

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-527 DA 1078/2024/JP
PROPOSAL	Demolition of Existing Structures and Construction of a Mixed Use Development including a Supermarket, Retail and Medical Tenancies, Recreational Facilities, Child Care Centre and Associated Works.
ADDRESS	Lot 1 DP 136174 and Lot 100 DP 1261040 101 and 103-105 Nelson Road, Box Hill
APPLICANT	The Trustee for Box Hill SC Investment Trust
OWNER	Box Hill SC Pty Ltd
DA LODGEMENT DATE	21 February 2024
APPLICATION TYPE	Development Application
REGIONALLY SIGNIFICANT CRITERIA	Section 2, Schedule 6 of the Planning Systems SEPP CIV > \$30 million
CIV	\$53,918,182.00 (excluding GST)
CLAUSE 4.6 REQUESTS	None requested.
KEY SEPP/LEP	<ul style="list-style-type: none"> • State Environmental Planning Policy (Planning Systems) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • State Environmental Planning Policy (Precincts – Central River City) 2021 • State Environmental Planning Policy (Sustainable Buildings) 2022
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	One submission against the proposal received. Concerns raised regarding entry from Terrain Street, width of Terrain Street and not receiving notification.

<p>DOCUMENTS SUBMITTED FOR CONSIDERATION</p>	<p>Architectural Plans prepared by BN Group Revision B dated 13/06/2024</p> <p>Landscape Plan prepared by Taylor Brammer Landscape Architects Revision D dated 09/07/2024</p> <p>Civil Engineering Plan prepared by at&I Revision A dated 12/01/2024</p> <p>Quantity Surveyors Report prepared by Newton Fisher Group dated 16/11/2023</p> <p>ESD Report prepared by Aspire Sustainability Consulting dated 29/11/2023</p> <p>Section J Assessment prepared by Aspire Sustainability Consulting dated 24/11/2023</p> <p>Embodied Emissions Reporting prepared by Aspire Sustainability Consulting dated 28/11/2023</p> <p>Dam Dewatering Management Plan prepared by ei Australia Revision 2 dated 13/06/2024</p> <p>Geotechnical Report prepared by ei Australia Revision 2 dated 29/11/2023</p> <p>Accessibility Report prepared by Vista Access Architects Revision B dated 12/02/2024</p> <p>Arboricultural Impact Assessment prepared by The Tree Guardian Arboricultural Consultancy dated 22/11/2023</p> <p>Noise Impact Assessment prepared by Acoustic Logic Revision 3 dated 24/04/2024</p> <p>Archaeological Due Diligence Assessment prepared by McCardle Cultural Heritage dated 05/06/2024</p> <p>Loading Dock Management Plan prepared by Revelop dated 14/06/2024</p> <p>Operational Noise Management Plan prepared by Acoustic Logic dated 30/04/2024</p> <p>Operational Waste Management Plan prepared by Elephants Foot Revision B dated 07/02/2024</p> <p>Statement of Environmental Effects prepared by Think Planners dated 12/02/2024</p> <p>Traffic Management Report prepared by PDC Consultants dated 13/02/2024</p> <p>Waste Management Plan</p> <p>Economic Impact Assessment prepared by Hill PDA Revision 2 dated 29/11/2023</p> <p>Endeavour Energy Connection Offer dated 5 April 2023</p> <p>Energy Connection Requirements prepared by AA Power Engineering dated 28/04/2023</p> <p>BCA and Fire Safety Assessment Report prepared by Hontas Hatzi & Co dated 08/02/2024</p> <p>Detailed Site Investigation and Soil Salinity Assessment prepared by ei Australia Revision 2 dated 28/11/2023</p> <p>Survey Plan prepared by LTS dated 15/07/2022</p> <p>Civil Report prepared by at&I dated 12/01/2024</p>
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SPECIAL INFRASTRUCTURE CONTRIBUTIONS (\$7.24)	The proposed development is subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the EP&A Act 1979. A condition of consent has been imposed requiring payment of the contribution prior to the issue of a Construction Certificate.
RECOMMENDATION	Approval
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	16 December 2024
PLAN VERSION	13 June 2024 Version B
PREPARED BY	Jacob Kiner
CONFLICT OF INTEREST DECLARATION	None Declared
DATE OF REPORT	12 December 2024

EXECUTIVE SUMMARY

Development Application 1078/2024/JP seeks approval for the demolition of existing structures and construction of a mixed use development including a supermarket, retail and medical tenancies, recreational facilities, child care centre and associated works. The proposed development also includes the half width construction of Terrain Street and partial width reconstruction of Nelson Road fronting the site. The construction and dedication of these roads is proposed to be undertaken at no cost to Council.

The subject site is identified as Lot 1 DP 136174, known as 101 Nelson Road, Box Hill, and Lot 100 DP 1261040, known as 103-105 Nelson Road, Box Hill. The portion of the development site that is 101 Nelson Road contains the Box Hill Nelson Community Hall which is no longer in Council ownership. The remainder of the development site that is 103-105 Nelson Road is a large residential lot containing a residential dwelling and ancillary sheds. The subject site is 2.125 hectares in area and currently obtains access from Nelson Road.

The site is located within the Box Hill Growth Centre Precinct which is currently experiencing significant development and transition to low to medium density residential areas. There are several residential subdivisions approved and constructed in the broader locality of the site that are reflective of the future intended use of the site. The properties immediately adjoining the property remain undeveloped at this stage but are zoned for residential use.

The site is zoned part B2 Local Centre and Part R4 High Density Residential zone pursuant to Clause 2.2 of State Environmental Planning Policy (Precincts – Central River City) 2021 – Appendix 10 The Hills Growth Centre Precincts Plan (SRGC SEPP). Development for the purpose of a retail premises, restaurant, recreation facility (indoor), commercial premises, medical centre and centre-based childcare facility is permissible within the B2 zone. All of the proposed uses, with the exception of retail premises and commercial premises, are permitted in the R4 High Density Residential zone. Retail premises and commercial premises are not permitted in the R4 zone. The proposed development relies on Clause 5.3 of the SEPP to justify the use of a retail premises within the R4 zone. The proposed development also

includes the demolition which is permitted with development consent under Clause 2.7 of the Precincts SEPP.

The principle planning controls relevant to the proposal include SEPP Precincts – Central River City (Appendix 10), SEPP Transport and Infrastructure 2021, the Box Hill Development Control Plan 2018 (BHDCP) and The Hills Development Control Plan 2012 (THDCP). The proposal is inconsistent with various provisions of the planning controls including the indicative layout plan for Box Hill and the indicative layout plan for the Nelson Road Village, and location of childcare play areas within front setbacks.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied, or will be satisfied subject to conditions of consent including Clause 4.6(1) of State Environmental Planning Policy (Resilience and Hazards) 2021 for consideration of whether the land is contaminated.

There were no concurrence requirements from agencies for the proposal and the application is not integrated development pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 ('EP&A Act'). A referral to Transgrid and Endeavour Energy pursuant to State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP) was sent and both agencies have raised no objections.

The application has been referred to the Sydney Central City Planning Panel (Panel) as the proposal is identified to be regionally significant development pursuant to Clause 2 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the proposal is for a development with a capital investment value of more than \$30 million.

The key issues associated with the proposal included the orderly development of the site with respect to the adjoining B2 Local Centre zoning located on the adjoining property, access from The Water Lane and issues with road and future design levels. These issues have been resolved throughout the assessment process. See Section 5 of the report for detail.

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

1. THE SITE AND LOCALITY

1.1 The Site

The subject site is known as 101 Nelson Road and 103-105 Nelson Road, Box Hill (Lot 1 DP 136174 and Lot 100 DP 1261040). The overall site has an area of 2.125 hectares. The overall site has a frontage of approximately 73 metres to Nelson Road, which both properties currently gain access from, and a frontage of approximately 191 metres to The Water Lane. The subject site is comprised of two regular shaped lots zoned part B2 Local Centre and part R4 High Density Residential pursuant to Appendix 10 of State Environmental Planning Policy (Precincts- Central River City) 2021.

The portion of the development site that is 101 Nelson Road contains the Box Hill Nelson Community Hall. The site containing the Community Hall (101 Nelson Road) was sold in

January 2023 to the current owner and is no longer under Council ownership. The remainder of the development site that is 103-105 Nelson Road is a large residential lot containing a residential dwelling and ancillary sheds. There is an existing dam located in the south-east corner of the site. The site generally slopes from the southern corner towards the northern corner of the site at the intersection of Nelson Road and The Water Lane.



Figure 1. Aerial photograph of Site (Source: Nearmaps, 10/04/2024)

1.2 The Locality

The subject site is located within the Box Hill Growth Centre Precinct. The immediate locality is largely undeveloped, however there are several approved and completed subdivisions to the north-west and south of the site that are typical of the future character of the area. The properties immediately adjacent to the site are all zoned for residential purposes.

The site is currently accessed via Nelson Road, which is identified as a collector road. The northern side of Nelson Road is predominantly zoned residential, however there is a future public reserve to be located to the northwest of the site (to be known as Anthony Skaratt Reserve). The site is also bounded by The Water Lane which is identified as a sub-arterial road and will be subject to future upgrade.

Immediately south of the site, being No.21 The Water Lane, has an approved development for a subdivision creating 46 residential lots including new road construction under Development Consent No. 469/2020/ZA. The development was under construction at the time of lodgement of the subject application and has since been registered. The other half of Terrain Street has been built and dedicated under DA 469/2020/ZA, with the subject application seeking to construct the remainder of Terrain Street within the site.

The site is within proximity to several other existing and future shopping centres or local centres. The subject site is approximately 4.8km away from Rouse Hill Town Centre, which functions as a regional centre and contains several supermarket chains and retail shops. Mount Carmel Business Park Village, which is approximately 2.6km away, is located in the

south-west of the Box Hill Precinct at the intersection of Windsor Road and Mount Carmel Drive and contains a Coles supermarket and several retail shops.

There are two future local centres also proposed in the Box Hill Precinct, being the Box Hill Village and Mount Carmel Village. The Box Hill Village, which is under construction at the intersection of Terry Road and Mason Road, is approximately 1.4km away from the subject site, and will provide a mix of residential, retail, commercial, community and recreational uses. The Mount Carmel Village will be located at the intersection of Mount Carmel Drive and George Street, approximately 2.5km away from the subject site, and is positioned to facilitate community focus and complement nearby community uses.

Several bus stops are located along Nelson, with the nearest bus stops located immediately outside the site for westbound traffic and on the north-eastern corner of the Nelson Road and The Water Lane intersection for eastbound traffic. Additional services are likely to be provided once the locality is further developed.

2. THE PROPOSAL AND BACKGROUND

2.1 The Proposal

The subject Development Application seeks approval for the demolition of existing structures and construction of a Mixed Use Development including a Supermarket, Retail and Medical Tenancies, Recreational Facilities, Child Care Centre and Associated Works.

The retail component of the development contains:

- Full service supermarket comprising 3600sqm of floor space
- 1100sqm of retail liquor store
- 13 other retail tenancies ranging in area between 25sqm and 1210sqm (3001sqm total)
- 1095sqm restaurant
- 627sqm gym that operates 24 hours a day, 7 days a week
- 299sqm of other recreational facilities
- 542sqm of commercial space
- Shared facilities including amenities, waste room and cleaner's room
- Landscaped plaza on the corner of Nelson Road and The Water Lane

The upper level of the building fronting Nelson Road contains three commercial tenancies that are proposed to be utilised for medical purposes (medical centre).

The portion of the building fronting Terrain Street is largely proposed to accommodate a 140 place centre based childcare centre. The childcare is proposed to facilitate 20 spaces for 0-2 year olds, 40 spaces for 2-3 year olds, 20 spaces for 2-4 year olds and 60 spaces for 4-6 year olds.

The proposed hours of operation vary for the proposed uses and are as follows:

- Centre hours: 7:00am to 10:00pm, 7 days a week
- Supermarket: 7:00am to 10:00pm, 7 days a week
- Retail Premises: 7:00am to 10:00pm, 7 days a week
- Liquor: 9:00am to 10:00pm, 7 days a week
- Medical Centre: 7:00am to 10:00pm, 7 days a week
- Childcare: 7:00am to 7:00pm, 5 days a week (Monday to Friday)

- Loading Dock: 6:00am to 11:00pm, 7 days a week (deliveries to occur an hour before and after trade to the public)
- Restaurants: 6:00am to Midnight, 7 days a week
- Recreational facilities: 7:00am to 10:00pm, 7 days a week
- Gym: 24 hours, 7 days a week

The proposed development also includes the half width construction of Terrain Street and partial width reconstruction of Nelson Road fronting the site. The construction and dedication of these roads is proposed to be undertaken at no cost to Council.

The development will provide a total of 552 car parking spaces over three levels, including 14 spaces for persons with a disability, six door to boot spaces and four electric vehicle charging spaces.

No signage is proposed as part of the subject Development Application.

Table 1: Development Data

Control	Proposal
Site area	2.125 hectares
GFA	12398 sqm
FSR (retail/residential)	0.58:1
Clause 4.6 Requests	No
No of apartments	No residential component proposed.
Max Height	16m
Car Parking spaces	552 parking spaces
Setbacks	0m (active frontages)

2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 16 September 2023 where various issues were discussed. A summary of the key issues raised at the prelodgement stage are outlined as follows:

- Orderly development with respect to the adjoining B2 and R4 zoned land located over 22-24 Box Road, Box Hill (Lot 141 DP 10157).
- A variation to the maximum 6000 square metres gross floor area outlined for the centre under the Box Hill DCP.
- Parking areas perpendicular to the future road and adjacent to the childcare centre.
- Consistency of the development with civil designs for Nelson Road and The Water Lane.

- Proposed access along The Water Lane despite the road being sub-arterial and access denied.
- Landscaping of the proposed parking areas and childcare.
- Noise generation impacts of the proposed uses.

The development application was lodged on 21 February 2024. 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
21 February 2024	DA lodged
23 February 2024	Exhibition of the application
23 February 2024	DA referred to external agencies
9 April 2024	Request for Information issued relating to Environmental Health, Landscaping, Traffic and Planning matters.
14 June 2024	Additional information submitted including amended plans, dam dewatering plan, amended acoustic report, Aboriginal heritage assessment, traffic letter and landscape plans.
24 July 2024	Request for Information issued relating to Engineering, Landscape Management and Planning matters.
11 September 2024	Additional information submitted including amended plans, amended civil plan, orderly development letter and models.

2.3 Site History

The subject site has been subject to a previous development consent for a mixed use development including shop top housing (comprising 155 apartments and retail tenancies) and a childcare centre under DA 337/2017/JP. No physical commencement of the application has occurred.

A modification application under DA 337/2017/JP/A to amend the development to incorporate the former Community Centre site at 15Z Nelson Road (now 101 Nelson Road) and several design amendments and inclusions to the approved mixed use building was lodged in December 2021 and was later withdrawn in December 2022.

Development Application 936/2022/HA was lodged in December 2021 over 101 Nelson Road (Lot 1 DP 136174) for the demolition of the Box Hill Nelson Community Centre and construction of a shop top housing development. The application was later withdrawn in December 2022.

Development Consent DA 469/2020/ZA has been approved for a subdivision creating 46 residential lots and new road construction on the site immediately south of the subject site at 21 The Water Lane. The development has been constructed and the subdivision registered. The development included the half width construction and dedication of Terrain Street along the common boundary with the subject site.

Immediately west of the site DA 653/2023/ZA has been lodged over 11-15 Nelson Road and 16-24 Box Road, Box Hill for a subdivision creating 161 residential lots, four residue lots and one SP2 zoned lot for a planned sewer pumping station. DA 653/2023/ZA will create two residue lots which relate to the B2 and R4 zoned land immediately adjoining the subject site and need to be considered with respect to the orderly development of the subject site.

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 (Biodiversity and Conservation) 2021*
- *State Environmental Planning Policy (Resilience and Hazards) 2021*
- *State Environmental Planning Policy (Transport and Infrastructure) 2021*
- *State Environmental Planning Policy (Sustainable Buildings) 2022*
- *State Environmental Planning Policy (Precincts – Central River City) 2021*

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)
Planning Systems SEPP	Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 2 of Schedule 6.	Y
BC SEPP	Section 6.13 – the impacts of the proposed development have been considered with regards to the environment of the Hawkesbury-Nepean River Catchment and are considered to have no adverse impact on the system, subject to conditions.	Y
RH SEPP	Clause 4.6 - Contamination has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y
Transport and Infrastructure SEPP	Section 2.48 – Development within or immediately adjacent to an easement for electricity purposes or immediately adjacent to an electricity substation. Part 3.3 – Early education and care facilities – specific development controls.	Y
Sustainable Buildings SEPP	Section 3.2 – standards for non-residential development.	Y
Precincts SEPP	<ul style="list-style-type: none"> • Clause 4.3 – Height of Buildings – complies. • Clause 4.4 – floor space ratio – complies. • Clause 4.6 – variation to height of buildings sought. • Clause 5.3 – Development near zone boundaries – satisfactory. • Clause 5.10 – Heritage conservation - in vicinity of heritage item, unlikely to generate any impacts. • Clause 6.1 – Public utility infrastructure - adequate services are available for the development. • Clause 6.6 – Active Street Frontages – satisfactory. 	Y

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is for the demolition of existing structures and construction of a Mixed Use Development including a Supermarket, Retail and Medical Tenancies, Recreational Facilities, Child Care Centre and Associated Works. The proposed development has a capital investment value (CIV) of \$53,918,182.00. Accordingly, the proposed development is identified as 'regionally significant development' under Clause 2 of Schedule 6 of the Planning Systems SEPP as the development by or on behalf of the Crown and has a capital investment

value of more than \$30 million. The Sydney Central City Planning Panel are therefore the nominated consent authority for the application.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

The provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) have been considered in the assessment of the development application. Section 6.13 of the SEPP establishes general planning considerations for proposed developments within the Hawkesbury-Nepean River catchment area and aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposed development is not considered to create anything but negligible impacts on the river system as it the nature of the local centre will not generate any significant on-going impacts that may impact the health of the river system. Conditions of consent are recommended to be imposed that require an erosion and sediment plan to be prepared and utilised throughout all stages of works to ensure that the works do not have any adverse impact on the Hawkesbury-Nepean River catchment.

State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of RH SEPP requires consent authorities to consider whether the land is contaminated, and if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

A Detailed Site Investigation (DSI) was prepared for the site to consider the provisions of the SEPP. The DSI concluded that contaminant concentrations in the representative soils samples were all below the corresponding investigation levels applicable. The DSI further concluded that widespread or gross contamination was not present at the site and the overall site was therefore deemed suitable for the proposed mixed use development. The DSI has been reviewed by Council's Environmental Health department and is deemed acceptable subject to conditions. Following satisfactory compliance with the recommended conditions of consent, the site will be suitable for its intended use from a contamination perspective and therefore satisfy the objectives and requires of the SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

The provisions Chapter 2 and Chapter 3 of State Environmental Planning Policy (Transport and Infrastructure) 2021 applies to the proposal and have been considered in the assessment of the development application. As the development is carried out within or immediately adjacent to an easement for electricity purposes and immediately adjacent to an electricity substation, the provisions of Section 2.48 of the SEPP applies. In accordance with Section 2.48(2), the development application was referred to Endeavour Energy and Transgrid for comment. Both authorities have raised no objection to the proposed development.

As the proposed development includes a centre-based child care facility, the provisions of Part 3.3 within Chapter 3 of the SEPP need to be considered. The proposal is considered to be satisfactory with respect to Part 3.3 of the SEPP.

The centre-based child care facility component of the proposed development has also been considered against the National Quality Framework Assessment Checklist and Child Care Centre Guidelines. The proposal is considered to be satisfactory with respect to both the Checklist and Guidelines.

State Environmental Planning Policy (Sustainable Buildings) 2022

The proposed development must consider the provisions of Chapter 3 of State Environmental Planning Policy (Sustainable Buildings) 2022 given the development involves the erection of a new building and has an estimated development cost greater than \$5 million. Accordingly, the development must be designed to enable the following as per Section 3.2 of the SEPP:

(1) In deciding whether to grant development consent to non-residential development, the consent authority must consider whether the development is designed to enable the following—

- (a) the minimisation of waste from associated demolition and construction, including by the choice and reuse of building materials,*
- (b) a reduction in peak demand for electricity, including through the use of energy efficient technology,*
- (c) a reduction in the reliance on artificial lighting and mechanical heating and cooling through passive design,*
- (d) the generation and storage of renewable energy,*
- (e) the metering and monitoring of energy consumption,*
- (f) the minimisation of the consumption of potable water.*

(2) Development consent must not be granted to non-residential development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.

The applicant has submitted a report prepared by Aspire Sustainability Consulting outlining the embodied emissions associated with the proposed development. The report satisfactorily quantifies the embodied emissions attributable to the development.

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

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

The aims of the SEPP include the following:

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

- To identify land within the Precincts that is proposed to be brought into public ownership for the purposes of roads, parks, drainage and schools.

The proposal is considered to be consistent with these aims as the proposal seeks to development the site in an orderly manner that is consistent with the Precinct Plan, provides services to support the residential growth and housing diversity and facilitates land identified for the purposes of roads and drainage to be separated for the site for public ownership.

Zoning and Permissibility (Part 2)

The site is zoned part B2 Local Centre and part R4 High Density Residential under Clause 2.2 of the SEPP.

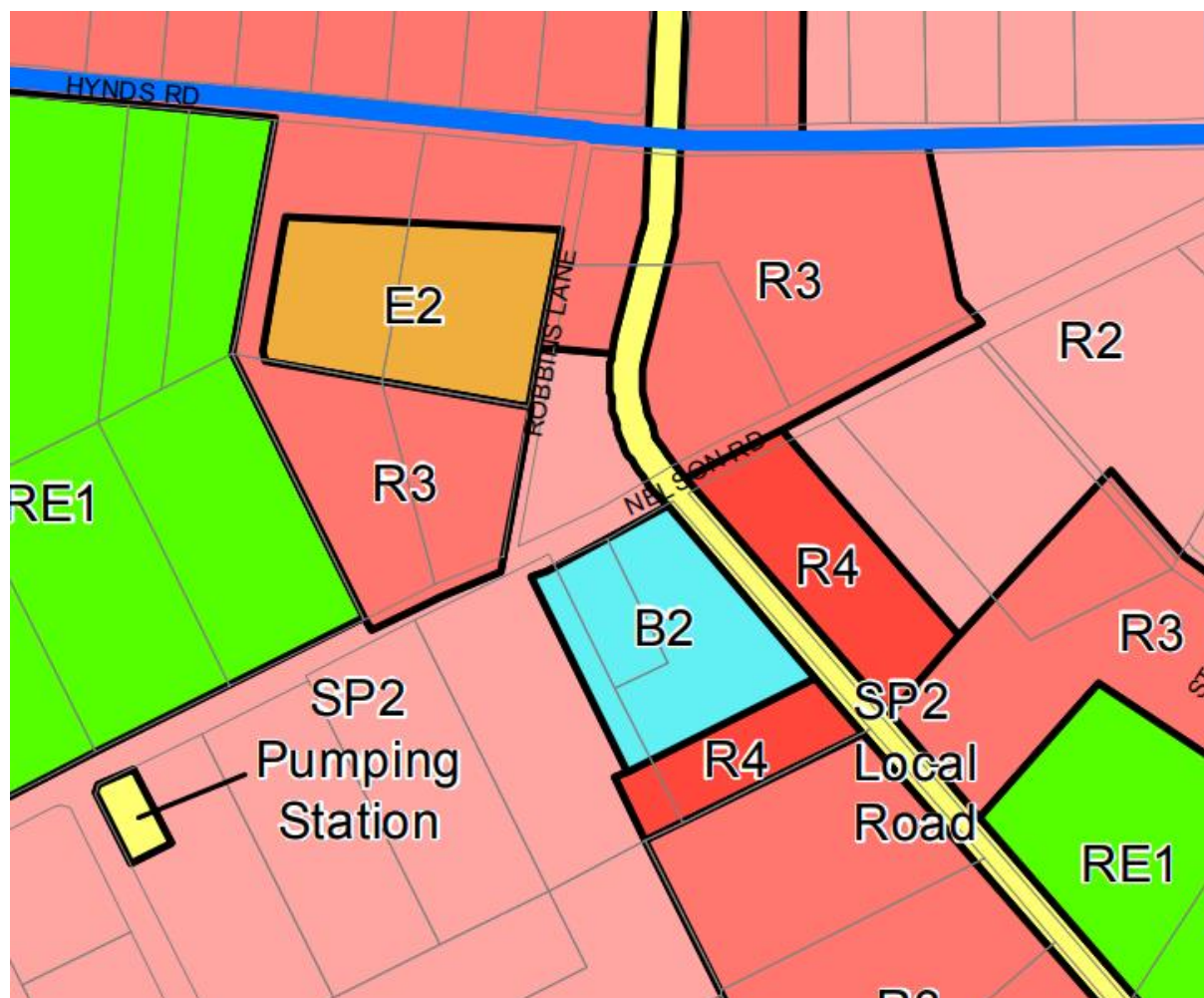


Figure 2. Extract of Zoning Map Sheet LZN_008.

The uses proposed as part of the development are defined as retail premises, restaurant, recreation facility (indoor), commercial premises, medical centre and centre-based childcare facility, which are permissible within the B2 zone pursuant to Section 2.3 of the SEPP. All of the proposed uses, with the exception of retail premises and commercial premises, are permitted in the R4 High Density Residential zone. Retail premises and commercial premises are not permitted in the R4 zone. The proposed development relies on Clause 5.3 of the SEPP to justify the use of a retail premises within the R4 zone. The proposed development also includes the demolition which is permitted with development consent under Clause 2.7 of the Precincts SEPP.

The objectives of the B2 Local Centre zone include the following (pursuant to the Land Use Table in Section 2.3):

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

The proposal is considered to be consistent with these zone objectives as the development will provide a range of retail, business, entertainment and community uses to serve the residents of Box Hill, provide additional employment opportunities and will contribute to the economic growth within The Hills Shire.

The objectives of the R4 High Density Residential zone include the following (pursuant to the Land Use Table in Section 2.3):

- *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 proposal is considered to be consistent with these zone objectives as the development will provide facilities and services to meet the day to day needs of residents within the locality as envisaged by the precinct planning.

Clause 5.3 Development near zone boundaries

Clause 5.3 of the SEPP provides flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site. The proposed development relies on Clause 5.3 to justify the use of a retail premises within the R4 zone. The proposal includes a supermarket (retail) space that extends 20 metres into the R4 zone. Clause 5.3 (2) stipulates that the relevant distance for this clause to apply is 20 metres.

Clause 5.3 (4) specifies that development consent may be granted to development of land to which this section applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that the development is not inconsistent with the objectives for development in both zones and the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The extension of the proposed supermarket component of the development into the R4 zoned land is not considered to impact on the intent and role of the local centre as envisaged by the Box Hill Indicative Layout Plan and Box Hill Development Control Plan. The proposal is considered to remain consistent with the objectives of both the R4 High Density Residential

zone and B2 Local Centre zone in that it will provide additional retail use to serve the day to day needs of residents in the area. The supermarket contributes to the nature of the local centre and is considered compatible with the other proposed uses and surrounding residential uses. The supermarket component is located within the development and is not visible from the street and is therefore not considered to have any significant visual impact on the character of surrounding residential areas. The proposal is therefore considered to satisfy the requirements of Clause 5.3.

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

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

Table 4: Consideration of the SEPP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	N/A	2.125 hectares (no subdivision proposed)	N/A
Residential Density (CI 4.1B)	B2 zone – N/A R4 zone – 20 dwellings per hectare	The proposed development does not include any residential component.	N/A
Height of Buildings (CI 4.3)	16m	16m	Yes
Floor Space Ratio (CI 4.4)	1:1	0.58:1	Yes
Land acquisition (CI 5.1)	N/A	N/A – there is no land zoned for acquisition on the subject site.	N/A
Development near Zone Boundaries (CI 5.3)	20m	20m	Yes
Heritage (CI 5.10)	No heritage items present.	Conditions applied.	Yes
Public Utility Infrastructure (CI 6.1)	Public Utility Infrastructure essential for the proposed development must be available or adequate arrangements have been made to make	Conditions applied.	Yes

	infrastructure available when required.		
Active Frontages (CI 6.6)	Development consent must not be granted to the erection of a building or a change of use of a building on land in Zone B2 Local Centre unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	Active street frontage provided.	Yes

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

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

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

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

These proposed instruments are considered below:

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

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

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

The following Development Control Plan is relevant to this application:

- *Box Hill Growth Centre Precincts Development Control Plan 2018*
- *The Hills Development Control Plan 2012*
 - *Part B Section 6 – Business*
 - *Part C Section 1 - Parking*

A summary of the key controls and non-compliances is provided below. A detailed compliance table is attached to this report as Attachment B.

Box Hill Growth Centre Precincts Development Control Plan 2018

Control 2.2 – Indicative Layout Plan

The Box Hill Indicative Layout Plan under Section 2.2 of the Box Hill Growth Precinct Development Control Plan 2018 envisages the B2 and R4 zoning to be developed together, with the site further identified within the DCP as a Character Area known as Nelson Road Village.

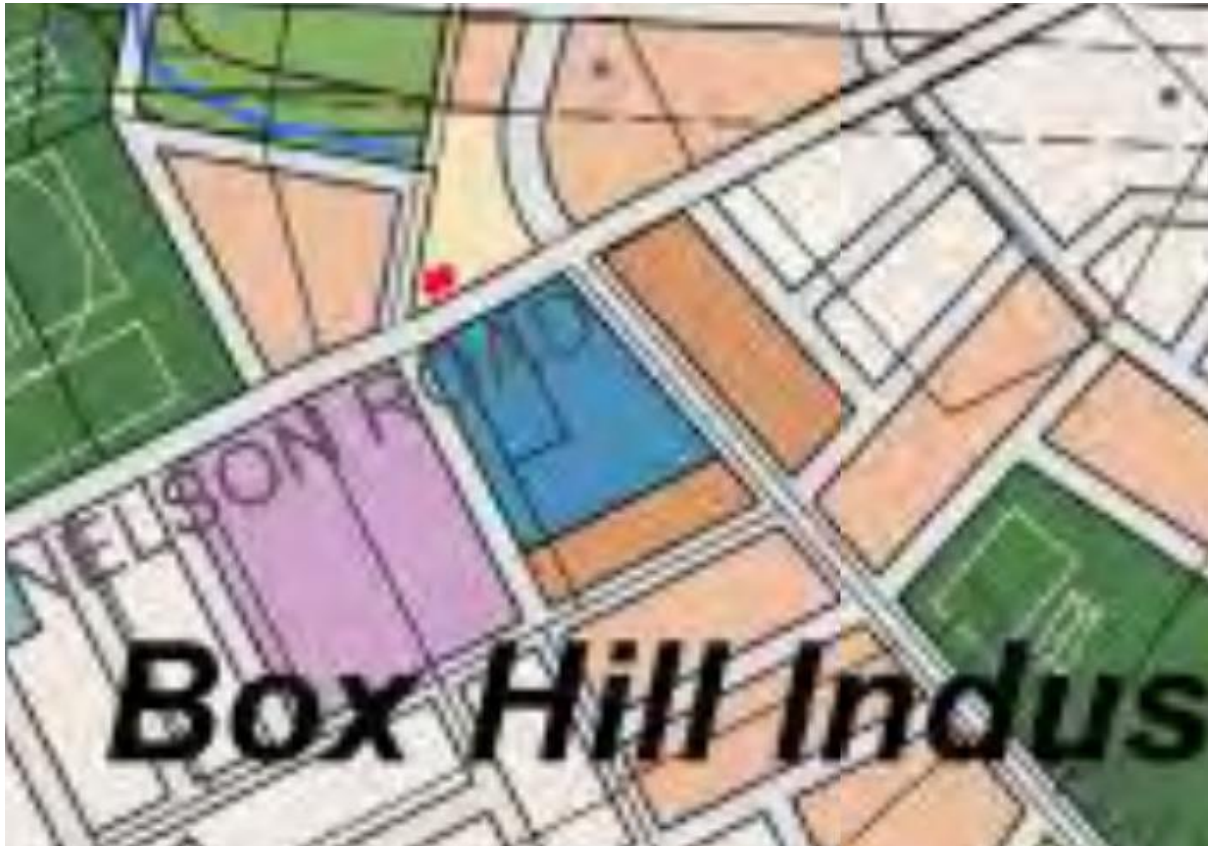


Figure 3. Extract of Box Hill Indicative Layout Plan

The proposed development does not include the B2 and R4 zoned land located on Lot 141 DP 10157 (known as 22-24 Box Road, Box Hill). Notwithstanding the adjoining sections of B2 and R4 zoned land not being included as part of this development, it has been demonstrated that the adjoining site can develop in isolation. The orderly development of both sites is discussed further in Section 5.1 of this report.

The proposed development is considered to otherwise remain generally consistent with the Indicative Layout Plan in that it will deliver a local centre providing a variety of retail and services to the broader Box Hill community. The proposal does not deviate from the intended road network surrounding the development. The proposal remains consistent with the objectives of both the B2 Local Centre and R4 High Density Residential zonings.

8.1.5 Nelson Road Village

Section 8.1.5 of the DCP establishes specific controls for the Nelson Road Village, which relates to the subject site. The proposal specifically seeks to vary two controls established under Section 8.1.5 as follows:

- 8.1.5 (2) – The village is to be consistent with the indicative layout shown in Figure 69 and the following principles.
- 8.1.5 (3) – Provide for a maximum of 6000m² GFA for retail and commercial premises within the village to cater for the needs of the local population.

With respect to Control 8.1.5 (2), Figure 69 of the DCP outlines the indicative village layout as follows:



Figure 69 Indicative layout plan of Nelson Road Village

Figure 4. Extract of Figure 69 of the Box Hill DCP - Indicative Layout Plan of Nelson Road Village

The proposal is inconsistent with Figure 69 for the following reasons:

- The B2 Local Centre and R4 High Density Residential zoned land over the adjoining property is not included in the development, as discussed above and in Section 5.1 of the report.
- The parking areas are not located along the western boundary.
- The loading area is located along the western boundary of the site, rather than the southern boundary.
- The community building is to be demolished as part of the development.

Notwithstanding the above, the proposal otherwise maintains similar active retail frontages, a plaza, various retail premises and a supermarket.

The objectives of Control 8.1.5 are as follows:

- a. To create a vibrant, mixed use village that provides a range of small-scale retail, business and community uses which serve the needs of people who live and work in the surrounding area.*
- b. To ensure that the detailed design of the village is undertaken in a co-ordinated manner in order to achieve a high quality urban design outcome.*
- c. To create a vibrant village adjacent to residential areas and a school.*

The proposal is considered to remain consistent with objective (a) in that it will still enable the creation of a vibrant, mixed use village to provides a range of retail and community uses to service the residents of Box Hill.

The proposal is generally undertaken in a co-ordinated manner to achieve a high quality urban design outcome. The design of the proposal is considered to provide for suitable interfaces with the adjoining residential areas and adjoining properties.

The Department of Education have confirmed that there is no intention for a school site to be developed adjacent to the subject site. Notwithstanding this, the proposal is considered to create a vibrant village adjacent to the adjoining residential areas.

Despite the variations to the indicative layout plan for the village, the proposal generally provides a similar level of amenity and services within the development. The proposal seeks to internalise the parking spaces in order to provide an improved presentation to the street and provide for more active frontages.

The exclusion of the adjoining B2 and R4 zoned lands as noted earlier in this report also restrict the proposed development from achieving a similar layout.

The proposed variation to Control 8.1.5 (2) is considered acceptable in this instance.

With respect to Control 8.1.5 (3), the proposal seeks to include up to 8430m² of gross leasable floor area for retail and commercial uses within the village, exceeding the limit imposed by the control by 2430m². The application has been supported by an Economic Impact Assessment (EIA) prepared by Hill PDA Consulting to justify the increased retail and commercial floor area.

The EIA suggests that the rationale behind increasing the allowable provision of retail and commercial area on site is to:

- increase the attractiveness and competitiveness of the centre
- provide prospective shoppers with a stronger retail offer and encourage price competition
- help to meet commercial needs of the current and future resident population
- Capture local expenditure and reduce reliance and travel to Rouse Hill Town Centre
- Provide additional job opportunities for local residents

In addition to the above, the applicant has provided the following justification:

The development proposes to provide >6000m² of retail and commercial floorspace that will cater for the needs of the local population as well as the industrial area along Annangrove Road.

The exceedance will not impact of the viability of the Box Hill town Centre particularly noting that the population of this release area is now anticipated to be much greater than originally projected.

The proposed increase in retail and commercial floor area is considered acceptable in this instance given the context of the Box Hill Growth Centre Precinct. The development of the Box Hill Town Centre (located on the corner of Mason Road and Terry Road) is currently stalled and its timeframe for completion is unknown. The proposed development will assist in providing additional retail and services to the Box Hill residents in light of this. The population growth of the area will also be complemented by the additional services and retail offered by the proposal.

Further to this, the proposal remains compliant with the floor space ratio control applicable to the site. The bulk and scale of the development is not considered to be excessive despite the increase in retail and commercial floor area.

The proposed variation to Control 8.1.5 (3) is considered acceptable in this instance given the reasons outlined above.

Part B Section 6 – Business of The Hills Development Control Plan 2012

Control 2.34 (h) - Location of External Child Play Areas in front setback

Control 2.34 (h) stipulates that the location of external child play areas in the front setback area is not permitted. The proposal seeks to include outdoor child play areas along the frontage of The Water Lane and Terrain Street.

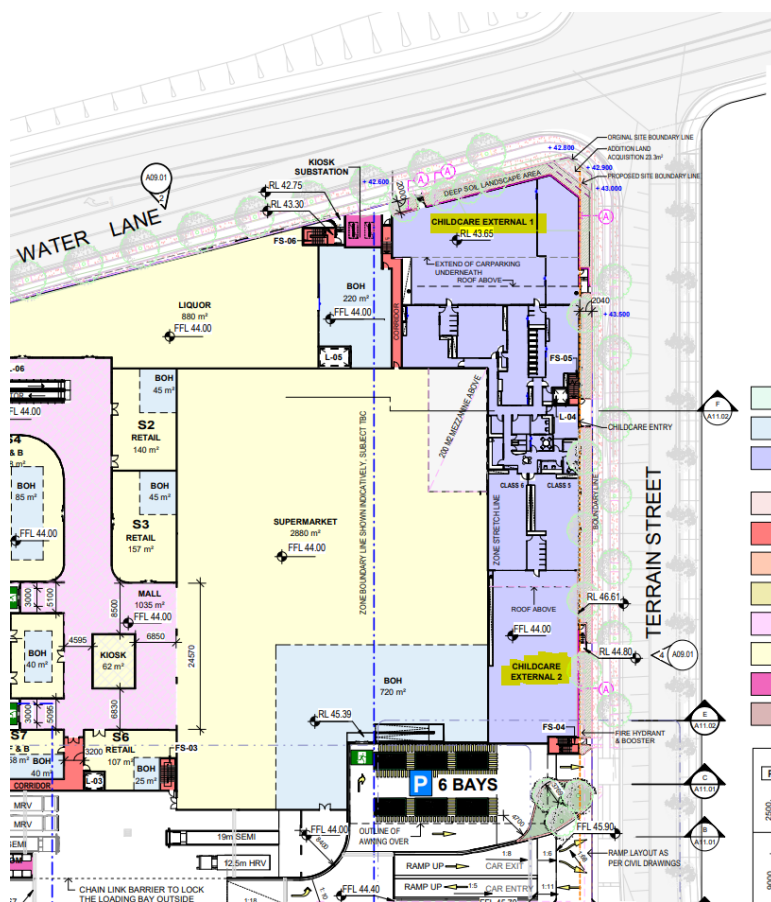


Figure 5. Extract of Architectural Plans showing location of external play areas

The applicant has provided the following justification to address the non-compliance:

Despite the non-compliance with the development control, the development is considered to be consistent with the objectives of the control as:

- *The development provides a 2m landscaped setback to the outdoor play space which ensures that the development will present as childcare centre in a landscaped setting;*
- *A Crash Barrier is proposed behind the landscaping along both The Water Lane and Terrain Road frontage to ensure that a safe environment is maintained;*

- *The site is identified as containing the Nelson Road Village Centre and accordingly its setting is different to that of a childcare centre in a low density setting. The provision of a 2m landscaped setting is compatible with the nil setback envisioned by the DCP and provided to the shopping centre along The Water Lane frontage of the site;*
- *The outdoor play areas allow for additional landscaping to be provided along these street edges that are adjacent to residentially zoned properties. This assists with the compatibility of the development and provides an increased buffer to buildings as well as adding visual interest to the built form as a result of the indentation*

The objectives that relate to this development control are identified as:

- 1. To ensure that adequate area is provided to permit high-quality landscape planting for the development.*
- 2. To ensure that external play areas are located to provide a safe environment for children.*
- 3. To ensure a high standard of environmental quality in child care centre developments and to maintain the overall visual amenity and character of the neighbourhood.*
- 4. To provide a satisfactory relationship between buildings, landscaped areas and adjoining developments.*
- 5. To ensure that food is handled in a safe and healthy manner.*

Noting the above justification submitted by the applicant, and the objectives of the control, the variation to the location of the play areas is considered acceptable given the context of the site and its multiple frontages. The play areas are considered to provide a safe environment for the children and the visual amenity and character of the neighbourhood are maintained.

The Noise Impact Assessment prepared by Acoustic Logic submitted with the application has demonstrated that the noise generated by the outdoor play areas is within acceptable noise criteria and is unlikely to have significant acoustic impact on the adjoining residential areas.

Given the above, the proposed variation to Control 2.34 (h) is considered acceptable in this instance.

Contributions

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

- *The Hills Contributions Plan No.15 – Box Hill Precinct*

This Contributions Plan has been considered and is reflected within the recommended draft consent conditions.

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

The Housing and Productivity Contribution does not apply to the site as the existing North West Growth Area Special Infrastructure applies to the site and remains applicable until 1 July 2026.

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

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

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

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

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

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

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

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

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

- Context and setting – The proposed development is considered to be generally consistent with the objectives and Indicative Layout Plan of the Box Hill Growth Centre Precinct. The proposed development will provide a local centre that includes a range of retail, business, entertainment and community uses that will serve the day to day needs of the residents within Box Hill. The proposed development will also provide employment opportunities and contribute to the economic growth of The Hills Shire. The design, scale and mass of the built form is considerate of the surrounding residential areas and has been designed to ensure that any privacy, acoustic and solar impacts are minimised.
- Access and traffic – The proposed development is considered to be traffic generating development pursuant to Section 2.122 of SEPP Transport and Infrastructure 2021. Transport for NSW have advised that the traffic generation is estimated at 372 vehicle trips per hour (AM weekday), 611 vehicle trips per hour (PM weekday), and 722 vehicle trips per hour (Saturday) and is not considered to impact the surrounding classified network. The proposed development will have access from Nelson Road (collector road) and The Water Lane (sub-arterial road). Both Nelson Road and The Water Lane will be upgraded to account for the anticipated future traffic of Box Hill. The proposed development is not considered to impact on the functionality of these roads once upgraded. Council's Traffic department are satisfied that the proposal is acceptable from a traffic impact perspective.

The proposal will also provide off-street parking to service the retail businesses and provide parking for customers and visitors to the development. The development will provide a total of 554 car parking spaces over three levels, including 14 spaces for persons with a disability, six door to boot spaces and four electric vehicle charging spaces.

- **Public Domain** – The site forms part of the Nelson Road Village within the Box Hill Growth Centre Precinct. The proposal will create public areas and include active frontages that may be used by the Box Hill population for social and retail purposes. The proposal includes landscaping, including street trees, to contribute to the streetscape of the precinct. Consequently, the proposed development is unlikely to generate any negative impacts on the existing public domain.
- **Utilities** – The Box Hill Growth Precinct more broadly is serviced by Sydney Water and Endeavour Energy. The application has been supported by connection offers to confirm that the proposed development is able to connect to such services and that there is sufficient capacity to enable as such. Conditions of consent have been imposed requiring services to be provided for the development. Specifically, conditions of consent stipulate that water and electrical services will need to be provided prior to the issue of an occupation certificate.
- **Heritage** – The development is proposed to be located adjacent to a local heritage item, known as 'Marklye' (Lot 201 DP 1287140) which is located on the northern side of Nelson Road. It is considered that the proposal is unlikely to impact on the visual curtilage or setting of the heritage item or obstruct any important views to and from the heritage item given there is a 25 metre separation between the heritage item and proposed development, the two are separated by a collector road and the proposed development is proposed to use materials and finishes that are considered to be sympathetic to the heritage item. The sites are located within an urban release area and will be undergoing a character transformation also.

An Aboriginal Due Diligence Assessment was submitted as part of the application which notes there are no areas or items of significance identified on or within proximity of the site. Conditions of consent have been imposed for any unexpected finds during activities involving earthworks and soil disturbance. The conditions stipulate that all work must cease if any unexpected sites or relics are uncovered during works, and must comply with Part 6 of the National Parks and Wildlife and the Office of Environment and Heritage to be contacted immediately.

- **Water Catchment** - The subject site is located within the Hawkesbury-Nepean River Catchment and is subject to the provisions of the BC SEPP. In order to ensure that the construction works do not generate any runoff or pollution in the catchment, conditions of consent have been imposed requiring erosion and sediment controls to be in place prior to works commencing and maintained during construction. The controls will ensure that any sediment or waste generated by the works will be controlled within the site so as not to impact on the water catchment.
- **Air Impacts** – The subdivision works for the proposed development may generate dust due to the earthworks and other ground disruption required to facilitate the works. In addition to the Soil and Water Management Plan, a condition of consent has been imposed require dust control measures to be in place during constructions. These measures may include the likes of dust screens, water spraying devices to wet down dusty surfaces, and covering of stockpiles that may generate dust. The dust control measures will ensure that any adjoining residents are not impacted by the subdivision works.
- **Flora and fauna impacts** - The subject site is biodiversity certified and therefore does not trigger the requirements for biodiversity considerations under the Biodiversity

Conservation Act 2016 No 63. Notwithstanding this, the site is largely cleared however contains some native and exotic tree plantings which are proposed to be removed as part of the development. The proposed landscaping of the development will include additional trees to offset the number of trees removed as part of the development.

- Natural environment – The proposed development requires earthworks to ensure it matches the levels set by the Nelson Road and The Water Lane upgrade designs and the constructed levels of the partial width of Terrain Street. The proposed earthworks/ changes to contours are deemed necessary in order to match the intended future levels of the area.
- Noise and vibration – The construction works relating to the proposed development may be noise-generating sources due to the equipment, vehicles and machinery generally required for such activities. A condition of consent has been recommended requiring all works to be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday in order to mitigate noise impacts for surrounding properties/ dwellings. The condition further specifies that the hours may be reduced if traffic impacts arise.

The construction works may use equipment that may have vibration impacts on adjoining properties. Conditions of consent have been recommended for property condition reports to be prepared for both public and private assets. The developer will be responsible for the rectification of any damages to public or private assets that are damaged as a result of the construction works.

The ongoing use of the development may generate noise due to the nature of the development. The noise generated from the uses, such as the gym and child care, have been deemed to comply with noise criteria established for the site. The additional road traffic noise generated by the development has been assessed using the EPA Road Noise Policy guideline and found to be compliant.

- Natural hazards – The subject site is not identified to be impacted by any natural hazards such as bushfire or flooding. The proposed development is not considered to place any visitors at risk with regards to such natural hazards. No design considerations are required for the development given there are no identified risks.
- Safety, security and crime prevention – The proposed development has been designed in accordance with Crime Prevention Through Environmental Design (CPTED) principles, with passive surveillance points maximised and entrapment points avoided. The use of the site will include a plan of management, to which regular security and CCTV will be used to ensure the safety of its users.
- Social impact – The proposed development will form the Nelson Road Village and contribute to creating a sense of place within the Box Hill community by providing retail options, services and a public space. The ongoing use of the development will provide employment opportunities due to the various retail tenancies, child care, gym and supermarket within the centre. The proposed development is considered to have a net positive social impact within the Box Hill precinct.
- Economic impact – The proposed development is considered to generate positive economic impacts through the generation of employment opportunities within the construction industry. The proposed retail and business uses of the development will

provide ongoing employment opportunities also. The function of the development as a local centre will contribute positively to the economic vitality of The Hills Shire.

- Site design and internal design – The proposed development is considered to be a site responsive design as it ties into the existing infrastructure and future road levels. The proposed development has been designed so as to minimise impacts on nearby existing and proposed dwellings with respect to solar access, noise and privacy. The internal design enables future users to park and shop in a vibrant and safe retail environment.

Whilst the proposal is not consistent with the indicative layout plan for the Nelson Road Village, it still maintains the objectives and functionality of the intended village.

- Cumulative impacts – The ongoing use of the development may result in potential traffic and noise generation. The application has been supported by a Traffic Impact Assessment and Noise Impact Assessment which have been considered by Council's Environmental Health and Traffic departments. The traffic generation is considered to be reasonable given the nature of the development, with sufficient off-street parking available within the development to cater for the uses of the site. The surrounding street network has been designed to consider the use of the site as a local centre. The noise generation of the uses of the site have been considered and are noted to be within acceptable noise criteria ranges.

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

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

The proposed development is generally consistent with the Indicative Layout Plan for the Box Hill area and is considered to align with the intended character of the site as a local centre to service the existing and future residents of the Box Hill precinct.

Adequate services are required to be provided to the local centre to support the proposed businesses and facilities. The site provides sufficient parking areas to cater for the demand and population of the Box Hill precinct, and is accessible by existing bus services which are likely to increase to match the population growth.

The site is not identified to contain any natural hazards such as bushfire or flooding risks. The proposed development has considered the sustainability requirements outlined with the Sustainable Building SEPP to ensure the building reduces demand of electricity and does not result in any unreasonable embodied emissions.

The site is not considered to have any significant constraints that would otherwise restrict the proposed use of the site for various retail and commercial uses.

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

One submission objecting to the proposed development have been submitted against the proposed development. The matters raised in the submission are addressed in section 4.3 of this report.

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

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

The development of the site as a local centre will provide facilities and services for the Box Hill community and will provide additional employment opportunities within the precinct.

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

4. REFERRALS AND SUBMISSIONS

4.1 Agency Referrals and Concurrence

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

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

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (Issue, resolution, conditions)	Resolved
Referral/Consultation Agencies			
Electricity supply authority	S2.48 Development likely to affect an electricity transmission or distribution network – Transport and Infrastructure SEPP	Approved subject to conditions.	Y
Transport for NSW	S2.122 Traffic Generating Development – Transport and Infrastructure SEPP	No objections raised.	Y

4.2 Council Referrals

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

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Engineering	No objections, subject to recommended conditions.	Yes (Conditions)

Traffic	No objections, subject to recommended conditions.	Yes (Conditions)
Tree Management	No objections, subject to recommended conditions.	Yes (Conditions)
Landscape Management	No objections, subject to recommended conditions.	Yes (Conditions)
Resource Recovery	No objections, subject to recommended conditions.	Yes (Conditions)
Environmental Health	No objections, subject to recommended conditions.	Yes (Conditions)
Land Information	No objections, subject to recommended conditions.	Yes (Conditions)
Forward Planning	No objections, subject to recommended conditions.	Yes (Conditions)

4.3 Community Consultation

The proposal was exhibited in accordance with Section 7 under Schedule 1 of the Environmental Planning and Assessment Act 1979 from 23 February 2024 until 18 March 2024. The proposal was also notified to surrounding properties in accordance with Council's Community Participation Plan.

Council received one submission objecting to the proposed development. The issues raised in this submission are considered in Table 7 below.

One submission was received following the notification period noting its support for the development.

Table 7: Community Submissions

Issue	No of submissions	Council Comments
Traffic and Access Submission raised concerns with the vehicle entry and Childcare entry along Terrain Street.	1	<p>The proposal includes two vehicle access points along the Nelson Road and Terrain Street frontages. Given there is two vehicle access points, the volume of traffic into the site will generally be divided amongst these entry and exit points. Access from The Water Lane is restricted, therefore all traffic will have to enter the site via Nelson Road and Terrain Street.</p> <p>The application has been supported by a Traffic Impact Statement which has been reviewed by Transport for NSW and Council's Traffic Engineering Department. The traffic generated by the development is characteristic of a local centre and the Indicative Layout Plan has been formed on the basis</p>

		<p>that this site will cater a large volume of traffic movements.</p> <p>The proposed childcare centre has an entry fronting Terrain Street, however the parking and entrance for visitors is located within the development on the mezzanine level. The front entry is not anticipated to have significant pedestrian traffic accordingly and is not considered to detract from the streetscape. Council's Environmental Health department have also reviewed the acoustic report submitted with the application and have raised no objections to the noise generated by the proposed childcare with respect to the adjoining residential areas.</p> <p>Outcome: This issue has been satisfactorily addressed and does not warrant further consideration.</p>
<p>Traffic and Access</p> <p>Submission raised concern with the width of Terrain Street.</p>	1	<p>The existing section of Terrain Street has been partially constructed under Development Application No. 469/2020/ZA. The subject application will complete the remainder of Terrain Street in accordance with Figure 21 of the Box Hill Growth Precincts Development Control Plan 2018. The fully constructed road is considered satisfactory for the traffic movements along Terrain Street and is consistent with the Indicative Layout Plan for Box Hill.</p> <p>Outcome: This issue has been satisfactorily addressed and does not warrant further consideration.</p>

5. KEY ISSUES

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

5.1 Orderly Development

The subject site and the adjoining site known as 22-24 Box Road (Lot 141 DP 10157) both include B2 Local Centre and R4 High Density Residential zoning as per the Land Zoning Map extract below.

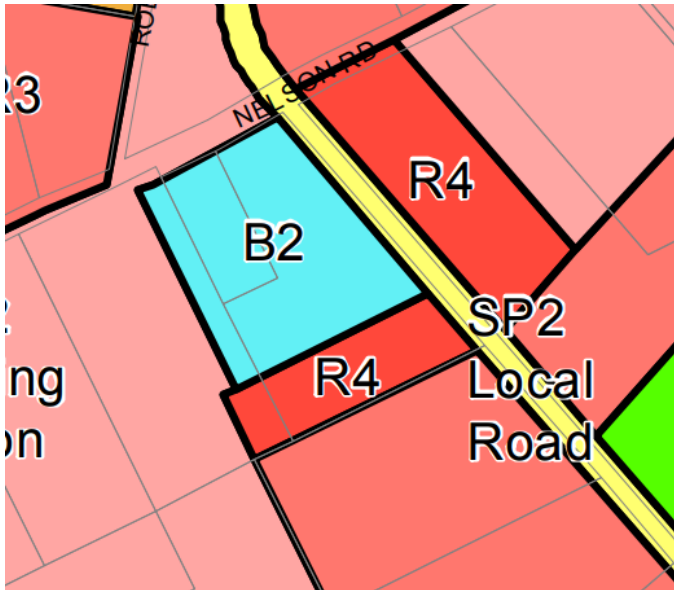


Figure 6. Land Zoning Map extract

The Box Hill Indicative Layout Plan under Section 2.2 of the Box Hill Growth Precinct Development Control Plan 2018 envisages the B2 and R4 zoning to be developed together, with the site further identified within the DCP as a Character Area known as Nelson Road Village.

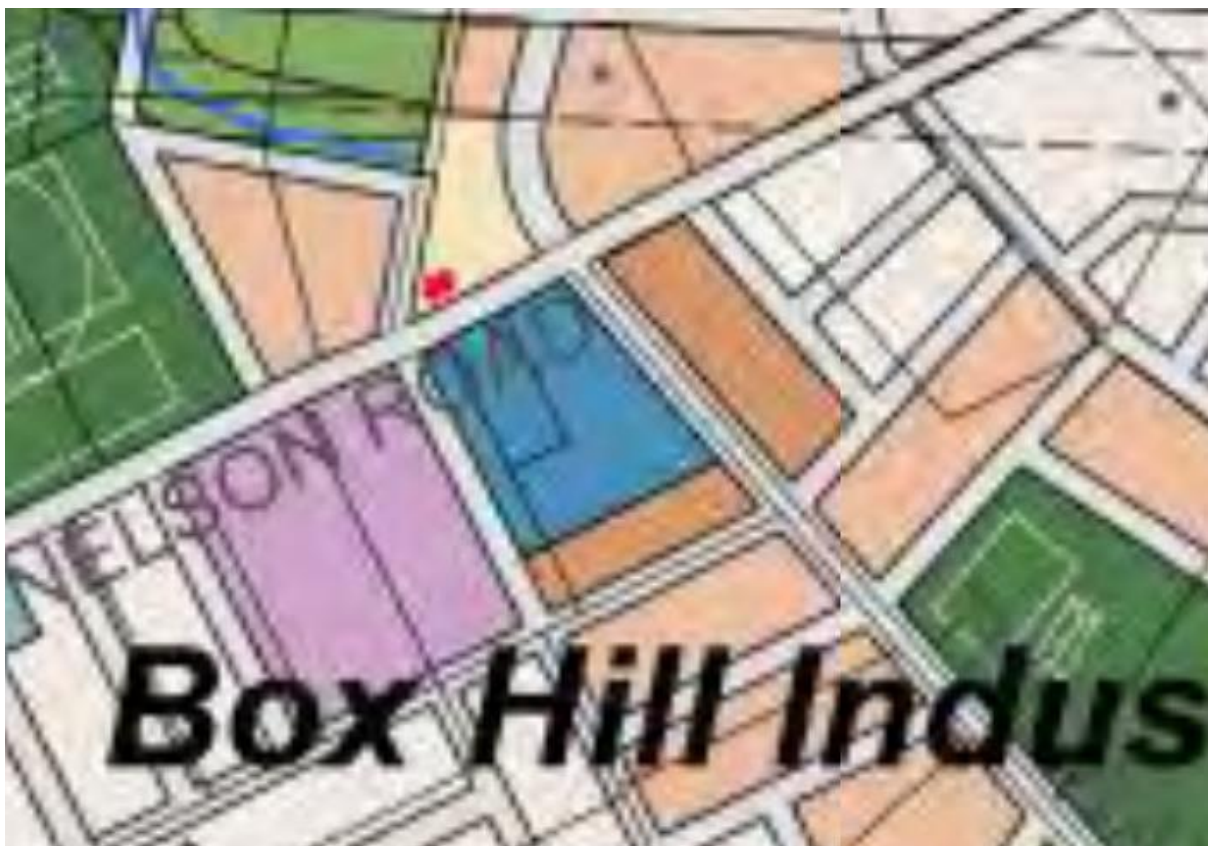


Figure 7. Extract of Box Hill Indicative Layout Plan

The adjoining site at 22-24 Box Road is currently subject to a Development Application to subdivide the site (DA 653/2023/ZA). The proposed subdivision creates two residue lots aligning with the B2 and R4 zoning as shown below.

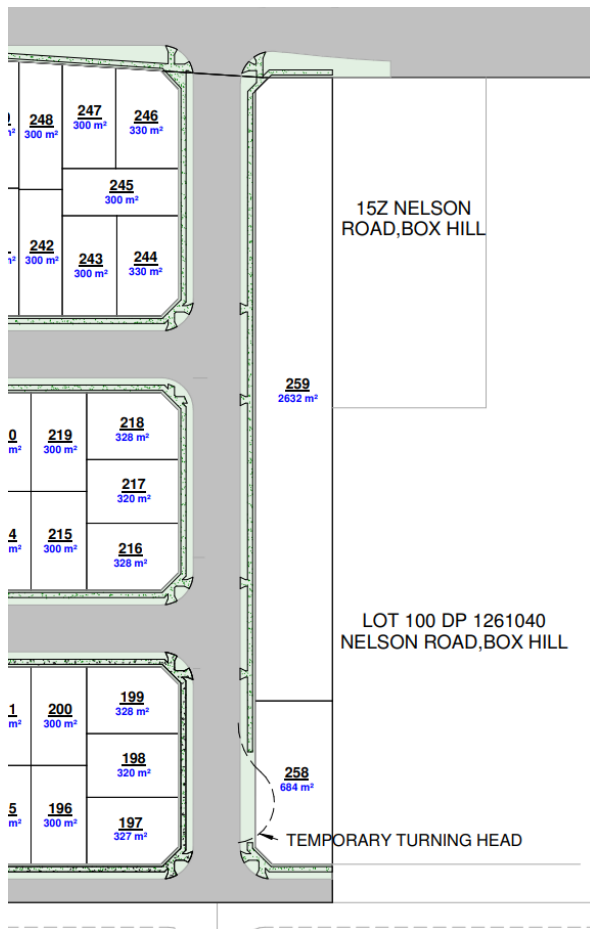


Figure 8. Extract of Proposed Subdivision Plan for DA 653/2023/ZA

During the assessment process, the applicant was requested to address the orderly development of both sites and demonstrate whether amalgamation of the sites was feasible. In particular, the applicant was requested to address the orderly development principles established by the Land and Environment Court (*Karavellas v Sutherland Shire Council* [2004] NSWLEC 251).

The planning principle poses two general questions:

1. *Firstly, is amalgamation of the sites feasible?*
2. *Secondly, can orderly and economic use and development of the separate sites be achieved if amalgamation is not feasible?*

The principles to be applied in determining the answer to the first question are set out by *Melissa Grech v Auburn Council* [2004] NSWLEC 40, namely:

- *Firstly, where a property will be isolated by a proposed development and that property cannot satisfy the minimum lot requirements then negotiations between the owners of the properties should commence at an early stage and prior to the lodgement of the development application.*
- *Secondly, and where no satisfactory result is achieved from the negotiations, the development application should include details of the negotiations between the owners of the properties. These details should include offers to the owner of the isolated property. A reasonable offer, for the purposes of determining the development application and addressing the planning implications of an isolated lot, is to be based on at least one recent independent valuation and may include other reasonable*

expenses likely to be incurred by the owner of the isolated property in the sale of the property.

- *Thirdly, the level of negotiation and any offers made for the isolated site are matters that can be given weight in the consideration of the development application. The amount of weight will depend on the level of negotiation, whether any offers are deemed reasonable or unreasonable, any relevant planning requirements and the provisions of s 79C of the Environmental Planning and Assessment Act 1979.*

In order to address the first question, the applicant and adjoining developer of DA 653/2023/ZA have submitted a letter confirming that neither party are willing or able to facilitate a land swap in order to consolidate the sites. Both parties have acknowledged that amalgamation is not feasible as neither party wishes to sell a portion of their land and have noted that each party will develop their land independently of one another.

The letter is satisfactory in addressing the first question of the planning principle and it has been adequately demonstrated that amalgamation of the sites is not feasible.

With regards to the second question, the principles to be applied are detailed in the decision of *Cornerstone Property Group Pty Ltd v Warringah Council* [2004] NSWLEC 189:

The key principle is whether both sites can achieve a development that is consistent with the planning controls. If variations to the planning controls would be required, such as non-compliance with a minimum allotment size, will both sites be able to achieve a development of appropriate urban form and with acceptable level of amenity.

To assist in this assessment, an envelope for the isolated site may be prepared which indicates height, setbacks, resultant site coverage (both building and basement). This should be schematic but of sufficient detail to understand the relationship between the subject application and the isolated site and the likely impacts the developments will have on each other, particularly solar access and privacy impacts for residential development and the traffic impacts of separate driveways if the development is on a main road.

The subject application may need to be amended, such as by a further setback than the minimum in the planning controls, or the development potential of both sites reduced to enable reasonable development of the isolated site to occur while maintaining the amenity of both developments.

To address the second question, the applicant has submitted a concept plan showing how the B2 and R4 zoned land under DA 653/2023/ZA can be developed in isolation. The concept plan is generally compliant with regards to the relevant DCP controls such as setbacks and site coverage. The concept plan is considered to satisfactorily demonstrate that the adjoining site can be developed in isolation.

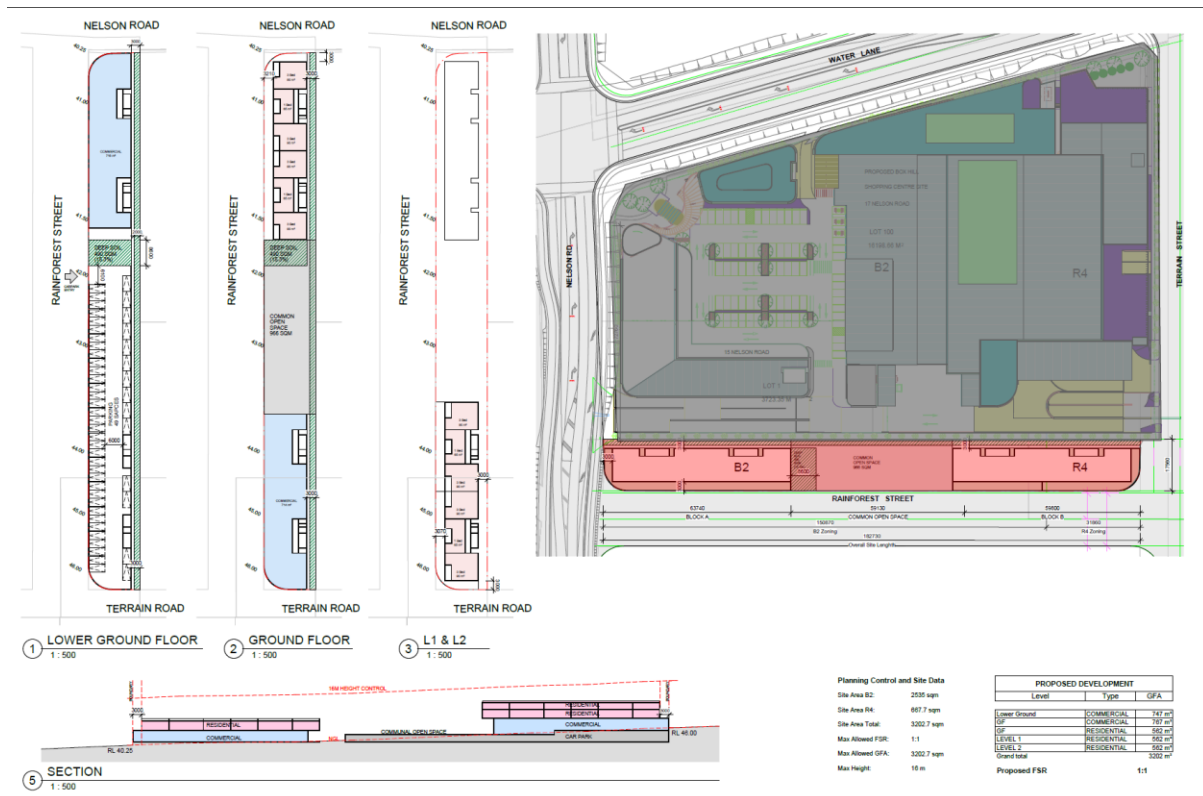


Figure 9. Concept Development Plan for Adjoining Site

Given that the applicant has adequately addressed the orderly development principles, it is considered that both sites are capable of developing in isolation and amalgamation of the sites is not required. Whilst this results in a minor departure from the Indicative Layout Plan, the function of the local centre can still be achieved across both sites to meet the day to day needs of the Box Hill residents.

5.2 Access from The Water Lane

Figure 14 of the Box Hill Growth Precinct Development Control Plan 2018 identifies The Water Lane as a sub-arterial road. Table 9 of the DCP notes that sub-arterial road mediate between regional traffic routes and local traffic routes and link arterial routes to town centres. Table 9 further specifies that vehicular access to property is not permitted along these roads, so rear access should be provided for properties fronting them.

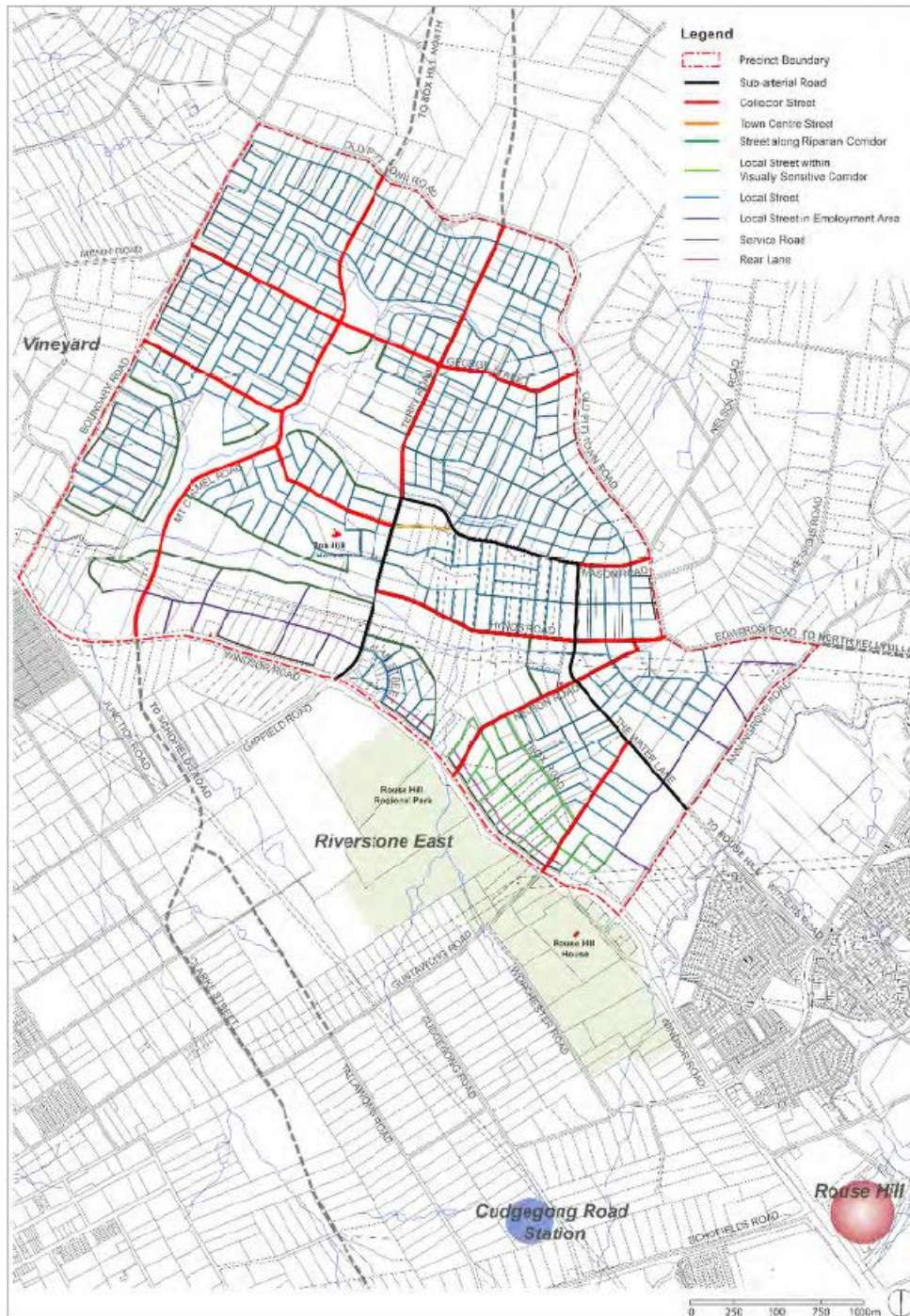


Figure 14 Road network

Figure 10. Extract of Figure 14 from the Box Hill DCP

The proposal seeks to include an ingress driveway from The Water Lane to provide an additional access point to the ground floor parking plaza, as shown in Figure 11 below.

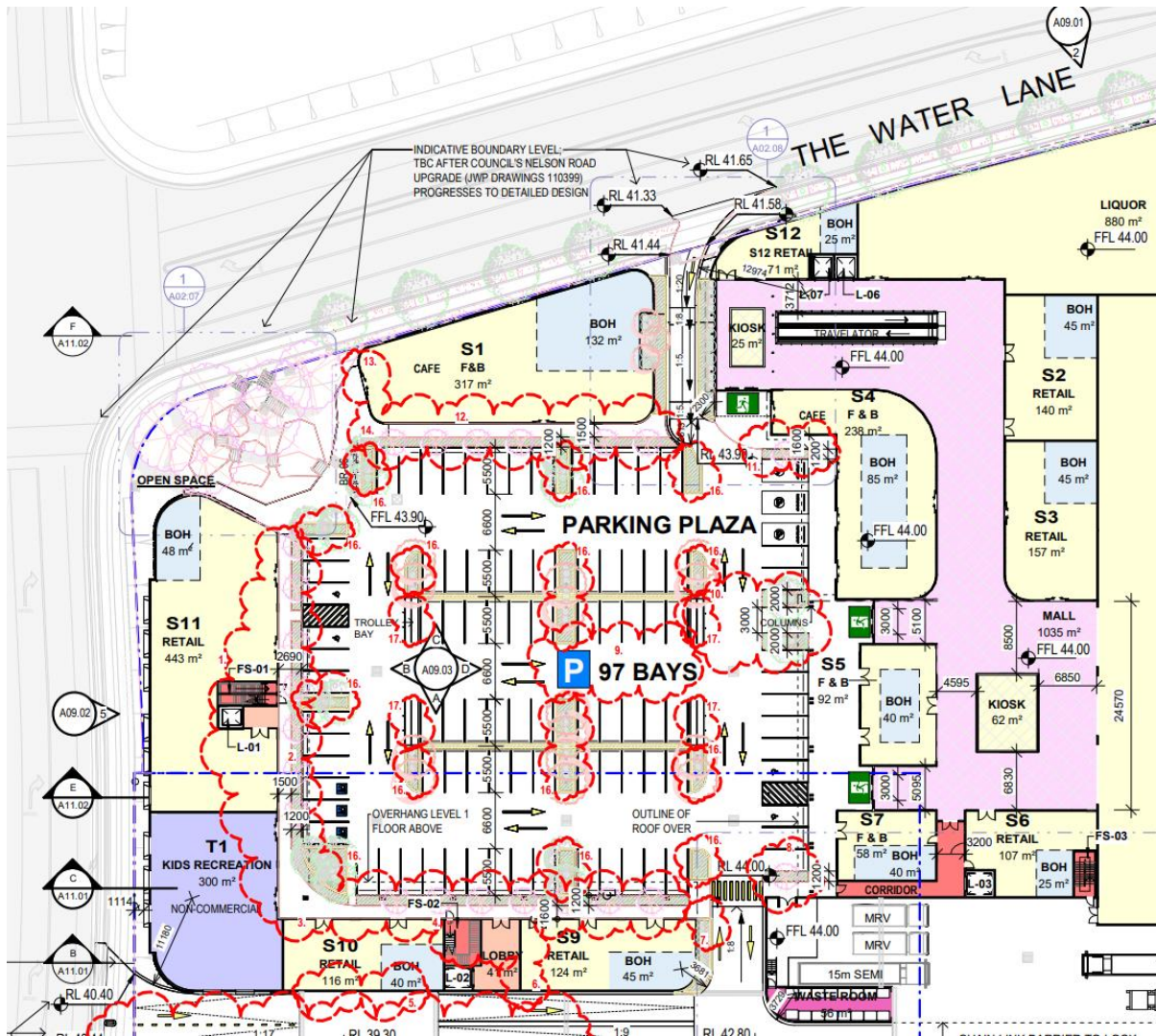


Figure 11. Extract of Ground Floor Plan

Council's Traffic and Engineering departments have reviewed the proposal and have raised concern with the proposed access. The proposed access off The Water Lane is considered less than ideal from a road design perspective and is not supported.

Given the above, the architectural plans have been marked up to note that the proposed access is not approved and is to be landscaped instead. A condition of consent is also recommended to reflect this.

6. 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.

The proposed development is generally in accordance with the provisions of the SEPP and both the Box Hill DCP and The Hills DCP. The proposed development will create a local centre that services the needs of the growing Box Hill population and is considered to be generally

consistent with the zoning and intended use of the site as outlined in the SEPP and Indicative Layout Plan of Box Hill.

The proposed variations to the indicative layout plans, gross retail and commercial area and external childcare play areas have been addressed in the report and are considered to be acceptable in this instance due to their consistency with the objectives of the relevant DCP. The variations proposed do not warrant refusal of the application.

It is considered that the key issues as outlined in Section 5 been resolved satisfactorily through amendments to the proposal and/or in the recommended draft conditions at **Attachment A**.

7. RECOMMENDATION

Development Application DA 1078/2024/JP 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.

The following attachments are provided:

- Attachment A: Draft Conditions of consent/reasons for refusal
- Attachment B: Tables of Compliance
- Attachment C: Architectural Plans
- Attachment D: Civil Engineering Plans
- Attachment E: Landscape Plans
- Attachment F: Concept Orderly Development Plan

ALL DEVELOPMENT TYPES

GENERAL CONDITIONS

1.

Approved Plans and Supporting Documentation				
Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.				
Approved plans				
Plan number	Revision number	Plan title	Drawn by	Date of plan
A00.03	B	Demolition Plan	BN Group	13/06/2024
A02.01	B	Site Plan	BN Group	13/06/2024
A02.02	B	P1 Floor Plan	BN Group	13/06/2024
A02.03	B	Mezzanine Level Plan	BN Group	13/06/2024
A02.04	B	Ground Floor Plan	BN Group	13/06/2024
A02.05	B	Loading Dock Plan	BN Group	13/06/2024
A02.06	B	Ramp Nelson Road	BN Group	13/06/2024
A02.07	B	Entry	BN Group	13/06/2024
A02.08	B	Ramp The Water Lane	BN Group	13/06/2024
A02.09	B	Ramp Terrain Street	BN Group	13/06/2024
A02.10	B	Level 1 Floor Plan	BN Group	13/06/2024
A02.11	B	Roof Plan	BN Group	13/06/2024
A02.12	B	Childcare Centre Plan	BN Group	13/06/2024
A09.01	B	Elevations E1	BN Group	13/06/2024
A09.02	B	Elevations E2	BN Group	13/06/2024
A09.03	B	Elevations E3	BN Group	13/06/2024
A09.04	B	Materials Board	BN Group	13/06/2024
A11.01	B	Section S1	BN Group	13/06/2024
A11.02	B	Section S2	BN Group	13/06/2024
A100	-	South West Boundary Acoustic Fence Detail	Revelop	11/12/2024

	L200	C	Landscape Plan – Lower Ground Floor	Taylor Brammer Landscape Architects Pty Ltd	09/07/2024
	L201	D	Landscape Plan – Ground Floor Landscape Plan	Taylor Brammer Landscape Architects Pty Ltd	16/08/2024
	L202	C	Landscape Plan – Roof	Taylor Brammer Landscape Architects Pty Ltd	03/09/2024
	L203	D	Landscape Plan – Childcare Centre	Taylor Brammer Landscape Architects Pty Ltd	06/09/2024
	L300	D	Planting Character	Taylor Brammer Landscape Architects Pty Ltd	16/08/2024
	LD01	A	Landscape Details	Taylor Brammer Landscape Architects Pty Ltd	23/05/2024
	LD02	A	Landscape Details	Taylor Brammer Landscape Architects Pty Ltd	23/05/2024
	LD03	A	Landscape Details	Taylor Brammer Landscape Architects Pty Ltd	23/05/2024
	A02.02 – A02.04, A02.11	A	Numbering Plans - P1 Floor Plan, Mezzanine Level Plan, Ground Floor		08/02/24

			Plan, Level 1 Plan		
	<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Condition reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2.	<p>Construction Certificate</p> <p>Before building works commence for 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.</p> <p>Condition reason: To ensure appropriate safeguarding measures are in place prior to the commencement of any building work, demolition or excavation, and to ensure compliance with the legislative requirements.</p>				
3.	<p>Building Work to be in Accordance with BCA</p> <p>During building work, 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.</p> <p>Condition reason: To ensure compliance with the legislative requirements.</p>				
4.	<p>Provision of Parking Spaces</p> <p>Before the issue of an occupation certificate, the development is required to be provided with 552 off-street car parking spaces and 16 motorcycle spaces. These car parking spaces shall be available for off street parking at all times.</p> <p>The development shall also provide the required bicycle parking spaces based on the following rates:</p> <p>a) Bicycle spaces: 2 spaces plus 5% of the total number of car spaces</p> <p>Condition reason: To ensure compliance with parking requirements.</p>				
5.	<p>Separate Consent for Signs</p> <p>Separate development consent is required for the erection of any signage structures.</p> <p>Condition reason: To ensure approval is sought for signage.</p>				
6.	<p>Compliance with Endeavour Energy Requirements</p> <p>Before building work commences, applicants are advised the proposed development shall be in accordance with the requirements/conditions imposed by Endeavour Energy re their Agency Concurrence and Referral reference CNR-66053 dated 24/02/2024, referenced as Attachment A in the relevant documents.</p> <p>Condition reason: To ensure compliance with relevant service provider's requirements.</p>				
7.	<p>Secure Properties and Maintain Vegetation</p>				

	<p>Before and while work is occurring on the site, the site and any structures are to be made secure to prevent unauthorised access and the dumping of waste. All vegetation is to be maintained so that it does not become overgrown and unsafe or unhealthy.</p> <p>Condition reason: To protect the amenity of the local area.</p>								
8.	<p>Tree Removal</p> <p>Approval is granted for the removal of Forty-Five (45) Trees 1-45 prepared by The Tree Guardian Aboricultural Consultancy Dated 22nd November 2023 Version 3.0.</p> <p>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.</p> <p>Condition reason: To provide details of trees approved for removal.</p>								
9.	<p>Property Numbering and Cluster Mailboxes for Mixed Use Development</p> <p>The overall property address for this development is: - Lot 100 DP 1261040 The Water Lane, Box Hill, NSW 2765</p> <p>Approved unit numbering is as per approved Numbering Plans and as follows:</p> <p>Level</p> <table> <tr> <td>Basement</td><td>B01 – B04</td></tr> <tr> <td>Lower Ground</td><td>LG01</td></tr> <tr> <td>Ground</td><td>G01 – G13</td></tr> <tr> <td>One</td><td>101 – 103</td></tr> </table> <p>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. Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.</p> <p>Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobbies.</p> <p>External directional signage is to be erected on site to ensure all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.</p> <p><u>Mailboxes</u></p> <p>Australia Post requires cluster mailboxes to be perpendicular to the footpath or road and within easy reach for the postal delivery officer. For resident's useability and convenience, they are to be located close to relevant entry points.</p> <p>Suggested locations are provided on plans Ground Floor Numbering Plan DWG No A02.04, Rev A, Dated 08.02.24 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.</p> <p>Cluster mailboxes are to be located as per approved Numbering Plans. Cluster mailboxes are to be located within the site on the public footpath boundary within easy reach from a public road for the postal delivery officer.</p> <p>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.</p>	Basement	B01 – B04	Lower Ground	LG01	Ground	G01 – G13	One	101 – 103
Basement	B01 – B04								
Lower Ground	LG01								
Ground	G01 – G13								
One	101 – 103								

	<p>The proprietors additional mailbox is to be located within the cluster located at Lot 100 DP 1261040 The Water Lane, Box Hill, NSW 2765.</p> <p><u>Strata Developments</u></p> <p>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 <u>before it is registered</u> for the approval and allocation of final property and unit numbering. <u>This applies regardless of whether the PCA is Council or not.</u></p> <p>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.</p> <p>Please call 9843 0555 or email a copy of the final strata plan <u>before it is registered</u> 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.</p> <p><u>Under no circumstances is the Strata Plan to be lodged with Land Registry Services NSW before Council has approved all final addressing.</u></p> <p>Condition reason: To ensure consistent addressing as per Australian Standard AS/NZS 4819 Rural and Urban Addressing, Council and Geographical Names Board guidelines. Final development can be located in the event of an emergency and for mail delivery.</p>
10.	<p>Separate Development Application for Occupations</p> <p>A separate development application is required for occupation of the tenancies (unless otherwise approved by this consent) unless allowed by the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p>Where a development application is required, the application should specifically address the following:</p> <ul style="list-style-type: none"> i. Proposed use and its permissibility ii. Hours of operation iii. Delivery details iv. Staff numbers v. Signage, and vi. Parking provision <p>For clarity, this consent approves the Permitted Uses demarked on plan Reference A100.20 P1 prepared by BN Architects including but not limited to supermarket, liquor store, Centre Based child care centre, Gym, Indoor recreational facilities, medical centre, Retail Premises, Commercial Premises and Food & Beverage Premises{F&B} The approved uses extends to the associated areas within each proposed tenancy marked "BOH".</p> <p>The Fit out of the Centre Based Childcare Centre is also approved by the Consent as shown on approved Plans issued under this Consent.</p> <p>Condition reason: To outline the requirement for separate consent for fit out and occupation of the tenancies within the development.</p>

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

11	<p>Notice of Requirements</p> <p>Before the issue of a construction certificate, submit 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.</p> <p>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.</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>																												
12	<p>Section 7.11 Contribution</p> <p>Before the issuing of a Construction Certificate, the following contributions must be paid to Council:</p> <table><tr><th><i>Development Category</i></th><th><i>Rate per m² of GFA</i></th><th><i>Total GFA 19,754 m2</i></th><th><i>TOTAL \$7.1</i></th></tr><tr><td>Transport Facilities - Land</td><td>\$ 24.28</td><td>\$ 479,677.44</td><td>\$ 479,6</td></tr><tr><td>Transport Facilities - Capital</td><td>\$ 114.94</td><td>\$ 2,270,447.49</td><td>\$ 2,270,4</td></tr><tr><td>Administration</td><td>\$ 1.49</td><td>\$ 29,490.10</td><td>\$ 29,4</td></tr><tr><td>Water Management - Land (KCP)</td><td>\$ 15.24</td><td>\$ 301,047.97</td><td>\$ 301,0</td></tr><tr><td>Water Management - Capital (KCP)</td><td>\$ 12.49</td><td>\$ 246,701.84</td><td>\$ 246,7</td></tr><tr><td>Total</td><td>\$ 168.44</td><td>\$ 3,327,364.85</td><td>\$ 3,327,3</td></tr></table> <p>The contributions above are applicable at the time this consent was issued. The amount may be adjusted 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.</p> <p>Prior to payment, it is advised to phone or email Council to confirm the amount. Payments will be accepted via Debit or Credit Card. Cash payments will not be accepted. This condition has been imposed in accordance with Section 7.11 of the Environmental Planning and Assessment Act 1979 and Contributions Plan No 15.</p> <p>Condition reason: To contribute towards public infrastructure for the area.</p>	<i>Development Category</i>	<i>Rate per m² of GFA</i>	<i>Total GFA 19,754 m2</i>	<i>TOTAL \$7.1</i>	Transport Facilities - Land	\$ 24.28	\$ 479,677.44	\$ 479,6	Transport Facilities - Capital	\$ 114.94	\$ 2,270,447.49	\$ 2,270,4	Administration	\$ 1.49	\$ 29,490.10	\$ 29,4	Water Management - Land (KCP)	\$ 15.24	\$ 301,047.97	\$ 301,0	Water Management - Capital (KCP)	\$ 12.49	\$ 246,701.84	\$ 246,7	Total	\$ 168.44	\$ 3,327,364.85	\$ 3,327,3
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13	<p>Construction Site Management Plan</p> <p>Before the issue of a construction certificate or a subdivision works certificate, a construction site management plan must be prepared, and provided to the certifier. The plan must include the following matters:</p> <ul style="list-style-type: none">i. The location and materials for protective fencing and hoardings on the perimeter of the site;i. Provisions for public safety;i. Pedestrian and vehicular site access points and construction activity zones;v. Details of construction traffic management including:<ul style="list-style-type: none">a) Proposed truck movements to and from the site;b) Estimated frequency of truck movements; andc) Measures to ensure pedestrian safety near the site;v. Details of bulk earthworks to be carried out;i. The location of site storage areas and sheds;i. The equipment used to carry out works;i. The location of a garbage container with a tight-fitting lid;																												

	<ul style="list-style-type: none"> k. Dust, noise and vibration control measures; k. The location of temporary toilets; i. The protective measures for the preservation of trees on-site and in adjoining public areas including measures in accordance with: <ul style="list-style-type: none"> i. AS 4970 – Protection of trees on development sites; ii. An applicable Development Control Plan; iii. An arborist's report approved as part of this consent. <p>A copy of the construction site management plan must be kept on-site at all times while work is being carried out.</p>
	<p>Condition reason: To require details of measures that will protect the public, and the surrounding environment, during site works and construction.</p>
14	<p>Waste Management Plan – An Approved Document of this Consent</p>
	<p>Before the issue of a construction certificate, a waste management plan for the development must be provided to the certifier.</p>
	<p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction.</p>
15	<p>Design Amendments</p>
	<p>Before the issue of a construction certificate, the certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <ul style="list-style-type: none"> i. The proposed access from The Water Lane is not included as part of this consent. The area showing the access is to be landscaped, as marked on the stamped approved plans. The portion within the road verge is to be graded and provided with kerb and gutter as necessary.
	<p>Condition reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</p>
16	<p>Western Sydney Growth Areas – Payment of Special Infrastructure Contribution</p>
	<p>Before the issue of a Construction Certificate/ Subdivision Works Certificate, 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.</p> <p>Information about the special infrastructure contribution can be found on the NSW Department of Planning and Infrastructure website:</p> <p>Special infrastructure contributions Planning (nsw.gov.au)</p> <p>Please contact the NSW Department of Planning and Infrastructure regarding arrangements for the making of a payment.</p>
	<p>Condition reason: To ensure the Special Infrastructure Contribution has been paid by the developer/ applicant before the issue of a Construction Certificate.</p>

BEFORE WORK COMMENCES

17.	Consultation with Service Authorities
	Before building work commences, 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.
	In the interest of health and safety, applicants are to contact before you dig Australia www.byda.com.au in order to protect damage to third party assets. It is the individuals responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the dial before you dig service in advance of any construction or planning activities.
	Condition reason: To ensure compliance with relevant service provider's requirements.
18.	Builder and Principal Certifier Details
	Before building work commences, the builders name, address, telephone and email information must be submitted to the Principal Certifier. Where Council is not the Principal Certifier, Council must be notified of the Principal Certifier in writing two days before building works commence in accordance with the Regulations.
	Condition reason: To ensure compliance with the legislative requirements.
19.	Management of Building Sites
	Before building work commences, 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 is to be provided.
	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.
	Condition reason: To protect workers, the public and the environment.
20.	Erosion and Sediment Controls in Place
	Before site work commences, the certifying authority must be satisfied the erosion and sediment controls in the erosion and sediment control plan are in place. These controls must remain in place until any bare earth has been restabilised in accordance with the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time).
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways.
21.	Waste Management Plan requirements
	Before site work commences, a waste management plan for the development must be prepared and provided to the principal certifying authority. The plan must be prepared a) in accordance with

	<ul style="list-style-type: none"> i. the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and ii. a development control plan that provides for waste management that applies to the land on which the work or the clearing of vegetation is carried out, and <p>b) include the following information—</p> <ul style="list-style-type: none"> a) the contact details of the person removing waste, b) an estimate of the type and quantity of waste, c) whether waste is expected to be reused, recycled or sent to landfill, d) the address of the disposal location for waste. <p>A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.</p> <p>Condition reason: To ensure resource recovery is promoted and local amenity protected during construction</p>
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DURING WORKS

22.	<p>Dust Control</p> <p>During site works, dust suppression techniques must be used to minimise nuisance to surrounding properties. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:</p> <ul style="list-style-type: none"> a) Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the demolition and construction work; b) All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and c) All stockpiles of materials that are likely to generate dust must be kept damp or covered. <p>Condition reason: To prevent the movement of dust outside the boundaries of the development.</p>
23.	<p>Stockpiles</p> <p>During site work, stockpiles of topsoil, sand, aggregate or other material capable of being moved by water must be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.</p> <p>Condition reason: To protect waterways</p>
24.	<p>Loading Dock and Waste Storage Area Drainage</p> <p>All drains from waste storage areas and covered loading docks shall be discharged to the sewer in accordance with approval and all requirements of Sydney Water.</p> <p>Condition reason: To protect the local areas water quality.</p>
25.	<p>Crash Barrier Installation</p> <p>During the construction of the premises a crash barrier is to be installed along the boundary where the outdoor children's play area and the road and car park meet. The barrier must be appropriately designed and installed and be suitable to prevent a vehicle or debris from entering the outdoor children's play area.</p> <p>Condition reason: To protect the health and safety of the users of the site.</p>
26.	<p>Dam Decommissioning – Fauna Requirements</p> <p>During demolition work/building work/subdivision work, the decommissioning of the dam is to be undertaken in accordance with the following requirements:</p>

	<p>a) An appropriately qualified aquatic ecologist is to oversee the decommissioning of the dam.</p> <p>b) The de-watering dam process is to cease immediately and an appropriately qualified aquatic ecologist is to be made available at the subject site when evidence of aquatic or terrestrial fauna are present. The aquatic ecologist is to ensure that any native species (such as eels and eastern snake-necked turtles) are captured and relocated to a suitable waterway and pest species (such as carp and mosquito fish) are humanely removed and euthanised in a manner consistent with the <i>Prevention of Cruelty to Animals Act, 1979</i>.</p> <p>c) When the aquatic ecologist is required to relocate any terrestrial or aquatic fauna, a licence under the <i>Fisheries Management Act, 1994</i> or the <i>National Parks and Wildlife Act, 1974</i> must be obtained.</p> <p>d) A fine mesh is to be placed around intake pumps used to drain the dam water to prevent the uptake and spread of carp eggs, juvenile pest species or eggs into the catchment.</p> <p>e) Water is to be pumped from the dam and irrigated onto adjacent grassed areas to minimise the risk of invasive and exotic pest species from entering the natural waterways.</p> <p>f) The intake pipe for the irrigation is to be monitored to prevent injury to aquatic fauna.</p> <p>g) The dewatered dam must be inspected for fauna which may be buried in the sediments on the bottom of the dam by the aquatic ecologist.</p> <p>h) Following dewatering, fauna is to be provided with an opportunity to relocate prior to reshaping. A minimum of 72 hours is to be provided.</p> <p>i) When large numbers of predatory fish (e.g. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on existing fauna at release sites is reduced.</p> <p>j) To minimise the impact on bird species, dam dewatering should be undertaken outside of the spring/summer breeding season.</p> <p>k) All rescued fauna is to be released at a suitable nearby location or if injured, placed into the care of a wildlife carer.</p> <p>l) The fauna ecologist is to submit a report to The Hills Shire Council's Manager – Environment & Health following their site inspection and any subsequent action taken relating to the development. The report is to include tallies of fauna removed from the dam with details of their relocation destination (or destruction).</p> <p>The decommissioning of the dam is to be undertaken in accordance with the Council approved dam dewatering plan prepared by EI Australia Revision 2 dated 13 June 2024.</p> <p>Condition reason: To protect aquatic fauna</p>
27.	<p>Hours of Work</p> <p>Site work must only be carried out between the following times – For all works from 7:00am to 5:00pm on Monday to Saturday. No work to be carried out on Sunday or Public Holidays. Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition reason: To protect the amenity of the surrounding area.</p>
28.	<p>Surveys by a Registered Surveyor</p> <p>While building work is being carried out, the positions of the following must be measured and marked by a registered surveyor and provided to the principal certifier:</p>

	<p>i. All footings / foundations in relation to the site boundaries and any registered and proposed easements; and</p> <p>i. At other stages of construction – any marks that are required by the principal certifier.</p> <p>Condition reason: To ensure buildings are sited and positioned in the approved location.</p>
29.	<p>Implementation of the site management plans</p> <p>While site work is being carried out:</p> <p>a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and</p> <p>b) a copy of these plans must be kept on site at all times and made available to council officers upon request.</p> <p>Condition reason: To ensure site management measures are implemented during the carrying out of site work</p>
30.	<p>Noise and Vibration Requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an L_{Aeq} (15 min) of 5dB(A) above background noise, when measured at the boundary of the site.</p> <p>Condition reason: To protect the amenity of the neighbourhood during construction.</p>
31.	<p>Soil Management</p> <p>While site work is being carried out, the certifying authority must be satisfied all soil removed from or imported to the site is managed in accordance with the following requirements:</p> <p>i. All excavated material removed from the site must be classified in accordance with the EPA's Waste Classification Guidelines before it is disposed of at an approved waste management facility and the classification and the volume of material removed must be reported to the certifying authority</p> <p>i. All fill material imported to the site must be:</p> <p>a) Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i>, or</p> <p>b) a material identified as being subject to a resource recovery exemption by the NSW EPA, or</p> <p>c) a combination of Virgin Excavated Natural Material as defined in Schedule 1 of the <i>Protection of the Environment Operations Act 1997</i> and a material identified as being subject to a resource recovery exemption by the NSW EPA.</p> <p>Condition reason: To ensure soil removed from the site is appropriately disposed of and soil imported to the site is not contaminated and is safe for future occupants.</p>
32.	<p>Waste Management</p> <p>While site work is being carried out:</p> <p>i. all waste management must be undertaken in accordance with the waste management plan, and</p> <p>i. upon disposal of waste, records of the disposal must be compiled and provided to the principal certifying authority, detailing the following:</p> <ul style="list-style-type: none"> - The contact details of the person(s) who removed the waste; - The waste carrier vehicle registration; - The date and time of waste collection;

	<ul style="list-style-type: none"> - A description of the waste (type of waste and estimated quantity) and whether the waste is to be reused, recycled or go to landfill; - The address of the disposal location(s) where the waste was taken; - The corresponding tip docket/receipt from the site(s) to which the waste is transferred, noting date and time of delivery, description (type and quantity) of waste. <p>i. If waste has been removed from the site under an EPA Resource Recovery Order or Exemption, records in relation to that Order or Exemption must be maintained and provided to the principal certifier and council.</p> <p>Condition reason: To require records to be provided, during site work, documenting the lawful disposal of waste.</p>
33.	<p>Discovery of relics and Aboriginal objects</p> <p>While site work is being carried out, if a person reasonably suspects a relic of Aboriginal object is discovered:</p> <ul style="list-style-type: none"> - the work in the area of the discovery must cease immediately; - the following must be notified <ul style="list-style-type: none"> a) for a relic – the Heritage Council; or b) for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Site work may recommence at a time confirmed in writing by:</p> <ul style="list-style-type: none"> - for a relic – the Heritage Council; or - for an Aboriginal object – the person who is the authority for the protection of Aboriginal objects and Aboriginal places in New South Wales under the <i>National Parks and Wildlife Act 1974</i>, section 85. <p>Condition reason: To ensure the protection of objects of potential significance during works.</p>
34.	<p>Dam Dewatering Requirements</p> <p>While any works are being carried out at the site, the recommendations of the Dam Dewatering Report prepared by EI Australia Pty Ltd, referenced as Dam Dewatering Management Plan Report Number E23090 AB_Rev 2, dated 13th June 2024 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:</p> <ul style="list-style-type: none"> - All dam water is to be discharged via irrigation across the irrigation area shown in figure 2 of the report. No dam water is to be discharged to any local water course. - The irrigation area as shown in figure 2 of the report is to remain vegetated (grassed) up until and during the dewatering process. <p>Condition reason: To protect health, safety and environment.</p>

ON COMPLETION OF WORKS

35.	<p>Removal of waste upon completion</p> <p>After completion of all site work:</p> <p>all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan, and</p>
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	written evidence of the waste removal must be provided to the satisfaction of the principal certifying authority.
	Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.

BEFORE ISSUE OF OCCUPATION/SUBDIVISION CERTIFICATE

36.	Section 73 Certificate must be Submitted to the Principal Certifier Prior to Issue of Occupation Certificate
	Before the issue 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.
	Condition reason: To ensure the development will be satisfactorily serviced by Sydney Water and that the requirements of Sydney Water have been complied with.
37.	Certification of crash barrier
	Before the issue of the Occupation Certificate documentation is required to be submitted to Council's Manager Health and Environment certifying that the barrier required to protect the children within the outdoor play area, has been appropriately designed and installed and will prevent a vehicle and/or debris going into the child play area.
	Condition reason: To protect the health and safety of the users of the premises.
38.	Irrigation
	Before the issue of a construction certificate, an automatic watering system is 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.
	Condition reason: To ensure irrigation is provided.
39.	Shopping Trolley Management Plan
	A Shopping Trolley Management Plan shall be implemented to ensure the effective management of shopping trolley collection. The supermarket retailer shall:- <ul style="list-style-type: none"> • Install a geospatial fenced trolley containment plan. All new trolleys are to be fitted with a wheel lock that is enabled before leaving a geospatial area (no access to public land). • Provide to The Hills Shire Council a list of contacts for the store;

	<ul style="list-style-type: none"> • Ensure that all trolleys are easily identifiable by Council staff; • Ensure that trolley collection services are sufficiently resourced to enable collection within agreed timeframes and at all times, including after hours; • Ensure that trolleys reported as posing risk or nuisance are collected immediately on notification; • Ensure that all trolleys reported are collected within the time frame agreed by Council; • Inform customers (through clearly visible signage and other means) that trolleys should not be removed from the premises or abandoned, and that penalties apply for the dumping of trolleys outside the retail outlet/complex; • Provide suitable, well signed trolley bays at exit points; and • Provide to Council, on request, an up to date map showing usual trolley collection routes and schedules.
	Condition reason: To ensure shopping trolleys associated with the use of the site are effectively managed.

OCCUPATION AND ONGOING USE

40.	Maintenance of Landscaping Works
	During occupation and ongoing use of the site, the landscaping works, associated plantings and the completed retaining walls are to be maintained in a satisfactory condition throughout the life of the development.
	Condition reason: To ensure landscaping of the site is maintained on a regular basis.
41.	Offensive Noise – Acoustic Report
	<p>The use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.</p> <p>Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council’s Manager – Environment and Health for review. Any noise attenuation measures directed by Council’s Manager - Environment and Health must be implemented.</p>
	Condition reason: To protect the amenity of the local area.
42.	Acoustic Requirements – Ongoing Use of the Site
	<p>During the ongoing operation and use of the site the recommendations of the below mentioned reports are to be complied with.</p> <ul style="list-style-type: none"> - Acoustic Assessment Report prepared by Acoustic Logic Pty Ltd, referenced as 15 & 17 Nelson Road, Box Hill Noise Impact Assessment, dated 24th April 2024 - Operational Noise Management Plan prepared by Acoustic Logic Pty Ltd, referenced as 15z & 17 Nelson Road, Box Hill, report number 20221368.1/3004A/RO/RF, dated 30th April 2024 - The Loading Dock Management Plan, prepared by Revelop Building and Developments Pty Ltd, dated 14th June 2024 <p>In particular:</p>

	<p><u>Loading Dock/Car Park</u></p> <ul style="list-style-type: none"> • Vehicle movements limited to 1 truck per 15-minute period. • Trucks may not enter the loading dock between 10pm and 6am. • Trucks to enter only via southern entry during the evening period between 6pm and 10pm <p><u>Food and Beverage Tenancies</u></p> <ul style="list-style-type: none"> • Façades to remain closed after 10pm except for the ingress/egress of patrons and staff. • Music limited to 70 dB(A) uniform sound pressure level in external areas between the hours of 7am and 10pm. • No use of external areas between 10pm and 7am. • Staff to ensure patrons depart in a quiet and orderly manner • Where noise intensive licensed retail/hospitality uses within the precinct are proposed (such as pubs or external dining after midnight), a separate development application is required to be lodged once specific uses and operators have been determined. <p><u>Gym</u></p> <ul style="list-style-type: none"> • A noise management plan is to be prepared and implemented by the operator dealing with at a minimum. <ul style="list-style-type: none"> a) Management methods to be adopted to prevent offensive noise b) Complaints handling procedures <p><u>Food and Beverage Tenancies</u></p> <p>The food and beverage tenancies have the below mentioned external seating capacity. Any alteration to these details will require a separate approval by Council.</p> <ul style="list-style-type: none"> c) S1:24 outdoor seats d) S4: 34 outdoor seats e) S5: 30 outdoor seats f) S7: 6 outdoor seats <p>Condition reason: To protect the amenity of the local area.</p>
43.	<p><u>Loading Dock Hours of Operation and Conditions of Use</u></p> <p>The hours of operation for the loading dock are as follows.</p> <p>Deliveries to the loading docks are restricted to between 6.00am to 10.00pm, daily, seven days per week except for Woolworths home delivery vans that are fitted with refrigeration units only which can access the loading dock from 5.00am to 10.00pm, seven days per week. The home delivery vans must not be idling between 5:00am and 6:00am.</p>

	<p>The access way to the loading dock is to be blocked by way of a boom gate, steel gate, chain or bollards, outside of these hours to ensure that vehicles cannot access the dock outside of the approved hours. During the hours from 5:00am – 6:00am when Woolworths delivery vehicles are accessing the loading dock, access must be physically blocked to other vehicles.</p> <p>The servicing of the premises by Waste Vehicles / Garbage Trucks is restricted to between 7.00am until 8:00pm.</p> <p>Any alteration to the approved hours of operation or use of the loading dock shall require a separate approval by Council.</p>
	Condition reason: To protect the amenity of the local area.
44.	<p>Crash Barrier Maintenance</p> <p>The crash barrier located between the child care centres outdoor play area and the road is to be maintained in a manner that ensures it is fit for its intended purpose at all times. Annual inspections of the barrier are to be undertaken by a suitably qualified person to ensure that the barrier maintains its structural integrity for the life of the childcare centre development. If damage is noted at any time the barrier, then the barrier is to be checked by a suitably qualified person. If the checks reveal that the barrier is damaged and that the damage could compromise the performance of the crash barrier then the outdoor play area is to be closed and is not to be used until such time as a suitably qualified person can confirm that the barrier is fit for its intended purpose. If the crash barrier is removed, then the outdoor play area is not to be used until it is reinstated.</p>
	Condition reason: To protect the health and safety of the users of the site.
45.	<p>Compliance with Shopping Trolley Management Plan</p> <p>At all times shopping trolleys shall be managed in accordance with the implemented Shopping Trolley Management Plan required under Condition No. 86 of this consent.</p>
	Condition reason: To ensure the Shopping Trolley Management Plan is enforced throughout the life of the development.

DEMOLITION WORK BEFORE WORK COMMENCES

46.	<p>Notification of Asbestos Removal</p> <p>Before commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and WorkCover NSW must be given a minimum five days written notification of the works.</p>
	Condition reason: To ensure compliance with legislation and ensure public and work safety.
47.	<p>Demolition Works and Asbestos Management</p> <p>Before the commencement of works and during works, the demolition of any structure is to be done in accordance with the Work Health and Safety Act 2011. Vehicles</p>

	<p>transporting demolition materials must have covered loads. The demolition and removal of any asbestos materials must:</p> <ul style="list-style-type: none"> a) Be undertaken by a licensed asbestos removalist b) Be transported to licensed waste facilities c) Be done in accordance with SafeWork NSW, Environmental Protection Authority and Office of Environment and Heritage requirements <p>Not be reused onsite</p> <p>Condition reason: To ensure all demolition works and removal and management of asbestos is completed in accordance with the Work Health and Safety Act 2011.</p>
48.	<p>Disconnection of Services Before Demolition Work</p> <p>Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority's requirements.</p> <p>Condition reason: To protect life, infrastructure and services.</p>
49.	<p>Notice of Commencement for Demolition</p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ul style="list-style-type: none"> 1) name 2) address, 3) contact telephone number, 4) licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and 5) the contact telephone number of council and 6) the contact telephone number of SafeWork NSW (4921 2900). <p>Condition reason: To advise neighbours about the commencement of demolition work and provide contact details for enquires.</p>
50.	<p>Site Preparation</p> <p>Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:</p> <ul style="list-style-type: none"> a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures;

	<p>d) Protective measures for on-site tree preservation and trees in adjoining public domain;</p> <p>e) Onsite temporary toilets;</p> <p>f) A garbage container with a tight-fitting lid.</p>
	Condition reason: To protect workers, the public and the environment.
51.	Asbestos Removal Signage
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition reason: To alert the public to any danger arising from the removal of asbestos.
52.	Hazardous material survey before demolition
	Before demolition work commences, a hazardous materials survey of the site must be prepared by a suitably qualified person and a report of the survey results must be provided to council at least one week before demolition commences.
	Hazardous materials include, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint.
	The report must include at least the following information:
	<p>a) the location of all hazardous material throughout the site</p> <p>b) a description of the hazardous material</p> <p>c) the form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust</p> <p>d) an estimation of the quantity of each hazardous material by volume, number, surface area or weight</p> <p>e) a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials</p> <p>f) identification of the disposal sites to which the hazardous materials will be taken</p>
	Condition reason: To require a plan for safely managing hazardous materials

DURING DEMOLITION WORKS

53.	Removal of Septic Tank and Effluent Disposal Area
	During demolition work, the existing subsurface effluent disposal area and any associated wastewater infrastructure is to be removed and back filled with Excavated Natural Material.

	<p>Any redundant septic tank, collection well or aerated wastewater treatment system is to be removed or reused in accordance with NSW Health “Advisory Note 3- Revised January 2017 – Destruction, Removal or Reuse of Septic Tanks, Collection Wells and Aerated Wastewater Treatment Systems (AWTS) and other Sewage Management Facilities (SMF)” available from the NSW Health website (http://www.health.nsw.gov.au/).</p> <p>Note: Methods 1.1 & 2.1 (Demolition) are not permissible.</p> <p>Waste disposal receipts or other evidence of appropriate disposal must be provided to the Principal Certifier confirming lawful disposal of materials has occurred.</p> <p>Condition reason: To protect the environment and ensure waste is lawfully managed</p>
54.	<p>Management of Construction and/or Demolition Waste</p> <p>During works, in accordance with the Waste Management Plan, any waste generated because of construction and/ or demolition for the development is to be reused and recycled where possible, and any residual waste is to be disposed of at a licensed waste facility. Waste materials must be stored and secured within a designated waste area onsite at all times, before its reuse onsite or being sent offsite. Receipts of all waste/ recycling tipping must be always kept onsite and produced to any authorised officer of the Council who asks to see them.</p> <p>Condition reason: To ensure resource recovery is promoted, local amenity protected during construction and lawful waste disposal.</p>
55.	<p>Site Maintenance</p> <p>While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete:</p> <ul style="list-style-type: none"> a) Protective fencing and any hoardings to the perimeter on the site; b) Access to and from the site; c) Construction traffic management measures; d) Protective measures for on-site tree preservation and trees in adjoining public domain; e) Onsite temporary toilets; f) A garbage container with a tight-fitting lid. <p>Condition reason: To protect workers, the public and the environment.</p>
56.	<p>Handling of Asbestos During Demolition</p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ul style="list-style-type: none"> a) Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; b) Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate. <p>Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.</p>

ON COMPLETION OF WORKS

57.	Waste disposal verification statement
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	<p>On completion of demolition work:</p> <p>a) a signed statement must be submitted to the principal certifying authority verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent,</p> <p>and</p> <p>b) if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the principal certifying authority within 14 days of completion of the demolition work.</p>
	<p>Condition reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plans</p>

REMEDIATION WORK DURING WORKS

58.	<p>Contamination Assessment & Site Remediation</p> <p>While any works are occurring at the site, the recommendations of the Site Assessment and Report prepared by eiaustralia Pty Ltd, referenced as 15-17 Nelson Road, Box Hill NSW, dated 28th November 2023 are to be implemented. In particular:</p> <p>a) Prior to site demolition, a suitably qualified and experienced consultant should be engaged to confirm whether Hazardous Materials at of the site could be released to the environment during demolition works. All identified hazardous materials must be appropriately managed to maintain worker health and safety during demolition works and to prevent spreading of hazardous materials to site soils;</p> <p>b) Following demolition and removal of demolition debris, a detailed site walkover by a suitably qualified environmental consultant is to be completed to ensure there are no visible signs of contamination remaining at the surface (i.e. fragmented asbestos sheeting, staining, etc)</p> <p>c) A targeted data gap investigation focussing on the middle portion of the site (i.e. the area with stockpile and building waste historically identified) should be conducted to determine the impact of potential historical demolition and earthmoving activities. It is considered that this can be addressed during the DA process.</p> <p>d) All demolition and excavation needs to be managed by a Construction Environmental Management Plan (CEMP) to be prepared for the proposed works in accordance with The Hills Development Control Plans and include appropriate:</p> <p>a) Waste management protocols requiring any material being removed from site be classified in accordance with NSW EPA (2014) Waste Classification Guidelines; and</p> <p>b) Any material being imported to the site should be assessed for potential contamination in accordance with NSW EPA guidelines as being suitable for the intended site use.</p> <p>Contaminated waste must be disposed of at a licensed waste facility unless explicitly stated otherwise. Onsite burial of waste is prohibited, irrespective of the report's contents.</p> <p>Condition reason: To protect health safety and environment</p>
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ON COMPLETION OF WORKS

59.	Validation report
	On completion of works, 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:
	<ul style="list-style-type: none"> a) The degree of contamination originally present; b) The type of remediation that has been completed; and c) A statement which clearly confirms that the land is suitable for the proposed use
	Condition reason: To ensure controls are in place for contamination management

BUILDING WORK GENERAL CONDITIONS

60.	External Finishes
	During occupation and ongoing use of the development, the external finishes and colours shall be in accordance with the details submitted with the development application and approved with this consent.
	Condition reason: To ensure quality built form of development.
61.	Management of Surface Drainage
	Stormwater, surface water or seepage from the development shall be collected by a subsurface/surface drainage system which is to be connected to a suitable system of disposal. The development, either during construction or upon completion, must not impede or divert natural surface water and the system of drainage must not cause a nuisance to adjoining properties.
	Condition reason: To ensure the development adequately manages stormwater runoff.
62.	Recycled Water
	Before the issue of a construction certificate or a subdivision works certificate, whichever precedes first/earlier, the consent holder must submit the written evidence from Sydney Water to the Registered Principal Certifier. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.
	Condition reason: This condition mitigates the impact on the watercourse and the environment.
63.	Vehicular Access and Parking
	Before the issue of the relevant construction certificate, a suitably qualified engineer must review the plans which relate to parking facilities and provide written evidence, to the certifier's satisfaction that the formation, surfacing and drainage of all driveways, parking modules, circulation roadways, sight distance and ramps/circular ramps have been design and construction complying are in accordance with:
	<ul style="list-style-type: none"> a) AS/ NZS 2890.1 b) AS/ NZS 2890.2

	<p>c) AS/ NZS 2890.6</p> <p>d) AS 2890.2</p> <p>e) DCP Part C Section 1 – Parking</p> <p>f) Council’s Driveway Specifications</p> <p>Where conflict exists, the Australian Standard must be used.</p> <p>The following must be provided:</p> <p>g) 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.</p> <p>h) All driveways and car parking areas must be separated from landscaped areas by a low-level concrete kerb or wall.</p> <p>i) 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.</p> <p>j) All driveways and car parking areas must be graded, collected, and drained by pits and pipes to a suitable point of legal discharge.</p> <p>k) Adequate measures must be provided to ensure all of the click and collect car spaces on the ground floor level are accessible.</p> <p>These requirements shall be reflected on the Construction Certificate plans and supporting documentation before the issue of a construction certificate.</p> <p>Condition reason: To ensure parking facilities are designed in accordance with the Australian Standard and Council’s DCP.</p>
64.	<p>Section 138 Works</p> <p>A S138 Roads Act application, including the payment of application and inspection fees, is required to be lodged with, and approved by The Hills Shire Council (being the Roads Authority under the Roads Act), for provision of the following:</p> <ol style="list-style-type: none"> 1. Construction of partial width road along Nelson Road, 2. Construction of stormwater drainage system along Nelson Road and The Water Lane, 3. Design finished ground surface levels along the property boundaries of the development site fronting The Water Lane and Nelson Road are to match the design verge levels as detailed in The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design, Plan no. 110723-03, issue B, dated 23/10/23 (as amended). Longitudinal sections ML01 and ML02 on drawing no. 22-1068-DAC277, revision B, dated 6/12/24 are to be revised to match the design finished ground surface levels along the property boundaries of the above drawing and comply with AS2890.1 and AS2890.2, and 4. Proposed vehicular access to the development site fronting The Water Lane is not supported. Details of proposed vehicular access fronting The Water Lane must be deleted from all Construction Certificate drawings.

	<p>Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments, Austroad Guidelines and best engineering practice.</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, the consent holder must provide a copy of the approved S138 Roads Act to the certifier.</p> <p>Note: Where The Hills Shire Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.</p>
	<p>Condition reason: To ensure that council will assess and approve public roads or any other land under the care and control of Council.</p>
65.	<p>Vehicle Crossing Application</p> <p>Before the issue of any construction certificate, the consent holder must lodge a vehicular crossing application with council. Each driveway requires the lodgement of a separate gutter and footpath crossing application, accompanied by the applicable fee as per Council's Schedule of Fees and Charges.</p> <p>Driveways entry points must be located clear of all utility services. It is recommended that discussion be held with the relevant authorities before construction works commence. Council does not accept any responsibility towards these services. The applicant is to arrange with the appropriate service provider for any above ground service riser or access point to be constructed clear of any proposed or existing pedestrian footways, and if possible, located in recessed unobtrusive locations. Should any service provider require and/or insist the applicant/developer build a service riser that would create an obstruction and pose a potential safety hazard, then the applicant/developer should refer the request to Council for negotiation directly with the Service Network Authority.</p> <p>NOTE: The receipt shall be provided to the Certifier as evidence of lodgement.</p>
	<p>Condition reason: To ensure that the site has adequate access, and the vehicular crossing is not classing with other services.</p>
67.	<p>Protection of Public Infrastructure</p> <p>During works, Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.</p>
	<p>Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.</p>
68.	<p>Road Opening Permit</p>

	<p>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.</p> <p>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.</p>
	<p>Condition reason: To protect the roads.</p>

BEFORE THE ISSUE OF A CONSTRUCTION CERTIFICATE

69.	<p>Onsite Stormwater Detention – Hawkesbury River Catchment Area (Rural)</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must prepare Onsite Stormwater Detention/Stormwater plan and provide written certification on the approved plans to satisfy the certifier that:</p> <p>Onsite Stormwater Detention (OSD) has been designed in accordance with Council's adopted policy for the rural portion of the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters to ensure the pre-development and post development discharge rates are the same for all storms up to and including the 1 in 100 year design storm event.</p> <p>The stormwater concept plan prepared by at&I Drawing 22-1068-DAC255 to 257 Revision C dated 6/12/24 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:</p> <p>a) Appropriate provision to allow for a passive surcharge flow path from the OSD tank to the public road drainage system in the event of a blockage to the OSD system. Buildings on the ground floor are to be adequately protected from ingress of surcharge flow path.</p> <p>The design and construction of the OSD system must be approved by an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:</p> <ul style="list-style-type: none"> a) Design/ construction plans prepared by an accredited OSD designer. b) A completed OSD Drainage Design Summary Sheet. c) Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes. d) A completed OSD Detailed Design Checklist. e) A maintenance schedule..
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	Condition reason: To ensure runoff from the development do not impact local stormwater systems and waterways
70.	<p>Acoustic Requirements</p> <p>Before the issue of a construction certificate, detailed plans and specifications are to be submitted to the certifier that demonstrate that the recommendations of the Acoustic Assessment Report prepared by Acoustic Logic Pty Ltd, referenced as 15 & 17 Nelson Road, Box Hill Noise Impact Assessment, dated 24th April 2024 have been implemented. In particular:</p> <ul style="list-style-type: none"> a) The construction of the <u>gym</u> is to include the below mentioned construction requirements. <ul style="list-style-type: none"> o The concrete floor slab for the gym should be designed with a natural frequency of at least 10Hz. o Rowing machines and similar will to be installed on isolation mounts. o Pin loaded weights machines to have spring isolation incorporated. o Free weights areas to have multilayer rubber or spring isolation flooring. b) The construction of the <u>child care centre</u> is to include the below mentioned construction requirements <ul style="list-style-type: none"> o A 2.4m high imperforate barrier to be installed around the full perimeter of child care centre outdoor play areas. Barriers to be constructed of concrete, masonry, lapped and capped timber, Colorbond steel, glazing/Perspex or equivalent construction. Height of barrier is to be measured from ground level of play area. c) The construction of the <u>loading dock</u> is to include the below mentioned construction requirements. <ul style="list-style-type: none"> o A 1.8m imperforate barrier is to be installed along western boundary in accordance with the South West Boundary Acoustic Fence Detail Drawing A100 dated 11/12/2024. d) <u>Mechanical Plant</u> detailed acoustic review is to be undertaken to determine acoustic treatments to control noise emissions. <p>Condition reason: To protect the acoustic amenity of the local area and of the development.</p>
71.	<p>Ecological Dam Dewatering Plan</p> <p>Before the issue of a construction certificate, an Ecological Dam Dewatering Plan is to be prepared and be provided to the certifier. The plan is to provide details on the following:</p> <ul style="list-style-type: none"> a) Fauna/aquatic survey prior to dam dewatering and a description of fauna residing within the dam. b) Proposed relocation sites for native species, including the licence details required under the <i>Fisheries Management Act, 1994</i> or the <i>National Parks and Wildlife Act, 1974</i>. c) If large numbers of predatory fish (e.g. Long-finned Eels) are recovered, additional release points must be considered so that the increased risk of predation on exiting fauna at release sites is reduced. d) Methods to prevent injury to fauna during pumping of water from the dam. e) Details of how exotic pest species will be humanely euthanised in a manner consistent with the <i>Prevention of Cruelty to Animals Act, 1979</i>. f) Methods for disposing of dam water and preventing the spread of carp eggs, juvenile pest species or eggs into the catchment and natural waterways. g) Details on how fauna will be rescued from dam sediments or allowed to relocate from the dam. h) Details of the appropriate timing (season) for dewatering.

	<p>i) Details on reporting of actions undertaken with tallies of fauna removed from the dam with details of their relocation destination (or destruction).</p> <p>Condition reason: To ensure the rescue and relocation of fauna from the dam.</p>
72.	<p>Access and Loading for Waste Collection</p> <p>Before the issue of a construction certificate, construction plans satisfied by the Certifier must demonstrate minimum waste vehicle access and loading facilities designed and provided on site in accordance with AS 2890 for the standard 12.5m long heavy rigid vehicle (minimum 4.5m clear vertical clearance). The following requirements must also be satisfied:</p> <ul style="list-style-type: none"> a) 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 AS 2890.1. b) All manoeuvring and loading areas for waste collection vehicles must be clearly and permanently line marked, signposted, and maintained. c) Pedestrian paths around the designated waste collection areas must be clearly and permanently line marked, signposted, and maintained. d) The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three-point turn). e) The designated waste service bay must allow additional space servicing of bins. j) 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”. <p>Condition reason: To ensure safe and adequate loading facilities are provided for the waste vehicle to enter the site and service all waste collections.</p>
73.	<p>Construction of Waste Storage Area(s)</p> <p>Before the issue of a construction certificate, construction plans are to be submitted to the certifier that demonstrate the waste storage areas are designed and constructed in accordance with the following requirements:</p> <ul style="list-style-type: none"> a) The area(s) must provide minimum storage facility for the total minimum number of bins associated with the development. b) The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas. All internal walkways must be at least 1.5m wide. c) The walls of the waste storage area(s) must be constructed of brickwork. d) 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). e) 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. f) 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. g) The waste storage area(s) must be ventilated. Mechanically vented waste storage areas must not be connected to the same ventilation system supplying air to the units. h) 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),

	<p>must not conflict with the space designated for the placement of bins.</p> <ul style="list-style-type: none"> i) The waste storage area(s) must be provided with internal lighting. j) The maximum grade acceptable for moving bins for collection purposes is 5%. k) The waste storage area(s) must have appropriate signage mounted in a visible location on internal walls and are to be permanently maintained by Owners corporation. <p>Condition reason: To ensure all developments provide adequate storage space for all bins allocated to the site and to promote efficient waste management with bins being out of site from public view or neighbour properties.</p>
74.	<p>Preparation of Construction and Fit Out Plans for Food and Drink Premises</p> <p>Before the issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person.</p> <p>The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the certifying authority:</p> <ul style="list-style-type: none"> a) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment b) Food Act 2003 and Food Regulation 2015 c) Australian Standard 4674:2004 :Design, Construction and Fit-out of Food Premises d) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage e) Sydney Water commercial trade wastewater requirements for food premises, and f) any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements. <p>Condition reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.</p>
75.	<p>Preparation of Mechanical Ventilation Plans</p> <p>Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person.</p> <p>The detailed plans must be in accordance with the following and submitted to the certifier:</p> <ul style="list-style-type: none"> a) Australian Standard 1668: - The use of ventilation and air conditioning in buildings; and b) ensure all generate heated air, smoke, fumes, steam or grease vapours do not: <ul style="list-style-type: none"> i) cause a nuisance to persons within or nearby to the premises, or ii) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997 <p>Condition reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.</p>
76.	<p>Erosion and Sediment Control Plan</p> <p>Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ul style="list-style-type: none"> a) Council's relevant development control plan,

	<p>b) the guidelines set out in the NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and</p> <p>c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
77.	<p>Security Bond – Road Pavement and Public Asset Protection</p> <p>The applicant must provide a security bond of \$355,608.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$132.00 per square metre based on following road dimensions:</p> <p>Nelson Road frontage : 90m plus 50m on either side multiplied by 6m wide road</p> <p>The Water Lane frontage : 209m plus 50m south of the site multiplied by 6m wide road</p> <p>Terrain Street frontage: 170m frontage plus 50m south along Rainforest Street</p> <p>A single bond payment with the amount specified above shall be lodged with Council, partial bond payments will not be accepted.</p> <p>The square metre rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website.</p> <p>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.</p> <p>This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.</p> <p>This bond relates to both building and subdivision works components of the development and is only required to be paid once to cover both components.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified</p>
78.	<p>Security Bond – External Works</p> <p>The consent holder must provide a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.</p>

	<p>Also, bonded amount based on 300% of the tendered value for all works required to transition between the interim and ultimate road and drainage designs must be agreed by Council and lodged with Council.</p> <p>The bond is refundable upon written application to Council and is subject to all work being completed to Council's satisfaction.</p> <p>This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.</p> <p>This bond relates to both building and subdivision works components of the development and is only required to be paid once to cover both components.</p> <p>Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction</p>
79.	<p>Engineering Works and Design</p> <p>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.</p> <p>Engineering works can be classified as either "subdivision works" or "building works".</p> <p>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.</p> <p>Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.</p> <p>The concept engineering plan prepared by at&I Revision B is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.</p> <p>Proposed vehicular access to the development site fronting The Water Lane is not supported. Details of proposed vehicular access fronting The Water Lane must be deleted from all Construction Certificate and Subdivision Works Certificate drawings.</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that:</p> <p>a) Boundary levels fronting Nelson Road and The Water Lane</p> <p>Design finished ground surface levels along the property boundaries of the development site fronting The Water Lane and Nelson Road are to match the design verge levels as detailed in The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design, Plan no. 110723-03, issue B, dated 23/10/23 (as amended). Any vehicle/pedestrian transition grades and levels to accommodate the development are to occur wholly within the development site.</p>

	<p>Vehicle access and driveway longitudinal sections ML01 and ML02 on drawing no. 22-1068-DAC277, revision B, dated 6/12/24 must be revised to comply with AS2890.1 and AS2890.2.</p> <p>Earth batters of 1V:4H (or flatter gradients) are to be provided along The Water Lane frontage within the road reserve.</p> <p>b) Boundary levels fronting Terrain Street</p> <p>Design finished ground surface levels along the property boundaries of the development site fronting Terrain Street are to match the design verge levels as detailed in the approved Subdivision Works Certificate for Terrain Street. Any vehicle/pedestrian transition grades and levels to accommodate the development are to occur wholly within the development site.</p> <p>Vehicle access and driveway longitudinal sections ML03 and ML04 on drawing no. 22-1068-DAC277, revision B, dated 6/12/24 must be revised to comply with AS2890.1 and AS2890.2.</p> <p>Earth batters of 1V:4H (or flatter gradients) are to be provided along The Water Lane frontage within the road reserve.</p> <p>c) Disused Layback/ Driveway Removal</p> <p>All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.</p> <p>d) Earthworks/ Site Regrading</p> <p>Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by at & I 22-1068-DAC230 Revision B. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.</p> <p>Any retaining walls proposed along the property boundaries shall be designed to such that they accept and cater for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. Proposed retaining walls including footings and subsoil drains shall be design and constructed fully inside the property boundary.</p> <p>e) Water Sensitive Urban Design Elements</p> <p>Water sensitive urban design elements, consisting of Oceanguard inserts, Ocean Protect Stormfilter Cartridges, etc, are to be located generally in accordance with the plans and information submitted with the application.</p> <p>Detailed plans for the water sensitive urban design elements must be submitted for approval. The detailed plans must be suitable for construction and include detailed and representative longitudinal and cross sections of the proposed infrastructure. The design must be accompanied, informed and supported by detailed water quality and quantity modelling. The modelling must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:</p> <p>a) 90% reduction in the annual average load of gross pollutants</p>
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	<p>b) 85% reduction in the annual average load of total suspended solids</p> <p>c) 65% reduction in the annual average load of total phosphorous</p> <p>d) 45% reduction in the annual average load of total nitrogen</p> <p>All model parameters and data outputs are to be provided.</p> <p>f) Stormwater Drainage – Temporary Management (Box Hill)</p> <p>Temporary stormwater management in the form of OSD tank, as shown on the concept plan prepared by at&I Revision B, are to be provided in accordance with the concept plan.</p> <p>The purpose of the temporary stormwater management measures is to ensure there is no impact downstream between the pre-development and post development conditions, both with respect to the volume and quality of runoff, for a range of storm events. The cost of removing these temporary stormwater management measures and all associated re-work to pits and pipes must be determined at the detailed design stage, with a bond for 150% of the cost of these works submitted to ensure this occurs when the permanent basin/ rain garden planned INSERT is constructed and runoff from the subject site is/ can be connected to the same via the development of the intermediary properties downstream. The bond amount must be confirmed with Council prior to payment.</p> <p>Where the design of any temporary stormwater management measure relies on steep batters; the design must incorporate whatever stabilisation methods are recommended by a geotechnical engineer in consultation with Council's Construction Engineer.</p> <p>Roads Act approval and Subdivision Works Certificate associated with the above civil works must be issued to the Certifier prior to the issue of any Construction Certificate or Subdivision Works Certificate.</p> <p>Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments</p>
80.	<p>Onsite Stormwater Detention – Hawkesbury River Catchment Area</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must prepare Onsite Stormwater Detention/Stormwater plan and provide written certification on the approved plans to satisfy the certifier that:</p> <p>Onsite Stormwater Detention (OSD) has been designed in accordance with Council's adopted policy for the rural portion of the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters to ensure the pre-development and post development discharge rates are the same for all storms up to and including the 1 in 100 year design storm event.</p> <p>The stormwater concept plan prepared by aat& Drawing at&I Revision C dated 6/12/24 is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:</p>

	<p>a) Appropriate provisions to allow for a passive surcharge flow path from the OSD tank to the public road drainage system in the event of a blockage to the OSD system. Buildings on the ground floor are to be adequately protected from ingress of surcharge flows .</p> <p>The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Design Compliance Certificate (DCC) certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:</p> <p>b) Design/ construction plans prepared by an accredited OSD designer.</p> <p>c) A completed OSD Drainage Design Summary Sheet.</p> <p>d) Drainage calculations and details, including those for all weirs, overland flow paths and diversion (catch) drains, catchment areas, times of concentration and estimated peak run-off volumes.</p> <p>e) A completed OSD Detailed Design Checklist.</p> <p>f) A maintenance schedule..</p>
	<p>Condition reason: To ensure runoff from the development do not impact local stormwater systems and waterways</p>
81.	<p>Stormwater Pump/ Basement Car Park Requirements</p> <p>Before the issue of a construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that:</p> <p>The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.</p>
	<p>Condition reason: To protect the Basement Car Park from surface runoff.</p>

BEFORE WORK COMMENCES

82.	<p>Sydney Water Building Plan Approval</p> <p>Before building work commences, a building plan approval must be obtained from Sydney Water Tap in™ to ensure that the approved development will not impact Sydney Water infrastructure.</p> <p>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.</p>
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	<p>Please refer to the website http://www.sydneywater.com.au/tapin/index.htm, Sydney Water Tap in™, or telephone 13 20 92.</p> <p>Condition reason: To ensure compliance with Sydney Water requirements.</p>
83.	<p>Stabilised Access Point</p> <p>Before building work commences, a stabilised all weather access point is to be provided 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).</p> <p>Condition reason: To ensure construction sites are managed properly.</p>
84.	<p>Toilet Facilities</p> <p>Before building work commences, toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.</p> <p>Each toilet provided:</p> <ul style="list-style-type: none"> a) must be a standard flushing toilet, and b) must be connected: <ul style="list-style-type: none"> a) to a public sewer, or b) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or c) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council. <p>Condition reason: To ensure there are amenities provided to workers on site.</p>
85.	<p>Erection of Signage – Supervision of Work</p> <p>Before works commencing on site the Certifier is to ensure a sign is erected in a prominent position displaying the following information:</p> <ul style="list-style-type: none">) The name, address and telephone number of the Principal Certifying Authority; a) The name and telephone number (including after hours) of the person responsible for carrying out the works; b) That unauthorised entry to the work site is prohibited. <p>This signage must be maintained while the work is being carried out and must be removed upon completion.</p>

	Condition reason: To address requirements Environmental Planning and Assessment Regulations 2021.
86.	<p>Night time road works</p> <p>Before any night time roadworks, the Manager – Environment & Health at the Hills Shire Council is to be notified in writing a minimum of 28 days prior to the intended commencement date and the properties identified in the Construction Noise Management Plan as potentially being impacted by works shall be notified a minimum of 14 days before the commencement of works and be provided with a copy of the Construction Noise Management Plan inclusive of a timetable of the proposed works and key site contacts in the event of non-compliance.</p> <p>Condition reason: To protect acoustic amenity.</p>
87.	<p>Tree Removal on Public Land</p> <p>Approval is granted for the removal of four (4) street tree on Nelson Road that is located within the Council nature strip as shown on Architectural Plans prepared by BN Architecture Urban Design Demolition plan A00.03 issue P1 located on the Council nature strip that will be impacted by works associated with the development.</p> <p>Before any works commence on site, the following details must be provided to The Hills Shire Council's Manager – Environment & Health:</p> <ul style="list-style-type: none"> - Time and date of when the tree works will occur. - Details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist). - Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000). <p>Note: Tree removal on public land shall be fully costed by the applicant. The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.</p> <p>Condition reason: To ensure that tree removal is appropriately managed.</p>
88.	<p>Discontinuation of Domestic Waste Services</p> <p>Before the commencement of works, an arrangement for the discontinuation of all current domestic waste services on the site must be organised with Council's Customer Service Centre. This service must be cancelled before demolition works commence or where the site ceases to be occupied during works, whichever comes first. No bins provided as part of the domestic waste service are to remain on site for use by construction workers, unless previous written approval is obtained from Council.</p> <p>Condition reason: To ensure that any domestic waste service that is active onsite is cancelled and returned to Council prior to works commencing. Bins must be returned to prevent the misuse and presence of contamination.</p>
89.	<p>Dilapidation report</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the principal certifier.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the principal certifier, that all reasonable steps were taken to obtain access to the adjoining properties.</p>

	<p>No less than seven days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report</p>
90.	<p>Traffic Control Plan</p> <p>Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the approved plan must be submitted to Council's Manager- Subdivision and Development Certification before being implemented.</p> <p>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.</p> <p>Condition reason: To Ensure safe movement of vehicles around/past the site</p>
91.	<p>Public Infrastructure Inventory Report</p> <p>Before works commencing on site the Principal Contractor must get a public infrastructure inventory report 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:</p> <ul style="list-style-type: none"> a) Planned construction access and delivery routes; and b) Dated photographic evidence of the condition of all public assets. <p>Condition reason: To document the condition of public infrastructure prior to works commencing.</p>
92.	<p>Dust Management Plan – Major Subdivision Works</p> <p>Before works commencing on site the Principal Contractor must get a site specific dust management plan developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/include the following matters, where relevant:</p> <ul style="list-style-type: none"> • Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified. • Additives that can be mixed with the water to aid dust suppression. • A dust cloth must be installed along the perimeter of the site. • Where required, a sprinkler/ misting system along the perimeter of the site.

	<ul style="list-style-type: none"> • Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered. • Speed control on haul routes. • Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary. • Interim seeding and/ or hydro-mulching of exposed areas as work progresses. • Final topsoil placement and planting or seeding exposed areas as soon as possible. • Jute matting of the core riparian zone within any creeks/ riparian corridors. • Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable. • Education of all site personnel on reducing dust. • Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to. <p>How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness</p>
	<p>Condition reason: To ensure appropriate dust control in is in place for large subdivision works.</p>

DURING BUILDING WORKS

93.	Location of Works
	During building works, any of the approved works / dwelling house (inclusive of any services, equipment and/or utilities), footings, walls, roof barges and guttering are to be constructed and contained wholly within the property boundaries. A survey report from a registered land surveyor may be required for confirmation of its location.
	Condition reason: To ensure no encroachment occurs onto the adjoining property.
94.	Control of early morning noise from trucks
	During works, trucks associated with the construction at the site that will be waiting to be loaded must not arrive at the site before 7am.
	Condition reason: To protect the acoustic amenity of the local area and of the development.
95.	Imported 'Waste Derived' Fill Material

	<p>During building works only 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 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 Certifier.</p> <p>Condition reason: To ensure that fill is not contaminated.</p>
96.	<p>Notification of New Contamination</p> <p>During building work, ground conditions must be monitored and when new evidence including, but not limited to, imported fill, buried building materials, asbestos, odour and/or staining, works are to immediately cease and Council's Manager- Environment and Health is to be notified.</p> <p>A site contamination investigation is to be carried out in accordance with the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> and submitted to Council's Manager – Environment and Health for review.</p> <p>Approval from Council's Manager – Environment and Health must be obtained in writing prior to works recommencing on site.</p> <p>Condition reason: To ensure controls are in place for contamination management</p>
97.	<p>Construction Noise</p> <p>During building work, the emission of noise from the construction of the development shall comply with the <i>Interim Construction Noise Guideline published by the Department of Environment and Climate Change (July 2009)</i>.</p> <p>Condition reason: To protect residential amenity</p>
98.	<p>Rock Breaking Noise</p> <p>During building work and upon receipt of a justified complaint in relation to noise pollution caused by rock breaking. Rock breaking will only occur between the hours of 9am to 3pm, Monday to Friday. No rock breaking is to occur Saturday – Sunday and on public holidays.</p> <p>Details of noise mitigation measures and likely duration of the activity must be submitted to Council's Manager – Environment and Health within seven (7) days of receiving notice from Council.</p> <p>Condition reason: To minimise noise impacts on neighbouring properties</p>
99.	<p>Odour Control</p> <p>During building work, the mechanical exhaust system must be fitted with sufficient control equipment to prevent the emission of all offensive odours from the premises.</p> <p>Condition reason: To protect air quality and local amenity</p>
100.	<p>Construction and Fit-out of food premises</p> <p>During building work, the design, construction and fit-out of the food premises must comply with the <i>Australian Standard 4674-2004 – Design, construction and fit-out of food premises</i> and the Food Standards Code (Australia).</p> <p>Note: Copies of <i>Australian Standard 4674-2004</i> may be obtained from www.saiglobal.com by visiting the website: www.saiglobal.com and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website www.foodstandards.gov.au.</p> <p>Condition reason: To ensure the food premises complies with relevant food safety legislation and standards</p>
101.	<p>Mechanical ventilation in Food Premises</p>

	<p>During building work, exhaust hoods must be of stainless steel construction with an internal 50mm x 50mm gutter and unscrewable drainage plug at one corner. They must have removable grease filters for cleaning.</p> <p>Documentation shall be submitted to the principle certifying authority that the ventilation system has been installed and is operating in accordance with:</p> <p>a) <i>AS1668.1:2015 – The use of ventilation and air conditioning in buildings – Fire and smoke control in buildings</i>; and</p> <p>b) <i>AS1668.2:2012 – The use of ventilation and air-conditioning in buildings PART 2: mechanical ventilation in buildings</i>.</p>
	Condition reason: To protect the amenity of the local area
102.	<p>Soil and Water Management Plan</p> <p>During construction, a Soil and Water Management Plan is to be prepared and implemented. The plan shall be in accordance with "<i>Managing Urban Stormwater - Soils and Construction</i>" (<i>Blue Book</i>) produced by the NSW Department of Housing. The plan is to be kept on site at all times and made available upon request.</p> <p>The plan is to include a plan of management for the treatment and discharge of water accumulated in open excavations. Water containing suspended solids greater than 50 mg/L shall not be discharged to the stormwater system.</p>
	Condition reason: To protect the environment
103.	<p>Acoustic Requirements</p> <p>During building works the recommendations of the Acoustic Assessment Report prepared by Acoustic Logic Pty Ltd, referenced as 15 & 17 Nelson Road, Box Hill Noise Impact Assessment, dated 24th April 2024 have been implemented. In particular:</p> <p>a) The construction of the <u>gym</u> is to include the below mentioned construction requirements.</p> <ul style="list-style-type: none"> o The concrete floor slab for the gym should be designed with a natural frequency of at least 10Hz. o Rowing machines and similar will to be installed on isolation mounts. o Pin loaded weights machines to have spring isolation incorporated. o Free weights areas to have multilayer rubber or spring isolation flooring. <p>b) The construction of the <u>child care centre</u> is to include the below mentioned construction requirements</p> <ul style="list-style-type: none"> o A 2.4m high imperforate barrier to be installed around the full perimeter of child care centre outdoor play areas. Barriers to be constructed of concrete, masonry, lapped and capped timber, Colorbond steel, glazing/Perspex or equivalent construction. Height of barrier is to be measured from ground level of play area. <p>c) The construction of the <u>loading dock</u> is to include the below mentioned construction requirements.</p> <ul style="list-style-type: none"> o A 1.8m imperforate barrier is to be installed along western boundary. Barrier to be constructed of concrete, masonry, 100% lapped and capped timber, Colorbond steel or equivalent construction. <p>d) <u>Mechanical Plant</u> detailed acoustic review is to be undertaken to determine acoustic treatments to control noise emissions.</p>
	Condition reason: To protect the amenity of the local area.
104.	<p>Disposal of Surplus Excavated Material</p> <p>During works, in accordance with the waste management plan, the disposal of surplus excavated material is to be transported to a licensed facility. Receipts of all waste/</p>

	recycling tipping must be always kept onsite and produced in a legible form to any authorised officer of the Council who asks to see them.
	Condition reason: To ensure disposal of surplus excavated material is completed safely and in accordance with the Protection of the Environment Operations Act 1997.
105.	Implementation of the Site Management Plans
	While site work is being carried out:
	a) the measures required by the construction site management plan and the erosion and sediment control plan (plans) must be implemented at all times, and
	b) a copy of these plans must be kept on site at all times and made available to council officers upon request.
	Condition reason: To ensure site management measures are implemented during the carrying out of site work.
106.	Procedure for Critical Stage Inspections
	While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.
	Condition reason: To require approval to proceed with building work following each critical stage inspection.

ON COMPLETION OF WORKS

107.	Repair of Infrastructure
	After completion of all site work:
	a) any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of council, and at no cost to council, or
	b) if the works in (a) are not carried out to council's satisfaction, council may carry out the works required and the costs of any such works must be paid as directed by council and in the first instance will be paid using the security deposit required to be paid under this consent.
	Condition reason: To ensure any damage to public infrastructure is rectified.

BEFORE ISSUE OF OCCUPATION CERTIFICATE/SUBDIVISION CERTIFICATE

108.	Registration of Terrain Street
	Before the issue of an Occupation Certificate the registration and dedication of the public road Terrain Street must occur.
	Condition reason: To ensure that the requirements of the development in Terrain Street have been completed and public road Terrain Street registered before an Occupation Certificate is issued.
109.	Public Infrastructure Inventory Report - Post Construction
	Before the release of an Occupation Certificate an updated public infrastructure inventory report must be prepared and submitted to Council.

	<p>The updated report must identify any damage to public assets and the means of rectification for the approval of Council.</p> <p>Condition reason: To ensure protection and where required suitable remediation of public assets</p>
110.	<p>Public Road/ Road Widening Dedication</p> <p>Before the release of an Occupation Certificate the proposed public road/road widening has been dedicated in accordance with the undertaking submitted relating to dedication of a splay at the intersection of The Water Lane and Terrain Street as detailed on drawing number 22-1068-DAC213, issue B dated 10/9/24.</p> <p>Condition reason: To ensure any land required under this consent to be dedicated is dedicated prior to occupation of the structure</p>
111.	<p>Completion of Engineering Works</p> <p>An Occupation Certificate must not be issued before the completion of all engineering works covered by this consent, in accordance with this consent.</p> <p>Condition reason: To ensure all engineering works are completed before an occupation certificate is issued.</p>
112.	<p>Creation of Restrictions / Positive Covenants</p> <p>Before the issue of an Occupation Certificate the following restrictions/ positive covenants must be registered on the title of the subject site via a request document, Section 88B instrument associated with a plan or the like. Council's standard recitals must be used.</p> <p>a) Restriction – Restricted Access</p> <p>The subject site must be burdened with a restriction precluding access to The Water Lane using the “restricted access” terms included in the standard recitals.</p> <p>b) Restriction/ Positive Covenant – Onsite Stormwater Detention</p> <p>The subject site must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.</p> <p>c) Restriction/ Positive Covenant – Water Sensitive Urban Design</p> <p>The subject site must be burdened with a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.</p> <p>d) Positive Covenant – Stormwater Pump</p> <p>The subject site must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals.</p> <p>Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address, where relevant, conditions of consent.</p>

113.	Consolidation of Allotments
	Before the release of an Occupation Certificate any allotment(s) proposed to be consolidated into a single allotment must be consolidated. A copy of the registered plan must be submitted to Council
	Condition reason: To ensure any required consolidation is completed prior to occupation of the dwelling
114.	Registration of Cool Water and Warm Water Systems
	Before the issue of an occupation certificate, the Principal Certifier shall be satisfied that the cooling water system and/or the warm water system is: a) Installed in accordance with AS/NZS 3666.1:2011 with a certificate from the installer. b) Is registered with Council.
	Condition reason: To ensure compliance with health standards for infection control
115.	Planting Requirements
	Before the issue of an occupation certificate, the Landscaping shall be certified to be in accordance with the approved plans by an Accredited Landscape Architect or to the satisfaction of Council's Manager Environment and Health. All trees planted as part of the approved landscape plan are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m ² . Any species that need substituting requires confirmation from Council.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
116.	Preservation of Survey Marks
	Before the issue of an occupation certificate, documentation must be submitted by a registered surveyor to the principal certifier, which demonstrates that: a) no existing survey mark(s) have been removed, damaged, destroyed, obliterated or defaced, or b) any survey mark(s) that were damaged, destroyed, obliterated or defaced have been re-established in accordance with the Surveyor General's Direction No. 11 – Preservation of Survey Infrastructure.
	Condition reason: To protect the state's survey infrastructure.
117.	Completion of public utility services
	Before the issue of the relevant occupation certificate, confirmation must be obtained from the relevant authority that any adjustment or augmentation of any public utility services including gas, water, sewer, electricity, street lighting and telecommunications, required as a result of the development, have been completed and this confirmation must be provided to the principal certifier.
	Condition reason: To ensure required changes to public utility services are completed, in accordance with the relevant agency requirements, before occupation
118.	Certification of acoustic measures
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that the acoustic measures have been installed in accordance with the acoustic report approved under this consent
	Condition reason: To protect the amenity of the local area

119.	Construction and installation of ventilation system
	Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in accordance with the approved plans.
	Condition reason: To ensure the mechanical ventilation system has been constructed and installed as approved
120.	Notice of food business
	Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.
	Condition reason: To enable council to ensure compliance with the consent when the business is operating
121.	Food Premises Final Inspection
	Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of The Hills Shire Council under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.
	Condition reason: To enable council to ensure compliance with the Food Act 2003 before the business commences
122.	Completion of Landscape and Tree Works
	Before the issue of an occupation certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved plans and documents and any relevant conditions of this consent.
	Condition reason: To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).
123.	Pump System Certification
	Before the release of an Occupation Certificate, Certification that the stormwater pump system has been constructed in accordance with the approved design and the conditions of this approval must be provided by a suitably qualified hydraulic engineer
	Condition reason: To ensure pump system for stormwater discharge is suitable and installed/operation.
124.	Water Sensitive Urban Design Certification
	Before the issue of an Occupation Certificate the WSUD elements conditioned earlier in this consent must be constructed and operational. The following documentation must be submitted in order to obtain an Occupation Certificate:
	<ul style="list-style-type: none"> a) WAE drawings and any required engineering certifications; b) Records of inspections; c) An approved operations and maintenance plan; and d) A certificate of structural adequacy from a suitably qualified structural engineer verifying that any structural element of the WSUD system are structurally adequate and capable of withstanding all loads likely to be imposed on them during their lifetime.

	Where Council is not the PCA a copy of the above documentation must be submitted to Council..
	Condition reason: To ensure structure(s) associated with the treatment of stormwater to ensure the quality of water discharge from site is suitable to enter the downstream watercourse
125.	<p>OSD System Certification</p> <p>Before the release of an Occupation Certificate the Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA).</p> <p>The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:</p> <ul style="list-style-type: none"> a) Works as executed plans prepared on a copy of the approved plans; b) A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically; c) A certificate of structural adequacy from a suitably qualified 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. <p>Where Council is not the PCA a copy of the above documentation must be submitted to Council.</p> <p>Condition reason: To ensure completion of the OSD system in accordance with the approved plans and that the system has been constructed and is operations.</p>

OCCUPATION AND ONGOING USE

126.	<p>Litter Control</p> <p>During ongoing use of the premises, Litter and recycling bins should be provided in accordance with the NSW EPA's, Better Practice Guide for Public Place Recycling.</p> <p>Condition reason: To protect the amenity of the local area.</p>
127.	<p>Operation of Cooling Water and Warm Water Systems</p> <p>During occupation and ongoing use, cooling and warm water systems must be operated in accordance with <i>Australian Standard 3666 - Air handling and water systems of buildings – Microbial Control</i>; and any relevant <i>NSW Health Guidelines and Codes for the Control of Legionnaires Disease</i></p> <p>Condition reason: To protect public health and safety</p>
128.	<p>Noise Management Measures – Child Care Centre</p> <p>During occupation and ongoing use of the premises, the following noise management measures must be implemented as part of the operation of the childcare centre:</p> <ul style="list-style-type: none"> a) No music should be played in any outdoor areas at any time. b) Toys and the like are not to be attached to any of the acoustic barriers. c) No play equipment within the outdoor play area is to be more than 0.5 metres from the ground level of the outdoor play area. <p>Condition reason: To protect the amenity of the local area</p>

129.	Acoustic – Maintenance During occupation and ongoing use, the operation of the premises all approved acoustic attenuation measures installed as part of the development are to be maintained at all times, in a manner that is consistent with the accepted acoustic reports, the consent and so that the noise attenuation effectiveness is maintained for the life of the development. This includes but is not limited to: a) Acoustic barriers are to remain solid and gap free. Condition reason: To protect the amenity of the local area																
130.	Operational Noise Level Limits During occupation and ongoing use of the premises, the operational noise level limits for the development are as follows: <table><tr><th>Location of noise level compliance</th><th>Day (7am – 6pm)</th><th>Evening (6pm-10pm)</th><th>Night (10pm-7am)</th></tr><tr><td>At any residential property with the zoning R3 or R4</td><td>58dB(A)LAeq (15min)</td><td>48dB(A)LAeq(15min)</td><td>39 dB(A)LAeq (15min)</td></tr><tr><td>At any residential property with the zoning R2</td><td>48dB(A) LAeq (15 min)</td><td>43dB(A) LAeq (15 min)</td><td>38dB(A) LAeq (15 min)</td></tr><tr><td>At any different commercial tenancy when the commercial tenancy is in use</td><td>65dB(A)LAeq (15min)</td><td>65B(A)LAeq(15min)</td><td>65B(A)LAeq (15min)</td></tr></table> These noise level limits are to be complied with at all times when the premises is in operation. Condition reason: To protect the amenity of the local area	Location of noise level compliance	Day (7am – 6pm)	Evening (6pm-10pm)	Night (10pm-7am)	At any residential property with the zoning R3 or R4	58dB(A)LAeq (15min)	48dB(A)LAeq(15min)	39 dB(A)LAeq (15min)	At any residential property with the zoning R2	48dB(A) LAeq (15 min)	43dB(A) LAeq (15 min)	38dB(A) LAeq (15 min)	At any different commercial tenancy when the commercial tenancy is in use	65dB(A)LAeq (15min)	65B(A)LAeq(15min)	65B(A)LAeq (15min)
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131.	Access / Entry door – Gym and Child Care Centre During occupation and ongoing use of the gym and the child care centre, the entry door to the premises is to be kept closed when not in use for entry / exit purposes. Condition reason: To protect the amenity of the local area																
132.	External areas – no training During occupation and ongoing use of the premises external areas to the gym including the carparks, driveways, nature strips and foot paths are prohibited from being used for any training, fitness or promotional purposes. Condition reason: To protect the amenity of the local area																
133.	Noise Management Plan to be kept on site During occupation and ongoing use of the premises, the approved noise management plan is to be complied with and kept on site at all times and is to be made available to Council Officers upon request. Condition reason: To protect the amenity of the local area																
	Noise Management Signage																

134.	During occupation and ongoing use noise management signage is to be installed in prominent locations within the premises, the gym, the child care centre and the carpark advising attendees to please consider neighbours and minimise noise when entering and exiting the premises.
	Condition reason: To protect the amenity of the local area
135.	Loading dock - signage for stormwater drains
	During the operation of the premises, signs shall be displayed and maintained adjacent to all stormwater drains within the loading dock, clearly indicating "Clean Water Only – NO wastewater or rubbish."
	Condition reason: To protect the environment
136.	Biodiversity compliance
	Before the issue of an occupation certificate, a report from the project ecologist must be provided to the principal certifier providing the following information:
	a) Dam dewatering – Details outlining fauna rescue and relocation undertaken during the dam dewatering.
	b) Tree Removal & Fauna Protection – Details demonstrating compliance with the Tree Removal and Fauna Protection condition/s of this consent.
137.	c) Weed Removal – details regarding species and methods of removal.
	Condition reason: Protection of local biodiversity
	Waste and Recycling Collection Contract
138.	During the occupation and use, a private waste contract is to be in place with a licensed contractor for the removal and lawful disposal of all waste generated on site. Written evidence of a valid and current collection and disposal contract must be held on site at all times and produced in a legible form to an authorised officer of Council who asks to see it.
	Condition reason: To ensure a private waste contractor is engaged with by commercial premises to lawfully remove all waste generated onsite.
	Waste and Recycling Management
139.	During the occupation and use, all garbage and recyclable materials must be separated into dedicated waste collection containers and stored in a designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangements 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 places. Waste storage areas(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.
	Condition reason: To ensure responsibility is placed upon the site's occupier or resident to management all waste generated on the site without it affected local amenity of neighbouring properties.
	Commercial Waste and Recycling Collection
139.	During the occupation and use of the site, the site owner is to ensure that:
	a) All waste and recycling generated on the site is removed at regular intervals;
	b) Bins must not be placed on public property without the prior written approval of Council;
	c) Waste collection must not cause a nuisance or interfere with the amenity of the surrounding area; and

	d) Waste collection vehicles servicing the development are not permitted to reverse in or out of the site.																						
	Condition reason: To protect amenity of locality.																						
140.	<p>Operating Hours</p> <p>During ongoing use of the premises, the hours of operation of the approved uses are restricted to:</p> <table border="1"> <thead> <tr> <th>Component</th><th>Hours of Operation</th></tr> </thead> <tbody> <tr> <td>Centre Hours</td><td>7:00am to 10:00pm – 7 days/ week</td></tr> <tr> <td>Supermarket</td><td>7:00am to 10:00pm – 7 days/ week</td></tr> <tr> <td>Retail Premises</td><td>7:00am to 10:00pm – 7 days/ week</td></tr> <tr> <td>Liquor</td><td>9:00am to 10:00pm – 7 days/ week</td></tr> <tr> <td>Medical</td><td>7:00am to 10:00pm – 7 days/ week</td></tr> <tr> <td>Childcare Centre</td><td>7:00am to 7:00pm – Monday to Friday</td></tr> <tr> <td>Loading Dock</td><td>Refer to Condition 42</td></tr> <tr> <td>Restaurants</td><td>6:00am to Midnight – 7 days/ week</td></tr> <tr> <td>Recreational Facilities</td><td>7:00am to 10:00pm – 7 days/ week</td></tr> <tr> <td>Gym</td><td>24 hours, 7 days/ week</td></tr> </tbody> </table> <p>Condition reason: To protect the amenity of the local area.</p>	Component	Hours of Operation	Centre Hours	7:00am to 10:00pm – 7 days/ week	Supermarket	7:00am to 10:00pm – 7 days/ week	Retail Premises	7:00am to 10:00pm – 7 days/ week	Liquor	9:00am to 10:00pm – 7 days/ week	Medical	7:00am to 10:00pm – 7 days/ week	Childcare Centre	7:00am to 7:00pm – Monday to Friday	Loading Dock	Refer to Condition 42	Restaurants	6:00am to Midnight – 7 days/ week	Recreational Facilities	7:00am to 10:00pm – 7 days/ week	Gym	24 hours, 7 days/ week
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141.	<p>Location of mechanical ventilation</p> <p>During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 46 dB(A) between the hours of 7am and 10pm and 42dB(A) between 10pm and 7am, at the property boundary adjacent to any habitable room of adjoining residential premises.</p> <p>Condition reason: To protect the residential amenity of neighbouring properties.</p>																						
142.	<p>Managing noise with ongoing acoustic treatment</p> <p>During ongoing use of the premises, the premises must be operated in accordance with any approved acoustic report.</p> <p>An acoustic implementation report from a suitably qualified person must be submitted to council within 3 months of the date of the issue of the occupation certificate, 6 months from the commencement of trading and again after 12 months from the commencement of trading. The compliance assessment should cover all hours the centre is in operation and all van and truck types typically visiting the site.</p> <p>The report must confirm the implementation of acoustic treatment and demonstrate that the noise from the use of the site, satisfies the operational noise level limits stated in condition number 130.</p> <p>Any recommendations provided will be required to be immediately implemented except recommendations involving construction. Any recommendation that require construction must be brought to the attention of Council and written confirmation</p>																						

	obtained from Council regarding any requirement to obtain further approvals prior to undertaking construction.
	Condition reason: To ensure operational noise levels comply with the approved site specific noise criteria and do not unreasonably impact on the amenity of adjoining and nearby premises

SUBDIVISION WORK GENERAL CONDITIONS

143.	Security Bond Requirements
	<p>A security bond may be submitted in lieu of a cash bond. The security bond must:</p> <ul style="list-style-type: none"> a) Be in favour of The Hills Shire Council; b) 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); c) Have no expiry date; d) Reference the development application, condition and matter to which it relates; e) Be equal to the amount required to be paid in accordance with the relevant condition; f) Be itemised if a single security bond is used for multiple items. <p>Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.</p>
	Condition reason: For information purposes only.
144.	Section 138 Works
	<p>A S138 Roads Act application, including the payment of application and inspection fees, is required to be lodged with, and approved by The Hills Shire Council (being the Roads Authority under the Roads Act), for provision of the following:</p> <ul style="list-style-type: none"> 1. Construction of partial width road along Nelson Road, 2. Construction of stormwater drainage system along Nelson Road and The Water Lane 3. Design finished ground surface levels along the property boundaries of the development site fronting The Water Lane and Nelson Road are to match the design verge levels as detailed in The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design, Plan no. 110723-03, issue B, dated 23/10/23 (as amended). Longitudinal sections ML01 and ML02 on drawing no. 22-1068-DAC277, revision B, dated 6/12/24 are to be revised to match the design finished ground surface levels along the property boundaries of the above drawing and comply with AS2890.1 and AS2890.2.

	<p>4. Proposed vehicular access to the development site fronting The Water Lane is not supported. Details of proposed vehicular access fronting The Water Lane must be deleted from all Construction Certificate drawings.</p> <p>Engineering plans are to be prepared in accordance with the development consent, Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments, Austroad Guidelines and best engineering practice.</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, the consent holder must provide a copy of the approved S138 Roads Act to the certifier.</p> <p>Note: Where The Hills Shire Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.</p> <p>Condition reason: To ensure that Council will assess and approve public roads or any other land under the care and control of Council.</p>
145.	<p>Street Trees</p> <p>Street trees must be provided for the section of Terrain Street and Nelson Road within or fronting the development site spaced between 7m and 10m apart. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.</p> <p>The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier; these requirements shall be reflected on the Construction Certificate plans and supporting documentation.</p> <p>Condition reason: to ensure that the construction certificate is consistent with the conditions of this consent.</p>
146.	<p>Protection of Public Infrastructure</p> <p>Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.</p> <p>Condition reason: To document any damaged to public infrastructure during construction and subsequently any damage is to be made good prior to Occupation Certificate.</p>
147.	<p>Road Opening Permit</p>

	<p>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.</p> <p>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.</p>
	Condition reason: To protect the roads.
148.	<p>Subdivision Works Approval</p> <p>Before any works are carried out, a Subdivision Works Certificate must be obtained and a principal Certifier appointed. The plans and accompanying information submitted with the Subdivision Works Certificate must comply with the conditions included with this consent.</p> <p>As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifier for subdivision works.</p>
	Condition reason: To ensure the applicant is aware of the need to obtain a Subdivision Works Certificate for any subdivision works.
149.	<p>Recycled Water</p> <p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, the consent holder must submit the written evidence from Sydney Water to the Registered Principle Certifier. These requirements shall be reflected on the Construction Certificate plans and supporting documentation.</p>
	Condition reason: This condition mitigates the impact on the watercourse and the environment.

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

150.	<p>Erosion and Sediment Control Plan</p> <p>Before the issue of a construction certificate, an erosion and sediment control plan must be prepared by a suitably qualified person in accordance with the following documents and provided to the certifier:</p> <ul style="list-style-type: none"> a) Council's relevant development control plan, b) the guidelines set out in the NSW Department of Planning, Housing and Infrastructure 'Guidelines for erosion and sediment control on building sites' and NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book) (as amended from time to time), and
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	<p>c) the 'Do it Right On-Site, Soil and Water Management for the Construction Industry' (Southern Sydney Regional Organisation of Councils and the Natural Heritage Trust) (as amended from time to time).</p> <p>Condition reason: To ensure no substance other than rainwater enters the stormwater system and waterways.</p>
151.	<p>Stormwater Pump/ Basement Car Park Requirements</p> <p>Before the issue of a construction certificate, a suitably qualified civil engineer must review the stormwater pump-out system from the basement car parking and provide written certification on the approved plans to satisfy the certifier that:</p> <p>The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to the Onsite Stormwater Detention system before runoff is discharged to the street (or other point of legal discharge) along with the remaining site runoff, under gravity. All plans, calculations, hydraulic details and manufacturer specifications for the pump must be submitted with certification from the designer confirming compliance with the above requirements.</p> <p>Condition reason: To protect the Basement Car Park from surface runoff.</p>
152.	<p>Security Bond – Road Pavement and Public Asset Protection</p> <p>The applicant must provide a security bond of \$355,608.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$132.00 per square metre based on following road dimensions:</p> <p>Nelson Road frontage : 90m plus 50m on either side multiplied by 6m wide road</p> <p>The Water Lane frontage : 209m plus 50m south of the site multiplied by 6m wide road</p> <p>Terrain Street frontage: 170m frontage plus 50m south along Rainforest Street</p> <p>A single bond payment with the amount specified above shall be lodged with Council, partial bond payments will not be accepted.</p> <p>The square metre rate is based on The Hills Shire Council Fees & Charges 2024-2025 which is applicable at the time this consent was issued. Upon lodgement of the bond the amount will be updated to reflect the current schedule of fees and charges that are available on The Hills Shire Council Website.</p> <p>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.</p> <p>This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.</p>

	<p>This bond relates to both building and subdivision works components of the development and is only required to be paid once to cover both components.</p> <p>Condition reason: To ensure any damage to public infrastructure is rectified</p>
153.	<p>Security Bond – External Works</p> <p>The consent holder must provide a security bond is required to be submitted to Council to guarantee the construction, completion and performance of all works external to the site. The bonded amount must be based on 150% of the tendered value of providing all such works. The minimum bond amount is \$10,000.00. The bond amount must be confirmed with Council prior to payment.</p> <p>Also, bonded amount based on 300% of the tendered value for all works required to transition between the interim and ultimate road and drainage designs must be agreed by Council and lodged with Council.</p> <p>The bond is refundable upon written application to Council and is subject to all work being completed to Council’s satisfaction.</p> <p>This requirement shall be reflected on the Construction Certificate plans and supporting documentation. The bond must be lodged with Council before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier.</p> <p>This bond relates to both building and subdivision works components of the development and is only required to be paid once to cover both components.</p> <p>Condition reason: To allow release of securities and authorise Council to use the security deposit to complete works to its satisfaction</p>
154.	<p>Engineering Works and Design</p> <p>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.</p> <p>Engineering works can be classified as either “subdivision works” or “building works”.</p> <p>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.</p> <p>Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council’s website and the application fees payable are included in Council’s Schedule of Fees and Charges.</p> <p>The concept engineering plan prepared by at&I Revision B is for development application purposes only and is not to be used for construction. The design and construction of the engineering works listed below must reflect the concept engineering plan and the conditions of consent.</p> <p>Proposed vehicular access to the development site fronting The Water Lane is not supported. Details of proposed vehicular access fronting The Water Lane must be deleted from all Construction Certificate and Subdivision Works Certificate drawings.</p>

	<p>Before the issue of a construction certificate or a subdivision work certificate, whichever precedes first/earlier, a suitably qualified civil engineer must review the Engineering design associated with this development and provide written certification on the approved plans to satisfy the certifier that:</p> <p>a) Partial Width Road Construction</p> <p>The partial width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:</p> <table border="1" data-bbox="338 510 1385 896"> <tr> <td data-bbox="338 510 667 622">Road Name:</td><td data-bbox="667 510 1385 622">Formation: (Footpath/ Carriageway/ Footpath) (m)</td></tr> <tr> <td data-bbox="338 622 667 896">Terrain Street</td><td data-bbox="667 622 1385 896">Road Type: DCP Local Road 3.5m / 11.0m / 3.5m (18m) Pavement Design: Access / Local (Design Guidelines Section 3.12)</td></tr> </table> <p>Council has commissioned a detailed design, that is, The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design, Plan no. 110723-03, issue B, dated 23/10/23 (as amended) that needs to be used in preparing the detailed design for these works. Contact Council’s Construction Engineer for a copy of this design.</p> <p>The design must include both interim and ultimate scenarios.</p> <p>Proposed dish drain shown on the Terrain Street longitudinal section (ultimate scenario) is not supported. The proposed dish drain must be deleted from all construction drawings.</p> <p>The proposed road level design for Terrain Street including the chainage points and design surface levels, road gradient, and vertical curves shall comply with the concept design for “The Water Lane” prepared for council by JWP, Project no. 110723-03, Rev. B, dated 23/10/23 (as amended)</p> <p>All civil infrastructure (roads, stormwater drainage and the like) should be built for saline soils.</p> <p>The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.</p> <p>Where partial width construction exists opposite, the completed road must comply with the overall requirements outlined in the table above. Where partial width construction does not exist opposite, you will be responsible for the formation of the footpath verge, kerb and gutter and the construction of 6m of road pavement.</p> <p>Any requirements relating to partial width road construction from the relevant section of Council’s DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.</p> <p>Except where a modified kerb treatment is required (such as for roadside bio-retention swales) roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.</p>	Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Terrain Street	Road Type: DCP Local Road 3.5m / 11.0m / 3.5m (18m) Pavement Design: Access / Local (Design Guidelines Section 3.12)
Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)				
Terrain Street	Road Type: DCP Local Road 3.5m / 11.0m / 3.5m (18m) Pavement Design: Access / Local (Design Guidelines Section 3.12)				

	<p>Except where a one-way cross fall is required (such as for roadside bio-retention swales) all roads are to have a two-way cross fall with a crown in the middle of the carriageway.</p> <p>With respect to “minor street” and “street along riparian corridor/ park” roads, driveways that cross the swale to access the lots on the low side of these roads must be constructed with the subdivision works, along with all ancillary drainage work necessary to make the construction effective. Adjacent lots should have their driveways grouped together to limit the number of “breaks” in the swale. Refer to Council’s Standard Drawing 48 for more detail.</p> <p>b) Partial Width Road Reconstruction</p> <p>The partial width reconstruction of the existing roads listed below is required, including any necessary service adjustments and ancillary work required to make the construction effective :</p> <table border="1" data-bbox="338 719 1385 1142"> <tr> <td data-bbox="338 719 670 831">Road Name:</td><td data-bbox="670 719 1385 831">Formation: (Footpath/ Carriageway/ Footpath) (m)</td></tr> <tr> <td data-bbox="338 831 670 1142">Nelson Road</td><td data-bbox="670 831 1385 1142"> Road Type: Box Hill Growth Centre Precincts DCP 2018: Collector Street 3.5m / 2.3m / 3.5m / 3.5m / 2.3m / 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12) </td></tr> </table> <p>Council has commissioned a detailed design for Nelson Road, that is, The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design, Plan no. 110723-03, issue B, dated 23/10/23 (as amended) that needs to be used in preparing the detailed design for these works. Contact Council’s Construction Engineer for a copy of this design.</p> <p>The design must include both interim and ultimate scenarios.</p> <p>Partial width reconstruction of existing Nelson Road is to extend to and include the concrete median island as shown in The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design Revision B, dated 23/10/23 plans (as amended). Transition to match existing surrounding roads surfaces to the north of the concrete median island must be detailed to provide effective construction.</p> <p>Any existing driveways opposite the development site on Nelson Road must be clearly shown on the plan. Vehicle access from Nelson Road to the property at 102 Nelson Road (Lot 201 DP 1287140) must be provided at all times. Partial width reconstruction of Nelson Road must provide vehicle access to the above property to Council’s satisfaction.</p> <p>The works at the Nelson Road / The Water Lane intersection must provide appropriate road safety and drainage measures to the satisfaction of Council, as the construction of The Water Lane road by Council is non-concurrent with the development works.</p>	Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)	Nelson Road	Road Type: Box Hill Growth Centre Precincts DCP 2018: Collector Street 3.5m / 2.3m / 3.5m / 3.5m / 2.3m / 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)
Road Name:	Formation: (Footpath/ Carriageway/ Footpath) (m)				
Nelson Road	Road Type: Box Hill Growth Centre Precincts DCP 2018: Collector Street 3.5m / 2.3m / 3.5m / 3.5m / 2.3m / 4.5m (19.6m) Pavement Design: Collector (Design Guidelines Section 3.12)				

	<p>DRAINS computer model demonstrating the drainage design complies with Council's Design Guidelines Subdivisions/ Developments are to be submitted to Council. Road and drainage design and drawings must be consistent with the DRAINS model.</p> <p>The carriageway/ reserve width along Nelson Road and The Water Lane varies, specifically near the intersection with Nelson Road/The Water Lane. The required formation is shown on The Water Lane Upgrade – Section A between Annangrove Road and Nelson Road 100% Detailed Design Revision B, dated 23/10/23 (as amended) and is to be reflected on the concept subdivision works plan prepared by at&I. Chainages of the road design are to follow Council's road design chainages to provided thoughtful assessment.</p> <p>The interface works and temporary stormwater connections to existing headwall in Nelson Road need to be designed and constructed in accordance with the above plans to the satisfaction of Council.</p> <p>The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.</p> <p>Any requirements relating to partial width road reconstruction from the relevant section of Council's DCP must also be complied with. All works must be carried out in accordance with the submitted traffic safety statement.</p> <p>Where the existing road reserve width exceeds that required to be provided, the additional width is to be evenly distributed on either side of the road carriageway to provide for a wider footpath verge.</p> <p>Except where a modified kerb treatment is required (such as for roadside bio-retention swales) roll kerb is to be used for all roads other than sub-arterial roads or roads fronting a park or creek corridor.</p> <p>Except where a one-way cross fall is required (such as for roadside bio-retention swales) all roads are to have a two-way cross fall with a crown in the middle of the carriageway.</p> <p>With respect to "minor street" and "street along riparian corridor/ park" roads, driveways that cross the swale to access the lots on the low side of these roads must be constructed with the subdivision works, along with all ancillary drainage work necessary to make the construction effective. Adjacent lots should have their driveways grouped together to limit the number of "breaks" in the swale. Refer to Council's Standard Drawing 48 for more detail.</p> <p>c) Footpath Verge Formation</p> <p>The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.</p> <p>Design finished ground surface levels along the property boundaries of the development site fronting The Water Lane and Nelson Road are to match the design verge levels as detailed in The Water Lane Upgrade – Section A between Annangrove Road and Nelson</p>
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	<p>Road 100% Detailed Design, Plan no. 110723-03, issue B, dated 23/10/23 (as amended). Any vehicle/pedestrian transition grades and levels to accommodate the development are to occur wholly within the development site.</p> <p>Vehicle access and driveway longitudinal sections must be revised to comply with AS2890.1 and AS2890.2.</p> <p>Earth batters of 1V:4H (or flatter gradients) are to be provided along The Water Lane frontage within the road reserve.</p> <p>d) Concrete Footpath</p> <p>A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on one side of Nelson Road in accordance with the DCP and the above documents.</p> <p>A 1.2m wide concrete footpath, including access ramps at all intersections, must be provided on both sides of Terrain Street in accordance with the DCP and the above documents.</p> <p>e) Disused Layback/ Driveway Removal</p> <p>All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.</p> <p>f) Earthworks/ Site Regrading</p> <p>Earthworks and retaining walls are limited to those locations and heights shown on the concept engineering plan prepared by at & I 22-1068-DAC230 Revision B. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed. Retaining walls between lots must be located on the high side lot that is being retained, save the need for easements for support on the low side lot adjacent.</p> <p>Any retaining walls proposed along the property boundaries shall be designed to such that they accept and cater for any surface runoff from the up slope adjoining land in a 'failsafe' manner without affecting any other property. No diversion or concentration of stormwater surface flows will be permitted. Proposed retaining walls including footings and subsoil drains shall be design and constructed fully inside the property boundary.</p> <p>g) Stormwater Drainage – Creek Outlets</p> <p>Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council, the Natural Resources Access Regulator (even where the receiving waterbody is not a natural watercourse) and Sydney Water, in the case of stormwater management land.</p> <p>Survey plan over the downstream property where the proposed headwall and rip-rap are located shall be provided with the detailed design.</p> <p>Concurrence from the Natural Resources Access Regulator might be required. The applicant is responsible to obtain any approval for this work.</p> <p>Roads Act approval and Subdivision Works Certificate associated with the above civil works must be issued to the Certifier prior to the issue of any Construction Certificate or Subdivision Works Certificate.</p>
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	<p>Condition reason: To ensure that the engineering design associated with this development have been designed and completed in accordance with Australian standards, Council's relevant DCP and Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments</p>
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BEFORE WORK COMMENCES

155.	<p>Public Infrastructure Inventory Report</p>
	<p>Before works commencing on site the Principal Contractor must get a public infrastructure inventory report 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:</p> <ul style="list-style-type: none"> a) Planned construction access and delivery routes; and b) Dated photographic evidence of the condition of all public assets.
	<p>Condition reason: To document the condition of public infrastructure prior to works commencing.</p>
156.	<p>Dust Management Plan – Major Subdivision Works</p>
	<p>Before works commencing on site the Principal Contractor must get a site specific dust management plan developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:</p> <ul style="list-style-type: none"> • Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified. • Additives that can be mixed with the water to aid dust suppression. • A dust cloth must be installed along the perimeter of the site. • Where required, a sprinkler/ misting system along the perimeter of the site. • Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered. • Speed control on haul routes. • Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.

	<ul style="list-style-type: none"> • Interim seeding and/ or hydro-mulching of exposed areas as work progresses. • Final topsoil placement and planting or seeding exposed areas as soon as possible. • Jute matting of the core riparian zone within any creeks/ riparian corridors. • Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable. • Education of all site personnel on reducing dust. • Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to. <p>How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness</p> <p>Condition reason: To ensure appropriate dust control in is in place for large subdivision works.</p>
157.	<p>Dilapidation report</p> <p>Before any site work commences, a dilapidation report must be prepared by a suitably qualified engineer detailing the structural condition of adjoining buildings, structures or works and public land, to the satisfaction of the COUNCIL.</p> <p>Where access has not been granted to any adjoining properties to prepare the dilapidation report, the report must be based on a survey of what can be observed externally and demonstrate, in writing, to the satisfaction of the Council, that all reasonable steps were taken to obtain access to the adjoining properties.</p> <p>No less than five days before any site work commences, adjoining building owner(s) must be provided with a copy of the dilapidation report for their property(ies) and a copy of the report(s) must be provided to council (where council is not the principal certifier) at the same time.</p> <p>Condition reason: To establish and document the structural condition of adjoining properties and public land for comparison as site work progresses and is completed and ensure neighbours and council are provided with the dilapidation report</p>
158.	<p>Traffic Control Plan</p> <p>Before the works commence on site a person with the relevant accreditation must complete and approve/sign a Traffic Control relevant to the site. A copy of the plan must be submitted to Council's Manager- Subdivision and Development Certification before being implemented.</p> <p>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.</p> <p>Condition reason: To Ensure safe movement of vehicles around/past the site</p>
159.	<p>Contractors Details</p>

	<p>Before works commencing on site the Principal contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$20,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works.</p> <p>A copy of this insurance must be submitted to Council prior to works commencing.</p> <p>Condition reason: To address requirements under Section 109E(3) of the Environmental Planning and Assessment Act 1979</p>
160.	<p>Pavement Design</p> <p>Before the commencement of works, the applicant must have a pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) prepared by a geotechnical engineer submitted to Council for approval.</p> <p>Condition reason: To ensure a pavement specific pavement design is approved for construction and documented before works commence.</p>
161.	<p>Service Authority Consultation – Subdivision Works</p> <p>Before the subdivision works commence documentary evidence must be submitted to the PC confirming that satisfactory arrangements have been made for:</p> <ul style="list-style-type: none"> • The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. • The provision of water and sewerage facilities. • The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 19978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required. <p>Condition reason: To ensure appropriate provisions are made for supply of utility services within the subdivision.</p>

DURING WORKS

162.	<p>Standard of Works</p> <p>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.</p> <p>Condition reason: To ensure all works are carried out in accordance with Council's Works Specification Subdivisions/ Developments.</p>
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163.	Critical Stage Inspections – Subdivision Works
	During Construction the Principal Contractor is to ensure a minimum of 24 hours' notice is provide to Council for inspections. No works are to commence until the first inspection has been carried out.
	Condition reason: To provide adequate notice to Council as the Principal Certifier to arrange inspections to be completed.

BEFORE ISSUE OF SUBDIVISION CERTIFICATE/OCCUPATION CERTIFICATE

164.	Public Infrastructure Inventory Report - Post Construction
	Before the release of an Occupation Certificate an updated public infrastructure inventory report must be prepared and submitted to Council. The updated report must identify any damage to public assets and the means of rectification for the approval of Council.
	Condition reason: To ensure protection and where required suitable remediation of public assets
165.	Stormwater CCTV Recording
	All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.
	Condition reason: To ensure all newly built and existing stormwater infrastructure traversing the site have been constructed to Council satisfaction without any defects and all products used are in accordance with the approved plans.
166.	Performance/ Maintenance Security Bond
	Before the release of a Subdivision Certificate and/or Occupation certification the applicant must submit a performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$10,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.
	Condition reason: To ensure performance pf Public assets in accordance with Section 4.17(6) of Environmental Planning and Assessment Act 1979
167.	Subdivision Public Asset Creation Summary
	A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.
	Condition reason: To assist in computing the total quantities of public asset/ inventory being handed over to Council.

168.	Completion of Subdivision Works
	Before the release of a Subdivision Certificate the Principal Certifier must ensure completion of all subdivision works covered by this consent
	Condition reason: To ensure all works required by this consent are completed prior to release of subdivision certificate
169.	Works as Executed Plans
	Before the release of a Subdivision Certificate the applicant must have completed a Works as executed (WAE) plan prepared by a suitably qualified engineer or registered surveyor for all subdivision/Engineering works. This Plan is to be submitted to the Principal Certifier The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.
	Condition reason: To ensure works have been completed in accordance with the plans approved by the relevant certifier and in accordance with Council Standards. Required plans also provide a reference to Council for all works constructed, some of which may be dedicated to Council.
170.	Provision of Electrical Services
	Before the release of a Subdivision Certificate a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services must be submitted to the Principal Certifier. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.
	Condition reason: To ensure lots created are appropriately serviced by a relevant electrical services provider
171.	Final Plan and Section 88B Instrument
	Before the release of the subdivision Certificate the final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used. a) Dedication – New Road The dedication of the proposed public roads must be included on the final plan in accordance with the undertaking submitted relating to dedication Terrain Street including the splay at the Terrain Street/The Water Lane intersection as detailed in drawing no. 22-1068-DAC213, prepared by at&l , revision D, dated 6/12/24. b) Restriction – Restricted Access The subject site must be burdened with a restriction precluding access to The Water Lane using the 'restricted access' terms including the standard recitals. c) Restriction/ Covenant – Onsite Stormwater Detention

	<p>The property must be burdened with a restriction and a positive covenant using the “onsite stormwater detention systems” terms included in the standard recitals.</p> <p>d) Restriction/ Covenant – Water Sensitive Urban Design</p> <p>The property must be burdened with a restriction and a positive covenant that refers to the WSUD elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.</p> <p>e) Restriction/ Covenant – Temporary Stormwater Management (Box Hill)</p> <p>The property must be burdened with a restriction and a positive covenant that refers to the temporary stormwater management measures referred to earlier in this consent using the “temporary stormwater management” terms included in the standard recitals.</p> <p>f) Positive Covenant – Stormwater Pump</p> <p>The subject site must be burdened with a restriction and a positive using the “basement stormwater pump system” terms included in the standard recitals.</p> <p>Condition reason: To ensure appropriate restrictions, positive covenants and easements are created and legally binding to address where relevant, conditions of consent.</p>
172.	<p>Adjoining Property Dilapidation Report Post Construction</p> <p>Before the release of a Subdivision Certification 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.</p> <p>Condition reason: To ensure protection and where required, suitable remediation of adjoining properties</p>

LAND SUBDIVISION GENERAL CONDITIONS

173.	<p>Subdivision Certificate Preliminary Review</p> <p>Before the submission of a Subdivision Certificate application, a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted to Council in order to establish that all conditions have been complied with.</p> <p>Condition reason: To ensure that all conditions have been complied with.</p>
174.	<p>Process for Council Endorsement of Legal Documentation</p> <p>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 to Council 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.</p>

	Condition reason: To ensure all parties are aware of the process and documentation required to remove an encumbrance on the title of a property where Council is the benefiting authority.
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BEFORE ISSUE OF SUBDIVISION CERTIFICATE

175.	Subdivision Certificate Application
	When submitted, the Subdivision Certificate application must include: <ul style="list-style-type: none"> a) One copy of the final plan. b) The original administration sheet and Section 88B instrument. c) All certificates and supplementary information required by this consent. d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).
	Condition reason: To ensure the applicant is aware of the documentation required for the subdivision certificate application.

ATTACHMENT B: TABLES OF COMPLIANCE

a) Compliance with SEPP (Transport and Infrastructure) 2021 – Formerly SEPP (Educational Establishments and Child Care Facilities) 2017

- **SECTION 1:** SEPP (TRANSPORT AND INFRASTRUCTURE) 2021
- **SECTION 2:** NATIONAL REGULATIONS CHECKLIST
- **SECTION 3:** EXCERPT OF CLAUSE 107 AND 108 OF NATIONAL REGULATIONS
- **SECTION 4:** CHILD CARE CENTRE GUIDELINES
- **SECTION 5:** DCP PART B SECTION 6 – BUSINESS

SECTION 1: SEPP (TRANSPORT AND INFRASTRUCTURE) 2021 – CHAPTER 3 PART 3.3 – EARLY EDUCATION AND CARE FACILITIES – SPECIFIC DEVELOPMENT CONTROLS		
Clause 3.22 – Concurrence of the Regulatory Authority		
Requirement	Proposal	Compliance
Is concurrence of the Regulatory Authority (the Secretary of the Department of Education) required under Clause 22 of the SEPP? Note: concurrence required where the indoor/outdoor space does not meet the requirements of the National Regulations (Clause 107 and 108). See Section 3 of Table of Compliance for requirements.	Concurrence with the regulatory authority is not required under clause 3.22 of the SEPP. 3.42sqm/ child of unencumbered indoor play area provided. 7sqm/ child of unencumbered outdoor play area provided.	N/A
If yes, has the proposal been forwarded to the Department of Education within 7 days of receiving the Development Application with the area requiring concurrence stipulated?	N/A	N/A
If concurrence of the Regulatory Authority was required, the notice of determination is to be forwarded to them within 7 days.	N/A	N/A
Clause 3.23 – Matters for consideration by consent authorities		
Before determining a development application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the <i>Child Care Planning Guideline</i> , in relation to the proposed development.	Refer to the below assessment	Yes
Clause 3.24 – Centre-based child care facility in Zone IN1 or IN2		
Is the proposed development compatible with neighbouring land uses, including its proximity to restricted premises, sex services premises or hazardous land uses?	N/A – the site is zoned B2 and R4.	N/A
Does the proposal have the potential to restrict the operation of existing industrial land uses?	N/A	N/A

Does the location of the proposed development will pose a health or safety risk to children, visitors or staff?	N/A	N/A
Clause 3.25 – Floor Space Ratio		
Development consent must not be granted for the purposes of a centre-based child care facility in Zone R2 Low Density Residential if the floor space ratio for the building on the site of the facility exceeds 0.5:1. This section does not apply if another environmental planning instrument or a development control plan sets a maximum floor space ratio for the centre-based child care facility.	N/A – the site is zoned B2 and R4.	N/A
Clause 3.26 – Non-discretionary development standards The proposal cannot be refused on the following grounds (bold) if the standard is met:		
Location —the development may be located at any distance from an existing or proposed early education and care facility,	Noted	Yes
indoor or outdoor space for development to which regulation 107 (indoor unencumbered space requirements) or 108 (outdoor unencumbered space requirements) of the Education and Care Services National Regulations applies — the unencumbered area of indoor space and the unencumbered area of outdoor space for the development complies with the requirements of those regulations, <u>or</u> for development to which clause 28 (unencumbered indoor space and useable outdoor play space) of the Children (Education and Care Services) Supplementary Provisions Regulation 2012 applies—the development complies with the indoor space requirements or the useable outdoor play space requirements in that clause,	Refer to assessment below	Yes
site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth,	Noted	Yes
colour of building materials or shade structures - the development may be of any colour or colour scheme unless it is a State or local heritage item or in a heritage conservation area.	Satisfactory – the site/ development does not relate to a State or Local heritage item and is not within a heritage conservation area.	Yes
Clause 3.27 – Development Control Plans		
A provision of a development control plan that specifies a requirement, standard or	Noted	Yes

<p>control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) <u>does not apply</u> to development for the purpose of a centre-based child care facility:</p> <ul style="list-style-type: none"> a) operational or management plans or arrangements (including hours of operation), b) demonstrated need or demand for child care services, c) proximity of facility to other early childhood education and care facilities; and d) any matter relating to development for the purpose of a centre-based child care facility contained in: <ul style="list-style-type: none"> • the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or • the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). 		
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Note: Part 3.3 of SEPP also includes other provisions relating to exempt and complying development, home based child care & OOSH (Clause 3.28-3.33)

SECTION 2: NATIONAL QUALITY FRAMEWORK ASSESSMENT CHECKLIST (PART 4 OF GUIDELINES)				
NOTE: PART 4 OF THE CHILD CARE GUIDELINES INCLUDES DESIGN GUIDANCE FOR EACH CLAUSE THAT SHOULD ALSO BE CONSIDERED IN ADDITION TO THE BELOW.				
CLAUSE	STANDARD	REQUIRED	PROPOSED	COMPLIANCE
104	Fencing or barrier that encloses outdoor spaces	<p>Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.</p> <p>Note: This clause does not apply to a centre-based service primarily for children over preschool age or a family day care residence or venue for over preschool age children.</p>	The Acoustic Report requires a 1.8m imperforate barrier to be installed around the full perimeter of the childcare outdoor play areas. Barriers are to be constructed of concrete, masonry, lapped and capped timber, colourbond steel, glazing/Perspex or equivalent construction.	Yes

		Fencing height, materials and style to be shown on plans.	A Crash barrier is provided.	
106	Laundry and hygiene facilities	The proposed development includes laundry facilities or access to laundry facilities OR explains the other arrangements for dealing with soiled clothing, nappies and linen, including hygienic facilities for storage of soiled clothing, nappies and linen prior to their disposal or laundering. Laundry/hygienic facilities are located where they do not pose a risk to children.	Laundry facilities are provided within the development	Yes
107	Unencumbered indoor space	3.25 square metres of unencumbered indoor space for each child. Has the calculation of unencumbered space been undertaken in accordance with the Regulations? See excerpt of Clause 107 and 108 at the end of this table of compliance.	$140 \times 3.25 = 455\text{sqm}$ required. 487sqm provided. 3.42sqm/ child of unencumbered indoor play area provided.	Yes
108	Unencumbered outdoor space	7.0 square metres of unencumbered outdoor space for each child. Has the calculation of unencumbered space been undertaken in accordance with the Regulations? Calculating unencumbered space for outdoor areas should not include areas of dense hedges or plantings along boundaries which are designed for landscaping purposes and not for children's play Verandahs as outdoor space Where a covered space such as a verandah is to be included in outdoor space it should:	$140 \times 7 = 980\text{sqm}$ required 991sqm provided. 7.08sqm/ child of unencumbered outdoor play area provided.	Yes

		<ul style="list-style-type: none"> • be open on at least one third of its perimeter • have a clear height of 2.1 metres • have a wall height of less than 1.4 metres where a wall with an opening forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements 		
109	Toilet and hygiene facilities	The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities for use by children being educated and cared for by the service.	Age appropriate toilet, washing and drying facilities are provided.	Yes
		The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	Satisfactory	Yes
		Have the number of toilets and hand basins been shown on the plans?	Relevant detail outlined on the plans	Yes
110	Ventilation and natural light	The proposed development includes indoor spaces to be used by children that — • will be well ventilated; and • will have adequate natural light; and • can be maintained at a temperature that ensures the safety and well-being of children.	Satisfactory	Yes
		Do the plans indicate how natural ventilation and lighting is achieved?	Satisfactory	Yes
111	Administrative space	The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service; and consulting with parents of children; and conducting private conversations. Note: This space cannot be included in the calculation	Adequate administration space provided – separate area designated for staff/ office use.	Yes

		of unencumbered indoor space – see regulation 107 Do the plans indicate suitable administrative space?		
112	Nappy change facilities	The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing facilities for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.	Nappy change facilities provided	Yes
		Do the plans indicate nappy change facilities?	Location of nappy change facilities provided	Yes
113	Outdoor space – natural environment	The proposed development includes outdoor spaces that will allow children to explore and experience the natural environment. Is it adequately detailed on the plans?	Satisfactory – refer to landscape plans.	Yes
114	Outdoor space – shade	The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun. Is the provision of shade adequately detailed on the plans?	Adequate shaded areas provided within the outdoor play area.	Yes
115	Premises designed to facilitate supervision	The proposed development (including toilets and nappy change facilities) are designed in a way that facilitates supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	Windows and doors provided throughout the development to enhance supervision within the centre.	Yes

SECTION 3: EXCERPT OF CLAUSE 107 AND 108 OF NATIONAL REGULATIONS

Clause	Standard	Requirement
107	Unencumbered indoor space	<p>(3) In calculating the area of unencumbered indoor space—</p> <p>(a) the following areas are to be excluded—</p> <ul style="list-style-type: none"> (i) any passageway or thoroughfare (including door swings); (ii) any toilet and hygiene facilities; (iii) any nappy changing area or area for preparing bottles; (iv) any area permanently set aside for the use or storage of cots; (v) any area permanently set aside for storage; (vi) any area or room for staff or administration; (vii) any other space that is not suitable for children; <p>(b) the area of a kitchen is to be excluded, unless the kitchen is primarily to be used by children as part of an educational program provided by the service.</p> <p>(4) The area of a verandah may be included in calculating the area of indoor space only with the written approval of the Regulatory Authority.</p> <p>(5) A verandah that is included in calculating the area of outdoor space cannot be included in calculating the area of indoor space.</p>
108	Unencumbered outdoor space	<p>(3) In calculating the area of unencumbered outdoor space required, the following areas are to be excluded—</p> <ul style="list-style-type: none"> (a) any pathway or thoroughfare, except where used by children as part of the education and care program; (b) any car parking area; (c) any storage shed or other storage area; (d) any other space that is not suitable for children. <p>(4) A verandah that is included in calculating the area of indoor space cannot be included in calculating the area of outdoor space.</p> <p>(5) An area of unencumbered indoor space may be included in calculating the outdoor space of a service that provides education and care to children over preschool age if—</p> <ul style="list-style-type: none"> (a) the Regulatory Authority has given written approval; and (b) that indoor space has not been included in calculating the indoor space under regulation 107.

SECTION 4: CHILD CARE CENTRE GUIDELINES (PART 3)

CLAUSE	REQUIRED	PROPOSED	COMPLIANCE
3.1 – Site Selection and Location			
C1	For proposed developments in or adjacent to a residential zone, consider:	The proposed development is located within a B2 Local	Yes

	<ul style="list-style-type: none"> • the acoustic and privacy impacts of the proposed development on the residential properties • the setbacks and siting of buildings within the residential context • traffic and parking impacts of the proposal on residential amenity 	<p>Centre however adjoins residential zones.</p> <p>The acoustic report has demonstrated that the noise generated by the childcare is within acceptable noise criteria levels.</p> <p>The childcare is otherwise separated by Terrain Street from the residential areas and is sufficiently setback.</p> <p>Sufficient parking will be available on site.</p>	
	<p>For proposed developments in commercial and industrial zones, consider:</p> <ul style="list-style-type: none"> • potential impacts on the health, safety and wellbeing of children, staff and visitors with regard to local environmental or amenity issues such as air or noise pollution and local traffic conditions • the potential impact of the facility on the viability of existing commercial or industrial uses. 	<p>The proposed development is located with a B2 Local Centre. The proposed uses of the centre are not considered to generate any impact on the health, safety and wellbeing of children, staff and visitors.</p>	Yes
	<p>For proposed developments in public or private recreation zones, consider:</p> <ul style="list-style-type: none"> • the compatibility of the proposal with the operations and nature of the community or private recreational facilities • if the existing premises is licensed for alcohol or gambling • if the use requires permanent or casual occupation of the premises or site • the availability of on site parking • compatibility of proposed hours of operation with surrounding uses, particularly residential uses • the availability of appropriate and dedicated sanitation facilities for the development. 	N/A	N/A
	<p>For proposed developments on school, TAFE or university sites in Special Purpose zones, consider:</p> <ul style="list-style-type: none"> • the compatibility of the proposal with the operation of the institution and its users • the proximity of the proposed facility to other uses on the site, including premises licensed for alcohol or gambling • proximity to sources of noise, such as places of entertainment or mechanical workshops • proximity to odours, particularly at agricultural institutions 	N/A	N/A

	<ul style="list-style-type: none"> • previous uses of a premises such as scientific, medical or chemical laboratories, storage areas and the like. 		
C2	<p>When selecting a site, ensure that:</p> <ul style="list-style-type: none"> • the location and surrounding uses are compatible with the proposed development or use • the site is environmentally safe including risks such as flooding, land slip, bushfires, coastal hazards • there are no potential environmental contaminants on the land, in the building or the general proximity, and whether hazardous materials remediation is needed • the characteristics of the site are suitable for the scale and type of development proposed having regard to: - size of street frontage, lot configuration, dimensions and overall size - number of shared boundaries with residential properties - the development will not have adverse environmental impacts on the surrounding area, particularly in sensitive environmental or cultural areas • where the proposal is to occupy or retrofit an existing premises, the interior and exterior spaces are suitable for the proposed use • there are suitable drop off and pick up areas, and off and on street parking • the type of adjoining road (for example classified, arterial, local road, cul-de-sac) is appropriate and safe for the proposed use • it is not located closely to incompatible social activities and uses such as restricted premises, injecting rooms, drug clinics and the like, premises licensed for alcohol or gambling such as hotels, clubs, cellar door premises and sex services premises. 	The location is considered satisfactory.	Yes
C3	<p>A child care facility should be located:</p> <ul style="list-style-type: none"> • near compatible social uses such as schools and other educational establishments, parks and other public open space, community facilities, places of public worship • near or within employment areas, town centres, business centres, shops • with access to public transport including rail, buses, ferries • in areas with pedestrian connectivity to the local community, businesses, shops, services and the like. 	The proposed development is located within a B2 Local Centre and will be in areas with pedestrian connectivity to the proposed Nelson Road Village.	Yes
C4	A child care facility should be located to avoid risks to children, staff or visitors and	The location of the proposed childcare is not	Yes

	<p>adverse environmental conditions arising from:</p> <ul style="list-style-type: none"> • proximity to: <ul style="list-style-type: none"> - heavy or hazardous industry, waste transfer depots or landfill sites - LPG tanks or service stations - water cooling and water warming systems - odour (and other air pollutant) generating uses and sources or sites which, due to prevailing land use zoning, may in future accommodate noise or odour generating uses - extractive industries, intensive agriculture, agricultural spraying activities • any other identified environmental hazard or risk relevant to the site and/ or existing buildings within the site. 	considered to be within proximity to any of these specific uses.	
3.2 – Local Character, Streetscape and Public Domain Interface			
C5	<p>The proposed development should:</p> <ul style="list-style-type: none"> • contribute to the local area by being designed in character with the locality and existing streetscape • reflect the predominant form of surrounding land uses, particularly in low density residential areas • recognise predominant streetscape qualities, such as building form, scale, materials and colours • include design and architectural treatments that respond to and integrate with the existing streetscape • use landscaping to positively contribute to the streetscape and neighbouring amenity • integrate car parking into the building and site landscaping design in residential areas. 	<p>The proposed childcare forms part of the proposed mixed use development and integrates into the design of the local centre.</p> <p>The childcare visually presents as two storeys and is consistent with the adjoining residential areas.</p>	Yes
C6	<p>Create a threshold with a clear transition between public and private realms, including:</p> <ul style="list-style-type: none"> • fencing to ensure safety for children entering and leaving the facility • windows facing from the facility towards the public domain to provide passive surveillance to the street as a safety measure and connection between the facility and the community • integrating existing and proposed landscaping with fencing. 	Satisfactory – the site provides a fencing barrier to ensure safety of the children and provides passive surveillance opportunities.	Yes
C7	On sites with multiple buildings and/or entries, pedestrian entries and spaces associated with the child care facility should be differentiated to improve legibility for visitors and children by	The childcare entry is separated/ clearly delineated from the remainder of the mixed use development.	Yes

	changes in materials, plant species and colours.		
C8	Where development adjoins public parks, open space or bushland, the facility should provide an appealing streetscape frontage by adopting some of the following design solutions: <ul style="list-style-type: none"> • clearly defined street access, pedestrian paths and building entries • low fences and planting which delineate communal/ private open space from adjoining public open space • minimal use of blank walls and high fences. 	N/A	N/A
C9	Fences and walls within the front setback should be constructed of visually permeable materials and treatments. Where the site is listed as a heritage item, adjacent to a heritage item or within a conservation area front fencing should be designed in accordance with local heritage provisions.	Satisfactory fencing provided – refer to landscape plans.	Yes
C10	High solid acoustic fencing may be used when shielding the facility from noise on classified roads. The walls should be setback from the property boundary with screen landscaping of a similar height between the wall and the boundary.	N/A – child care not on a classified road	N/A
3.3 – Building Orientation, envelope and design			
C11	Orient a development on a site and design the building layout to: <ul style="list-style-type: none"> • ensure visual privacy and minimise potential noise and overlooking impacts on neighbours by: <ul style="list-style-type: none"> - facing doors and windows away from private open space, living rooms and bedrooms in adjoining residential properties - placing play equipment away from common boundaries with residential properties - locating outdoor play areas away from residential dwellings and other sensitive uses • optimise solar access to internal and external play areas • avoid overshadowing of adjoining residential properties • minimise cut and fill • ensure buildings along the street frontage define the street by facing it • ensure that where a child care facility is located above ground level, outdoor play 	The development is considered to be designed to ensure visual privacy and minimise noise where practical.	Yes

	areas are protected from wind and other climatic conditions.		
C12	<p>The following matters may be considered to minimise the impacts of the proposal on local character:</p> <ul style="list-style-type: none"> • building height should be consistent with other buildings in the locality • building height should respond to the scale and character of the street • setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility • setbacks should provide adequate access for building maintenance • setbacks to the street should be consistent with the existing character 	The proposed building height of the childcare complies with the development standard.	Yes
C13	Where there are no prevailing setback controls minimum setback to a classified road should be 10 metres. On other road frontages where there are existing buildings within 50 metres, the setback should be the average of the two closest buildings. Where there are no buildings within 50 metres, the same setback is required for the predominant adjoining land use.	There are setback controls in place.	N/A
C14	On land in a residential zone, side and rear boundary setbacks should observe the prevailing setbacks required for a dwelling house.	The childcare portion of the development is located in R4 zoned land, however does not abut any other residential lots due to the surrounding road network. The setbacks proposed for the childcare are consistent with the remainder of the mixed use development.	Yes
C15	<p>The built form of the development should contribute to the character of the local area, including how it:</p> <ul style="list-style-type: none"> • respects and responds to its physical context such as adjacent built form, neighbourhood character, streetscape quality and heritage • contributes to the identity of the place • retains and reinforces existing built form and vegetation where significant • considers heritage within the local neighbourhood including identified heritage items and conservation areas • responds to its natural environment including local landscape setting and climate • contributes to the identity of place. 	The proposed development is considered to contribute to the character of the local area.	Yes

C16	<p>Entry to the facility should be limited to one secure point which is:</p> <ul style="list-style-type: none"> • located to allow ease of access, particularly for pedestrians • directly accessible from the street where possible • directly visible from the street frontage • easily monitored through natural or camera surveillance • not accessed through an outdoor play area. • in a mixed-use development, clearly defined and separate from entrances to other uses in the building. 	<p>The main pedestrian entry to the childcare is proposed from the Terrain Street frontage. Lift/ stair access is provided to the car parking area below.</p> <p>The childcare entrance is clearly defined and separate from entrances to the remainder of the mixed use development.</p>	Yes
C17	<p>Accessible design can be achieved by:</p> <ul style="list-style-type: none"> • providing accessibility to and within the building in accordance with all relevant legislation • linking all key areas of the site by level or ramped pathways that are accessible to prams and wheelchairs, including between all car parking areas and the main building entry • providing a continuous path of travel to and within the building, including access between the street entry and car parking and main building entrance. Platform lifts should be avoided where possible • minimising ramping by ensuring building entries and ground floors are well located relative to the level of the footpath. <p>NOTE: The National Construction Code, the Discrimination Disability Act 1992 and the Disability (Access to Premises – Buildings) Standards 2010 set out the requirements for access to buildings for people with disabilities.</p>	<p>The main entry is level with the footpath of Terrain Street. Access from the parking areas is via lift or stairs.</p>	Yes
3.4 – Landscaping			
C18	<p>Appropriate planting should be provided along the boundary integrated with fencing. Screen planting should not be included in calculations of unencumbered outdoor space. Use the existing landscape where feasible to provide a high quality landscaped area by:</p> <ul style="list-style-type: none"> • reflecting and reinforcing the local context • incorporating natural features of the site, such as trees, rocky outcrops and vegetation communities into landscaping. 	<p>Sufficient boundary fencing and landscaping provided.</p>	Yes
C19	<p>Incorporate car parking into the landscape design of the site by:</p> <ul style="list-style-type: none"> • planting shade trees in large car parking areas to create a cool outdoor 	<p>Basement car parking areas are proposed/ not suitable for planting.</p>	Yes

	<p>environment and reduce summer heat radiating into buildings</p> <ul style="list-style-type: none"> • taking into account streetscape, local character and context when siting car parking areas within the front setback • using low level landscaping to soften and screen parking areas. 		
3.5 – Visual and Acoustic Privacy			
C20	<p>Open balconies in mixed use developments should not overlook facilities nor overhang outdoor play spaces.</p>	No open balconies overlooking the childcare facilities are proposed.	Yes
C21	<p>Minimise direct overlooking of indoor rooms and outdoor play spaces from public areas through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitably locating pathways, windows and doors • permanent screening and landscape design. 	<p>There is minimal overlooking from public areas into the proposed play rooms. Sufficient landscaping has been provided to screen play spaces.</p>	Yes
C22	<p>Minimise direct overlooking of main internal living areas and private open spaces in adjoining developments through:</p> <ul style="list-style-type: none"> • appropriate site and building layout • suitable location of pathways, windows and doors • landscape design and screening. 	<p>Satisfactory – there is no residential component proposed as part of this mixed use development and adjoining residential areas do not overlook the childcare.</p>	Yes
C23	<p>A new development, or development that includes alterations to more than 50 per cent of the existing floor area, and is located adjacent to residential accommodation should:</p> <ul style="list-style-type: none"> • provide an acoustic fence along any boundary where the adjoining property contains a residential use. (An acoustic fence is one that is a solid, gap free fence). • ensure that mechanical plant or equipment is screened by solid, gap free material and constructed to reduce noise levels e.g. acoustic fence, building, or enclosure. 	<p>Sufficient fencing provided. Noise generated is within acceptable criteria.</p>	Yes
C24	<p>A suitably qualified acoustic professional should prepare an acoustic report which will cover the following matters:</p> <ul style="list-style-type: none"> • identify an appropriate noise level for a child care facility located in residential and other zones • determine an appropriate background noise level for outdoor play areas during times they are proposed to be in use 	<p>An acoustic report has been submitted with the application. Acceptable noise levels achieved. Refer to Health comments.</p>	Yes

	<ul style="list-style-type: none"> determine the appropriate height of any acoustic fence to enable the noise criteria to be met. 		
3.6 – Noise and Air Pollution			
C25	<p>Adopt design solutions to minimise the impacts of noise, such as:</p> <ul style="list-style-type: none"> creating physical separation between buildings and the noise source orienting the facility perpendicular to the noise source and where possible buffered by other uses using landscaping to reduce the perception of noise limiting the number and size of openings facing noise sources using double or acoustic glazing, acoustic louvres or enclosed balconies (wintergardens) using materials with mass and/or sound insulation or absorption properties, such as solid balcony balustrades, external screens and soffits locating cot rooms, sleeping areas and play areas away from external noise sources. 	The childcare has been designed to minimise noise impacts.	Yes
C26	<p>An acoustic report should identify appropriate noise levels for sleeping areas and other non play areas and examine impacts and noise attenuation measures where a child care facility is proposed in any of the following locations:</p> <ul style="list-style-type: none"> on industrial zoned land where the ANEF contour is between 20 and 25, consistent with AS 2021 – 2000 along a railway or mass transit corridor, as defined by State Environmental Planning Policy (Infrastructure) 2007 on a major or busy road other land that is impacted by substantial external noise. 	N/A	N/A
C27	Locate child care facilities on sites which avoid or minimise the potential impact of external sources of air pollution such as major roads and industrial development.	N/A – not adjacent to a classified road or industrial development	N/A
C28	<p>A suitably qualified air quality professional should prepare an air quality assessment report to demonstrate that proposed child care facilities close to major roads or industrial developments can meet air quality standards in accordance with relevant legislation and guidelines. The air quality assessment report should evaluate design considerations to minimise air pollution such as:</p> <ul style="list-style-type: none"> creating an appropriate separation distance between the facility and the 	N/A – air quality assessment not required as development is not adjacent to a classified road or industrial developments	N/A

	<p>pollution source. The location of play areas, sleeping areas and outdoor areas should be as far as practicable from the major source of air pollution</p> <ul style="list-style-type: none"> • using landscaping to act as a filter for air pollution generated by traffic and industry. Landscaping has the added benefit of improving aesthetics and minimising visual intrusion from an adjacent roadway • incorporating ventilation design into the design of the facility 		
3.7 – Hours of Operation			
C29	Hours of operation within areas where the predominant land use is residential should be confined to the core hours of 7.00am to 7.00pm weekdays. The hours of operation of the proposed child care facility may be extended if it adjoins or is adjacent to non-residential land uses.	Proposed hours of operation are 7am to 7pm Monday to Friday.	Yes
C30	Within mixed use areas or predominantly commercial areas, the hours of operation for each child care facility should be assessed with respect to its compatibility with adjoining and co-located land uses.	The proposed hours of operation are considered compatible with the remainder of the mixed use development.	Yes
3.8 – Traffic, parking and pedestrian circulation			
C31	Off street car parking should be provided at the rates for child care facilities specified in a Development Control Plan that applies to the land.	A minimum of 44 parking spaces are required as per the DCP. 112 parking spaces are provided on the mezzanine level which provides lift/ stair access to the childcare.	Yes
C32	In commercial or industrial zones and mixed use developments, on street parking may only be considered where there are no conflicts with adjoining uses, that is, no high levels of vehicle movement or potential conflicts with trucks and large vehicles.	No on street parking is proposed.	Yes
C33	<p>A Traffic and Parking Study should be prepared to support the proposal to quantify potential impacts on the surrounding land uses and demonstrate how impacts on amenity will be minimised. The study should also address any proposed variations to parking rates and demonstrate that:</p> <ul style="list-style-type: none"> • the amenity of the surrounding area will not be affected • there will be no impacts on the safe operation of the surrounding road network. 	Satisfactory parking provided. The traffic generation is considered acceptable.	Yes

C34	<p>Alternate vehicular access should be provided where child care facilities are on sites fronting:</p> <ul style="list-style-type: none"> • a classified road • roads which carry freight traffic or transport dangerous goods or hazardous materials. <p>The alternate access must have regard to:</p> <ul style="list-style-type: none"> • the prevailing traffic conditions • pedestrian and vehicle safety including bicycle movements • the likely impact of the development on traffic. 	N/A – the site is not on a classified road.	N/A
C35	<p>Child care facilities proposed within cul-de-sacs or narrow lanes or roads should ensure that safe access can be provided to and from the site, and to and from the wider locality in times of emergency.</p>	N/A – the site is not on a cul-de-sac or narrow lane/ road.	N/A
C36	<p>The following design solutions may be incorporated into a development to help provide a safe pedestrian environment:</p> <ul style="list-style-type: none"> • separate pedestrian access from the car park to the facility • defined pedestrian crossings included within large car parking areas • separate pedestrian and vehicle entries from the street for parents, children and visitors • pedestrian paths that enable two prams to pass each other • delivery and loading areas located away from the main pedestrian access to the building and in clearly designated, separate facilities • in commercial or industrial zones and mixed use developments, the path of travel from the car parking to the centre entrance physically separated from any truck circulation or parking areas • vehicles can enter and leave the site in a forward direction. 	Defined pedestrian pathways are provide within the parking areas.	Yes
C37	<p>Mixed use developments should include:</p> <ul style="list-style-type: none"> • driveway access, manoeuvring areas and parking areas for the facility that are separate to parking and manoeuvring areas used by trucks • drop off and pick up zones that are exclusively available for use during the facility's operating hours with spaces clearly marked accordingly, close to the main entrance and preferably at the same floor level. Alternatively, direct access should avoid crossing driveways or maneuvering areas used by vehicles accessing other parts of the site <p>parking that is separate from other uses, located and grouped together and</p>	Satisfactory access arrangements provided for the development for cars and trucks.	Yes

	conveniently located near the entrance or access point to the facility.		
C38	<p>Car parking design should:</p> <ul style="list-style-type: none"> • include a child safe fence to separate car parking areas from the building entrance and play areas • provide clearly marked accessible parking as close as possible to the primary entrance to the building in accordance with appropriate Australian Standards • include wheelchair and pram accessible parking. 	<p>The parking area is on a separate level and is considered to be separate from the building entrance and play areas.</p> <p>Accessible parking areas are provided.</p>	Yes

Part B Section 6 Business – The Hills Development Control Plan

Note: Section 5.6.3 of the Box Hill DCP refers to Part B Section 6 with respect to controls for Child Care Centres. Appendix E is no longer included in Part B Section 6, therefore the controls under Section 2.34 of the DCP have been considered.

2.34 Centre Based Child Care Facilities – Additional Controls		
Control	Proposed	Compliance
a) Other relevant Sections of the DCP (i.e. Part B Section 2 – Residential) should be consulted with regards to setbacks, depending on the nature and location of the development.	Noted – Box Hill DCP applies with respect to controls.	Yes
b) Child care centres in rural areas are to have a minimum side building setback of 5 metres to minimise noise and privacy impacts to adjoining properties.	Not in a rural area	N/A
c) Where a development site has a slope such that the minimum setbacks required by (a) above do not achieve the objectives in respect of overshadowing, privacy, and amenity for adjoining land uses, the setbacks will be increased to the point where the objectives are achieved.	Noted	Yes
d) Consideration is to be given to the Building Code of Australia with regards to the fire resistance of walls of the child care centre (and the openings on the walls) facing side and rear boundaries.	Satisfactory	Yes
e) Setbacks for child care centre car parking areas:	Parking is in a basement and is satisfactory	Yes

Zone	Minimum Carpark Setback		
Residential	5m setback from the front property boundary		
Industrial, business and recreation	In accordance with the relevant DCP		
Rural	10m setback from the front boundary		
f) The front setback areas are to include landscaping with a minimum width of two metres to screen vehicles from view from the street and surrounding properties.		2m setback provided, landscape planting provided within front setback areas.	Yes
g) Side boundary setbacks to car parking areas are to be in accordance with Part C Section 1- Parking and the relevant Sections of the Development Control Plan as outlined in (a) above.		Basement car park, under the building platform	Yes
h) The location of external child play areas in the front setback area is not permitted.		The main entrance to the childcare is proposed via Terrain Street. The external play areas are located along the secondary frontages, however have some frontage to Terrain Street.	No, variation proposed
i) For child care centres located on classified roads in rural zones, play areas are to be located a minimum of 30 metres from the front property boundary		Not in a rural zone	N/A
j) Landscaping along the primary and secondary frontages is to include a combination of ground covers, large trees, shrubs, and grass planting and is to provide high-quality landscaping for the development. Landscaping shall be established prior to the occupation of the building.		Yes – landscaping along the primary and secondary frontages includes a combination of ground covers, trees, shrubs and grass plantings.	Yes
k) Trees and shrubs shall be provided alongside and rear boundaries to screen outdoor play areas.		Sufficient landscaping provided along boundaries.	Yes

<p>l) Food preparation areas in a child care centre must comply with:</p> <p>a. Food Act 2003;</p> <p>b. Children's Services Regulation 2004;</p> <p>c. Food Safety Standards; and</p> <p>d. Australian Standard 4674-2004 – Design, Construction and Fit-out of Food Premises.</p> <p>e. Premises are required to register with: NSW Food Authority and The Hills Shire Council.</p>	Can comply subject to recommended condition of consent.	Yes
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b) Box Hill Growth Centre Precincts Development Control Plan 2018

2.2 Indicative Layout Plan		
Control	Proposed	Compliance
1. All development is to be undertaken generally in accordance with the Indicative Layout Plan at Figure 2 subject to compliance with the objectives and development controls set out in this DCP.	Variation proposed to the ILP, although generally consistent.	No
2. Where variation from the ILP is proposed, the applicant is to demonstrate that the proposed development is consistent with the Vision and Development Objectives for the Precinct set out in Section 2 and the Objectives and Controls in Sections 3, 4, 5, 6 and 7 of this DCP and the Growth Centres SEPP.	No variation to the ILP is proposed	No

3.3.1 Street Network, Design and Hierarchy		
Control	Proposed	Compliance
1. The street network and road hierarchy is to be provided generally in accordance with Figure 14 and Table 9.	The proposal includes the partial width reconstruction of Nelson Road and partial width construction of Terrain Street in accordance with the DCP.	Yes

2. Roads are to be at the cost of the developer unless the Section 94 plan makes provision for the road construction.	A statement of undertaking has been submitted stating that all road works are to be completed and the roads dedicated at no cost to Council. The Water Lane adjoining the site is SIC funded and will be delivered by Council.	Yes
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The subject site is predominantly zoned B2 Local Centre. The DCP establishes controls for shop top housing within the B2 zone under Section 5.4 and Table 19 of the DCP. Section 6.0 of the DCP establishes controls for employment areas, however these are prescribed for the B6 Enterprise Corridor, B7 Business Park and IN2 Light Industrial zones. Despite the proposed development not containing any residential component, the controls for shop top housing under Section 5.4 have been considered given they are more conducive to the B2 Local Centre.

5.4 Controls for residential flat buildings, manor homes and shop housing		
Control	Proposed	Compliance
1. In density areas of 20dw/Ha, manor homes may only be located on corner lots.	N/A – the proposal is not for a manor home.	N/A
1. Residential flat buildings are to: <ul style="list-style-type: none"> - Be located on sites with a minimum street frontage of 30m; - Have direct frontage to an area of the public domain (including streets and public parks); and - Not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact, privacy impact or visual impact. 	N/A – the proposal is not for a residential flat building. Notwithstanding the site has a minimum 30m street frontage, has direct frontage to a public domain and is not considered to adversely impact upon the existing/ future adjoining residential areas.	N/A
3. All residential flat buildings are to be consistent with: <ul style="list-style-type: none"> - the guidelines and principles outlined in SEPP No. 65 – Design Quality of Residential Apartment Development; and 	N/A – the proposal is not for a residential flat building.	N/A

- the primary controls set out in Table 19, which take precedence over the above where there is any inconsistency.		
4. In all residential flat building developments containing 10 dwellings or more, a minimum of 10% of all apartments are to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian <i>Adaptable Housing Standard (AS 4299-1995)</i> , which includes 'pre-adaptation' design details to ensure visitability is achieved.	N/A – the proposal is not for a residential flat building.	N/A
5. Where possible, adaptable dwellings are to be located on the ground floor. Dwellings located above the ground level of a building may only be provided as adaptable dwellings where lift access is available within the building. The lift access must provide access from the basement to allow access for people with disabilities.	N/A – no residential dwellings are proposed as part of the development.	N/A
6. The development application must be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	N/A – no dwellings are proposed.	N/A
7. Car parking and garages allocated to adaptable dwellings must comply with the requirements of Australian Standards for disabled parking spaces.	N/A – no adaptable dwellings are proposed. The dwelling provides sufficient disabled parking spaces however.	N/A
8. A landscape plan is to be submitted with every application for residential flat buildings.	N/A – the proposal is not for a residential flat building.	N/A
Table 19 – Key Controls for residential flat buildings, manor homes and shop top housing		
B2 Zone (shop top housing) Building and Ceiling Height: The applicable height of buildings standard under Clause 6.8 of The Hills Growth Centre (Box Hill) Precinct Plan equates to the following maximum building heights in storeys:	The building is only 2 storeys in height and complies with the maximum building height control.	Yes

10 metres: 3 storeys 20 metres: 6 storeys Minimum floor to ceiling heights are: 3.3m for commercial floors 2.7m for residential floors	Minimum ceiling height of 3.3m achieved.	
Site Coverage (maximum): N/A	N/A	N/A
Landscaped area (minimum): required within setbacks and common open space areas	Sufficient landscaped area is provided.	Yes
Communal open space: 20sqm per dwelling where the development includes 5 or more dwellings 75% must be provided at ground level and well landscaped Common open space must only be accessible by the residents of the development	N/A – no residential component proposed	N/A
Principal Private Open Space (PPOS): Ground level 4m x 3m Min 10sqm per dwelling with minimum dimension 2.5m	N/A – no residential component proposed	N/A
Front setback (minimum): Zero if active frontage provided 3m if no active frontage provided 3m for residential floors above the first level	Zero setback provided due to active frontages.	Yes
Corner lots secondary street setback (minimum): As per front setbacks	Zero setback provided due to active frontages.	Yes
Side setback (minimum): 6m where adjoining low density residential development 3m where not adjoining low density residential development	N/A The site does not adjoin any residential development and is separated by road.	N/A
Rear setback (minimum): As per side setbacks	There is technically no rear setback for the development.	N/A

Zero lot line (minimum): N/A	N/A	N/A
Habitable room/ balcony separation distance (minimum) for buildings 3 storeys and above	N/A – no residential component proposed	N/A
Access and entries: Separate site and building access points are to be provided for the residential and commercial components of developments.	No residential component. Several access points are available for the commercial components.	Yes
Car parking spaces: In accordance with The Hills DCP 2012 – Part C Section 1 – Parking Preferred location for parking is within a basement or to the rear of developments.	Adequate parking is provided.	Yes
Garage dominance: N/A	N/A – no residential component proposed	N/A
Garages and car parking dimensions: Covered: 3m x 5.5m Uncovered: 2.5m x 5.2m Aisle widths must comply with AS 2890.1	N/A – no residential component proposed	N/A
Other controls: Refer to the Residential Flat Building or Business Sections of The Hills DCP 2012 for additional controls relating to unit size/mix, visual privacy, solar access, private open space, ventilation, storage and waste management.	Noted	N/A
5.4.1 Site Servicing		
1. Garbage, mail box structures, service meters and the like are to be integrated with the overall design of the buildings and/ or landscaping. Garbage storage areas are not permitted at the front of the development.	Garbage storage areas are screened from the streetscape.	Yes
2. Provide communal or individual laundries to every dwelling and at least one external clothes drying area per building. Laundries are not permitted in front setbacks and must be	N/A – no residential component is included in the development.	N/A

appropriately screened from view if located in the side setback.		
3. Loading facilities must be at the rear of each development.	Loading facilities are proposed behind the building line and are not viewable from The Water Lane, Terrain Street or Nelson Road.	Yes
4. Service access is permitted from rear lanes, side streets or rights of ways.	Service access is proposed from Nelson Road and Terrain Street.	Yes

8.0 Special Area Controls		
8.1.1 Active Street Frontages and Address		
Control	Proposed	Compliance
<p>1. Active frontage uses are defined as any of the following at street level:</p> <ul style="list-style-type: none"> - entrance to retail - shop front - glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage; - café or restaurant if accompanied by an entry from the street - active office uses, such as reception, if visible from the street; and/or - public building if accompanied by an entry 	Noted.	Yes
2. Active street fronts, built to the street alignment, are required on the ground level of all retail and commercial development, and on areas identified in Figure 66 through to Figure 69.	Active street fronts are provided generally in accordance with Figure 69.	Yes
3. Large format retail such as supermarkets and parking areas are to be sleeved or hidden by retail and commercial uses as shown in Figure 66.	The proposed supermarket is located internally and is hidden by retail/ commercial uses.	Yes
4. Ground floor residential uses (other than entries to lobbies to residential uses above	N/A – no ground floor residential proposed.	N/A

ground level) are not permitted on the town centre Main Street.		
5. Active ground floor uses are to be the same general level as the footpath and be accessible directly from the street.	Satisfactory	Yes
6. Restaurants, cafes and the like are to consider providing openable shop fronts.	Openable shop front provided for proposed restaurant/ café.	Yes
7. Only open grill or transparent security shutters (at least 50% visually transparent) are permitted to retail and commercial frontages.	Noted.	Yes
8. On corner sites, shop fronts are to wrap around the corner.	No shop proposed on corner of Nelson Road/ The Water Lane – active frontage proposed instead.	Yes
9. Entrances are to be visible to the street and well lit.		
10. Street Address is defined as: - a building that is not raised more than an average of 700mm above street level, up to a maximum of 1m; - contains entries, lobbies and habitable rooms with clear glazing overlooking the street; and - excludes car parking areas	Noted.	Yes
11. Provide multiple entrances for large developments including an entrance on each street frontage.	Multiple entrances are provided.	Yes
12. Provide direct 'front door' access to ground floor residential units.	N/A – no residential units proposed.	N/A
13. Residential buildings are to provide not less than 65% of the lot width as street address.	N/A – no residential units proposed.	N/A
14. In mixed-use buildings, a separate street address is required to retail, commercial and residential uses.	Noted.	Yes
8.1.1.2 Awnings		

1. Provide continuous street frontage awnings to all new commercial and retail developments within the town centre and village centres.	Awnings are continuous and front the street/ parking areas.	Yes
2. Wrap awnings around corners on street corner buildings.	No building is present on the corner of the Nelson Road/ TWL intersection which is instead used for pedestrian access.	Yes
3. Cantilever awnings from buildings are to have a minimum soffit height of 3.6m and a maximum of 4m.	Awnings have a minimum soffit height of 3.6m/ maximum of 4m.	Yes
4. Low profile awnings with slim vertical fascias and/ or eaves (not to exceed 300mm) are encouraged.	Noted.	Yes
5. Awnings are to be a minimum of 3m deep (dependant on street width) and setback from the kerb a minimum of 1.2m to allow clearance for street furniture, trees, etc. At any signalised intersections (on local roads or classified roads), awnings should be setback a minimum of 1.5m from the kerb for a distance of up to 100m from the signalised intersection.	Awnings have sufficient clearance from street/ the verge.	Yes
6. Awnings must be complementary to each other and maintain continuity.	Noted.	Yes
7. Steps for design articulation or to accommodate sloping streets are to be integrated with the building design and should not exceed 700mm.	Steps are provided at the corner of Nelson Road/ TWL to provide articulation.	Yes
8. Vertical canvas drop blinds are permissible along the street edge, but they are not to carry advertising or signage.	Noted.	Yes
9. Provide under awning lighting to facilitate night use as well as improve public safety. Lighting is to be recessed into the soffit of the awning, or wall mounted onto the building.	Noted.	Yes
10. Any under awning signage is to maintain a minimum clearance of 2.8m from the level of the pavement.	Noted.	Yes

11. All residential buildings are to be provided with awnings or other weather protection at their main entrance area.	N/A	N/A
8.1.1.3 Signage		
1. Signage must be integrated into the building façade and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours. Architectural features of the building are not to be obscured.	No signage proposed as part of this application.	N/A
2. One under-awning sign is permitted on each shop or commercial premises at a rate of one sign per 8m of shop front.	N/A	N/A
3. Signs including real estate signs and temporary signs are not allowed to stand on the top of awnings.	N/A	N/A
4. The total area of all signs is not to exceed 1sqm of advertising area per 1m of shop frontage. This includes signs painted on blinds or windows.	N/A	N/A
5. Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos of brands or products) are not permitted.	N/A	N/A
6. Signs painted on, or applied to the roof, are prohibited.	N/A	N/A
7. Signs in excess of a total of 50sqm in area are to be considered on their merits.	N/A	N/A
8. Directional signage and public notices are to have a coordinated appearance and help to establish the town centre as a unique destination and place.	N/A	N/A
9. Illumination (including cabling) of signs is to be: - concealed, or - integral with the sign; or - provided by means of carefully designed and located remote or spot lighting.	N/A	N/A

10. The ability to adjust the light intensity of illuminated signs is to be installed where the consent authority considers necessary.	N/A	N/A
11. Restricted hours shall be imposed on the operation of illuminated signs where continuous illumination is considered to impact adversely on the amenity of residential buildings, serviced apartments or other visitor accommodation, or have other adverse environmental effects.	N/A	N/A
12. Up-lighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focussed directly on the sign and is to prevent or minimise the escape of light beyond the sign.	N/A	N/A
<p>13. Signs are regarded as prejudicial to the safety of road users if they:</p> <ul style="list-style-type: none"> - obscure or interfere with road traffic signs and signals or with the view of a road hazard, oncoming vehicles, or any other vehicle or person, or an obstruction which should be visible to drivers or other road users, - give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs, - are of such a design or arrangement that any variable messages or intensity of lighting impairs drivers' vision or distracts drivers' attention, and - are situated at locations where the demands on drivers' concentration due to road conditions are high such as at major intersections or merging and diverging lanes. 	N/A	N/A
8.1.1.4 Parking		
1. On-site car and bicycle parking is to be provided in accordance with the standards set out in Table 32 and Table 33.	The retail premises (super market, liquor store and retail tenancies) and commercial space are in accordance with the on-site parking requirements.	Yes

	All other proposed uses are to be as per Part C Section 1 of The Hills DCP.	
2. The parking area per vehicle is to be in accordance with AS 2890.1.	Complies.	Yes
3. All outdoor parking areas shall be appropriately screened by planting and/ or fencing.	Sufficient landscape planting is provided in the outdoor parking areas.	Yes
4. At grade car parks shall provide landscaping and tree planting in accordance with The Hills DCP 2012 Part C Section 1 – Parking.	Sufficient landscape planting is provided in the outdoor parking areas.	Yes
5. Basement parking must be provided for mixed use development. Basements are not to be raised more than 1m above ground level.	Basement/ at grade parking is provided for the development.	Yes
6. In the local centre and neighbourhood centres, parking and servicing is to be located to the rear of buildings, or below grade, to minimise impacts on the streetscape and pedestrian amenity.	Parking areas are not visible from the street.	Yes
7. Above ground parking structures are not permitted except in the central mixed use blocks in the local centre. Where fronting a street or public space (excluding service lanes), above ground parking is to be set a minimum of 8m behind the building façade.	Noted.	Yes
8. Rear lanes should be utilised where possible to access parking areas.	No rear lanes present.	N/A
9. All bicycle parking is to be in secure and accessible locations. Bicycle parking for employees is to have weather protection.	All bicycle parking spaces are in secure and accessible places.	Yes
10. Refer to Section 5.4 of this DCP for residential flat building and multi-dwelling housing parking provisions.	No residential component proposed.	N/A
11. Refer to The Hills DCP 2012 Part C Section 1 – Parking for shop top housing parking provisions.	Part C Section 1 requirements have been considered for the restaurant/ café, gym/ recreational space, medical centre and childcare. All are in	Yes

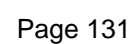
	accordance with the requirements of the DCP.	
8.1.1.5 Site Servicing		
1. Garbage, mail box structures, service metres and the like are to be integrated with the overall design of the buildings and/ or landscaping. Garbage storage areas are not permitted along the primary street frontage.	Service areas are integrated with the development and are not visible from the primary street frontage.	Yes
2. Provide adequate space within any new development for the unloading and loading of service vehicles.	Separate loading area provided.	Yes
3. Loading facilities must be located to the rear of each development.	Loading facilities are proposed at the rear of the development.	Yes
4. Ventilation stacks are to be utilised wherever possible to vent shops and basements.	Noted.	Yes
5. All service areas are to be screened from existing developments.	Service areas are not visible from the street.	Yes
6. Service access is permitted from rear lanes, side streets or right of ways.	Noted.	Yes
7. Vehicles must be able to enter/ exit in a forward direction.	Vehicles are able to enter/ exit in a forward direction.	Yes
8. Provide truck turning facilities.	Sufficient truck turning facilities provided.	Yes

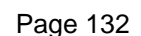
8.1.5 Nelson Road Village		
Control	Proposed	Compliance
1. The Nelson Road Village is to be located generally in accordance with Figure 2.	The village is located generally in accordance with Figure 2.	Yes
2. The village is to be consistent with the indicative layout plan shown in Figure 69 and the following principles.	The proposal is inconsistent with Figure 69.	No – variation proposed.
3. Provide for a maximum of 6000sqm GFA for retail and commercial premises within the village to cater for the needs of the local population.	The proposal includes more than 6000sqm of	No – variation proposed.

	GFA for retail and commercial premises.	
4. Incorporate a range of local retail and commercial uses to serve the needs of the local community.	A range of retail and commercial uses are proposed that will service the needs of the local community.	Yes
5. Provide a range of building heights, up to a maximum of three storeys.	The proposal does not exceed three storeys.	Yes
6. Buildings are to define the entry to the residential areas and open spaces adjacent to the neighbourhood centre and are to be generally built to the street edge.	N/A – no residential areas are proposed.	N/A
7. Avoid blank walls visible from surrounding streets and the public domain. Large format retail premises are to be sleeved where appropriate with active uses.	Noted.	Yes
8. Residential and mixed use development is to be consistent with the guidelines and principles outlined in SEPP 65 – Residential Flat Development and the Residential Flat Design Code (Urban Design Advisory Service and Planning NSW 2002).	N/A – no residential component is proposed as part of the development.	N/A
9. Establish a high quality built form and energy efficient architectural design that promotes a 'sense of place' and modern character for the village.	Noted.	Yes
10. Locate at grade parking areas generally behind building lines and screened from streets and public open space.	Parking areas are located behind building lines and screened from streets/ public domain.	Yes
11. Opportunities for shared parking provision for complementary uses within the village are to be provided.	Parking areas allow for shared usage.	Yes
12. On-street parking is to be provided within the village and designed in accordance with AS 2890.5-1993.	N/A – no on-street parking is proposed.	N/A
13. Provide a high quality landscape design including a co-ordinated package of street furniture and lighting that enhances the character of the village.	Suitable landscaping has been provided as part of the proposal.	Yes

14. Provide street tree and open space planting that establishes generous shade for pedestrians.	Street trees are to be provided in accordance with the Box Hill Street Tree Masterplan.	Yes
15. Incorporate the principles of Crime Prevention through Environmental Design (CPTED) and Safer by Design (NSW Police) into all development within the village.	CPTED principles have been incorporated into the design and will be incorporated into the operational management.	Yes
16. Site servicing and loading facilities, waste storage and other infrastructure are to be designed to minimise visual impact on the public domain and impacts on neighbours.	Site servicing and loading facilities are not visible from public domain/ street.	Yes

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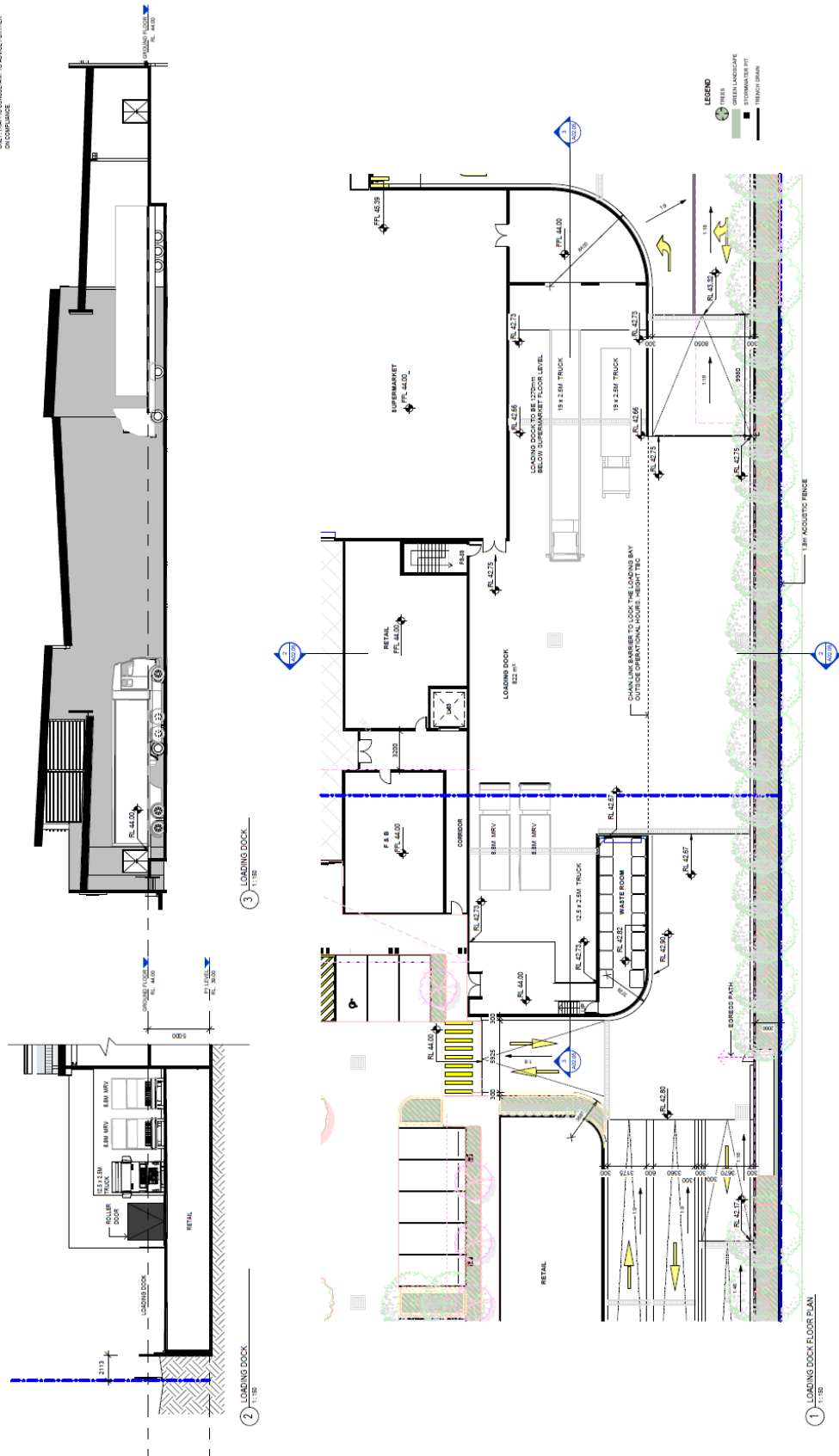


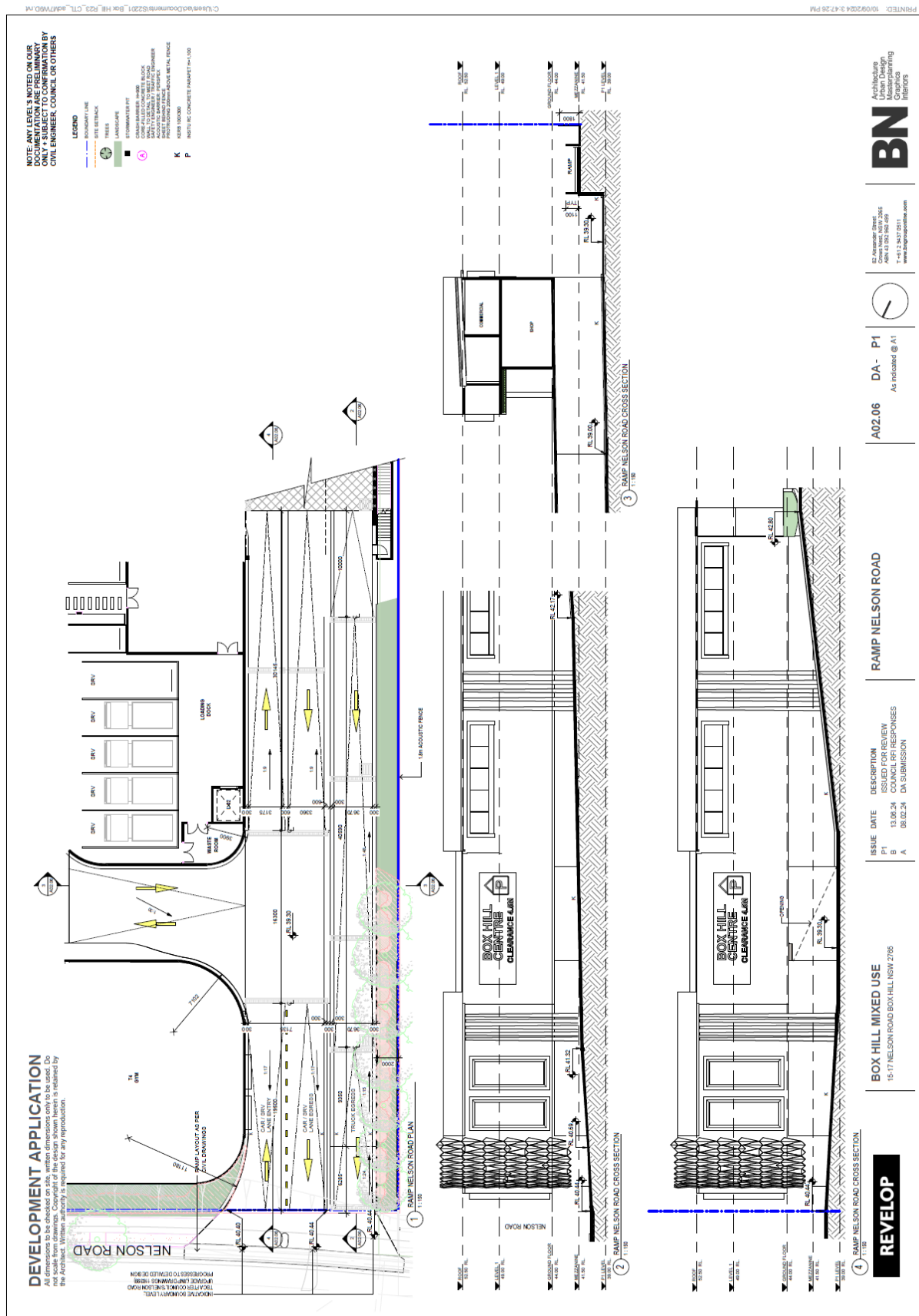






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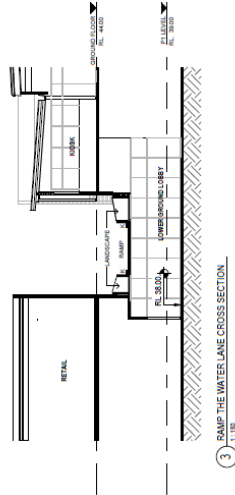
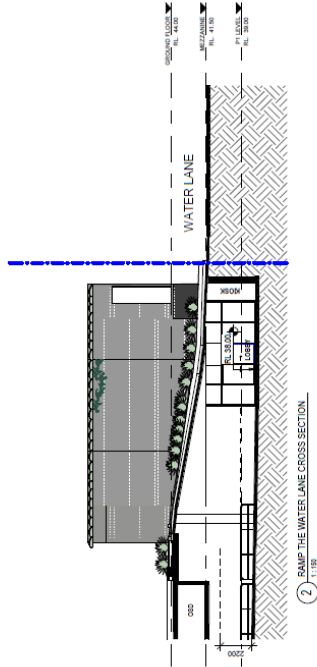
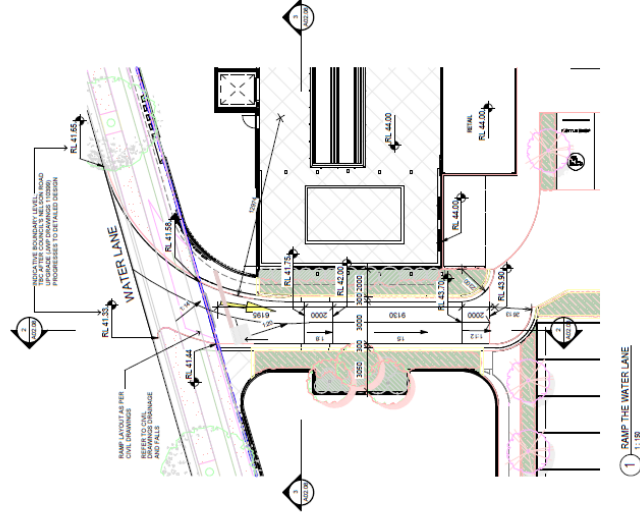






DEVELOPMENT APPLICATION
This Development Application (DA) is for the proposed development of a new building and associated infrastructure at the site located at 15-17 Nelson Road, Box Hill, NSW 2765. The DA is submitted in accordance with the provisions of the Environmental Planning and Assessment Act 1979 (EPA Act) and the Environmental Planning and Assessment Regulation 2007 (EPA Regulation). The DA is submitted for the purpose of obtaining approval from the Council for the proposed development. The DA is submitted for the purpose of obtaining approval from the Council for the proposed development. The DA is submitted for the purpose of obtaining approval from the Council for the proposed development.

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DA - P1
As indicated @ A1

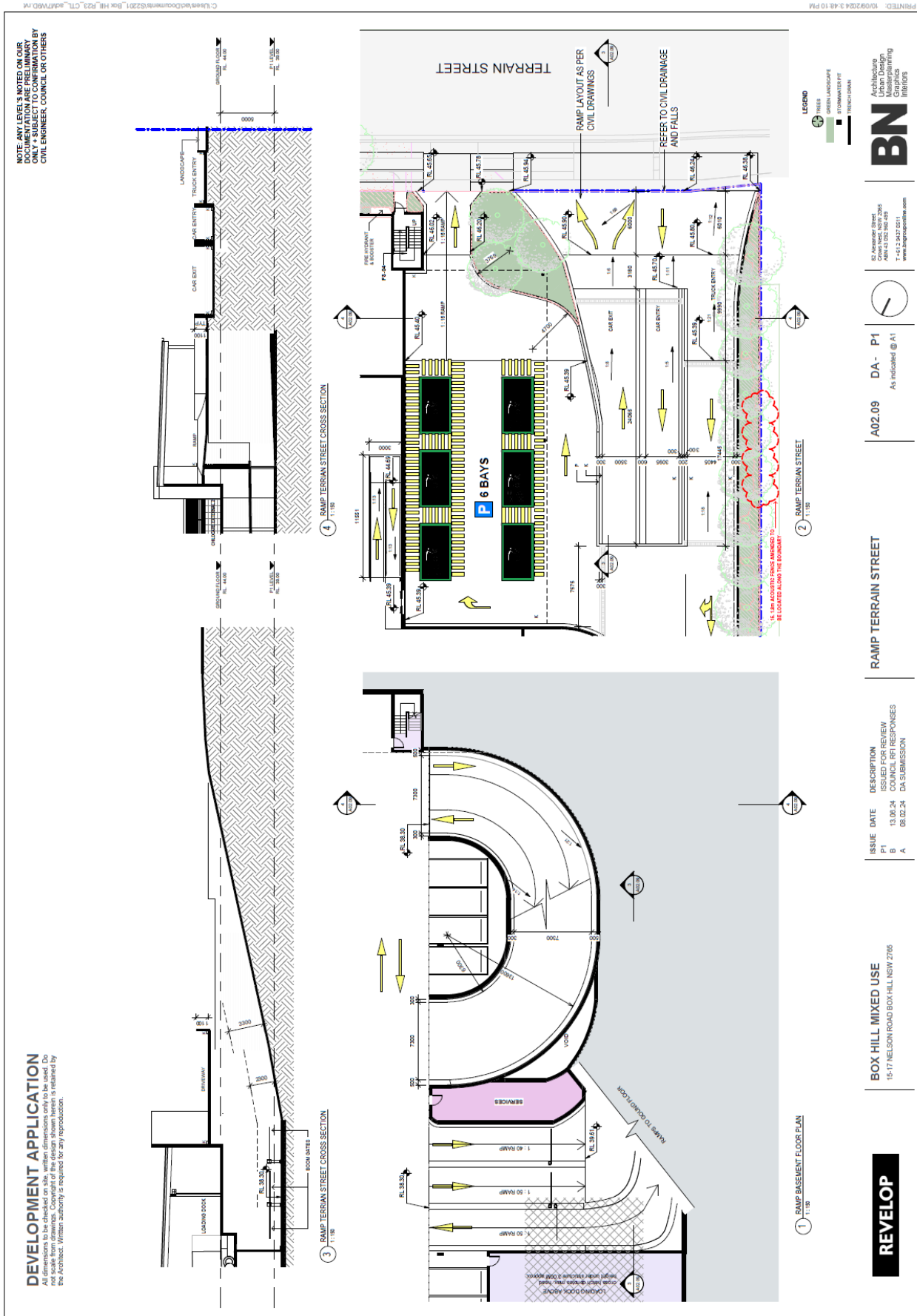
A02.08

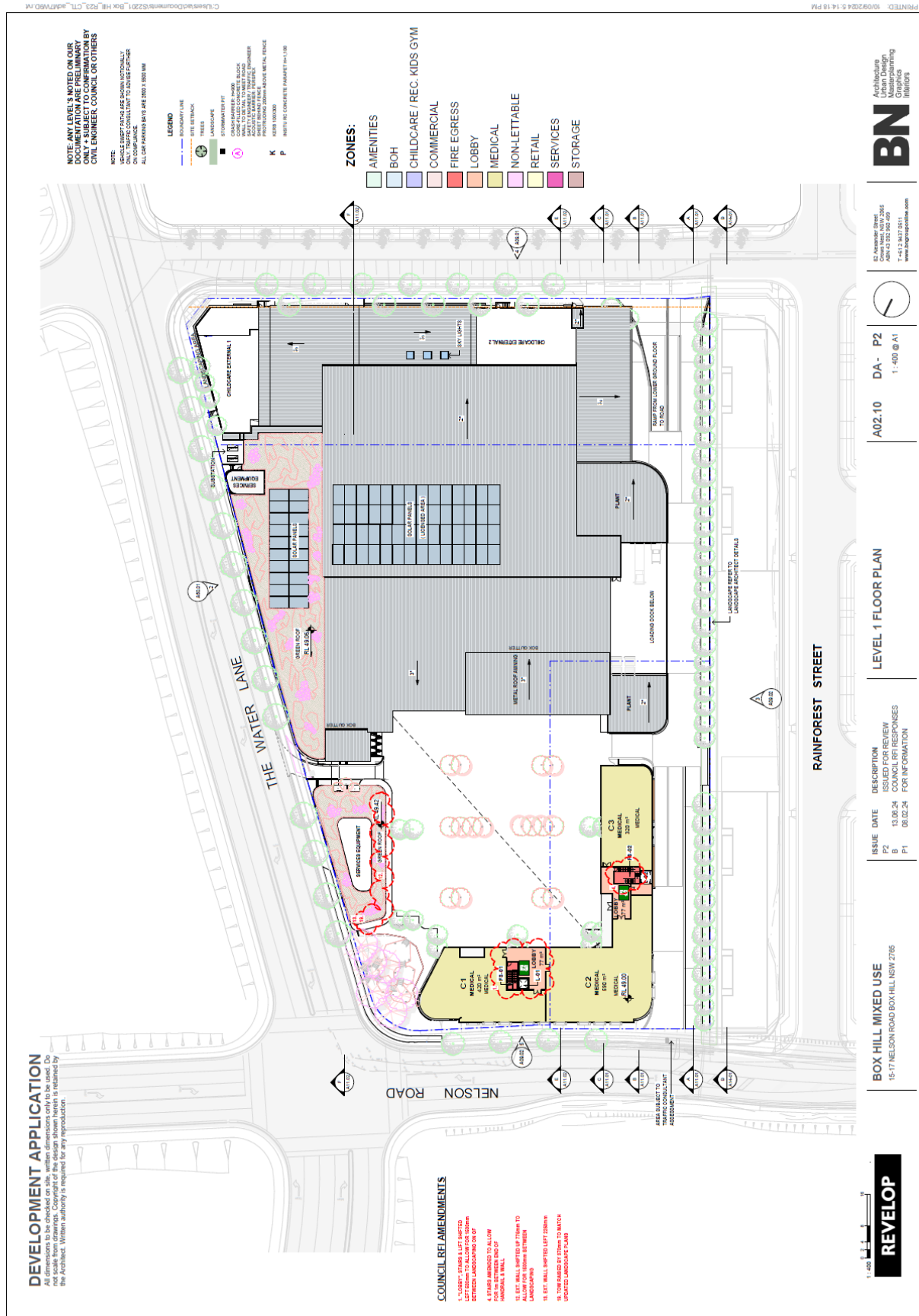
RAMP THE WATER LANE

ISSUE	DATE	DESCRIPTION
B1	13.08.24	FOR REVIEW
B2	13.08.24	COUNCIL RESPONSES
A	08.02.24	DA SUBMISSION

BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2765

REVELOP

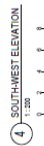
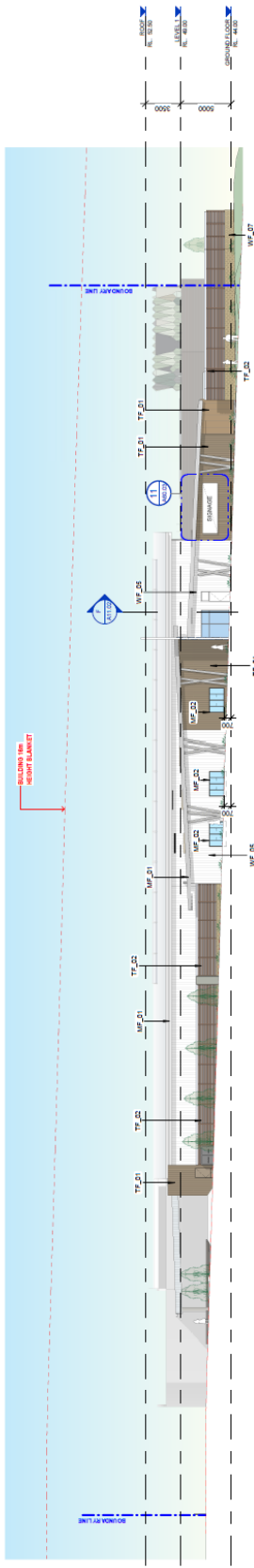
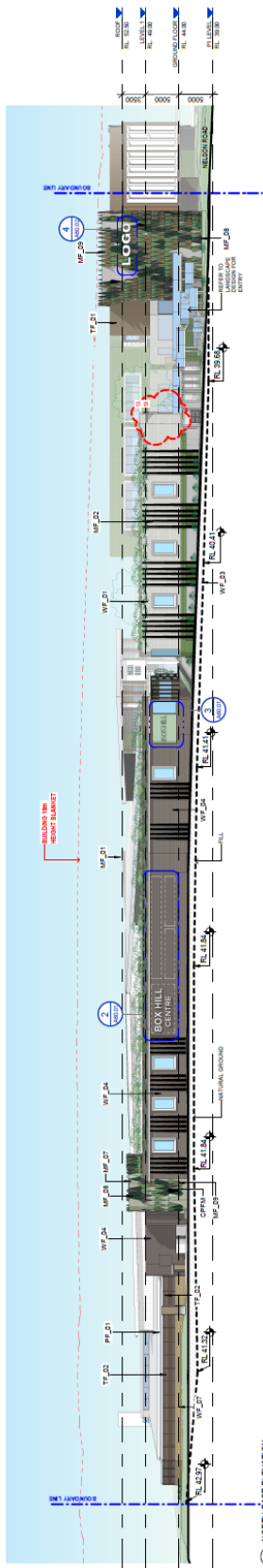






DEVELOPMENT APPLICATION

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MATERIALS LEGEND

MATERIAL	DESCRIPTION
MPM	CONCRETE PRECAST Poured Metal -
MP_01	CONCRETE PRECAST Poured Metal -
MP_02	CONCRETE PRECAST Poured Metal -
MP_03	CONCRETE PRECAST Poured Metal -
MP_04	CONCRETE PRECAST Poured Metal -
MP_05	CONCRETE PRECAST Poured Metal -
MP_06	CONCRETE PRECAST Poured Metal -
MP_07	CONCRETE PRECAST Poured Metal -
MP_08	CONCRETE PRECAST Poured Metal -
MP_09	CONCRETE PRECAST Poured Metal -
MP_10	CONCRETE PRECAST Poured Metal -
MP_11	CONCRETE PRECAST Poured Metal -
MP_12	CONCRETE PRECAST Poured Metal -
MP_13	CONCRETE PRECAST Poured Metal -
MP_14	CONCRETE PRECAST Poured Metal -
MP_15	CONCRETE PRECAST Poured Metal -
MP_16	CONCRETE PRECAST Poured Metal -
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MP_97	CONCRETE PRECAST Poured Metal -
MP_98	CONCRETE PRECAST Poured Metal -
MP_99	CONCRETE PRECAST Poured Metal -
MP_100	CONCRETE PRECAST Poured Metal -

COUNCIL REI AMENDMENTS

18 EXT WALL IMPACT LIFT 120mm
18 TOP LIFT IMPACT LIFT 120mm
18 TOP LIFT IMPACT LIFT 120mm
18 TOP LIFT IMPACT LIFT 120mm

REVELOP

BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2765

ISSUE	DATE	DESCRIPTION
P1	13.09.24	ISSUED FOR REVIEW
B	13.09.24	CONCISE RESPONSES
A	08.02.24	DA SUBMISSION

ELEVATIONS E1

A09.01 DA - P1
As indicated @ A1

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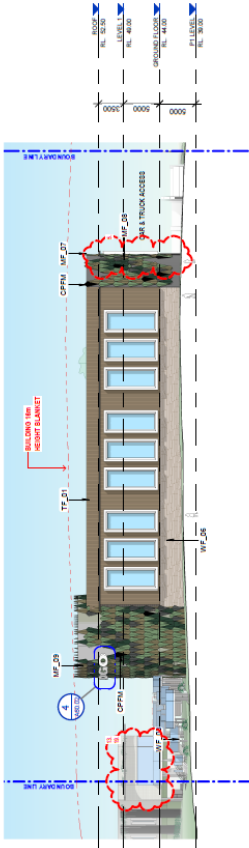
DEVELOPMENT APPLICATION

As shown on this drawing, the design is intended to be used as a guide only and is not a final design. The design is intended to be used as a guide only and is not a final design. The design is intended to be used as a guide only and is not a final design.

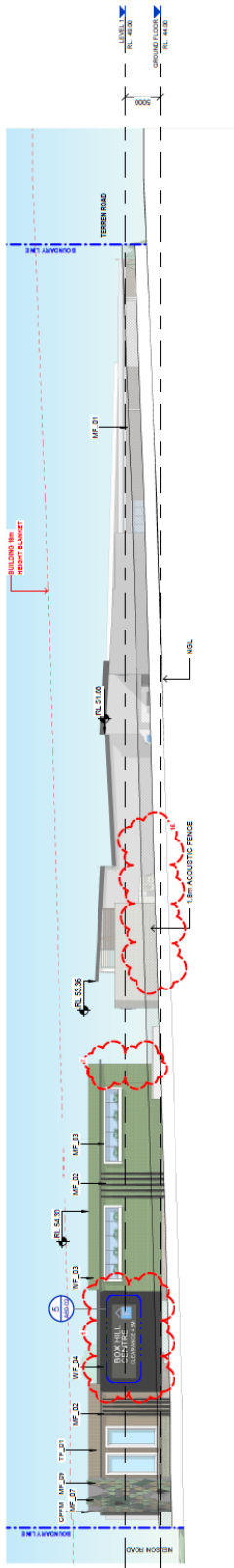
MATERIAL	DESCRIPTION
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MF_02	COLOURED GLAZED BRICKS
MF_03	GRAPHITE MATT GLAZING FRAMING
MF_04	WHITE MATT GLAZING FRAMING
MF_05	PALE EUCALYPTUS POWDERCOAT
MF_06	COLOURED GLAZED BRICKS
MF_07	COLOURED GLAZED BRICKS
MF_08	COPPER METALLIC POWDERCOAT
MF_09	COPPER METALLIC POWDERCOAT
MF_10	TIMBER LOOK PALACE CLADDING
MF_11	COLOURED GLAZED BRICKS
MF_12	COLOURED GLAZED BRICKS
MF_13	COLOURED GLAZED BRICKS
MF_14	COLOURED GLAZED BRICKS
MF_15	COLOURED GLAZED BRICKS
MF_16	COLOURED GLAZED BRICKS
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MF_96	COLOURED GLAZED BRICKS
MF_97	COLOURED GLAZED BRICKS
MF_98	COLOURED GLAZED BRICKS
MF_99	COLOURED GLAZED BRICKS
MF_100	COLOURED GLAZED BRICKS

COUNCIL REAMENDMENTS

- 1. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 2. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 3. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 4. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 5. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 6. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 7. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 8. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 9. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 10. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 11. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 12. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 13. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 14. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 15. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 16. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 17. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 18. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 19. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
- 20. WEST WALL SHIFTER ABOVE TO THE RIGHT, ALIGNING WITH L1 EXT. WALL



1 NORTHWEST ELEVATION
1:200



2 SOUTHWEST ELEVATION
1:200

REVELOP

BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2205

ISSUE DATE DESCRIPTION
P1 13.08.24 ISSUED FOR REVIEW
B 08.02.24 COUNCIL RFI RESPONSES
A 08.02.24 DA SUBMISSION

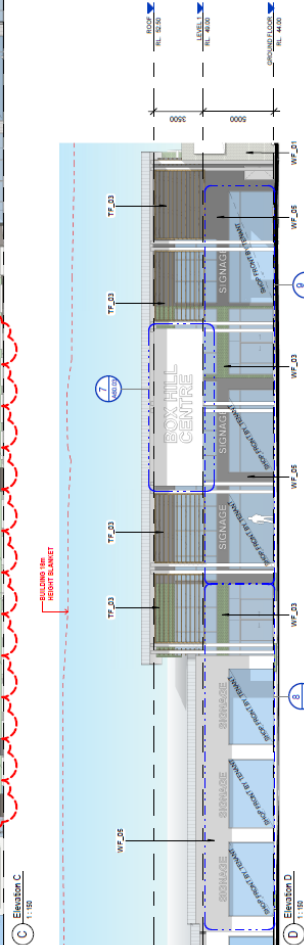
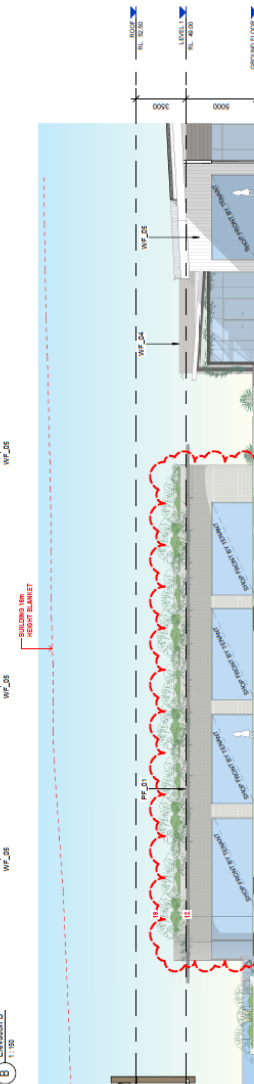
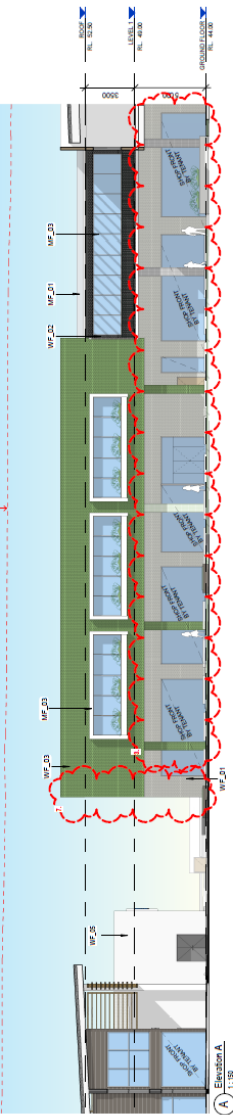
ELEVATIONS E2

A09.02 DA- P1
1:300 @ A1

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DEVELOPMENT APPLICATION

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MATERIAL	DESCRIPTION
COLORED SHALE GRAY ROOFING	
WHITE MATT GLAZING FRAME	
COPPER METALL POWDERCOAT	
GLAZED BRICKS	
DULL MTD WHITE TO EXTERNAL	
THINER LOOK FACADE GLAZING	
THINER LOOK BATTEN	
LIGHT MATT BRICKS	
DARK GLAZED BRICKS	
COLOURED GLAZED BRICKS	
DARK WEATHERBOARD LOOK GLAZING	
LIGHT WEATHERBOARD LOOK GLAZING	

COUNCIL RFI AMENDMENTS

1. EXT. WALL FOR "311," TV, STAIRS & LIFT SHIFTED LEFT 650mm TO ALLOW FOR 1600mm BETWEEN LANDSCAPING
2. EXT. WALL FOR "313," CLOSET & "318" STAIRS TO BE SHIFTED LEFT 650mm FOR 1600mm BETWEEN LANDSCAPING
3. "318" EXT. WALL SHIFTED 650mm TO THE RIGHT, ALIGNING WITH L1 EXT. WALL
4. EXT. WALL SHIFTED UP 775mm TO ALLOW FOR 1600mm BETWEEN LANDSCAPING
5. TOWN HALLS BY 375mm TO MATCH UPDATED LANDSCAPE PLANS

REVELOP

BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2765

ISSUE	DATE	DESCRIPTION
P1		ISSUED FOR REVIEW
B	13.08.24	COUNCIL RFI RESPONSES

ELEVATIONS E3

A09.03 DA- P1
1:150 @ A1

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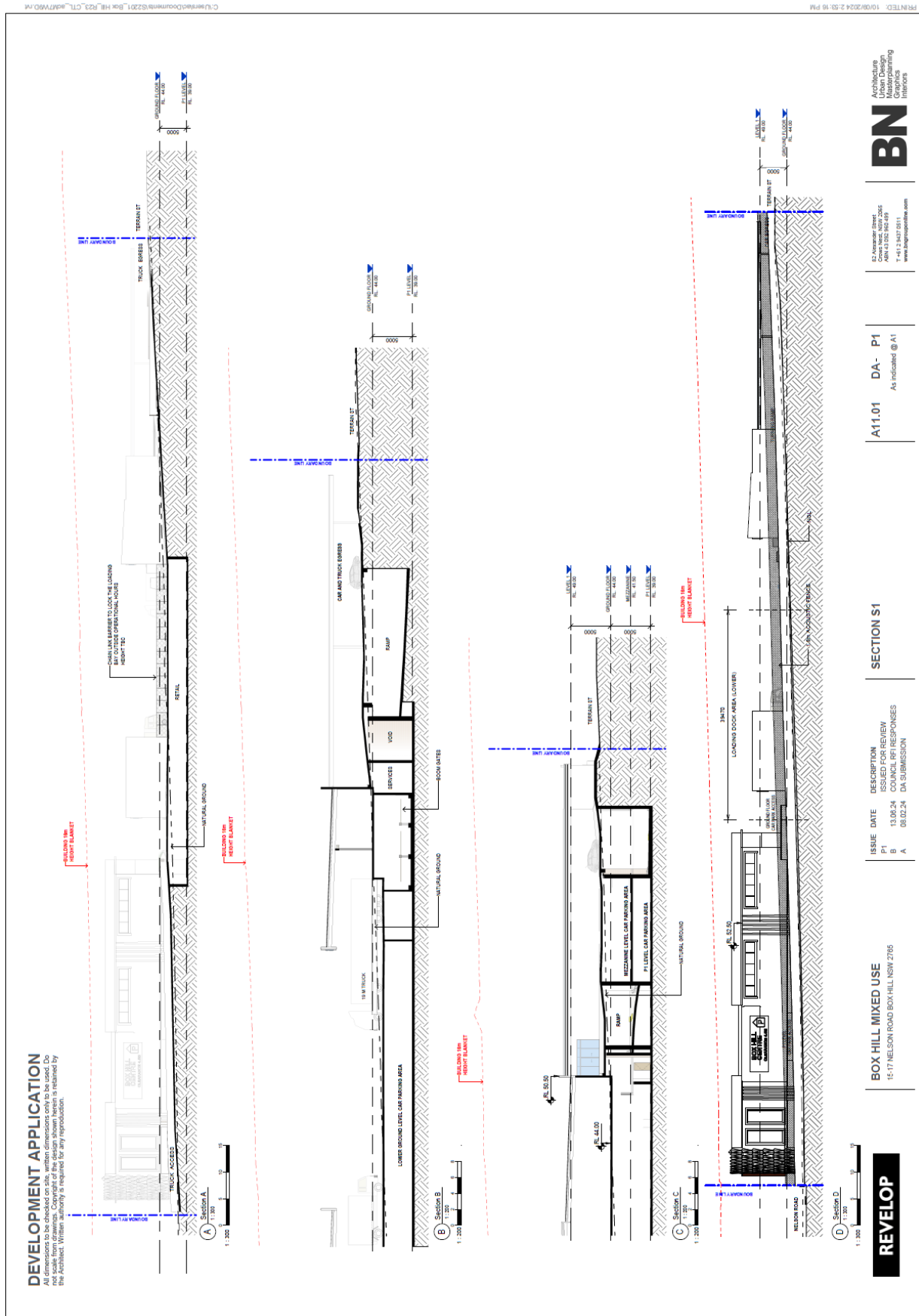
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BVL

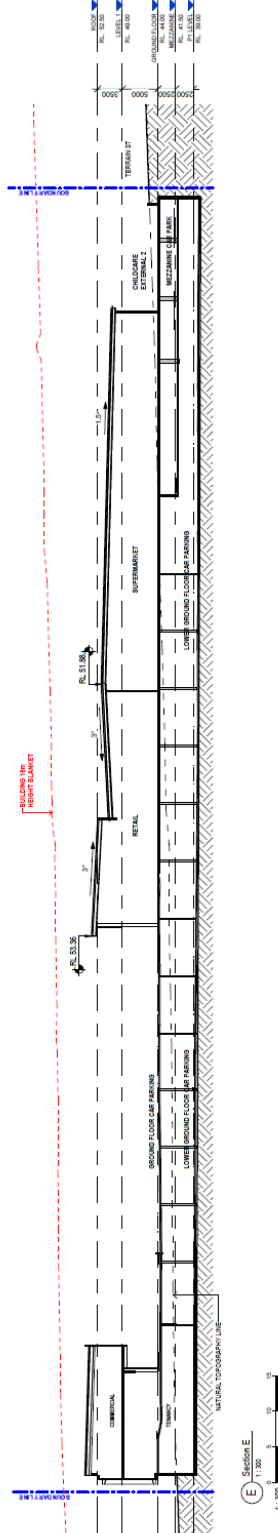
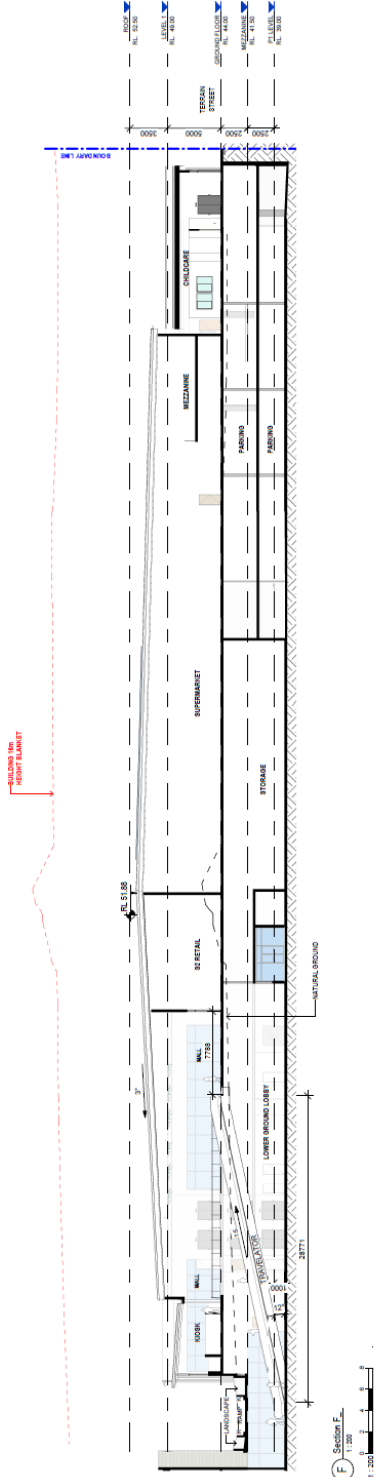
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DEVELOPMENT APPLICATION

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REVELOP

BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2155

ISSUE DATE
P1 13.08.24
B 08.02.24
A

DESCRIPTION
ISSUED FOR REVIEW
COUNCIL REF RESPONSES
DA SUBMISSION

SECTION S2

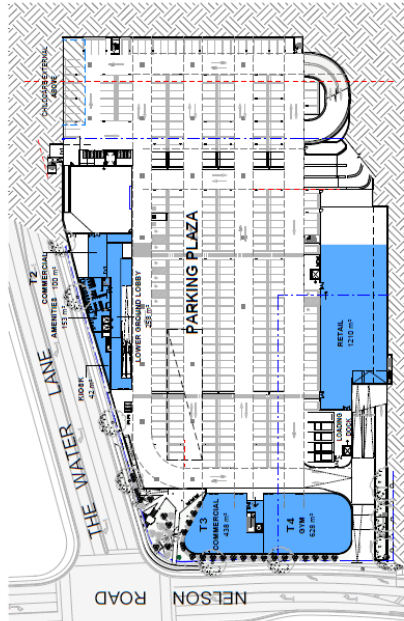
A11.02 DA- P1
As indicated @ A1

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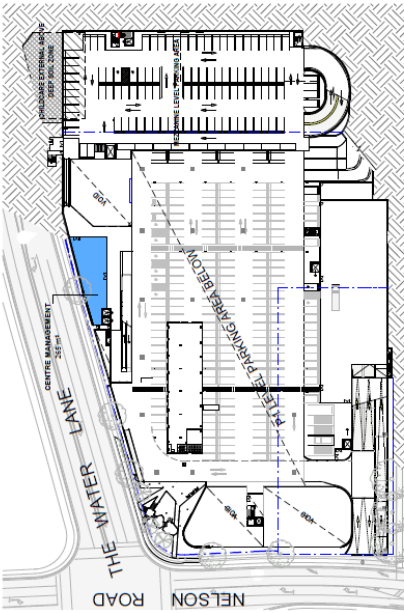
62 Alexander Street
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Fax +61 2 9550 8601
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DEVELOPMENT APPLICATION

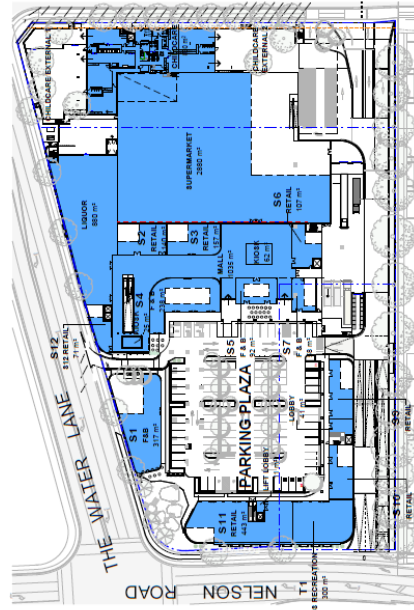
All dimensions to be checked on site, written dimensions only to be used. Do not scale drawings. All dimensions are to be taken from the Architect. Written authority is required for any reproduction.



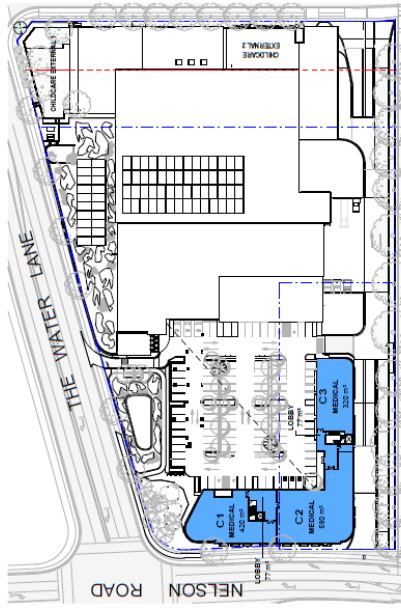
1. PILEVEL
1:150



2. MEZZANINE FLOOR
1:150



3. GROUND FLOOR
1:150



4. LEVEL 1
1:150

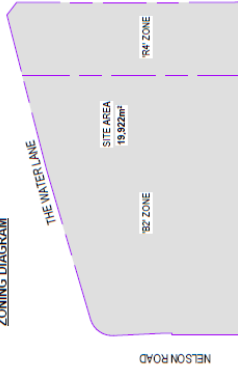
LEGEND



LEVEL	AREA
LEVEL P1	2.500m ²
MEZZANINE LEVEL	250m ²
GROUND FLOOR	1.400m ²
LEVEL 1	12.500m ²

AREA	AREA	CONTROL FSR	PROPOSED FSR
AREA 1	12.500m ²	1.1	0.851

ZONING DIAGRAM



REVELOP

BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2705

ISSUE DATE DESCRIPTION
P1 13.06.24 COUNCIL RFI RESPONSES
B 08.02.24 DA SUBMISSION
A

FSR CALCULATION

A100.21 DA- P1
As indicated @ A1

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PRINTED: 10/09/2024 2:01:11 PM
C:\Users\Bachman\Documents\2024\Box Hill\J23_CTL_MSTRYWD.MXD

DEVELOPMENT APPLICATION
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BOX HILL MIXED USE
15-17 NELSON ROAD BOX HILL NSW 2765

ISSUE	DATE	DESCRIPTION
P1	13.08.24	ISSUED FOR REVIEW
B	08.02.24	COUNCIL REF RESPONSE
A	08.02.24	DA SUBMISSION

SHADOW DIAGRAMS

A100.50 DA - P1
1:100 @ A1



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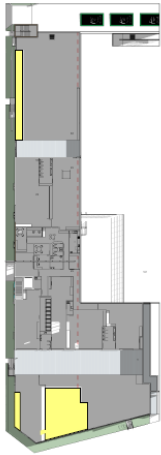
NOTE: REFER TO LANDSCAPE DRAWINGS FOR CHILDCARE EXTERNAL AREA



① SOLAR 10AM MID-WINTER CHILDCARE



② SOLAR 12PM MID-WINTER CHILDCARE



③ SOLAR 3PM MID-WINTER CHILDCARE



④ SOLAR 10AM SUMMER CHILDCARE



⑤ SOLAR 12PM SUMMER CHILDCARE



⑥ SOLAR 3PM SUMMER CHILDCARE

OUTDOOR CHILDCARE AREA RECEIVING SOLAR

OUTDOOR PLAY AREA SHOULD:
• HAVE A MINIMUM OF 2 HOURS OF SOLAR ACCESS BETWEEN 8:00am AND 4:00pm DURING WINTER MONTHS FOR AT LEAST 30% (OR 2.1M²) OF THE 7.0M² OF OUTDOOR SPACE PER CHILD REQUIRED.

SOLAR ACCESS TO THE CHILDCARE OUTDOOR AREA - 21st JUNE

MINIMUM REQUIRED OUTDOOR AREA 980m²
MINIMUM 3hrs OF SOLAR ACCESS TO 30% OF MINIMUM OUTDOOR AREA (BETWEEN 8am - 4pm WINTER MONTHS) 495m²
TARGET COMPLIANCE AREA REQUIRED
MINIMUM OUTDOOR AREA TO RECEIVE SOLAR

TOTAL (140 KIDS)			
TIME	MINIMUM AREA REQUIRED	PROPOSED AREA	% OF THE AREA
9AM WINTER	295.5m ²	413m ²	42%
12PM WINTER	295.5m ²	409m ²	42%
3PM WINTER	295.5m ²	151m ²	15%
9AM SUMMER	295.5m ²	652m ²	68%
12PM SUMMER	295.5m ²	714m ²	73%
3PM SUMMER	295.5m ²	534m ²	54%

REVELOP

BOX HILL MIXED USE
14-17 NELSON ROAD BOX HILL NSW 2765

ISSUE DATE DESCRIPTION
P1 ISSUED FOR REVIEW
B 13.00.24 COUNCIL REF RESPONSES
A 08.02.24 DA SUBMISSION

SHADOW DIAGRAMS CHILDCARE

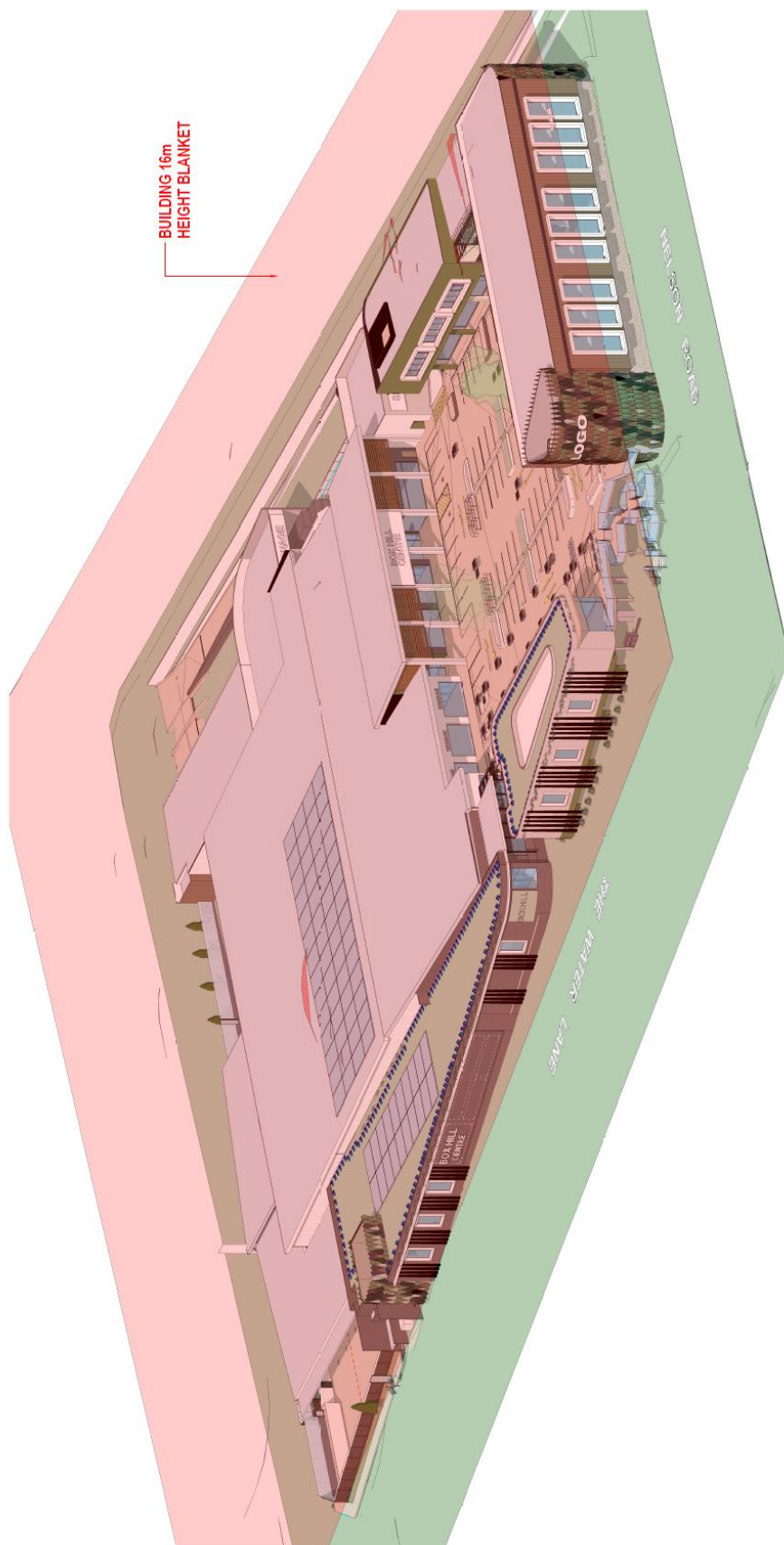
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REVELOP

BOX HILL MIXED USE
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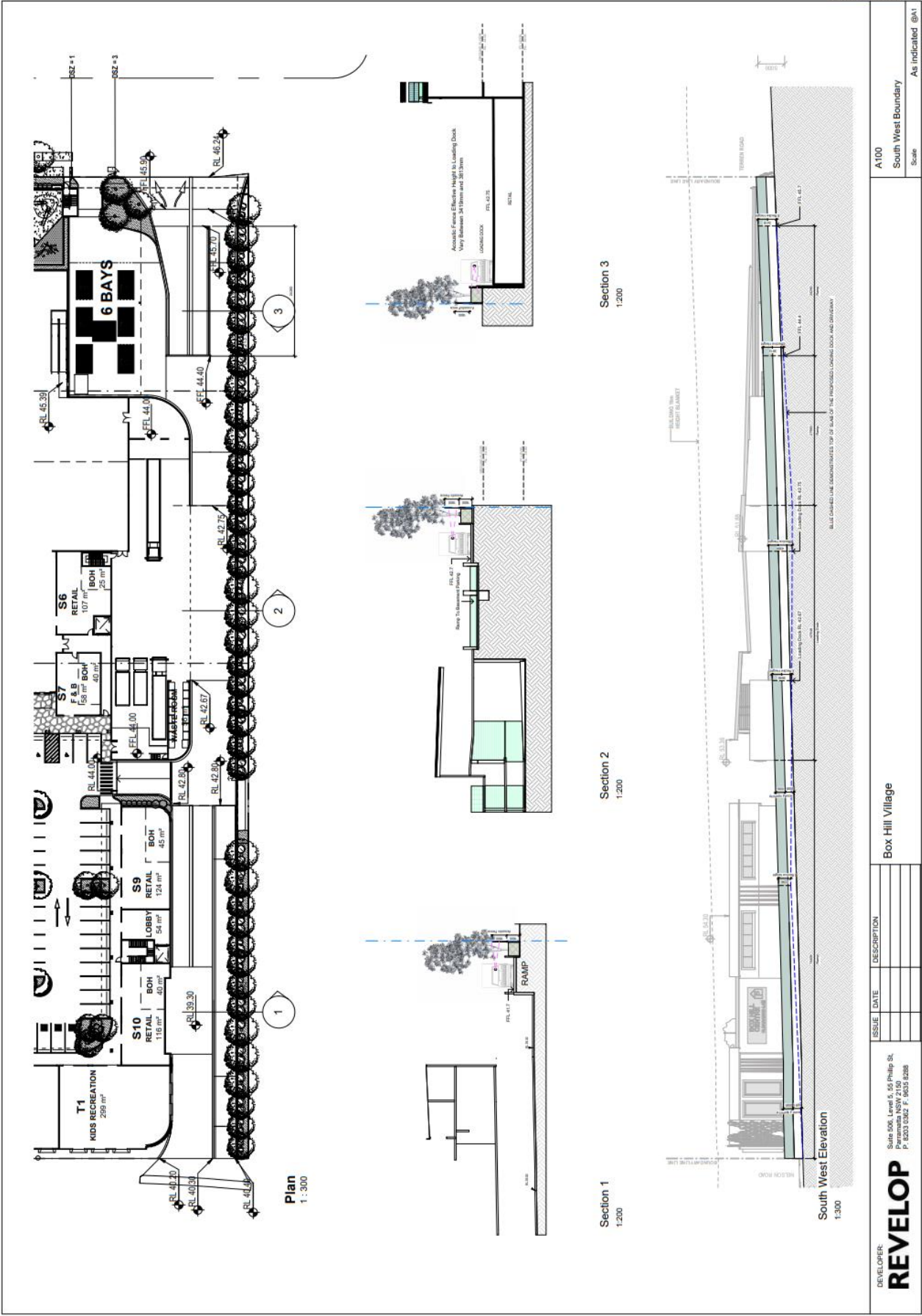
ISSUE	DATE	DESCRIPTION
P1	13.09.24	ISSUED FOR REVIEW
B	08.02.24	COUNCIL RFI RESPONSES
A	08.02.24	DA SUBMISSION

BUILDING HEIGHT BLANKET DIAGRAM

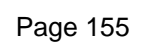
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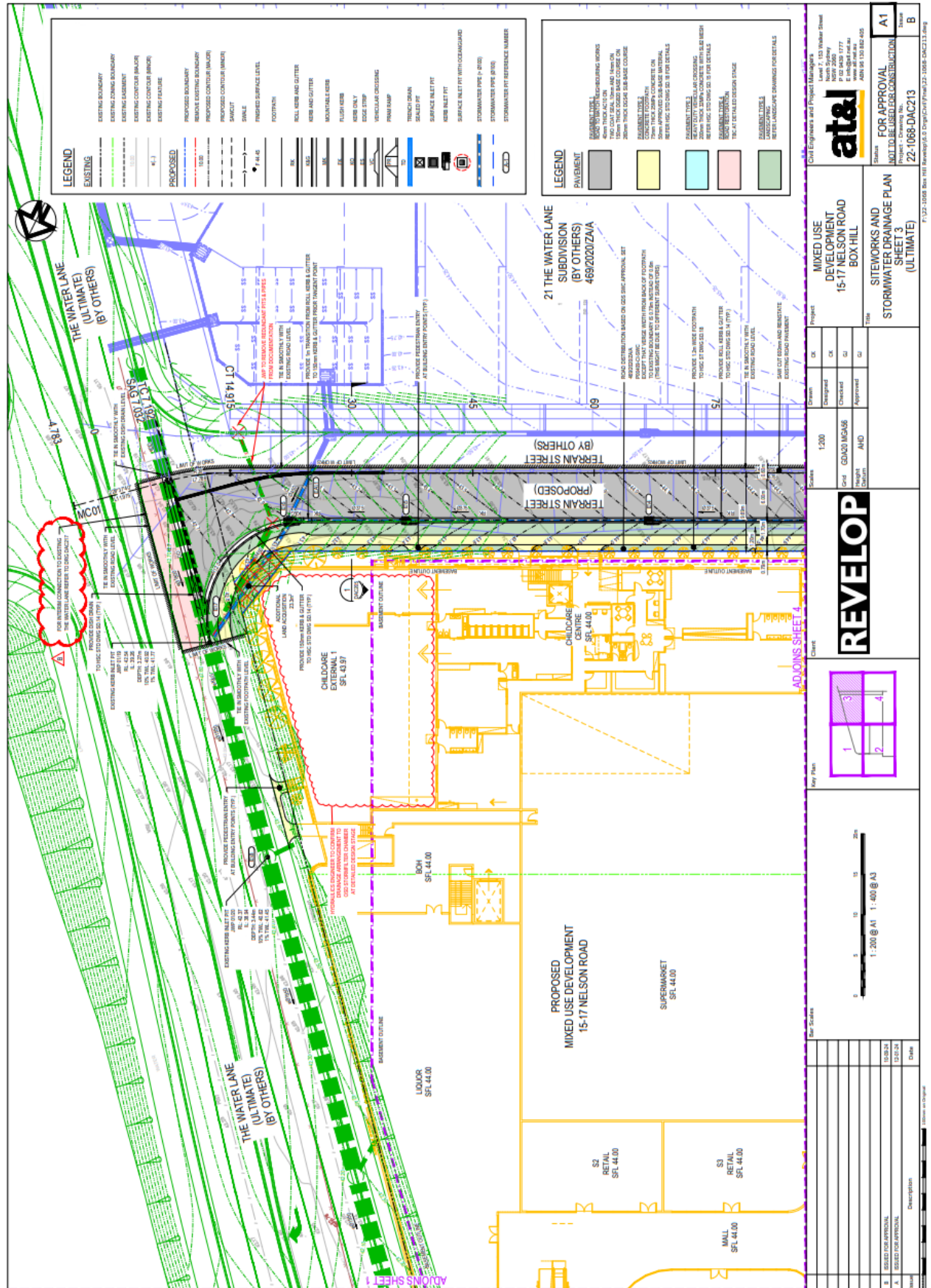
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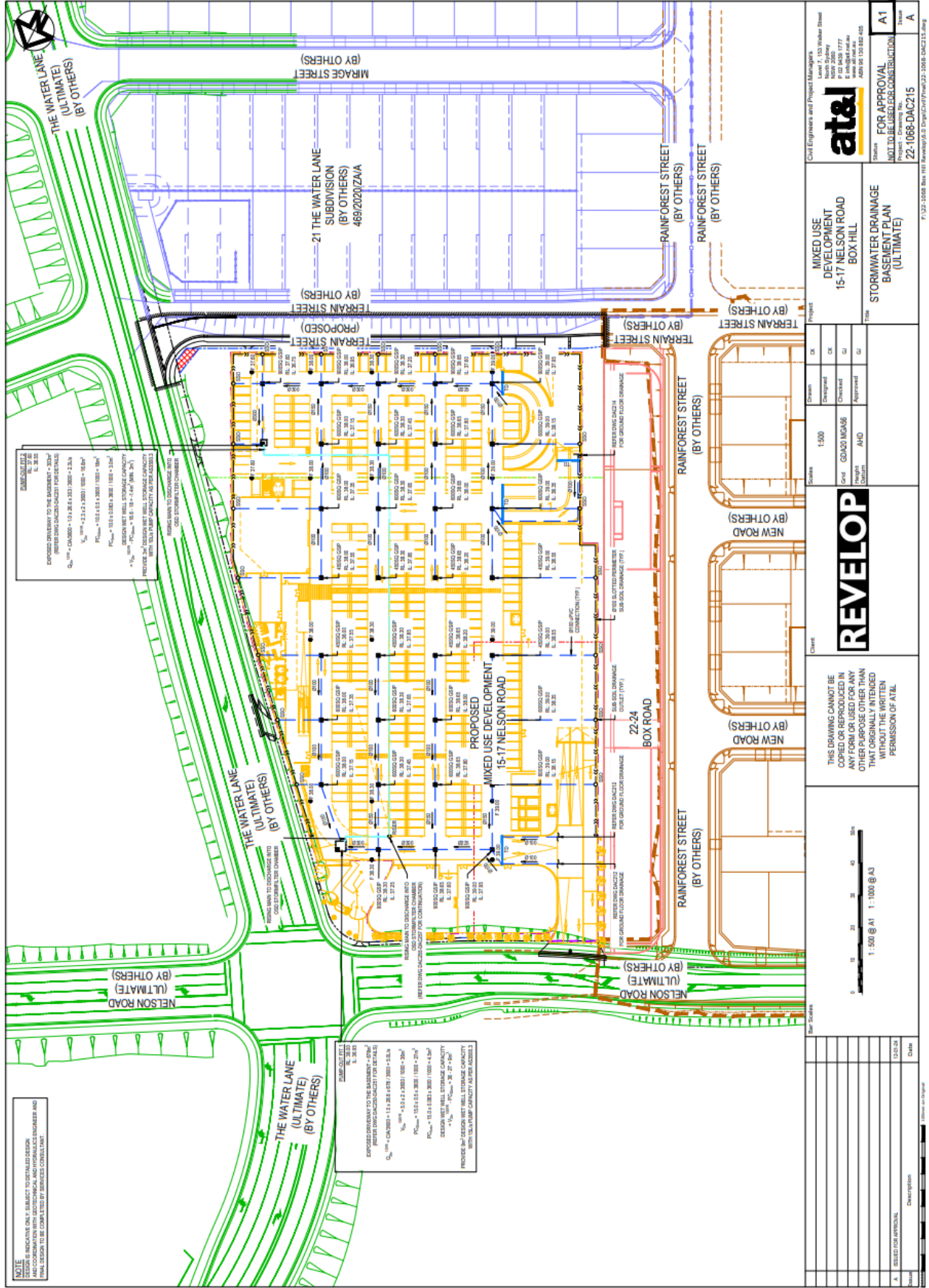
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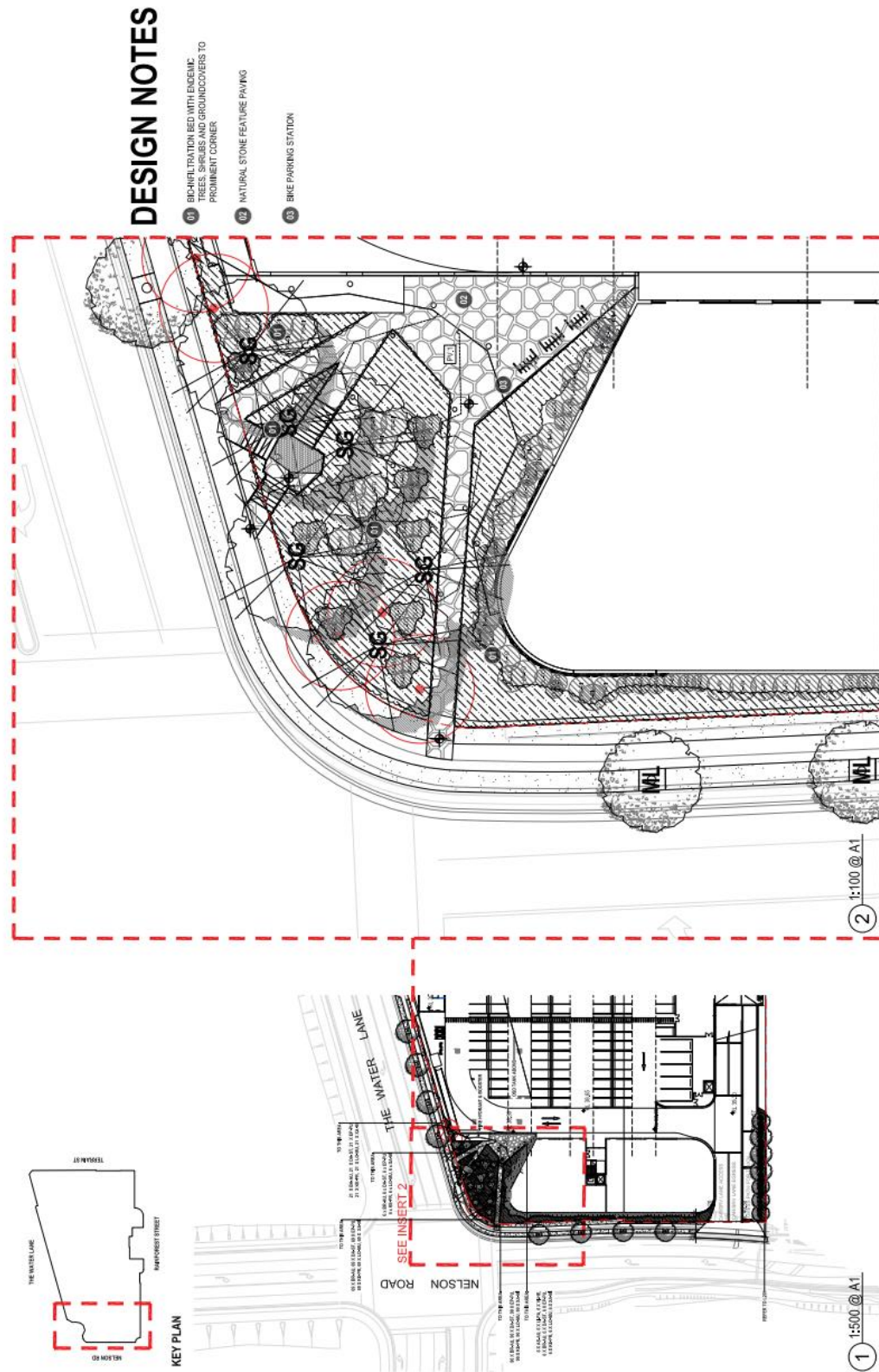
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1 ROOF GARDEN WITH LOW MAINTENANCE GROUNDCOVERS AND GRASSES



TaylorBrammer
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Client: BN GROUP
Revision: C- 10/09/2014
Drawn: BB
Checked: AL

Allocasauina litoralis

Syncarpia glomulifera

Buckinghamia celsissima



Hymenosporum flavum 'Gold Nugget'



Themeda australis



Allocasuarina litoralis



Libertia paniculata



Myoporum parvifolium



Syncarpia glomulifera



Helmholtzia glaberima



Dianella caerulea



Buckinghamia celsissima



Asplenium australasicum



Carpobrotus glaucescens

NOTE:
Part quantiles on dating don't take precedence over quantiles identified in the schedule.

NOTES

NOTE:
Part quantiles on dating don't take precedence over quantiles identified in the schedule.

TaylorBrammer
 15-17 NE 50th RD, 800 HILL
 BO GROUP
 Retiring: 0-18/0/2024
 Drawn: 00
 Checked: AL
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Project: 15-17 NELSON RD. BOX HILL
Client: BN GROUP
Revision: 0 - 16/06/2024
Drawn: BB
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L300

ATTACHMENT F: CONCEPT ORDERLY DEVELOPMENT PLAN

