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) *The consent authority must keep a record of its assessment carried out under subclause (3).*
- (5) *Omitted*
- (6) *Development consent must not be granted under this clause for a subdivision of land in Zone E2 Environmental Conservation if:*
 - a) *the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
 - b) *the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*
- (7) *Omitted*
- (8) *This clause does not allow development consent to be granted for development that would contravene any of the following:*
 - a) *a development standard for complying development,*
 - b) *a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*
 - c) *clause 5.4.*

Clause 4.3 – Height of buildings of Appendix 10 – The Hills Growth Centre Precincts Plan prescribes a maximum height of 21 metres for the land zoned R4 High Density Residential on which the residential flat building is proposed.

The development proposes a maximum height of 21.3 metres to the lift overrun resulting in a maximum variation of 300mm, or 1.43%. The areas of non-compliance are illustrated in red on the Building Height Plane diagram below.



Building Height Plane – Residential Flat Building

The applicant has submitted a detailed justification pursuant to Clause 4.6 – Exceptions to development standards and is summarised as follows:

- *It is important to note that the roof complies with the control. Only a portion of lift overrun exceeds the maximum building height, from 170mm to 300mm, with a non-compliance ranging from 0.81% to 1.43% of the development standard. The lift overrun is recessed behind the building line in a way that does not significantly increase potential visual impacts and scale of the development when viewed from the street/ground level.*
- *The development remains consistent with the Floor Space Ratio.*
- *The proposed development remains compatible with the desired future character of the area, which is undergoing transition from large rural lots to residential flat buildings, in terms of the building presentation to the street, the materials, and mix of building heights and nearby approved residential flat buildings in the locality such as the approved Residential flat buildings at 11 Alan Street, 7 & 9 Terry Road and 13-15 Alan Street.*
- *The proposed development, even with a minor variation to the building height, is consistent with approved residential flat buildings approved in the locality which include similar variations to the building height development standard. DA 694/2017/JP at 7-9 Terry Road was approved with maximum building height to 23.38m (2.38m/11.33% variation) from a lift overrun. A similar 7 storey residential flat building is approved with a variation in height to the lift overrun is approved on 13-15 Alan Street Box Hill at 22.12m (1.12m/5.33% variation to the standard) from approval 2003/2017/JP.*
- *The design of the lift overrun being recessed behind the building line towards the centre of the roof level to mitigate amenity impacts of adjoining properties in overshadowing*

from the non-compliant elements that is proposed in the centre of the roof level building envelope, this ensures that the shadows cast by these elements does not extend beyond the roof.

- The proposal will provide additional housing in a high density residential environment in proximity to the future B7 Business Park Zoned land west of Terry Road therefore the proposal facilitates higher density development around commercial centres.*
- The proposal provides an appropriate building form that is consistent with the desired future character of the locality and is reflective of the objectives for the zone and locality generally- noting the sloping topography is the key driver of the height variation rather than a desire to achieve greater yield on the site beyond the 6 storey RFB's yield seen in adjoining approvals along Alan Street and Terry Road. This along with the positioning of the lift overrun structure at the centre of the roof to prevent overshadowing from the lift extending beyond the building therefore minimises visual impact and protects the amenity of adjoining development and land in terms of solar access to buildings and open space.*
- The proposal presents an appropriate height on the site that facilitates a high quality urban form to contribute to building diversity across the Box Hill Precinct.*

Comment:

The objectives of Clause 4.3 Height of Buildings are as follows:

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

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

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

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

As shown on the building height plane diagram, the extent of the proposed building height variation is confined to lift overrun rooftop elements, and the majority of the proposed development including all internal habitable floor space and the rooftop itself is under the 21 metre height limit.

The development provides for four 6 storey residential flat buildings which is in accordance with the scale of the development envisaged by the planning controls. A similar variation was approved on a nearby site at 7-9 Terry Road (DA 694/2017/JP) which was approved with maximum building height of 23.38m (11.3% variation) from a lift overrun. Another similar 7 storey residential flat building was approved at 13-15 Alan Street (DA 2003/2017/JP) which was approved with a maximum building height of 22.12m (33% variation) from a lift overrun.

With regard to the objectives of Clause 4.3, the visual impact of the proposed maximum 300mm height non-compliance is considered minimal and acceptable within the context of the site. It is considered that the proposal responds appropriately to the topography of the site and the development incorporates a variety of finishes/colours and will result in an appropriate urban outcome. The proposed variation does not result in any adverse amenity impacts such as loss of privacy or solar access and will not result in a detrimental impact on the streetscape. The development, as proposed, will be compatible with the future Alan Street streetscape.

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

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

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

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

A Design Verification Statement prepared by CotteeParker (Roland Martinez, Registered Architect No. 5984) with regard to the provisions of SEPP 65 was submitted with the application.

The proposed residential flat building has been assessed against the provisions of the Apartment Design Guidelines (ADG) as outlined below:

Clause	Design Criteria	Compliance
Part 3 - Siting the development		
3D - Communal open space	25% of the site With 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes, 2,964m ² (38%) of the site is for communal open space. Yes, 1,621m ² (54.7%) of this area achieves solar access for 2 hours as required.
3E - Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes, 1,788m ² or 22.9%
3F - Separation	Minimum separation distances from buildings to the side and rear boundaries are as follows:	There are no side boundaries due to the site

	<table border="1"> <thead> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td><td>6m</td><td>3m</td></tr> <tr> <td>up to 25m (5-8 storeys)</td><td>8m</td><td>4.5m</td></tr> <tr> <td>over 25m (9+ storeys)</td><td>12m</td><td>6m</td></tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	8m	4.5m	over 25m (9+ storeys)	12m	6m	having three street frontages. The rear boundary setbacks detailed in this report are provided for separation.
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	8m	4.5m												
over 25m (9+ storeys)	12m	6m												
3F – Separation between buildings on the same site	Separation distance between buildings on the same site should combine required building separations depending on the type of room (see figure 3F below)	Yes, to demonstrate this, the applicant was asked to show separation distances on the plans.												
3J – Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites • within 800m of a railway station or light rail stop, or • on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	Yes The parking requirement for this development is: • 24 x one bedroom units = 14.4 • 95 x two bedroom units = 85.5 • 59 x three bedroom units = 82.6 Total of 178 units / 5 = 35.6 Overall parking required: 218.1 car spaces. 257 car parking spaces are proposed.												
Part 4 - Designing the Building														
4A - 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.	Yes												
	A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	88.% of apartments achieve solar access for a minimum of 2 hours on 21 June between 9am and 3pm. Yes 20 (or 11.2%) apartments receive no direct sunlight.												

4B - 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.	Yes 64% of apartments achieve natural cross ventilation.												
	Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes Longest apartments on the plans are approx. 16.4m												
4C - Ceiling heights	Minimum ceiling heights are: <table><tr><th colspan="2">Minimum ceiling height for apartment and mixed use buildings</th></tr><tr><td>Habitable rooms</td><td>2.7m</td></tr><tr><td>Non-habitable</td><td>2.4m</td></tr><tr><td>For 2 storey apartments</td><td>2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area</td></tr><tr><td>Attic spaces</td><td>1.8m at edge of room with a 30 degree minimum ceiling slope</td></tr><tr><td>If located in mixed used areas</td><td>3.3m for ground and first floor to promote future flexibility of use</td></tr></table>	Minimum ceiling height for apartment and mixed use buildings		Habitable rooms	2.7m	Non-habitable	2.4m	For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area	Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope	If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use	Yes, 2.7m proposed.
Minimum ceiling height for apartment and mixed use buildings														
Habitable rooms	2.7m													
Non-habitable	2.4m													
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area													
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope													
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use													
4d Apartment size	Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	Yes No studios From 50m ² From 70m ² From 96m ² N/A												
	Every habitable room must have a window in an external wall with a total minimum area of not less than 10% of the floor area of the room.	Yes												
4D Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window.	2.7m ceiling height proposed Therefore, 6.75m max is permitted. Insufficient detail was on the plans to enable												

		assessment – the applicant was requested to clarify. Amended plans were submitted providing dimensions for all units. Compliance is achieved.
	Master bedrooms have a minimum area of 10m ² and other bedrooms 9m ² (excluding wardrobe space)	Several main bedrooms were under the minimum (listed on the plans as being 3x3m =9m²) and others did not have dimensions on the floor plans to enable assessment. Amended plans were requested and submitted that now show dimensions for all bedrooms and that the minimums are achieved.
	Bedrooms have a minimum dimension of 3m (excluding wardrobe space)	Yes
	Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments • 4m for 2 and 3 bedroom apartments	Insufficient detail was on the original plans to enable assessment. Amended plans were requested and submitted to demonstrate compliance is achieved.
	The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.	N/A
4E - Balcony area	The primary balcony is to be: Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.	No studios All units above ground level meet minimum depth and area requirements. Amended plans were requested and submitted to demonstrate compliance is achieved.

4F – Common circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight.	Yes
	For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	N/A
4G - Storage	Storage is to be provided as follows: Studio – 4m ³ 1 bedroom – 6m ³ 2 bedroom – 8m ³ 3+ bedrooms – 10m ³ At least 50% of the required storage is to be located within the apartment.	No studios All units comply. Yes
4K Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes - a variety of apartment types including adaptable apartments have been provided.

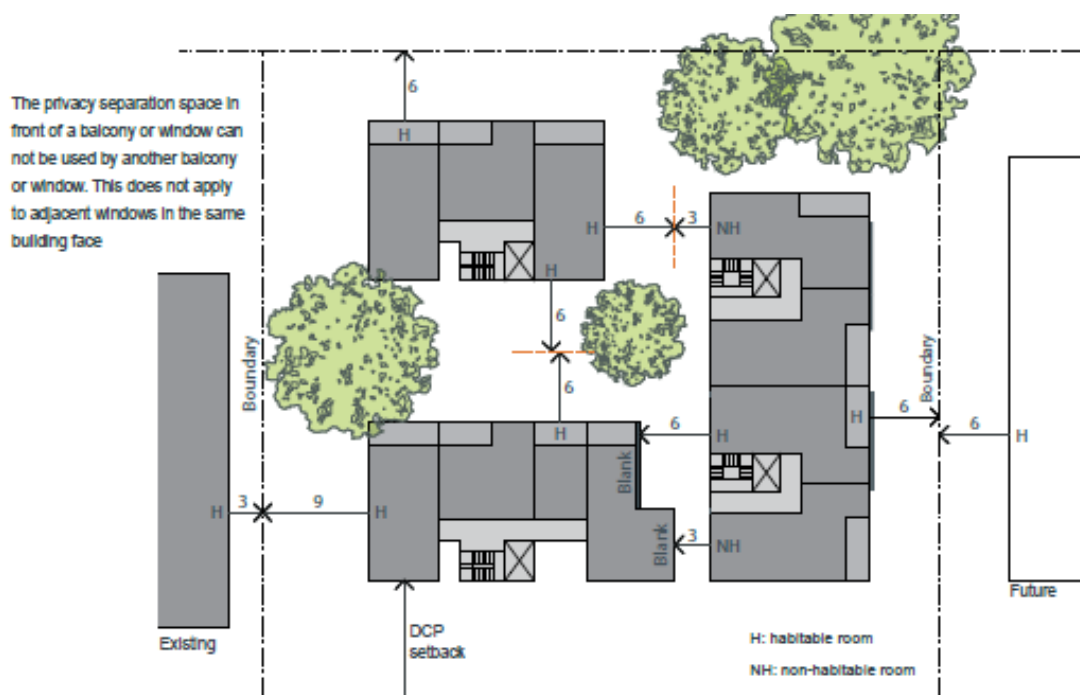


Figure 3F.2 Any one development will have a variety of visual privacy conditions to be accommodated. Section A (Figure 3F.4) shows separation distances between apartments within the same site

3F – Separation Between Buildings

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

(i) Context and Neighbourhood Character

The design proposal responds to the desired future character of the precinct and is consistent with Council's local planning controls.

The building forms reinforce the surrounding street alignments whilst being suitably setback from the street front and other boundaries, enabling landscaping which ensures an appropriate setting for the buildings.

The built forms ensure suitable façade lengths, with opportunity for views into the site between buildings. Facades are well articulated to create appropriate scale and character.

Apartments are orientated to take advantage of outlook, including those available towards the adjacent easement to the north-east. Apartment orientations offer the added benefits of passive surveillance over the communal open space within the site as well as over the public domain.

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

(ii) Built Form and Scale

The design achieves well-articulated built forms with a scale that is appropriate to their residential use. A simple pallet of materials is applied to reinforce the architectural form and deliver a timeless character. Materials are also selected for their low maintenance characteristics.

Balconies feature a combination of solid and glazed applications which capitalise on outlook whilst preserving suitable privacy. Balconies are well proportioned to deliver good amenity and shaped to contribute to a dynamic building character.

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

(iii) Density

The proposal provides an appropriate built form outcome which achieves the minimum density requirements of 30 dwellings per hectare required under the SEPP. The proposed density is 228 dwellings per hectare which is generally consistent with other similar proposed developments within the area.

The design achieves a high level of amenity for future residents, resulting in a density that is appropriate for the site and its desired future character.

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

(iv) Sustainability

The design ensures that a high degree of energy efficiency and ESD is achieved by having a strong emphasis placed on the passive efficiency of the building including passive heating, passive cooling, natural lighting and natural ventilation, all of which combine to achieve a low maintenance and cost effective building. The design meets the design standards of the Apartment Design Guide.

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

(v) Landscape

The design recognises that landscape and buildings operate together as an integrated and sustainable system. Landscape is used to create an attractive setting for the building, establishing a suitable buffer between private and public domains.

The design response provides a central landscaped communal open space that receives good sunlight. The large consolidated communal space will enhance the residents' amenity creating outdoor recreation and shaded passive recreation areas whilst also creating opportunities for social interaction. Plant species are selected for their low water usage and low maintenance characteristics.

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

(vi) Amenity

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

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

(vii) Safety

The design addresses the safety and security requirements within the development and public domain. The design creates definition between public and private spaces. Entry lobbies are clearly defined and are either directly accessed from the street frontage or visible from the street frontage. Building lobbies and access to the communal space is secured and will be well lit.

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

(viii) Housing Diversity and Social Interaction

The design proposes a mix of apartment sizes providing housing choice for different demographics, living needs and household budgets. Dwelling types proposed include one bedroom, two bedrooms and three bedrooms apartments with most featuring with double bathrooms. Ground floor level apartments feature generous private courtyards which cater for family living. Upper level apartments feature large, well-proportioned balconies which are easily furnished and enable home entertaining.

The central landscaped communal open space offers active and passive recreation opportunity, as well as a potential for social interaction amongst residents.

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

(ix) Aesthetics

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

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

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

State Environmental Planning Policy (Biodiversity and Conservation) 2021

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

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

State Environmental Planning Policy – Building Sustainability Index BASIX– 2004 ('BASIX SEPP') applies to the proposal. The objectives of this Policy are to ensure that the performance of the development satisfies the requirements to achieve water and thermal comfort standards that will promote a more sustainable development.

The application is accompanied by BASIX Certificate No. 1362368M prepared by SLR Consulting Pty Ltd dated 14 December 2022 committing to environmentally sustainable measures. The Certificate demonstrates the proposed development satisfies the relevant water, thermal and energy commitments as required by the BASIX SEPP. The proposal is consistent with the BASIX SEPP subject to the recommended conditions of consent.

It is noted that the proposal is not required to consider State Environmental Planning Policy (Sustainable Buildings) 2022 as the application was lodged prior to 1 October 2023.

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

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

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

Box Hill Growth Centres Development Control Plan

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

i. Residential Flat Building

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

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

The following table addresses the relevant development controls from Table 19 of the DCP with identified variations addressed in the following sections:

Table 19	CONTROL	PROPOSED	COMPLIANCE
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RFB controls	50% site coverage	33.27% (2,593m ²)	Yes
	30% landscaped area	2,941m ² (37%)	Yes
	15% communal area	2,703m ² (34.6%)	Yes
	POS – 10m ² with 2.5m dimension	No, 8 units provide <10m ² .	No, see below for discussion.
	Front setback – 6m building façade.		
	4.5m balconies (first 3 storeys) for a max. of 50% façade length.		
	<u>Alan Street (Primary Frontage):</u>	<u>All Basement levels:</u> 6m	Yes
		<u>Building Facade:</u> 6m to wall	Yes
		<u>Balconies:</u> 5.1m to balconies on ground floor. Levels above are 6m.	Yes
		The entry walkway of Units G07 and G08 which opens out into the balconies for these units are set back 1.6m.	No, see below for discussion.
	Secondary Setback: 6m (Sunnybank St)	<u>Basements:</u> 6m	Yes
		<u>Ground Level:</u> Seven balconies are setback from 3.6m and the corner of Unit G30 (and	No, see below for discussion.

		those directly above it) is set back 5.7m.	
	Secondary Setback: 6m (Village View)	<u>All basement levels:</u> 6m <u>Ground Level:</u> Four balconies are set back from 2.8m to 4.2m. <u>Levels above:</u> Balcony of Units 129, 229, 329, 428 and 528 are set back 5.6m.	Yes No, see below for discussion.
	Side setback – 3m up to 3 storeys, 6m above 3 storeys	The NW boundary is to be taken as the rear. As a result, there is no side boundary to assess against as the site has 3 street frontages.	N/A
	Rear setback – 6m	Balcony encroachments into the 6m on ground floor (4.1m setback) and levels 1-3 (5.7m setback).	No, see below for discussion.
	Habitable room/ balcony separation – 12m	9m from habitable room to balcony between Units 206 & 218.	No, however complies with the ADG which takes precedence.
	Car parking – 1 space per dwelling plus 0.5 spaces per 3 or more bedroom	24 x one bedroom units 95 x two bedroom units	Yes

	Visitor – 1 per 5 units	59 x three bedroom units 119 spaces required for the 119 x 1 & 2 BR units. 88.5 spaces required for the 59 x 3 bedroom units. 35.6 required. Total of 243.1 spaces required. 257 spaces proposed.	
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a. Front / Secondary Street Frontage Setback

Table 19 of the DCP specifies a front setback of 6 metres to the building façade with a 4.5 metre setback permitted for balconies (for the first 3 storeys only for a max. of 50% façade length).

The DCP further specifies a 6 metre setback for secondary street frontages, of which there are two for the subject site (Sunnybank Street and Village View).

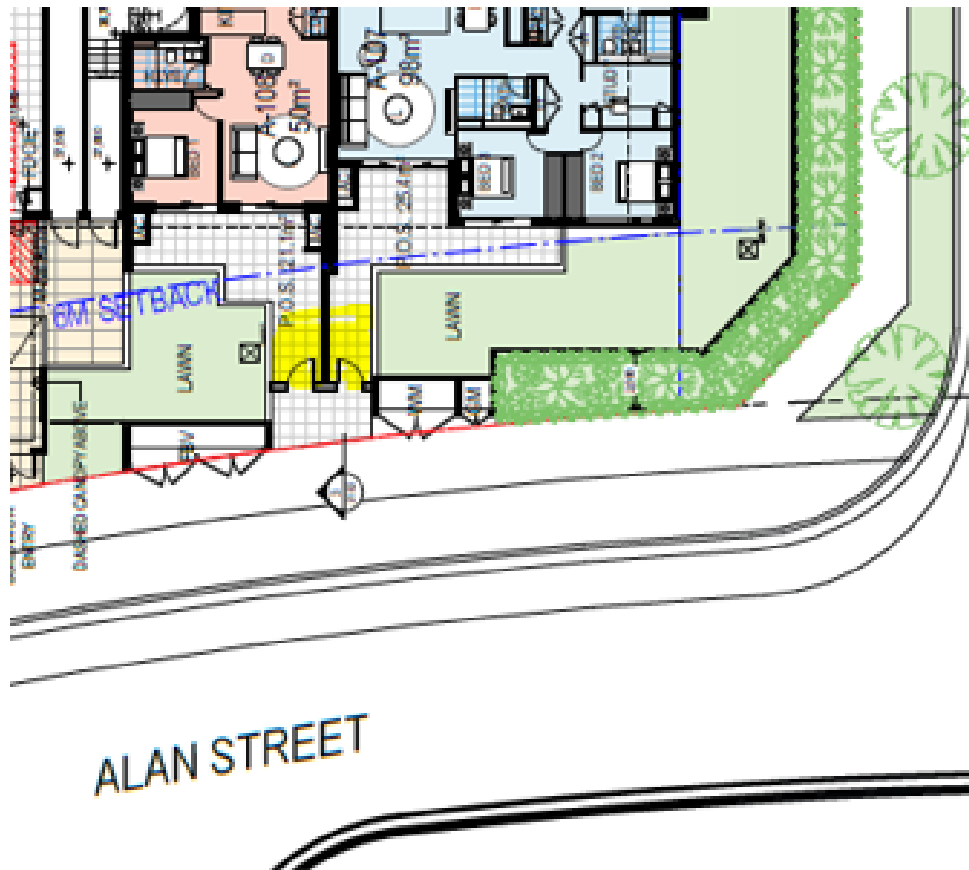
The objectives of front and secondary street frontage setbacks in Section 4.2.3 of the Box Hill DCP, applicable to all residential development types, are:

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

Comment:

Front Setback – Alan Street

The development achieves compliance with the front setback control with the exception of two ground floor entry areas (for Units G07 and G08 in Building A) which are set back approximately 1.6 metres. The areas of non-compliance with the 4.5 metre setback control provide pedestrian access from the street to the balconies of these units and are highlighted in yellow on the picture below:

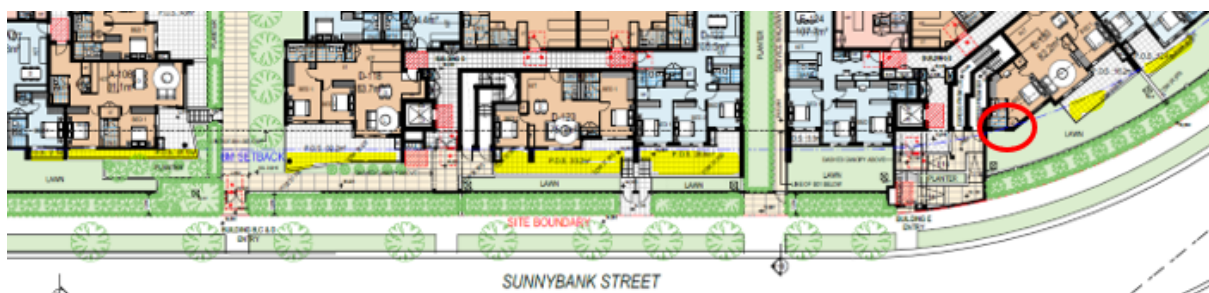


Secondary Street Frontages – Sunnybank Street and Village View

For the Sunnybank Street frontage, part of seven ground floor balconies in Buildings A, D and E as well as the corner wall of Unit G30 (and the 5 units directly above it) in Building E are set back less than 6 metres.

The ground floor balconies are set back 3.5 metres at the closest point and the wall of the Unit G30 (and the 5 units above) is set back 5.7 metres.

The ground floor balconies that do not comply with the 6 metre setback control are highlighted in yellow on the picture below and the part of the wall that encroaches circled in red:



For the Village View frontage, four ground floor balconies in Buildings C and E (Units G16, G27, G28 and G29) are set back less than 6 metres. On levels 1-5 of Building E, the balcony of one unit on each level (units 129, 229, 329, 428 and 528) also encroaches.

The ground floor balconies are set back from 2.8 metres to 4.2 metres and the balcony of the units on levels 1-5 are set back 5.6 metres.

The portions of the ground floor balconies that do not comply with the 6 metre setback control are highlighted in yellow on the picture below and the portion of the balcony on each of the levels above the ground floor that encroach are highlighted in yellow on the picture following that.



Ground Floor



The front setback variation to Alan Street applies to only a small portion of the building frontage, being the ground floor entry areas of two units of Building A, with the remainder of the building being compliant. The non-compliant areas provide direct pedestrian access from the street to two ground floor units only. Given the width of these areas (1.3 metres), they function as entry pathways like the one proposed to the building foyer as opposed to part of the balcony. The areas are not large enough to accommodate balcony furniture or recreation / gathering by residents of the units.

The areas of encroachment into the Sunnybank Street and Village View secondary street frontages are minor in nature and add to the architectural diversity of the building.

The areas are considered to enable the integration of built and landscape elements to create an attractive, visually consistent streetscape.

As a result, the variation to the front and secondary street setback is supported.

b. Rear Setback

Table 19 of the Box Hill DCP specifies a rear setback of 6 metres.

The objectives of rear setbacks in Section 4.2.4 of the Box Hill DCP, applicable to all residential development types, are:

- a. To create an attractive and cohesive streetscape that responds to the character areas.
- b. To minimise the impacts of development on neighbouring properties.
- c. To provide appropriate separation between buildings.
- d. To create opportunities for articulation on the side walls.

Comments:

The site plan illustrates the proposed 10-unit residential building layout. The building is situated on a plot with a 6M setback from the street. The plan shows the building footprint, including individual unit layouts with bedrooms, bathrooms, and living areas. Key features include a 6M setback line, a site boundary, and a planter wall. The plan also indicates the location of the existing building and the proposed building's orientation relative to the street.

As a result, the variation to the rear setback is supported.

c. Private Open Space

Table 19 of the Box Hill DCP specifies a minimum area of 10m² and dimension of 2.5m for balconies within a residential flat building.

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

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

Comment:

Eight units, specifically Units 111, 123, 211, 223, 311, 323, 410 and 510 do not comply with the minimum required private open space area of 10m².

Under the Apartment Design Guide, which takes precedence over the DCP (as per Clause 6A of SEPP 65), the minimum required balcony sizes for a one and two bedroom are 8m² and 10m² respectively.

Of the abovementioned units, three are one bedroom units (Units 111, 211 and 311). The balconies proposed for these units have an area of 8m² which complies with the ADG.

The remaining two bedroom units (Units 123, 223, 323, 410 and 510) have balcony areas of 9m² which is less than the 10m² both the DCP and ADG require. As a result, these are the only units proposing a variation to the DCP control.

The two non-compliant units in Building B face northwest onto an adjoining lot. As a result of the orientation of the building, these units achieve 2 hours of solar access as required by the ADG. Since the proposed balcony size alone does not inhibit the ability for living areas to receive adequate sunlight, the proposed variation to private open space in relation to Units 410 and 610 are considered acceptable.

The three non-compliant units in Building D face southeast onto a proposed road (Sunnybank Street). As a result of their orientation, these units are among the 20 (or 11%) of units within the proposed development that receive no direct sunlight. It is noted that the ADG allows up to 15% of apartments within a development to not receive solar access. Given these units all face the street, amenity impacts are improved as they will achieve greater separation than units that adjoin another development site.

As a result, the variation to the private open space is supported.

d. Habitable Room / Balcony Separation

Table 19 of the Box Hill DCP specifies that a 12 metre separation is required between habitable rooms and balconies.

Under the Apartment Design Guide, which takes precedence over the DCP (as per Clause 6A of SEPP 65), the separation required varies from 3 metres to 12 metres as shown in the picture in Section 5 of this report.

The floor plans submitted provide dimensioned separations that demonstrate that the proposal complies with the ADG and therefore the DCP non-compliance is considered acceptable.

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

There are no planning agreements relevant to the proposal under the Environmental Planning and Assessment Act 1979.

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

The proposed development provides for urban growth which would not result in adverse environmental and social amenity impacts and will ensure a consistent built form is provided with respect to the streetscape and envisioned character of the locality.

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

The site has been zoned for high density residential development. The proposed development is consistent with approvals in the street to date, is suitable development of the site that is consistent with the zone objectives.

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

The application was notified from 10 February 2023 to 3 March 2023, with no submissions received.

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

The proposal is considered satisfactory with regard to the relevant legislation and planning controls as detailed in this report.

The development provides a suitable density of housing within an area that will, when fully developed, have access to public recreation facilities, a town centre and public transport. On balance the proposal is consistent to the public interest.

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

The proposed development was referred to the NSW Police Force in accordance with the requirements of "Safer By Design Guidelines" prepared by the NSW Police Force in conjunction with the Department of Planning.

A response was received on 15 February 2023 which have been formed into a condition of consent (Refer to Condition No. 4).

The proposed development was also referred to Endeavour Energy as there are low voltage overhead power lines (including a pole) to the road verge / roadway and a low voltage overhead service conductor coming from the pole on the road verge going to the customer connection point for the existing dwelling.

A response was received on 14 February 2023 which have been formed into a condition of consent (Refer to Condition No. 5).

4.2 Community Consultation

The proposal was notified from 10 February 2023 until 3 March 2023. No submissions were received to the application.

5. CONCLUSION

This development application has been considered in accordance with the requirements of the EP&A Act and the Regulations as outlined in this report. Following a thorough assessment of the relevant planning controls, issues raised in submissions and the key issues identified in this report, it is considered that the application can be supported.

It is recommended that the applicant's Clause 4.6 written request to vary State Environmental Planning Policy (Precincts – Central River City) 2021 development standard at Clause 4.3 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and the proposal results in better environmental planning outcomes as outlined in this report. The development is consistent with the objectives of the standards and the objectives for development within the zone.

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Precincts – Central River City) 2021, SEPP 65 – Design Quality of Residential Apartment Development, SEPP BASIX 2004 and The Box Hill Precinct Development Control Plan 2018 and is considered satisfactory.

Approval is recommended subject to conditions, refer to Attachment A.

6. RECOMMENDATION

That the Development Application DA No 1207/2023/JP for a Residential Flat Building Development containing 178 Units be APPROVED pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent attached to this report at Attachment A.

It is recommended that the applicant's Clause 4.6 written request to vary State Environmental Planning Policy (Precincts – Central River City) 2021 development standard at Clause 4.3 be supported as it adequately justifies the contravention of the development standards having regard to the requirements of Clause 4.6(3). It is considered that the variation can be supported as compliance with the standard is unreasonable or unnecessary in this instance and the proposal results in better environmental planning outcomes as outlined in this report. The development is consistent with the objectives of the standards and the objectives for development within the zone.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: Locality Plan
- Attachment C: Aerial Map
- Attachment D: SEPP Zoning Map
- Attachment E: SEPP Height of Buildings Map
- Attachment F: Site Plan
- Attachment G: Height Plane
- Attachment H: Floor Plans
- Attachment I: Elevations / Perspectives
- Attachment J – Landscaping Plans
- Attachment K – Approved Subdivision 132/2023/ZB

ATTACHMENT A – DRAFT CONDITIONS OF CONSENT

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

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
SD1001	Site Plan – Location Plan	-	01	16/12/2022
SD1002	Site Plan – Precinct Analysis	-	01	16/12/2022
SD1003	Site Plan – Site Analysis	-	01	16/12/2022
SD1004	Site Photos – Existing	-	01	16/12/2022
SD1005	Site Plan – Proposed	-	01	16/12/2022
SD2001	Floor Plan – Lower Basement	-	11	29/08/2023
SD2002	Floor Plan – Middle Basement	-	12	29/08/2023
SD2003	Floor Plan – Upper Basement	-	11	29/08/2023
SD2004	Ground Floor Plan	-	13	01/11/2023
SD2005	Level 1 Floor Plan	-	13	01/11/2023
SD2006	Level 2 Floor Plan	-	13	01/11/2023
SD2007	Level 3 Floor Plan	-	13	01/11/2023
SD2008	Level 4 Floor Plan	-	13	01/11/2023
SD2009	Level 5 Floor Plan	-	13	01/11/2023
SD2010	Roof Plan	-	12	29/08/2023
SD2101	Adaptable Unit Plan – 2 Bedroom	-	01	16/12/2022
SD2102	Adaptable Unit Plan – 3 Bedroom	-	01	16/12/2022
SD2103	Liveable Apartments	-	01	16/12/2022
SD2801	SEPP 65 Summary	-	03	12/07/2023
SD2802	SEPP 65 Summary	-	03	12/07/2023
SD2803	GFA Summary	-	03	12/07/2023
SD2804	Site Cover / Deep Soil / Landscape Coverage Plan	-	03	29/08/2023
SD2805	Communal Private Open Space	-	01	16/12/2022
SD2806	Private Open Space	-	01	16/12/2022

SD2807	GFA – Ground Floor & Levels 1-4	-	01	16/12/2022
SD2808	GFA – Levels 5 & 6	-	01	16/12/2022
SD2809	Cross Ventilation – Solar Analysis	-	01	16/12/2022
SD2810	Cross Ventilation – Solar Analysis	-	01	16/12/2022
SD2811	Solar Access Diagrams	-	01	16/12/2022
SD2812	3D Diagram – Height Plane	-	01	16/12/2022
SD2813	Winter Solstice Diagram	-	01	16/12/2022
SD2814	Equinox Solstice Diagram	-	01	16/12/2022
SD2815	Summer Solstice Diagram	-	01	16/12/2022
SD3001	Elevations 01	-	01	16/12/2022
SD3002	Elevations 02	-	01	16/12/2022
SD3003	Building A - Elevations	-	01	16/12/2022
SD3004	Building B & C – Elevations	-	01	16/12/2022
SD3005	Building D – Elevations	-	01	16/12/2022
SD3006	Building E – Elevations	-	01	16/12/2022
SD3101	Sections – Sheet 1	-	01	16/12/2022
SD3102	Sections – Sheet 2	-	01	16/12/2022
SD3103	Sections – Sheet 3	-	01	Undated
SD4701	Building A – ADG Compliance	-	01	12/07/2023
SD4702	Building B – ADG Compliance	-	01	Undated
SD4703	Building C – ADG Compliance	-	01	Undated
SD4704	Building D – ADG Compliance	-	01	Undated
SD4705	Building E – ADG Compliance	-	01	Undated
SD4706	Building E – ADG Compliance	-	01	Undated
SD0201	3D Perspectives	-	01	16/12/2022
SD0202	3D Perspectives	-	01	16/12/2022
SD0203	3D Perspectives	-	01	16/12/2022
SD0204	3D Perspectives	-	01	16/12/2022
LPDA 23-163	Landscape Plans – Hardscape Plan	1	D	05/09/2023
LPDA 23-163	Landscape Plans – Calculation	2	D	05/09/2023
LPDA 23-163	Landscape Plan 1	3	D	05/09/2023
LPDA 23-163	Landscape Plan 2	4	D	05/09/2023
LPDA 23-163	Landscape Plan 3	5	D	05/09/2023

LPDA 23-163	Landscape Plan 4	6	D	05/09/2023
LPDA 23-163	Specification & Details 1	7	D	05/09/2023
LPDA 23-163	Details 2	8	D	05/09/2023
LPDA 23-163	Details 3	9	D	05/09/2023
LPDA 23-163	Plant Matrix	10	D	05/09/2023
LPDA 23-163	Play Equipment	11	D	05/09/2023
LPDA 23-163	Sections	12	D	05/09/2023
SD2004 SD2009	– Numbering Plans (6 Pages – for numbering purposes only)	-	13	1/11/2023

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 four (4) trees numbered 1-4 as located on the Preliminary Tree Assessment prepared by Monaco Designs PL dated 14/02/22.

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

4. Compliance with NSW Police Force Requirements

Compliance with the requirements of the NSW Police Force attached as Appendix A to this consent and dated 14 February 2023 summarised below:

Surveillance

Vegetation

As this development proposes to have significant vegetation throughout the site, it must be emphasised that the vegetation is always neat and trimmed. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

A regular maintenance schedule needs to be implemented to ensure that the vegetation does not become overgrown.

Lighting and Technical Supervision

It is important that landscaping does not impinge on site lines and that these paths are well lit. Lighting should meet minimum Australian standards. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended.

CCTV

Police request the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor entry/exit to the complex.

CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person

of interest without loss of focus and/or quality. The owner should train all relevant staff of how to use the CCTV cameras.

Territorial Reinforcement

Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. A maintenance schedule to remove any graffiti or repair damaged property should be implemented.

Access Control

All restricted areas need to have clear indications of this. Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. "Warning, trespassers will be prosecuted.' Or 'Warning, these premises are under electronic surveillance.'

Security / Entry Control System

Ensuring the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and has a high-quality locking mechanism would reduce the incidence of crime.

Fire Exits and Stairs

Police recommend that all fire doors are alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies. Any external doors that can be used to enter the car park or into the complex should have a plate installed to the door.

Tenants should be strongly discouraged from placing anything in the fire doors so they can be easily accessed. The stairways should also be checked frequently and items that could be used to hold doors open should be removed. The handles, hinges, latch and striker plate should be checked for foreign objects that may hinder the effectiveness of these mechanisms, allowing the door to remain open or not be locked as it should be.

Natural Ladders

Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

During construction

The presence of machinery and tools, as well as building materials will be tempting so ensure that all tools are locked and secured, with regular checks conducted in relation to the security of the site. Police recommend that any large reels containing electrical cabling or copper material be secured and hidden when not in use.

It is recommended that CCTV with motion activated alerts are used so that the presence on site of any person can be monitored out of hours. Ensure that large equipment such as excavators and bob cats are tracked, and that any smaller tools have serial numbers or identifying marks recorded.

Ensure that any access points have contact details for a site manager clearly visible so if Police or other services need to attend, they can speak to the right person.

Letter boxes

High quality letterboxes that meet the Australian standards - ISO9001:2008 should be installed. It is also recommended that the mailboxes should only be able to be accessed via within the unit complex by residents. The letterboxes shall be under CCTV surveillance to help deter letterbox mail theft.

Police suggest the installation of circular letter box locks.

Parcel Delivery Options

Police suggest that a parcel chute or similar be installed (similar to a post box) at the front of the building where deliveries can be left secured. The parcel chute could drop the items in a secured room monitored by CCTV and the building manager until the owners arrive, and which can only be accessed by a swipe card or fob.

Storage cages

Police suggest that if caged storage units and caged garages are used, that the cage is built up to the ceiling within the car park so offenders cannot climb over the caged areas. A caged storage area should have a door that is reinforced instead of a cage with just a lock. A plate is suggested to stop offenders who may get into the garaged areas of the units from using a jemmy to get in. It is also suggested that an extra lock such as a dead lock or a latch lock be installed.

Car Park

The carpark should be well lit and bright. Refrain from the use of sensor lights, especially in areas less travelled. The entry to the carpark should also be well lit.

Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

Access to the car park should be by controlled swipe card (or similar) or keypad where a visitor can 'buzz' the tenancy they are visiting to be allowed access.

5. Compliance with Endeavour Energy Requirements

Compliance with the requirements of Endeavour Energy attached as Appendix B to this consent and dated 14 February 2023.

6. Planting Requirements

All trees are to be planted in pot sizes as detailed on the approved landscape plan pursuant to Condition 1 of this consent. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes. Any species that need substituting requires confirmation from Council.

Street trees along Sunnybank Street are to be *Ulmus parvifolia*, and Village View are to be *Banksia integrifolia*.

7. Provision of Parking Spaces

The development is required to be provided with 257 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

8. Separate application for signs

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

9. 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.

10. 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.

11. Structures Adjacent to Piped Drainage Easements

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

12. 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:

- The driveway profile must be designed to comply with the Table 3.2 and 3.3 of the Australian Standard AS/NSZ 2890.1:2004. The design profiled must be extended to the centre line of Village View detailed design for Construction approval issued pursuant to the DA 132/2023/ZB.
- 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.

13. 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.

14. Minor Engineering Works

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

Works within an existing or proposed public road or works within an existing or proposed public reserve can only be approved, inspected and certified by Council. The application form for a minor engineering works approval is available on Council's website and the

application and inspection fees payable are included in Council's Schedule of Fees and Charges.

a) Driveway Requirements

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

The proposed driveway/s must be built to Council's heavy duty standard.

The driveway width must be designed to facilitate the service vehicle and a B99 car manoeuvring from and to the development simultaneously.

A separate vehicular crossing request fee is payable as per Council's Schedule of Fees and Charges.

b) Disused Layback/ Driveway Removal

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

c) Site Stormwater Drainage

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

d) Rainwater Tank

The development must include a minimum 49cum rainwater tank to comply with the Integrated Stormwater requirements of the Box Hill DCP.

15. Excavation/ Anchoring Near Boundaries

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

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

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

16. Security Bond Requirements

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

- Be in favour of The Hills Shire Council;

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

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

17. Recycled Water – Rouse Hill/ Sydney Water

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

18. Process for Council Endorsement of Legal Documentation

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

19. Road Opening Permit

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

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

20. Subdivision Works Approval (DA 132/2023/ZB)

The subject development is proposed within the Lot 1 to be created pursuant to the DA 132/2023/ZB. The subdivision provides necessary infrastructure including but not limited to the new roads Village View and Sunnybank Street, Temporary Detention Basin within the Lot 2 and utility services.

Prior to issue of Construction Certificate for any works associated with the subject development, the Subdivision Works Certificate for the DA 132/2023/ZB must be obtained unless the subdivision works are completed.

All engineering works including driveway profiles and stormwater network relating to the subject development must be assessed to ensure the consistency against above Subdivision Works Certificate.

21. 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.

22. 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 as referenced by Section 69 of the Environmental Planning and Assessment Regulation 2021.

23. Contamination

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

24. Air Conditioner Location

The air-conditioning unit location is to be as shown on the approved plans or is to comply with the criteria of exempt development as outlined in the SEPP - Exempt & Complying Development Codes 2008.

You are reminded that the air conditioning must be designed so as not to operate:

- (i) Between 7am and 10pm — at a noise level that exceeds 5 dB(A) above the ambient background noise level measured at any property boundary, or
- (ii) Between 10pm and 7am — at a noise level that is audible in habitable rooms of adjoining residences.

25. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Acoustic Assessment Report, prepared by Acoustic Logic Pty Ltd, dated 17 November 2022, referenced 20221094.1/1711A/R0/PF and submitted as part of the Development Application are to be implemented as part of this approval.

In particular: All construction and glazing requirements set out within section 5.3 of the report as to be implemented.

26. Contamination Assessment & Site Remediation

The recommendations of the Preliminary Site Investigation Report, prepared by Geotesta Pty Ltd, dated 20 June 2022, Report No.: NE1331 and submitted as part of the Development Application are to be implemented as part of this approval.

27. Control of early morning noise from trucks

Trucks associated with the construction of the site that will be waiting to be loaded must not be brought to the site prior to 7am.

28. Control of Noise from Trucks

The number of trucks waiting to remove fill from the site must be managed to minimise disturbance to the neighbourhood. No more than one truck is permitted to be waiting in any of the streets adjacent to the development site.

29. Imported 'Waste Derived' Fill Material

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

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

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

30. 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.

31. 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 for the standard 12.5m long Heavy Rigid Vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 4.5m. Any nearby areas where the clear headroom is less than 4.5m 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.

32. 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.

33. Provision of Bulky Goods Storage Area

A separate room or caged area for unwanted bulky goods must be provided that opens directly onto the designated waste service bay. The area must be designed and constructed in accordance with the following requirements.

- The area must have a minimum floor area of 4m² per 50 apartments. Floor space must be rounded up to the nearest 50 apartments for best operational outcome
- The floor of the area must be constructed of concrete with a smooth non-slip finish.
- The area must have a suitable resident access door, with a minimum clear floor width of 2m (to allow access for large items). Suitable resident access doors are single or double swinging doors.
- The resident access door, when fully open, must be flush with the outside wall and must not block or obstruct car park aisles or footways. The door must be able to be fixed in position when fully opened.
- The area must be provided with lighting, such as automatic sensor lights.

34. 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.

35. 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.

36. 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.

37. Construction of Waste Storage Area(s)

The waste storage area(s) must be designed and constructed in accordance with the following requirements. The bin collection room must provide minimum storage facility for 44 x 1100 litre sized bins. The bin holding rooms located adjacent to lift cores E and D must provide minimum storage facility for 2 x 1100 litre sized bins and 1 x 240 litre sized bin.

- 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 servicing door must be supplied with a lock through Council's Waste Management Master Key System 'P3520'. See condition titled 'Installation of Master Key System to Waste Collection Room' for further details.
- 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 must be separate to the waste servicing door. If a loading dock is proposed in the development the resident access door must be located to ensure that residents do not have access to the loading dock to gain access to the waste storage area(s).
- 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 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) 1100L: 1245 (d) 1370 (w) 1470 (h)

38. Property Numbering and Cluster Mailboxes for Residential Flat Buildings

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

The overall property address for this development is: - 6 Alan Street, Box Hill NSW 2765

Property Addresses are approved as follows: -

Building A – 6 Alan Street, Box Hill, NSW, 2765

Building B – 2 Sunnybank Street, Box Hill, NSW, 2765

Building C – 2 Sunnybank Street, Box Hill, NSW, 2765

Building D - 2 Sunnybank Street, Box Hill, NSW, 2765

Building E – 4 Sunnybank Street, Box Hill, NSW, 2765

Site entry to carpark to addressed as 5 Village View, Box Hill, NSW, 2765

Property and Unit Numbering is approved by Council's Land Information Team as per 'Numbering Plans' identifying unit numbers within consent documentation; and as follows:

Level	Building A	Building B	Building C	Building D	Building E	Approved Plan
Ground	G01 - G08	G09 - G12	G13 - G17	G18 - G23	G24 - G30	DWG: SD2004 Issue: 13
One	101 - 108	109 - 112	113 - 117	118 - 123	124 - 130	DWG: SD2005 Issue: 13
Two	201 - 208	209 - 212	213 - 217	218 - 223	224 - 230	DWG: SD2006 Issue: 13
Three	301 - 308	309 - 312	313 - 317	318 - 323	324 - 330	DWG: SD2007 Issue: 13
Four	401 - 408	409 - 411	412 - 416	417 - 422	423 - 429	DWG: SD2008 Issue: 13
Five	501 - 508	509 - 511	512 - 516	517 - 522	523 - 529	DWG: SD2009 Issue: 13

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.

Mailboxes

Australia Post requires cluster mailboxes within a foyer to be as close to the footpath or road as possible.

Parking for Postal officer motorcycle/walk buggy is to be provided in a safe location that is viewable from foyer mailboxes to ensure the security of mail located on the vehicle. An intercom or doorbell is to be provided for each unit for the delivery of parcels.

Locations as provided on plans DWG: SD2004, Issue: 13 Dated: 01/11/2023 are to be approved by Australia Post for mail delivery. Plans are to be provided to Gregory Dimmock at the Seven Hills Delivery Centre via email Gregory.dimmock@auspost.com.au or phone 02 9674 4027. Australia Post approval is required to be provided to Council.

Final street addresses and mailbox locations are subject to Australia Post approval and may be subject to change.

The number of mailboxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements. The proprietors additional mail box is to be located within the cluster located at **Building A - 6 Alan Street, Box Hill.**

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.

39. Irrigation

An automatic watering system to be installed as a minimum to all common areas and rooftop planters. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

40. Contaminated Soil

There is to be no disposal of contaminated soil, soil for which the contamination status is unknown or waste materials on land or under roads either private or roads that will become public land and under the control of Council. The Council will not accept any land that requires on-going management or require any additional consideration, management or precautions if undertaking works in or around the land.

However, if soil has been remediated and validated as uncontaminated and it is just an extra precaution to bury the soil at depth or under roads, no objection is raised.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

41. Special Infrastructure Contribution – Growth Centres

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

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

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

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

42. 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.

43. 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.

44. 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.

45. 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 \$90,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the per square metre rate set by Council's Schedule of Fees and Charges, with the area calculated based on the road frontage of the subject site plus an additional 50m on either side (147m) multiplied by the width of the road (6.5m).

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.

46. Security Bond – External Works

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

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

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

47. Subdivision Works Certificate

A copy of the Subdivision Works Certificate issued for the preceding Subdivision Development Consent DA 132/2023/ZB and/or the Work As Executed documents relating to the subdivision works if the works are completed, must be provided with construction certificate package to the Principal Certifying Authority to ensure the design consistency.

48. Protection of Internal Noise Levels (Residential Unit Development)

An acoustic statement is required to be submitted to Council's Manager - Environment and Health prior to the issue of a Construction Certificate certifying that the design of the development on the construction plans does ensure the following noise levels will be achieved:

- 35 dB (A) in any bedroom between 10pm and 7am.

- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the Acoustic Assessment Report, prepared by Acoustic Logic Pty Ltd, dated 17 November 2022, referenced 20221094.1/1711A/R0/PF, have been detailed and included within the construction plans.

49. Erosion & Sediment Control Plan

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

- Allotment boundaries
- Location of the adjoining roads
- Contours
- Existing vegetation
- Existing site drainage
- Critical natural areas
- Location of stockpiles
- Erosion control practices
- Sediment control practices
- 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).

50. 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:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit
Open Space - Land	\$ 7,826.41	\$ 8,286.79	\$ 11,509.42	\$15,652.82
Open Space - Capital	\$ 4,757.91	\$ 5,037.78	\$ 6,996.92	\$9,515.82
Transport Facilities - Land	\$ 2,027.17	\$ 2,146.41	\$ 2,981.13	\$4,054.33
Transport Facilities - Capital	\$ 5,111.27	\$ 5,411.93	\$ 7,516.57	\$10,222.54
Administration	\$ 195.95	\$ 207.48	\$ 288.16	\$391.90
Water Management - Land (KCP)	\$ 3,113.34	\$ 3,296.48	\$ 4,578.44	\$6,226.68
Water Management - Capital (KCP)	\$ 3,463.11	\$ 3,666.82	\$ 5,092.80	\$6,926.21
Total	\$26,495.15	\$28,053.69	\$38,963.46	\$52,990.30

No. of 1 Bedroom Units: 24	No. of 2 Bedroom Units: 95	No. of 3 Bedroom Units: 59	Sum of Units	No. of Credits: 1	Total S7.11
\$ 187,833.81	\$ 787,244.63	\$ 679,056.04	\$ 1,654,134.48	\$ 15,652.82	\$ 1,638,481.66
\$ 114,189.78	\$ 478,589.52	\$ 412,818.45	\$ 1,005,597.76	\$ 9,515.82	\$ 996,081.94
\$ 48,652.02	\$ 203,909.19	\$ 175,886.58	\$ 428,447.78	\$ 4,054.33	\$ 424,393.44
\$ 122,670.49	\$ 514,133.67	\$ 443,477.87	\$ 1,080,282.02	\$ 10,222.54	\$ 1,070,059.48
\$ 4,702.80	\$ 19,710.27	\$ 17,001.55	\$ 41,414.61	\$ 391.90	\$ 41,022.71
\$ 74,720.21	\$ 313,165.58	\$ 270,128.20	\$ 658,013.99	\$ 6,226.68	\$ 651,787.30
\$ 83,114.55	\$ 348,347.76	\$ 300,475.41	\$ 731,937.73	\$ 6,926.21	\$ 725,011.52
\$ 635,883.66	\$ 2,665,100.61	\$ 2,298,844.10	\$ 5,599,828.37	\$ 52,990.30	\$ 5,546,838.06

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are periodically indexed and will be updated at the time of payment, in accordance with the provisions of the applicable plan. A reference to the 'applicable plan' within this condition refers to the Contributions Plan in force at the time this consent was issued.

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

As per Council's exhibited Fees and Charges effective from 1 July 2022, **Council will no longer accept payments by cash or by cheque.** Payments will be accepted via Debit or Credit Card or Direct Debit from a bank account.

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

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

51. 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.

52. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

53. Sydney Water Building Plan Approval

A building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.

A copy of the building plan approval and receipt from Sydney Water Tap in™ (if not already provided) must be submitted to the Principal Certifier upon request prior to works commencing.

Please refer to the website <http://www.sydneywater.com.au/tapin/index.htm>, Sydney Water Tap in™, or telephone 13 20 92.

54. Property Condition Report – Public Assets

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

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

55. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

56. Property Condition Report – Private Assets

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

57. 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.

58. Consultation with Service Authorities

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

Applicants are advised to consult with the relevant electricity authority with respect to electricity supply and connection points to the site, or any other electrical infrastructure located in close proximity to the proposed works. Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

59. Approved Temporary Closet

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

60. Stabilised Access Point

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

61. Details and Signage - Principal Contractor and Principal Certifier

Details

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

Before work commences, details of the Principal Certifier, in accordance with Section 57 of the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, is to be lodged on the NSW Planning portal.

Signage

A sign is to be erected in accordance with Section 70 of the Environmental Planning and Assessment Regulation 2021. The sign is to be erected in a prominent position on the site before the commencement of the work, and show –

- a) the name, address and telephone number of the Principal Certifier,
- b) the name and a telephone number on which the principal contractor/person responsible for the work may be contacted outside working hours.

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

62. Site Water Management Plan

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

63. Erosion & Sediment Control Plan Kept on Site

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

64. Construction and/or Demolition Waste Management Plan Required

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

65. Mechanical Plan Noise Acoustic Review

A detailed acoustic review is to be undertaken to determine acoustic treatments to control noise emissions from all mechanical plant. Noise emissions from all mechanical services plant to the closest residential receiver are to comply with the noise emission criteria in Section 6 of the Acoustic Assessment Report, prepared by Acoustic Logic Pty Ltd, dated 17 November 2022, referenced 20221094.1/1711A/R0/PF and submitted as part of this development application.

DURING CONSTRUCTION

66. 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.

67. 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.

68. Survey Report and Site Sketch

A survey report and site sketch signed and dated (including contact details) by the registered land surveyor may be requested by the Principal Certifier during construction. The survey shall confirm the location of the building/structure in relation to all boundaries and/or levels. As of September 2018 the validity of surveys has been restricted by legislation to 2 years after issue.

69. 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. 1362368M is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

70. 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.

71. 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.

72. 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.

73. Further contamination assessment

A contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment in accordance with the Preliminary Site Investigation Report, prepared by Geotesta Pty Ltd, dated 20 June 2022, Report No.: NE1331

A copy of the assessment shall be submitted to Council's Manager – Environment & Health.

74. Construction Noise

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

75. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and Health is to be notified and a site contamination investigation is to be carried out in accordance with the *State Environmental Planning Policy (Resilience and Hazards) 2021*.

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

76. Compliance with Construction Management plan

Construction is to manage in accordance with the Construction Management Plan, prepared by BRP Consulting Pty Ltd, dated July 2022 and submitted as part of the development application.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

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

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

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

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

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

78. Landscaping Prior to Issue of any Occupation Certificate

The landscaping of the site shall be carried out in accordance with the relevant "Planting Requirements" Condition of the subject Development Consent prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plans by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

79. 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.

80. 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.

81. 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.

82. Stormwater Management Certification

The stormwater drainage network associated with the development and the temporary onsite stormwater detention system requested over the lot 2 to be created pursuant to the DA 132/2023/ZB must be completed prior to issue of an Occupation Certificate.

The satisfactory completion of the stormwater management measures accepted by Council shall be provided to the Principal Certifying Authority prior to a final inspection:

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

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

83. Creation of Restrictions/ Positive Covenants

Before an Occupation Certificate is issued the following restrictions/ positive covenants must be registered on the title of the subject site via dealing/ request document or Section 88B instrument associated with a plan. Council's standard recitals must be used for the terms:

a) Restriction – Bedroom Numbers

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

b) Restriction – Rainwater Tanks

The development site must be burdened with a restriction using the "rainwater tanks" terms included in the standard recitals.

c) Positive Covenant – Stormwater Pump

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

d) Positive Covenant – Onsite Waste Collection

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

84. Subdivision Certificate

A satisfactory final inspection by Council's Construction Engineer is required for the preceding Subdivision Development Consent DA 132/2023/ZB.

A copy of the Subdivision Certificate issued for the works must be provided to the Principal Certifying Authority.

85. Registration of Preceding Subdivision

A Subdivision Certificate cannot be issued for this subdivision before the preceding stage/ subdivision pursuant to Development Consent DA 132/2023/ZB has been registered.

86. Property Condition Report – Private Assets

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

87. Validation report

A validation report shall be submitted to Council's Manager – Environment and Health and the Certifying Authority (if not Council). The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

88. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Acoustic Assessment Report, prepared by Acoustic Logic Pty Ltd, dated 17 November 2022, referenced 20221094.1/1711A/R0/PF. Certification is to be provided.

89. Clearance Certificate

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

90. 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 a 8.8m long medium rigid vehicle when fully laden.

91. 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.

92. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, a complete full set of English and traditional Chinese waste education signage (garbage, recycling and no dumping) must be installed in a visible location on every internal wall of all waste storage areas. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Waste signage artwork can be downloaded from Council's website; www.thehills.nsw.gov.au.

- 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.

93. 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.

94. 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 locksmith to install a lockbox fitted with Council's Waste Management Master Key System 'P3520' on an accessible external wall of the waste holding room. The lockbox must store the site-specific keys that open the waste holding room so that Council's Waste Collection Contractor can access the room for ongoing waste collection. The lockbox fitted with Council's Master Key System is to be installed through Council's locksmith at the cost of the developer. Please contact Council's Resource Recovery Project Officer to organise the installation.

THE USE OF THE SITE

95. Noise to Surrounding Area

There shall be no amplified music or speakers external to the building.

96. 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*.

97. 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.

APPENDIX A – NSW POLICE FORCE COMMENTS



We are now on Facebook
Like our Page "The Hills PAC" for up
to date information on local crime trends



NSW Police Force
www.police.nsw.gov.au

Tuesday, 14 February 2023

Samantha Mitchell
Town Planning Co-ordinator
The Hills Shire Council
P.O. Box 7064
Baulkham Hills BC, NSW, 2153

Email: smitchell@thehills.nsw.gov.au

Dear Samantha Mitchell,

Subject: The Construction of a Residential Flat Building containing 178 units at Alan St, Box Hill.

Application No: 1207/2023/JP
PAN-301237

Police Ref: D/2023/144915

We refer to your development application for The Construction of a Residential Flat Building containing 178 units at Alan St, Box Hill.

Police do not have any major concerns in relation to this development application however a few security measures need to be in place.

NSW Police Force
RECRUITING NOW
1800 222 122
www.police.nsw.gov.au/recruitment

The Hills Police Area Command
Corner of Castle & Pennant Street, Castle Hill, NSW, 2154
Mail: Locked Bag 5102, Parramatta, NSW, 2123
T 02 9680 5399 F 02 9680 5337 W www.police.nsw.gov.au
TTY 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

TRIPLE ZERO (000)
Emergency only

POLICE ASSISTANCE LINE (131 444)
For non emergencies

CRIME STOPPERS (1800 333 000)
Report crime anonymously

Site



The site is on Alan Street in the suburb of Box Hill. The area is predominately residential, with some several new developments being constructed nearby and is within proximity to several rural acreage style residential properties.

Windsor Road, Old Pitt Town Road and Annangrove Roads are the main roads in the area, with medium to heavy vehicle traffic during peak periods. The development will be accessible via a walkways on Alana Street, Sunnybank Street and the walkway and driveway via Village View.

The proposed development includes the construction of a multi-unit development including 4 residential buildings and associated works including community shared areas and basement carparks.

Surveillance

The attractiveness of crime targets can be reduced by providing opportunities for effective surveillance, both natural and technical. Good surveillance means that people can see what others are doing. People

TRIPLE ZERO (000)	POLICE ASSISTANCE LINE (131 444)	CRIME STOPPERS (1800 333 000)
Emergency only	For non emergencies	Report crime anonymously

feel safe in public areas when they can easily see and interact with others. Potential offenders are often deterred from committing crime in areas with high levels of surveillance.

Vegetation

The safety objective of “to see and be seen” is important in landscaped areas. Vegetation is commonly used by criminals to aid concealment and entrapment opportunities. As this development proposes to have significant vegetation throughout the site, it must be emphasised that the vegetation is always neat and trimmed. Lower tree limbs should be above average head height and shrubs should not provide easy concealment.

Vegetation closest to pedestrian pathways requires close attention. It is recommended that 3-5 metres of cleared space be located either side of residential pathways and bicycle routes. Thereafter, vegetation can be stepped back in height to maximise sightlines.

A regular maintenance schedule needs to be implemented to ensure that the vegetation does not become overgrown. Keeping the vegetation neat will ensure that the natural sight lines can be kept, and makes the area look cared for which provides some territorial reinforcement of the area.

Lighting and Technical Supervision

It is important that the communal areas are well supervised, by allowing natural surveillance of these sites. Building alignment and pedestrian routes allow for this however poorly supervised and sporadically used pedestrian routes often feature in serious crime. It is important that landscaping does not impinge on site lines and that these paths are well lit.

Lighting should meet minimum Australian standards. Effective lighting can reduce fear, increase community activity, improve visibility and increase the likelihood that offenders will be detected and apprehended. Special attention should be made to lighting the entry and exit points from the buildings, car park and access/exit driveways.

The access/exit driveways need to be adequately lit to improve visibility and increase the likelihood that offenders will be detected and apprehended.

CCTV

Police request the use of a CCTV system to monitor the common open spaces throughout the development, especially if no access control to the area is provided. Police would also suggest the use of CCTV to monitor entry/exit to the complex.

TRIPLE ZERO (000)	POLICE ASSISTANCE LINE (131 444)	CRIME STOPPERS (1800 333 000)
Emergency only	For non emergencies	Report crime anonymously

CCTV footage is effective in criminal matters when the images display shots of an alleged offender from the shoulder upwards. CCTV cameras need to be able to zoom in on a person of interest without loss of focus and/or quality. The owner should train all relevant staff of how to use the CCTV cameras.

Territorial Reinforcement

With few exceptions, criminals do not want to be detected, challenged or apprehended. For offenders, the capability of a guardian to detect, challenge or apprehend is an important consideration. The strategic location of supervisors and employees increases the risk to offenders and crime effort. It is argued that employees are more effective as guardians (crime deterrents) than passing members of the community, for this reason it is recommended that all staff including building management, cleaners and landscapers/gardeners wear uniforms to reinforce their guardianship.

Territorial reinforcement can be achieved through:

- Design that encourages people to gather in public space and to feel some responsibility for its use and condition.
- Design with clear transitions and boundaries between public and private space.

Confusion resulting from ambiguous entry design can legitimise exploration, trespassing and excuse making by opportunistic criminals. It is recommended that all public access points are well marked and inviting.

Environmental Maintenance

Clean, well-maintained areas often exhibit strong territorial cues. Rundown areas negatively impact upon perceptions of fear and may affect community confidence to use public space and ultimately, it may affect crime opportunity. Vandalism can induce fear and avoidance behaviour in a public space, therefore the rapid repair of vandalism and graffiti, the repair of any damage and general site cleanliness is important to create a feeling of ownership. Ownership increases the likelihood that people will report or attempt to prevent crime.

Many graffiti vandals favour porous building surfaces, as 'tags' are difficult to remove. Often a ghost image will remain even after cleaning. Easily damaged building materials may be less expensive to purchase initially, but their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas. This should be considered when selecting materials for construction.

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A maintenance schedule to remove any graffiti or repair damaged property should be implemented. Having an area that appears well kept and cared for can act as a deterrent.

Access Control

Physical and symbolic barriers can be used to attract, channel or restrict the movement of people. They minimise opportunities for crime and increase the effort required to commit crime.

Illegible boundary markers and confusing spatial definition make it easy for criminals to make excuses for being in restricted areas. All restricted areas need to have clear indications of this.

Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime. EG. 'Warning, trespassers will be prosecuted.' Or 'Warning, these premises are under electronic surveillance.'



Security / Entry Control System

One of the major issues that have been brought to Police attention in this Local Government Area is the prevalence of offenders breaching the security access to the unit block, particularly the car park areas, and breaking into the garages and storage areas. Offenders often gain access to commit these offences despite the presence of a security shutter restricting unauthorised access at the entrance to the car park area. Offenders have been known to stick a length of wire through the security roller door. The length of wire has a hook on the end which offenders use to manipulate the manual door release to gain entry. Ensuring the section of the security roller shutter near the manual door release is solid, improved strength to garage doors and has a high-quality locking mechanism would reduce the incidence of this type of crime.

Fire Exits and Stairs

Research has shown that fire exits and fire stairs in buildings and car parks often contravene regulations. Self-closing and self-locking street level egress doors were commonly found to be chocked open, vandalised and/or unsupervised.

TRIPLE ZERO (000)	POLICE ASSISTANCE LINE (131 444)	CRIME STOPPERS (1800 333 000)
Emergency only	For non emergencies	Report crime anonymously

Upon gaining access to fire exits at street level (via egress doorways), some offenders use stairs as conduits and cover to commit theft from vehicles, theft of motor vehicles and armed robbery. Magnetic door locking systems linked to Fire Sprinkler alarms ensure that fire exits are used for emergencies only.

Police recommend that all fire doors are alarmed so that no unauthorised access is permitted. A magnetic strip is also recommended so that the door will shut closed. Signage is recommended on all fire doors to show that doors are alarmed and to only be used in emergencies. Any external doors that can be used to enter the car park or into the complex should have a plate installed to the door.

Tenants should be strongly discouraged from placing anything in the fire doors so they can be easily accessed. The stairways should also be checked frequently and items that could be used to hold doors open should be removed. The handles, hinges, latch and striker plate should be checked for foreign objects that may hinder the effectiveness of these mechanisms, allowing the door to remain open or not be locked as it should be.

Natural Ladders

Natural ladders are design features, trees or nearby structures that help criminals to climb on to balconies, rooftops, ledges and windows.

Police recommend that the development avoid creating outer ledges capable of supporting hands/feet and balustrades should not provide anchor points for ropes. Also, for any fencing proposed for the development Police would recommend palings are placed vertically to stop unauthorised access by persons using horizontally placed palings as a ladder to access ground floor units. If spacing is left between each paling, it should be at a width that limits physical access.

Other Matters

During construction

Please be aware that thieves may target this site during construction. The presence of machinery and tools, as well as building materials will be tempting so ensure that all tools are locked and secured, with regular checks conducted in relation to the security of the site. Police recommend that any large reels containing electrical cabling or copper material be secured and hidden when not in use. These reels are a target for thieves as the material is difficult to trace back to a source, and it is valuable.

It is recommended that CCTV with motion activated alerts are used so that the presence on site of any person can be monitored out of hours. Ensure that large equipment such as excavators and bob cats are tracked, and that any smaller tools have serial numbers or identifying marks recorded. If any tools are taken

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Emergency only	For non emergencies	Report crime anonymously

or lost during construction, please call Police ASAP on 131 444 to report the theft and they are also able to obtain the relevant serial numbers or identifying features of the tools.

Ensure that any access points have contact details for a site manager clearly visible so if Police or other services need to attend, they can speak to the right person.

Letter boxes

Letter boxes are a big target for criminals to steal mail and identity documents. High quality letterboxes that meet the Australian standards - ISO9001:2008 should be installed. It is also recommended that the mailboxes should only be able to be accessed via within the unit complex by residents. This will prevent criminals from getting into the premises as a key/fob would need to be used. This allows natural and technical surveillance. The letterboxes shall be under CCTV surveillance to help deter letterbox mail theft. This is a major current crime trend where victim's identity is being stolen such as personal details, credit cards, bills etc which is then being stored, sold and used in fraudulent activity.

Police suggest the installation of circular letter box locks. The shape can make them harder to force and manipulate with a tool such as a screwdriver or similar. On review of the units currently built around The Hills, there is notably less damage caused to the letterboxes where circular locks are used, than banks of letter boxes that have the traditional key design.



Parcel Delivery Options

Recently criminals have been targeting unit complexes to steal packages which are delivered and left out the front of buildings. This is becoming a common occurrence as parcels are often left outside, unattended for several hours before the owner comes to collect them. Police recommend that building management inform residents of the risk of having parcels left outside of the building and ask residents to have items delivered to the post office for collection.

Police suggest that a parcel chute or similar be installed (similar to a post box) at the front of the building where deliveries can be left secured. The parcel chute could drop the items in a secured room monitored by CCTV and the building manager until the owners arrive, and which can only be accessed by a swipe card or fob. This would create an extra level of security for parcels and act as a further deterrent to opportunistic criminals.

TRIPLE ZERO (000)	POLICE ASSISTANCE LINE (131 444)	CRIME STOPPERS (1800 333 000)
Emergency only	For non emergencies	Report crime anonymously

Storage cages

Police attend many units / apartments which contain caged storage units. Police suggest that if caged storage units and caged garages are used, that the cage is built up to the ceiling within the car park so offenders cannot climb over the caged areas. A caged storage area should have a door that is reinforced instead of a cage with just a lock. A plate is suggested to stop offenders who may get into the garaged areas of the units from using a jemmy to get in. It is also suggested that an extra lock such as a dead lock or a latch lock be installed also.

Car Park

The carpark should be well lit and bright. Refrain from the use of sensor lights, especially in areas less travelled. The entry to the carpark should also be well lit. This decreases the chance of a person being able to hide and gain access to the complex by taking advantage of a vehicle or person entering or exiting.

Park smarter signage can help educate people to not leave valuable items in their cars and to ensure they secure their vehicles. Police recommend installing these signs around the car park.

Access to the car park should be by controlled swipe card (or similar) or key pad where a visitor can 'buzz' the tenancy they are visiting to be allowed access.

If there are any questions in relation to this report, please contact me at Castle Hill Police Station on 9680 5399.

Respectfully yours,



Senior Constable Stephanie Brown

Crime Prevention Officer

Castle Hill Police

TRIPLE ZERO (000)

Emergency only

POLICE ASSISTANCE LINE (131 444)

For non emergencies

CRIME STOPPERS (1800 333 000)

Report crime anonymously

APPENDIX B – ENDEAVOUR ENERGY COMMENTS

Development Application and Planning Proposal Review NSW Planning Portal Concurrence and Referral



Authority	Authority's Reference	Agency Concurrence and Referral	Authority Contact	Authority Notification	Submission Due	Submission Made
The Hills Shire Council	1207/2023/JP	CNR-51747	Amanda Hawkins	10/02/2023	3/03/2023	14/02/2023

Address	Land Title
6 ALAN STREET BOX HILL 2765	LOT 121 DP 10157

Scope of Development Application or Planning Proposal
Construction of a 4 residential flat buildings, six storeys containing 178 units, basement parking, landscaping.

As shown in the below site plan from Endeavour Energy's G/Net master facility model:
There are: - No easements benefitting Endeavour Energy (active easements are indicated by red hatching). - Low voltage overhead power lines (including a pole) to the road verge / roadway. - Low voltage overhead service conductor coming from the pole on the road verge going to the customer connection point for the existing dwelling.



Endeavour Energy
 ABN 11 247 365 823
 T 133 718
 51 Huntingwood Drive
 Huntingwood NSW 2148
 PO Box 811, Seven Hills NSW 1730
endeavourenergy.com.au

Relevant / applicable clause numbers from Endeavour Energy's standard conditions for Development Application and Planning Proposal Review indicated by ☒ .

Condition	Advice	Clause No.	Issue	Detail
☐	☐	1	Adjoining Sites	Adjoining or nearby development / use should be compatible with the use of Endeavour Energy's sites.
☐	☐	2	Asbestos	Area identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network.
☐	☒	3	Asset Planning	Applicants should not assume adequate supply is immediately available to facilitate their proposed development.
☐	☐	4	Asset Relocation	Application must be made for an asset relocation / removal to determine possible solutions to the developer's requirements.
☐	☒	5	Before You Dig	Before commencing any underground activity the applicant must obtain advice from the Before You Dig service.
☐	☐	6	Bush Fire	Risk needs to be managed to maintain the safety of customers and the communities served by the network.
☐	☐	7	Construction Management	Integrity of electricity infrastructure must be maintained and not impacted by vehicle / plant operation, excessive loads, vibration, dust or moisture penetration.
☐	☒	8	Contamination	Remediation may be required of soils or surfaces impacted by various forms of electricity infrastructure.
☐	☒	9	Demolition	All electricity infrastructure shall be regarded as live and care must be taken to not interfere with any part of the electricity network.
☐	☐	10	Dispensation	If a proposal is not compliant with Endeavour Energy's engineering documents or standards, the applicant must request a dispensation.
☐	☐	11	Driveways	For public / road safety and to reduce the risk of vehicle impact, the distance of driveways from electricity infrastructure should be maximised.
☐	☒	12	Earthing	The construction of any building or structure connected to or in close proximity to the electrical network must be properly earthed.
☐	☐	13	Easement Management	Preference is for no activities to occur in easements and they must adhere to minimum safety requirements.
☐	☐	14	Easement Release	No easement is redundant or obsolete until it is released having regard to risks to its network, commercial and community interests.
☐	☐	15	Easement Subdivision	The incorporation of easements into multiple / privately owned lots is generally not supported.
☐	☒	16	Emergency Contact	Endeavour Energy's emergency contact number 131 003 should be included in any relevant risk and safety management plan.
☐	☐	17	Excavation	The integrity of the nearby electricity infrastructure shall not be placed at risk by the carrying out of excavation work.
☐	☐	18	Flooding	Electricity infrastructure should not be subject to flood inundation or stormwater runoff.
☐	☐	19	Hazardous Environment	Electricity infrastructure can be susceptible to hazard sources or in some situations be regarded as a hazardous source.
☐	☐	20	Modifications	Amendments can impact on electricity load and the contestable works required to facilitate the proposed development.
☐	☒	21	Network Access	Access to the electricity infrastructure may be required at any time particularly in the event of an emergency.
☐	☒	22	Network Asset Design	Design electricity infrastructure for safety and environmental compliance consistent with safe design lifecycle principles.
☒	☐	23	Network Connection	Applicants will need to submit an appropriate application based on the maximum demand for electricity for connection of load.

Condition	Advice	Clause No.	Issue	Detail
☐	☐	24	Protected Works	Electricity infrastructure without an easement is deemed to be lawful for all purposes under Section 53 'Protection of certain electricity works' of the <i>Electricity Supply Act 1995</i> (NSW).
☐	☒	25	Prudent Avoidance	Development should avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise.
☐	☒	26	Public Safety	Public safety training resources are available to help general public / workers understand the risk and how to work safely near electricity infrastructure.
☐	☒	27	Removal of Electricity	Permission is required to remove service / metering and must be performed by an Accredited Service Provider.
☐	☒	28	Safety Clearances	Any building or structure must comply with the minimum safe distances / clearances for the applicable voltage/s of the overhead power lines.
☐	☐	29	Security / Climb Points	Minimum buffers appropriate to the electricity infrastructure being protected need to be provided to avoid the creation of climb points.
☐	☐	30	Service Conductors	Low voltage service conductors and customer connection points must comply with the 'Service and Installation Rules of NSW'.
☐	☐	31	Solar / Generation	The performance of the generation system and its effects on the network and other connected customers needs to be assessed.
☐	☒	32	Streetlighting	Streetlighting should be reviewed and if necessary upgraded to suit any increase in both vehicular and pedestrian traffic.
☐	☒	33	Sustainability	Reducing greenhouse gas emissions and helping customers save on their energy consumption and costs through new initiatives and projects to adopt sustainable energy technologies.
☐	☐	34	Swimming Pools	Whenever water and electricity are in close proximity, extra care and awareness is required.
☐	☐	35	Telecommunications	Address the risks associated with poor communications services to support the vital electricity supply network Infrastructure.
☐	☒	36	Vegetation Management	Landscaping that interferes with electricity infrastructure is a potential safety risk and may result in the interruption of supply.
Completed by:				Decision
Cornelis Duba				Approve (with conditions)

Cornelis Duba | Development Application Specialist

M 0455250981

E cornelis.duba@endeavourenergy.com.au

51 Huntingwood Drive, Huntingwood NSW 2148. Dharug Country

endeavourenergy.com.au |    



Endeavour Energy respectfully acknowledges the Traditional Custodians on whose lands we live, work, and operate and their Elders past, present and emerging.

Reason(s) for Conditions / Decision (If applicable)

- Endeavour Energy's G/Net master facility model does not show electricity infrastructure belonging to other authorities. The lack dashed lines indicates there is an easement over the site for transmission lines for a voltage in excess of the 132,000 volts / 132kV that are not part of Endeavour Energy's distribution network but are part of the high voltage electricity transmission network owned and operated by Transgrid. From the NSW Planning Portal 'Agencies' tab the Development Application has not been referred to Transgrid.
- The Statement of Environmental Effects does not appear to address in detail whether electricity services are available and adequate for the proposed development.

4.5.10 Electricity and Telecommunication Supply

Electricity and telecommunication services are available to the site. The services will be connected to the proposed development in accordance with the Authority requirements.

- To ensure an adequate connection, the applicant will need to engage an Accredited Service Provider (ASP) of an appropriate level and class of accreditation to assess the electricity load and the proposed method of supply for the development.
- The following extract of the Ground Floor / Level 01 plans shows provision for a 'Substation Pad Mount' to the south western corner of the site with frontage to Alan Street.



- Any required padmount substation will need to be located within the property (at ground level in a suitable and accessible location) and be protected (including any associated cabling not located within a public road / reserve) by an easement and associated restrictions benefiting and gifted to Endeavour Energy.

For further information please refer to the attached copies of Endeavour Energy's:

- Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'.
 - Guide to Fencing, Retaining Walls and Maintenance Around Padmount Substations.
- Generally it is the Level 3 ASP's responsibility (engaged by the developer) to make sure substation location and design complies with Endeavour Energy's standards the suitability of access, safety clearances, fire ratings, flooding etc.
- As well as the capacity / provision of a distribution substation, other factors such as the size and rating / load on the conductors and voltage drop (which can affect the quality of supply particularly with long conductor runs) etc. need to be assessed. However the extent of any works required will not be determined until the final load assessment is completed.
- Endeavour Energy's network asset design policy is generally to progressively underground all new urban developments. All new cabling / reticulation infrastructure must be of an underground construction type. Where existing overhead construction is present on or in proximity of the site, it may require undergrounding as the development proceeds.

- Endeavour Energy is urging applicants /customers to engage with an Electrical Consultant / Accredited Service Provider (ASP) prior to finalising plans in order to assess and incorporate any required electricity infrastructure. In so doing the consideration can also be given to its impact on the other aspects of the proposed development. This can assist in avoiding the making of amendments to the plan or possibly the need to later seek modification of an approved development application.
- The minimum required safety clearances and controls for building and structures (whether temporary or permanent) and working near overhead power lines must be maintained at all times. If there is any doubt whatsoever regarding the safety clearances to the overhead power lines, the applicant will need to have the safety clearances assessed by a suitably qualified electrical engineer / Accredited Service Provider (ASP).

Even if there is no issue with the safety clearances to the building and structures, consideration must be given to WorkCover (now SafeWork NSW) 'Work Near Overhead Power Lines Code of Practice 2006' eg. ordinary persons must maintain a minimum safe approach distance of 3.0 metres to all voltages up to and including 132,000 volts / 132 kilovolt (kV) and includes the following requirements for work near low voltage overhead power / service lines.

TABLE 4
Approach distances for work near low voltage overhead service lines

Ordinary Persons (m)				
Hand held tools	Operation of crane or mobile plant	Handling of metal materials (Scaffolding, roofing, guttering, pipes, etc)	Handling of non-conductive materials (Timber, plywood, PVC pipes and guttering, etc)	Driving or operating vehicle
0.5	3.0	4.0	1.5	0.6

- The planting of large / deep rooted trees to near electricity infrastructure is opposed by Endeavour Energy. Existing trees which are of low ecological significance in proximity of electricity infrastructure should be removed and if necessary replaced by an alternative smaller planting. The landscape designer will need to ensure any planting near electricity infrastructure achieves Endeavour Energy's vegetation management requirements.

No planting of trees is allowed in the easement for a padmount substation. Screening vegetation around a padmount substation should be planted a minimum distance of 800mm plus half of the mature canopy width from the substation easement and have shallow / non-invasive roots. This is to avoid trees growing over the easement as falling branches may damage the cubicle and tree roots the underground cables. All vegetation is to be maintained in such a manner that it will allow unrestricted access by electrical workers to the substation easement all times.

- Not all the conditions / advice marked may be directly or immediately relevant or significant to the Development Application. However, Endeavour Energy's preference is to alert proponents / applicants of the potential matters that may arise should development within closer proximity of the existing and/or required electricity infrastructure needed to facilitate the proposed development on or in the vicinity of the site occur.

Condition or Advice

With Endeavour Energy's Development Application and Planning Proposal Review process / system the intent of the 'Standard Conditions' being indicated as either a 'Condition' or 'Advice' essentially depends on the risk associated with the matter. If the matter is one that is likely or very likely to be an issue / needed to be addressed by the applicant and may require corrective action, then it is marked as a 'Condition'. If the matter is less likely and the consequences of the applicant not addressing it are lower or can be readily rectified, then it is marked as 'Advice'. If the matter is considered to be not applicable / relevant then it is not marked as either.

For example, the obtaining advice from the Before You Dig service in accordance with the requirements of the *Electricity Supply Act 1995* (NSW) and associated Regulations is a standard / regulatory requirement. It will be generally indicated as 'Advice'. If the Site Plan from Endeavour Energy's G/Net Master Facility Model indicates there is some uncertainty over the extent or location of the underground cables on or near the site, it would then be indicated as 'Condition' and require action to be undertaken by the applicant eg. the use of an underground asset locating device or a certified locator to verify the asset location.

Decision

In the NSW Planning Portal for the 'Agency response', as Endeavour Energy is not a concurring authority under the provision of the *Environmental Planning and Assessment Act 1979* (NSW), it does not 'Approve' or 'Refuse' a Development Application in the Portal. It will 'Approve (with conditions)' (which may 'Object' in the submission and detail the matters requiring resolution), or if all the matters in the submission are marked as for 'Advice', the outcome of the assessment will also be 'Advice'.

Further Advice

The 'Standard Conditions' include additional advice and contact details and further information is also available on Endeavour Energy's website at <https://www.endeavourenergy.com.au/>.



The following contacts can be reached by calling Endeavour Energy via Head Office enquiries on business days from 9am - 4:30pm on telephone: 133 718 or (02) 9853 6666.

Branch / Section	Matters	Email
Customer Network Solutions	Electricity supply or asset relocation who are responsible for managing the conditions of supply with the applicant and their Accredited Service Provider (ASP).	cicadmin@endeavourenergy.com.au
Easement Officers	Easement management or protected works / assets.	Easements@endeavourenergy.com.au
Property	Property tenure eg. the creation or release of easements.	network_property@endeavourenergy.com.au
Field Operations (to the relevant Field Service Centre).	Safety advice for building or working near electrical assets in public areas (including zone and transmission substations).	Construction.Works@endeavourenergy.com.au

Please note Endeavour Energy's above contacts do not have access to the NSW Planning Portal. To resolve any matters direct contact should be made with the responsible contact. This will avoid double handling and possible delays in responding to the applicant / Council.

Details of the Accredited Service Provider (ASP) Scheme which accredits organisations to perform contestable work on the NSW electricity distribution network are available via the following link to the Energy NSW website at <https://www.energysaver.nsw.gov.au/get-energy-smart/dealing-energy-providers/installing-or-altering-your-electricity-service>.

ATTACHMENT B – LOCALITY PLAN



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 C – AERIAL MAP



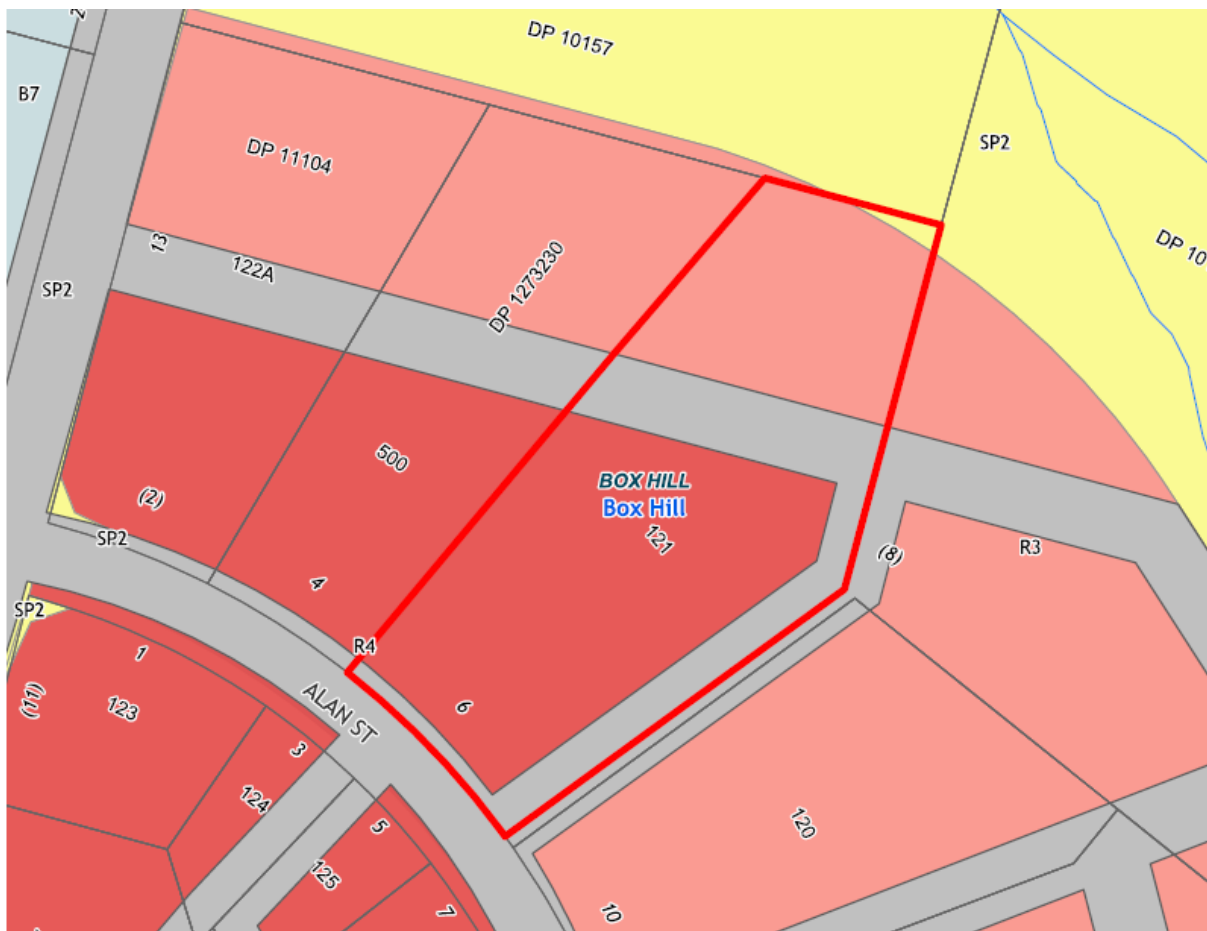
 SUBJECT SITE

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 THSC COPYRIGHT.

ATTACHMENT D – ZONING MAP



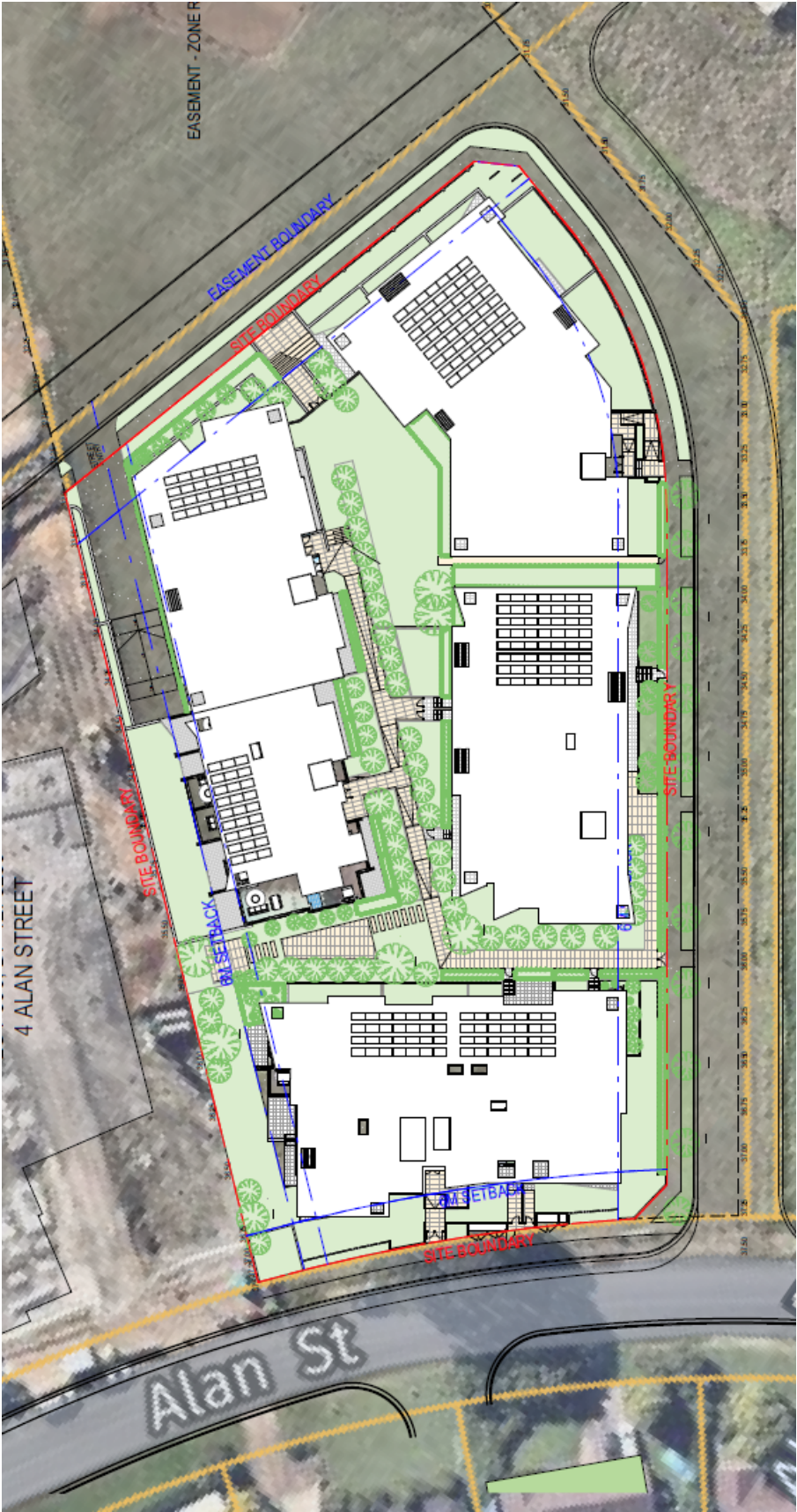
- B2 Local Centre
- B6 Enterprise Corridor
- B7 Business Park
- E2 Environmental Conservation
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation

ATTACHMENT E – HEIGHT OF BUILDINGS MAP

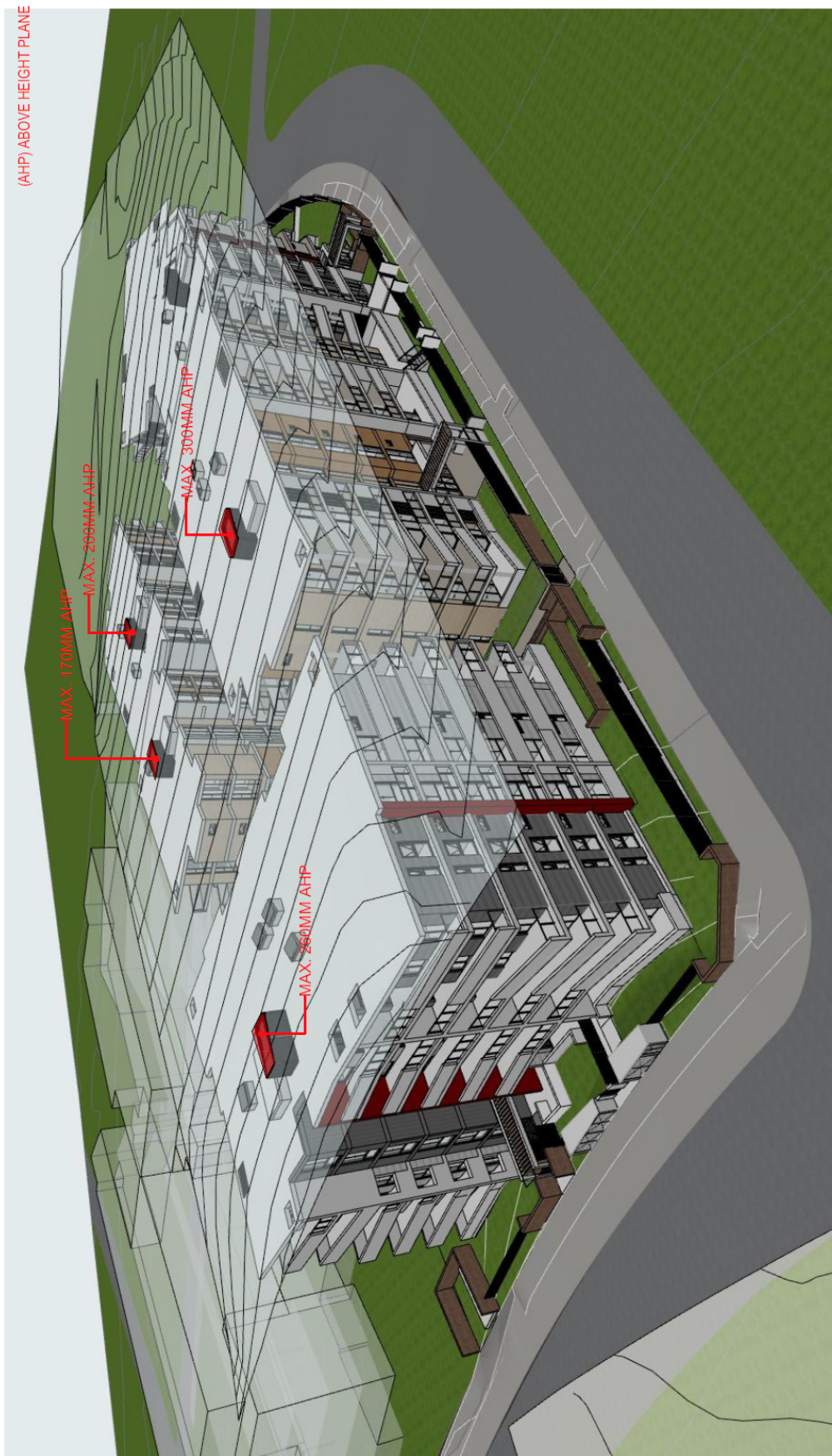


I	8.5
K	10
N	14
O	16
P	18
R	21
S	24

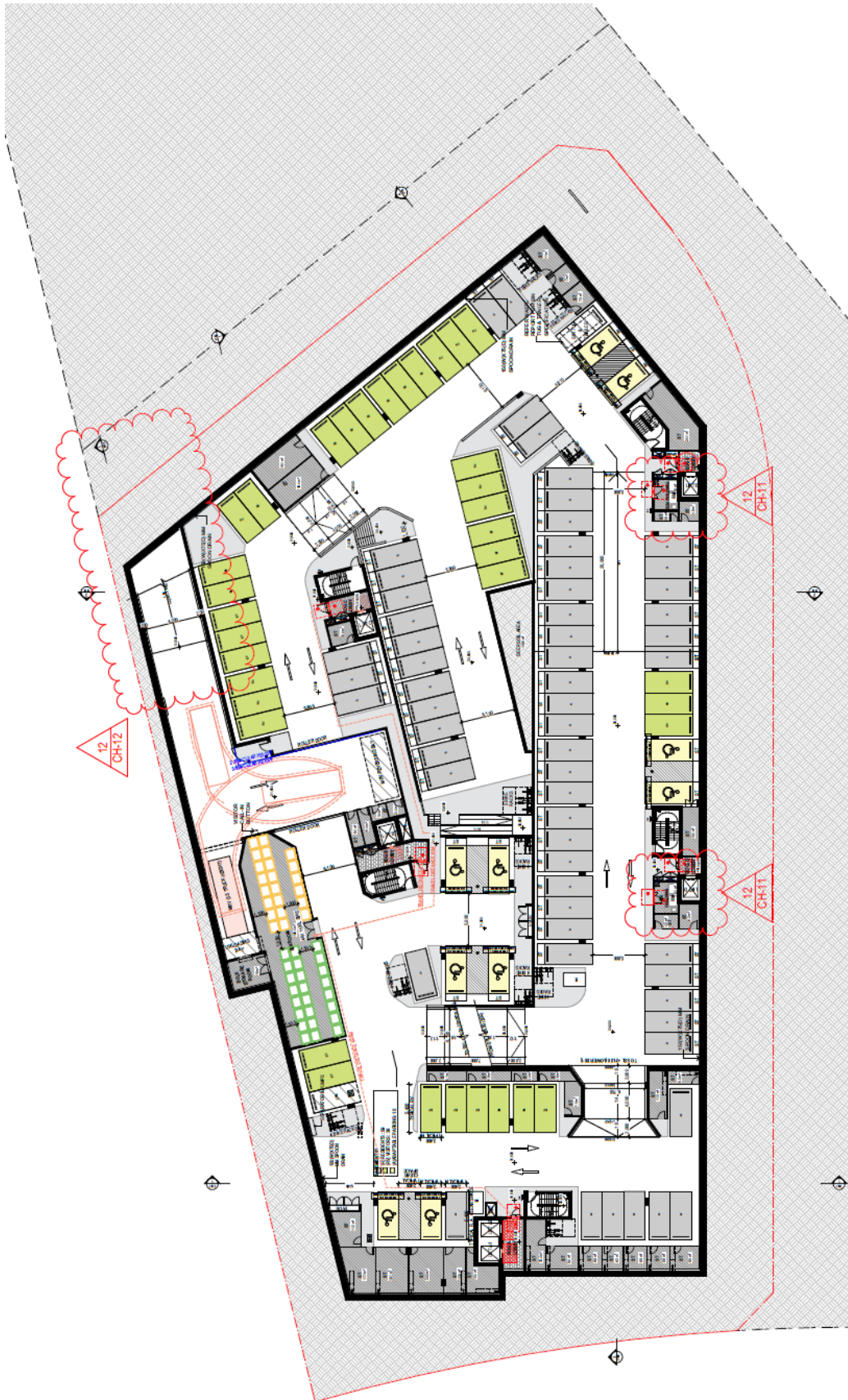
ATTACHMENT F – SITE PLAN



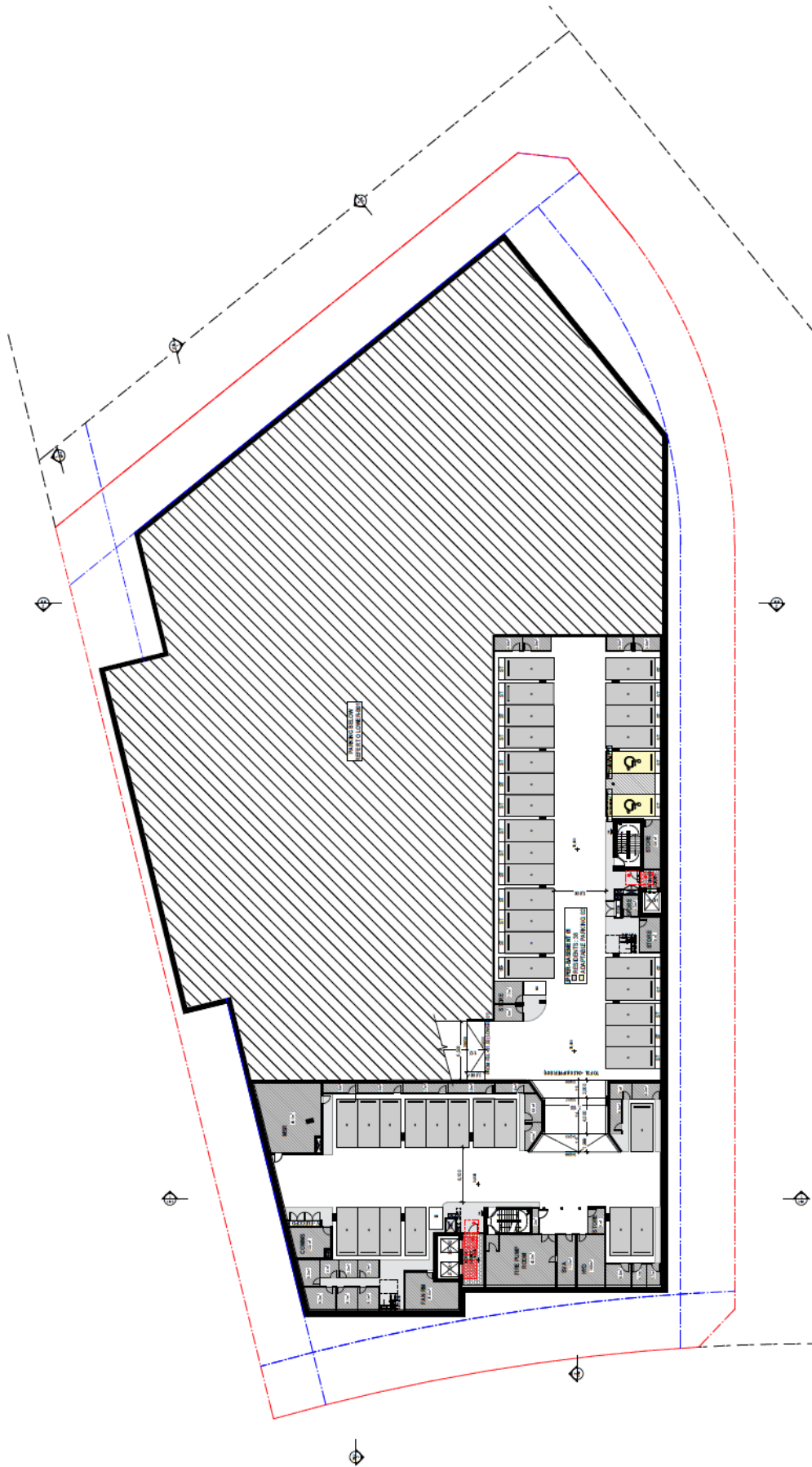
ATTACHMENT G – HEIGHT PLANE



[illegible]



Middle Basement



Upper Basement



Ground Floor



Level 1





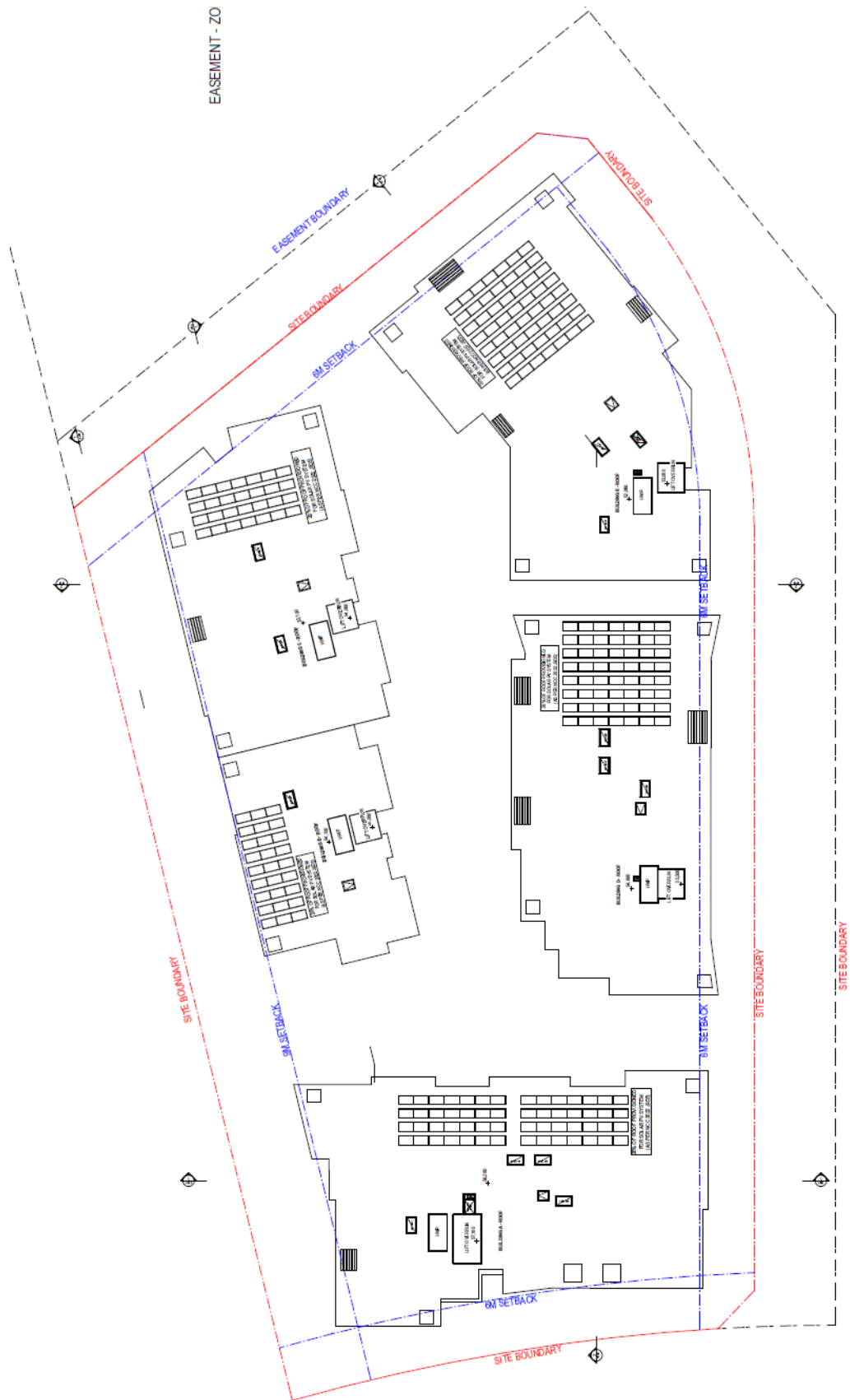
Level 3



Level 4



Level 5

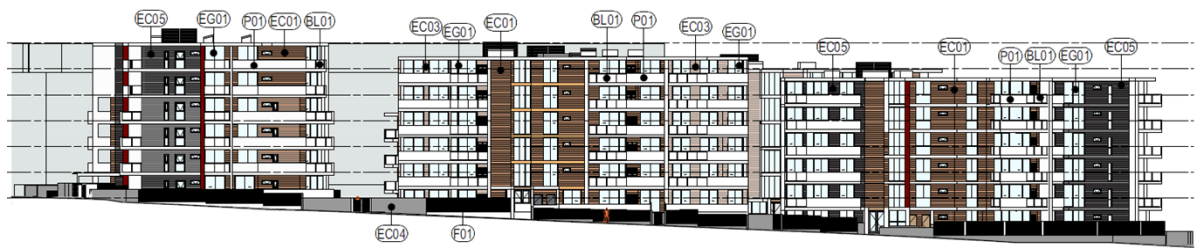


Roof Plan

ATTACHMENT I – ELEVATIONS / PERSPECTIVES



North Elevation



East Elevation



South Elevation



West Elevation



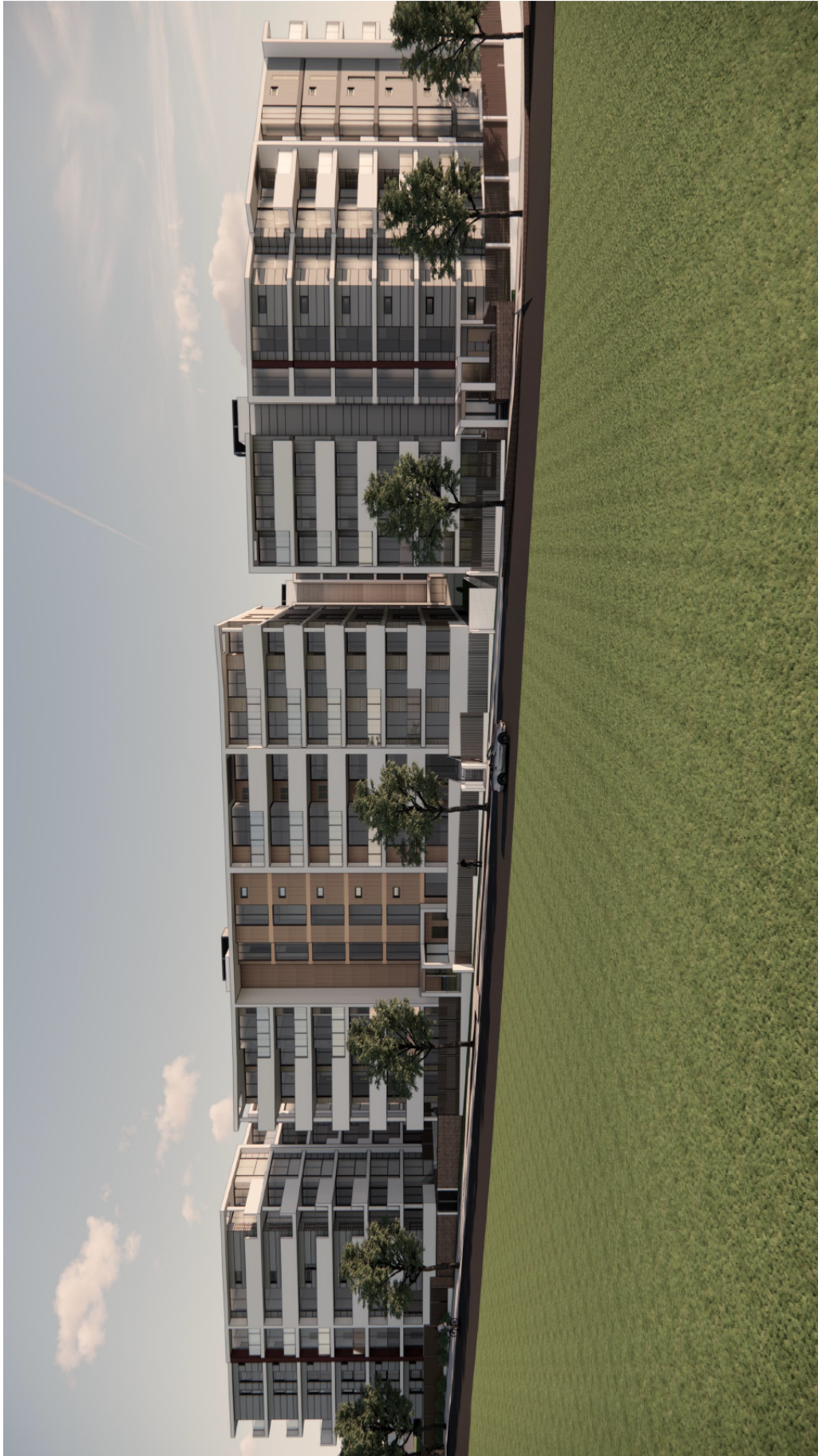
VIEW FROM ALAN STREET



VIEW FROM VILLAGEVIEW STREET



VIEW FROM NEIGHBOURING PROPERTY



VIEW FROM SUNNYBANK STREET

ATTACHMENT J – LANDSCAPE PLAN



The subdivision plan shows two lots, Lot 1 and Lot 2, situated between 15 Terry Road, Box Hill and 10 Alan Street, Box Hill. Lot 1 is a large rectangular area with a width of 11.4m and a length of 30.2m. Lot 2 is a smaller rectangular area with a width of 7.8m and a length of 30.2m. The plan includes a legend for site boundaries, proposed lot boundaries, easements, and the R3 zone. A future road is shown running parallel to the existing roads. The plan also shows the location of the future road and the existing roads. The plan is titled 'SUBDIVISION PLAN' and includes a scale of 1:500.

PROPOSED LOT SUMMARY

LOT SIZE	NO. OF LOTS
SUPER LOT	2
SP2 ZONE	1
TOTAL LOTS=3	

LEGEND

- SITE BOUNDARY
- PROPOSED LOT BOUNDARY
- EASEMENT
- SP2 ZONE

LOT 1
7785 m²
R4 ZONE

LOT 2
2716 m²
R3 ZONE

15 TERRY ROAD, BOX HILL

10 ALAN STREET, BOX HILL

32-34 HYNDS ROAD, BOX HILL

FUTURE ROAD

ILP ROAD

4 ALAN STREET, BOX HILL
DA REF: 1631/2015/UP/B

PARISH BOUNDARY

THE HILLS SHIRE COUNCIL
APPROVED
DEVELOPMENT CONSENT
DA 132/2023/ZB

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

SUBDIVISION PLAN
1:500