

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2013SYW106 DA
DA Number	636/2014/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	DEMOLITION OF EXISTING BUILDINGS, ERECTION OF TWO MIXED USE BUILDINGS BEING 20 STOREYS (BLOCK A) AND 21 STOREYS (BLOCK B) CONTAINING 378 APARTMENTS (95 X 2 BEDROOM, 275 X 2 BEDROOM AND 8 X 3 BEDROOM UNITS), 1,612M ² OF RETAIL AT GROUND LEVEL, NEW THROUGH SITE LINK BETWEEN OLD NORTHERN ROAD AND TERMINUS STREET AND FIVE (5) LEVELS OF BASEMENT CAR PARKING FOR 550 VEHICLES.
Street Address	LOT 23 DP 785110, LOT 1 DP 701677, LOT A DP 151502, LOT 18 & 19 DP 821398 AND PART ROAD NOS. 299-309 OLD NORTHERN ROAD, CASTLE HILL
Applicant/Owner	KRIKIS TAYLER ARCHITECTS
Number of Submissions	<p>First Exhibition Period</p> <ul style="list-style-type: none"> - 23 submissions received (Two in support) <p>Second Exhibition Period</p> <ul style="list-style-type: none"> - 5 submissions received
Regional Development Criteria (Schedule 4A of the Act)	GENERAL DEVELOPMENT WITH A CIV OF OVER \$20 MILLION.
List of All Relevant s79C(1)(a) Matters	<p>List all of the relevant <u>environmental planning instruments</u>: s79C(1)(a)(i)</p> <ul style="list-style-type: none"> • The Hills Local Environmental Plan 2012 • State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Infrastructure) 2007 <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii)</p>

	<ul style="list-style-type: none"> • Nil <p>List any relevant development control plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> • DCP 2012 Part D Section 15 – Crane Road Precinct • DCP 2012 Part B Section 5 – Residential Flat Buildings • DCP 2012 Part C Section 1 – Parking <p>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv)</p> <ul style="list-style-type: none"> • Nil <p>List any coastal zone management plan: s79C(1)(a)(v)</p> <ul style="list-style-type: none"> • Nil <p>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <ul style="list-style-type: none"> • Environmental Planning and Assessment Regulation 2000
List all documents submitted with this report for the panel's consideration	SUBMISSIONS
Recommendation	APPROVAL SUBJECT TO DEFERRED COMMENCEMENT
Report by	DEVELOPMENT ASSESSMENT CO-ORDINATOR JAMES MCBRIDE

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	Mr J Zerefos Mrs K Zerefos Mr B Zerefos Mrs C Zerefos Mrs K Zerefos The Hills Shire Council	1.	<u>LEP 2012</u> – Variation to Building Height
Zoning:	B4 Mixed Use R4 High Density Residential	2.	<u>The Hills DCP 2012</u> - Variations required, see report.
Area:	5,568m ²	3.	<u>SEPP 65 – Design Quality of Residential Flat Development and Residential Flat Design Code</u> – Variation required, see report.
Existing Development:	Commercial and light industrial uses	4.	<u>SEPP 55 – Remediation of Land</u> – Satisfactory

		5.	Section 79C (EP&A Act) – Satisfactory
		6.	Section 94 Contribution - \$1,093,316.95

SUBMISSIONS

REASONS FOR REFERRAL TO JRPP

1. First Exhibition Period:	14 days	1.	Capital Investment Value in excess of \$20 million
2. Second Exhibition Period:	14 days		
3. Notice Adj Owners:	Yes, 14 days		
4. Number Advised:	658		
5. Submissions Received:	23 submissions were received during the first exhibition period and five submissions were received during the second exhibition period.		

EXECUTIVE SUMMARY

The Development Application is for the demolition of existing buildings, erection of two mixed use buildings being 20 storeys (Block A) and 21 storeys (Block B) containing 378 apartments (95 x 2 bedroom, 275 x 2 bedroom and 8 x 3 bedroom units), 1,612m² of retail at ground level, new through site link between Old Northern Road and Terminus Street and five (5) levels of basement car parking for 550 vehicles. The Capital Investment Value (CIV) of the development is \$91,384,884.00.

The proposed development is essentially in accordance with a site specific Planning Proposal adopted by Council which led to LEP Amendment No. 9 on 21 February 2014. The proposal is consistent with the controls and objectives of the site specific DCP and provides for a built form outcome envisaged for the site.

The application is accompanied by a request to vary a development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP). Clause 4.3 of the LEP prescribes a maximum height limit of 68 metres for the subject site. The proposal will comprise a maximum height of 69.7 metres which represents a variation of 2.5%. The variation is addressed in the body of the report and is considered to be satisfactory as the built form responds appropriately to the site and surrounds.

The proposal has been assessed against the relevant provisions of the Hills Development Control Plan 2012 (DCP). Variations to car parking, apartment sizes, density, overshadowing, landscaping, building length, building design and common open space are proposed. The variations are addressed in the body of the report and are considered to be satisfactory.

The proposal is defined as 'Integrated Development' as there are proposed works that will require approval from the NSW Roads and Maritime Services pursuant to Section 138 of the Roads Act 1993.

The proposal was exhibited and notified to adjoining property owners on two separate occasions. In response, 23 submissions were received (two in support) during the first exhibition period and five submissions were received during the second exhibition period. The issues raised in the submissions relate to building height, design, bulk and scale,

overshadowing, loss of privacy, noise, traffic and car parking. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

In the absence of the JRPP process, this matter would be determined by Council's Development Assessment Unit.

The proposal is recommended for approval subject to a deferred commencement condition requiring the completion of a road closure to a portion of Old Northern Road and dedication of land for the purposes of road widening.

THE SITE AND SURROUNDING AREA

The site is located at 299-309 Old Northern Road, Castle Hill and is best described as an 'island' site that is surrounded on all three sides by public roads (Old Northern Road, Terminus Street and Crane Road). The site contains seven lots which are legally known as Lot 23 DP 785110, Lot 1 DP 701677, Lot A DP 151502, Lot 18 & 19 DP 821398. The site is generally triangular in shape with an approximate frontage of 113 metres to Old Northern Road, 72 metres to Crane Road and 72 metres to Terminus Street.

The site has a total area of 5,568m². The proposed site area includes a 499m² area of Council owned land (part of the road reserve) at the intersection of Old Northern Road and Terminus Street. The site is shown in the figure below:



The site currently contains four buildings that consist of the following uses:

- Disused petrol station – located at the north-eastern end of the site.
- Sports memorabilia store and beauty premises – located within a semi-detached single storey building to the south of the disused petrol station.
- Jax Tyres – located further to the south.

- A 2-3 storey commercial building – located at the Crane Road and Old Northern Road intersection.

The site has a south-east cross fall of approximately 8.62m from the Old Northern Road and Terminus Street corner of the site to the Crane Road and Terminus Street corner of the site.

Arthur Whitting Reserve is located immediately to the north of the site on the opposite side of Old Northern Road and is the location for Castle Hill train station associated with the north-west rail link which has commenced construction.

Castle Mall is located immediately to the south-west of the site on the opposite side of Crane Road. To the south-east of the subject site on the opposite side of Terminus Street are a mix of residential buildings located within an area predominately zoned R4 High Density Residential.

HISTORY

30/08/2013	Pre-lodgement meeting held.
14/11/2013	Subject Development Application lodged.
18/11/2013	Referral to the NSW Roads and Maritime, NSW Railcorp, Transport for NSW, Sydney Water and NSW Police.
18/11/2013	The applicant is requested to provide additional information with respect to owners consent.
25/11/2013	Sydney Water responds and raises no objections to the proposed development.
26/11/2013	Application is exhibited for 14 days.
02/12/2013	The applicant submits a Heritage Impact Statement and Remediation Action Plan.
04/12/2013	Transport for NSW provide comments.
10/12/2013	NSW Police provide comments.
24/12/2013	NSW Roads and Maritime Service provide concurrence.
22/01/2014	Exhibition period concludes.
30/01/2014	The applicant is requested to provide additional information with respect to engineering matters relating to stormwater design, parking and vehicular access.
04/02/2014	The applicant provides owners consent.
04/02/2014	Referral to the Civil Aviation Safety Authority in a response to a submission regarding impact on aircraft navigation.
04/02/2014	NSW Roads and Maritime issue their revised concurrence.
21/02/2014	The Hills Local Environmental Plan (Amendment No 9) was

notified on the NSW Legislation website and came into force on Friday 21 February 2014. The amendment involved site specific changes to the height of buildings map, zoning map, FSR map and extended the area to which Clause 7.7 applies to include the surplus road reserve.

05/03/2014	Conciliation Conference held.
18/03/2014	The applicant is requested to provide additional information with respect to planning matters relating to building and unit design, car parking, overshadowing, wind impacts and tree management matters.
03/07/2014	Meeting held with applicant to discuss planning and engineering matters.
05/08/2014	NSW Railcorp provide comments requesting acoustic and basement foundation design.
08/09/2014	The applicant submits additional information addressing planning, engineering, house numbering and tree management issues.
10/09/2014	Referral to NSW Railcorp.
03/10/2014	Amended Development Plans to include an additional basement level is re-exhibited for 14 days.
08/10/2014	Referral to NSW Roads and Maritime Service and Transport for NSW.
21/10/2014	Exhibition period concludes.
21/10/2014	Transport for NSW provide comments and raise no objections to the proposed development.
23/10/2014	The applicant is requested to provide a revised Quantity Surveyors Report.
03/11/2014	NSW Roads and Maritime Service provide concurrence.
11/11/2014	The applicant submits revised Quantity Surveyors Report.
17/11/2014	NSW Railcorp (Sydney Trains) provide comments and raise no objections to the proposed development subject to conditions.

PLANNING PROPOSAL

The site was subject to a Planning Proposal (9/2013//PLP) which amended The Hills Local Environmental Plan 2012 (Amendment No 9) subsequent to the lodgement of this application. The Planning Proposal involved the following amendments:

- Amend the height of buildings map to reinstate a maximum building height of 68 metres for the western portion of the precinct (as previously adopted by Council on 22 June 2010);

- Amend the height of buildings map to amend the maximum building height from 16 metres to 68 metres for the eastern portion of the precinct (consistent with the western portion of the precinct);
- Amend the land zoning map to rezone the surplus road reserve from R4 High Density Residential to B4 Mixed Use;
- Amend the floor space ratio map to apply an FSR of 6.4:1 to the surplus road reserve (consistent with the remainder of the precinct); and
- Extend the area to which Clause 7.7 – Design Excellence under The Hills Local Environmental Plan 2012 (LEP 2012) applies to include the surplus road reserve.

The Hills Local Environmental Plan (Amendment No 9) was notified on the NSW Legislation website and came into force on Friday 21 February 2014.

It should be noted that the lodgement of the subject Development Application was made prior to the gazettal of the LEP amendment. However, under Division 4B of Part 3 of the Act, a development application may be made for consent to carry out development that may only be carried out if the environmental planning instrument applying to the relevant development is appropriately amended.

PROPOSED DEVELOPMENT

The Development Application is for the demolition of existing buildings, erection of two mixed use buildings being 20 storeys (Block A) and 21 storeys (Block B) containing 378 apartments (95 x 1 bedroom, 275 x 2 bedroom and 8 x 3 bedroom units), 1,612m² of retail at ground level, new through site link between Old Northern Road and Terminus Street and five (5) levels of basement car parking for 550 vehicles.

The proposal was amended during the assessment process to include an additional level of basement car parking to accommodate an increase of 80 car park spaces. The amendments also include the provision of a green wall (vertical garden) on the street frontages of Crane Road and Terminus Street.

The development comprises two residential towers above a commercial/retail podium. The commercial component has been positioned to address and activate the Old Northern Road frontage and central plaza with particular emphasis on the street corners. A through-site link will be provided between the two buildings and provide an interface around the ground level of each building. An escalator will be provided at the southern end of the Terminus frontage to allow for pedestrians to traverse the site given the slope of the land.

The central plaza and escalators/lift will be publicly accessible.

The residential development will provide a total of 378 residential flat units with the following mix:

- 95 x 1 bedroom units;
- 275 x 2 bedroom units; and
- 8 x 3 bedroom units

Access to the basement car park has been provided at two points off Crane Road and Terminus Street. It is noted however that access into the development site from Terminus Street has been restricted by the NSW Roads and Maritime Service. Terminus Street will accommodate left out movements with Crane Road facilitating left in, left out, right in and right out vehicle movements. The top two levels of basement car park will be dedicated to commercial and visitor spaces with the bottom three levels dedicated to the residential parking component. Access to the residential parking component is provided via a security gate to ensure the separation of public and private car spaces.

A total of 11 commercial tenancies comprising a total area of 1,612m² will be located at ground level with access from the central plaza and street frontages.

The proposed buildings will generally comprise of a nil street setback which increases in depth given the articulation of the facades. The facades to each street frontage are sufficiently articulated in a predominately curvature form which reflects the alignment of each corner of the site. The proposal integrates a number of recesses and projections at the upper elements of each building to articulate the overall mass to form smaller segments. Balustrading and the form of balconies have been incorporated as a design feature which follows the curvilinear lines of the façade. A glazed curtain wall is proposed over the escalator/lift on the Terminus Street frontage.

A good balance of material composition has been utilised within the façade to avoid repetitious design features and blank walls. A mixture of metallic cladding, ceramic tile cladding, glazing and sandstone will be incorporated into the design of the facades in addition to a vertical garden at the street level of Terminus Street and Crane Road.

The proposal exceeds the maximum allowable building height limit of 68m as prescribed under clause 4.3 of Local Environmental Plan 2012. The proposal will have a maximum building height of 69.7 metres which represents a variation of 2.5%. The Development Application is accompanied by written justification pursuant to Clause 4.6 to vary the building height.

The proposal is defined as 'Integrated Development' as there are proposed works including an access to point to Terminus Street that will require approval from the NSW Roads and Maritime Services pursuant to Section 138 of the Roads Act 1993.

CONCILIATION CONFERENCE

A Conciliation Conference was held on 5 March 2014 due to the number of submissions received to the proposal. Issues discussed at the conference included:

- Building height and design.
- Traffic, parking and access.
- Amenity impacts including privacy, overshadowing and noise.

The following outcomes were achieved as a result of the Conciliation Conference:

- The applicant is to consider all issues raised. If there are significant amendments to the proposed design, then the application will be re-notified.
- Council will further consider the traffic impacts to the immediate road network and whether the parking provision is appropriate to accommodate residents and visitors.
- The applicant/developer is to reconsider the interface to Terminus Street with respect to landscaping treatment.

The subsequent amendments to the proposal included:

- A fifth level of basement car park accommodating 80 car parking spaces
- Amendments to the central plaza to incorporate awnings, seating and other landscaping elements.
- Provision of a vertical garden on the Crane Road and Terminus Street frontages.

The amendments to the proposal were re-notified for a period of 14 days. In response, five submissions were received.

ASSESSMENT

1 STRATEGIC PLANNING FRAMEWORK

1.1 Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The proposed development is consistent with this strategic direction as it will provide housing opportunities in locations highly accessible by existing and proposed public transport.

1.2 Draft Metropolitan Strategy for Sydney to 2031

The draft Metropolitan Strategy for Sydney to 2031 is a growth plan which is underpinned by transport and infrastructure initiatives to deliver an adequate supply of housing and employment opportunities through to 2031. The draft strategy is integrated with the NSW Long Term Transport Master Plan and State Infrastructure Strategy as part of an overarching framework for the growth of Sydney. The draft strategy seeks to provide at least 545,000 new homes across Sydney and 625,000 new jobs to 2031, as well as introducing short term housing and employment targets to 2021.

The draft Strategy seeks to align economic and housing growth and emphasises the importance of the North West Rail Link Corridor. Furthermore, the draft Strategy prioritises the creation of liveable centres that are well integrated with adjacent neighbourhoods and best practice principles of transit orientated design.

The proposal is consistent with the draft Strategy as it will provide high density housing within close proximity to existing and proposed high frequency public transport services and will additionally assist in meeting the residential density targets as proposed within the draft Strategy.

1.3 Draft North West Subregional Strategy

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan.

The proposed development is consistent with this draft strategy as it is located in a prominent position that provides housing opportunities in order to capitalise on existing strategic transport corridors, local bus routes and the proposed North West Rail Link.

1.4 North West Rail Link

The North West Rail Link (NWRL) has been identified by the NSW Government as a priority transport infrastructure project which will consist of a heavy rail line extending from Epping, through the North West Growth Centre, to Cudgegong Road. The North West Rail Link will support metropolitan planning objectives by putting in place a key transport project which extends the connectivity of the existing rail network and will support future growth within North West Sydney.

The future Castle Hill railway station is within 25 metres of the site, being located on the opposite side of Old Northern Road. Proximity to the Castle Hill railway station makes the site ideal for high density development in order to capitalise upon the principles of transport orientated development.

1.5 North West Rail Link Corridor Strategy

To ensure that future development supports the public transport infrastructure, a precinct planning process for the North West Rail Link Corridor has been undertaken by the NSW Department of Planning & Infrastructure.

The North West Rail Link Corridor Strategy provides a vision for how the eight precincts surrounding the proposed railway stations could be developed to integrate with the new rail link. The Corridor Strategy includes a structure plan for each station precinct to inform appropriate zonings and amendments to built form controls and to guide the assessment of major projects and development applications within the corridor.

A key principle informing the corridor strategy is the integration of land use and transport planning by the provision of transit orientated development. This is defined as mixed use communities within walking distance of a transit node that provides for a range of residential, commercial, open space and public facilities in a manner that makes it convenient and attractive to walk, cycle or use public transport for the majority of trips. Accordingly, the strategy highlights that the new rail line provides significant opportunities for transit orientated development around the proposed rail stations.

The structure plan identifies the Crane Road Precinct as being capable of accommodating mixed use development and is therefore consistent with the proposed development. Whilst not specifically applying a desired height for opportunity sites, the structure plan supports the provision of apartment buildings up to 20 storeys in height and within close proximity to new stations and is therefore generally consistent with the provisions of the strategy.

2 STATUTORY MATTERS FOR CONSIDERATION

2.1 SEPP (State and Regional Development) 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel: -

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

The proposed development has a capital investment value of \$91,381,884.00 thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the application was referred to, and listed with, the JRPP for determination.

2.2 SEPP 55 – Remediation of Land

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

Clause 7 of the SEPP states: -

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

(a) it has considered whether the land is contaminated, and

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

Comment:

A historical investigation into previous land uses and potential sources of contamination has been carried out. The site was used for residential purposes up until the 1950s and thereafter was progressively developed for commercial and industrial purposes. The eastern side of the site was used as a service station from the late 1950s until being decommissioned in 2010. The central part of the site has been occupied by a tyre fitting service since the late 1980s. A commercial office building with basement car parking constructed in the early 1990s is located on the western side of the site. It is noted that at least six abandoned underground petroleum storage systems are present on site.

The Development Application was accompanied by a Detailed Site Investigation prepared by SMEC Testing Services Pty Ltd and dated May 2012. The findings of the investigation revealed that the groundwater contained elevated concentrations of petroleum hydrocarbons and ammonia which may be due to on-site sources. However the report indicated that the levels would not present a risk to human health or the environment given that the contamination will break down naturally before reaching receiving waters. As a result of the investigations, the report indicates that the site is suitable for the ongoing commercial/industrial use and also for a high density residential land use.

Additionally, the Development Application was accompanied by a Remediation Action Plan prepared by Environmental Investigations Australia and dated 15 November 2013. The Remediation Action Plan is based on the findings of the Detailed Site Investigation prepared by SMEC Testing Services Pty Ltd. The Remediation Action Plan recommends the removal of the six abandoned underground petroleum storage systems in addition to the testing, remediation and validation of the soil surrounding the underground petroleum storage systems.

Council's Environmental Health Coordinator has reviewed the proposal and concurs with the findings and recommendations of the Detailed Site Investigation and Remediation Action Plan. Accordingly, appropriate conditions of consent have been imposed to ensure that the recommendations of the reports are implemented during the course of construction.

In this regard, it is considered that the site is suitable for the proposed development with regard to land contamination and the provisions of SEPP 55.

2.3 Roads Act 1993

The proposal is defined as "Integrated Development" as the development requires the approval of the NSW Roads and Maritime Services pursuant to Section 138 of the Roads Act 1993 given that the proposed development involves access off Terminus Street.

The application was referred to Roads and Maritime Services (RMS) for concurrence under the Roads Act 1993 subject to a condition which restricts access from Terminus Street to left out movements only.

No objections to the development were raised by the RMS, subject to conditions of consent.

2.4 SEPP (Infrastructure) 2007

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to development adjacent to a rail corridor, traffic generating development and development with access to a classified road.

2.4.1 Excavation in, above or adjacent to rail corridors

Clause 86 'Excavation in, above or adjacent to rail corridors' of the SEPP states: -

(1) This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:

- (a) within or above a rail corridor, or*
- (b) within 25m (measured horizontally) of a rail corridor. or*
- (c) within 25m (measured horizontally) of the ground directly above an underground rail corridor.*

(2) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
- (b) take into consideration:*
 - (i) any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*

(3) Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.

(4) In deciding whether to provide concurrence, the chief executive officer must take into account:

- (a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

Comment:

Pursuant to Clause 86 of the SEPP, the Development Application was referred to Sydney Trains given that the site is located within 25 metres of the proposed North West Rail

Link corridor which is currently under construction. Sydney Trains have reviewed the proposal in accordance with Clause 86 and have raised concern about the potential impacts of the proposed development on the future construction, operation and maintenance of the North West Rail Link.

Sydney Trains has indicated that the proposed development which involves excavation to accommodate five levels of basement car park, could affect the practicability of the North West Rail Link, its construction cost and the capacity to design it to meet railway operational needs. However, Sydney Trains have provided their concurrence subject to conditions of consent to address potential design conflicts. On this basis, a condition of consent will be imposed to ensure that the requirements of Sydney Trains in their letter dated 14 November 2014 are complied with.

2.4.2 Development with frontage to a classified road

Clause 101 'Development with frontage to classified road' of the SEPP states: -

(1) The objectives of this clause are:

- (a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*
- (b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

Comment:

The site is directly adjacent to Terminus Street which is a classified road under the Roads Act 1993. Accordingly, the consent authority must be satisfied that the proposed development will not affect the safety, efficiency and ongoing operation of the classified road. Additionally, the consent authority must also consider the impacts of traffic noise and vehicle emissions from the adjacent classified road.

The Development Application was referred to the NSW Roads and Maritime Service for review. The NSW Roads and Maritime Service raised no objections to the proposal subject to conditions. It is noted that left-in movements from Terminus Street have been restricted by the Roads and Maritime Service with the access point to Terminus Street catering only for left-out movements. On this basis, a condition of consent will be imposed to ensure that the requirements of the NSW Roads and Maritime Service in their letter dated 3 November 2014 are complied with.

The Development Application was accompanied by an Acoustic Report prepared by Day Design Pty Ltd. The report identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The report concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Environmental Protection Authority (EPA) subject to the implementation of noise mitigation measures.

Additionally, the Development Application was accompanied by a Road Traffic Noise Intrusion Report prepared by Day Design Pty Ltd. The report considers existing levels of traffic noise in addition to the impact of the future North West Rail Link with respect to noise and vibration pursuant to Clause 87 of the SEPP. The report recommends noise mitigation measures to offset the impact of traffic noise in addition to rail noise and vibration. The report concludes that subject to recommendations being carried out, the proposed development will comply with Australian Standard AS3671-1989, AS2107-2000 and Clause 87 of the SEPP.

Council's Environmental Health Coordinator has reviewed the proposal and concurs with the findings and recommendations of the Acoustic Report and Road Traffic Noise Intrusion Report. Accordingly, appropriate conditions of consent have been imposed to ensure that the recommendations of the reports are implemented into the proposed development.

2.4.3 Traffic generating development

Clause 104 'Traffic-generating development' of the SEPP states:-

(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

(2) In this clause, relevant size or capacity means:

- (a) in relation to development on a site that has direct vehicular or pedestrian access to any road—the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or*
- (b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.*

(3) Before determining a development application for development to which this clause applies, the consent authority must:

- (a) give written notice of the application to the RTA within 7 days after the application is made, and*
- (b) take into consideration:*

(i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and

(ii) the accessibility of the site concerned, including:

(A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and

(B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and

(iii) any potential traffic safety, road congestion or parking implications of the development.

(4) The consent authority must give the RTA a copy of the determination of the application within 7 days after the determination is made.

Comment:

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to the NSW Roads and Maritime Service where the development results in 75 or more dwellings to a site with access to a classified road or to road that connects to a classified road (if access within 90m of connection, measured along alignment of connecting road). The proposed development comprises of 378 dwellings with vehicular access to a classified road being Terminus Street.

The Development Application was referred to the NSW Roads and Maritime Service for review. The NSW Roads and Maritime Service raised no objections to the proposal subject to conditions. On this basis, a condition of consent will be imposed to ensure that the requirements of the NSW Roads and Maritime Service in their letter dated 3 November 2014 are complied with.

Additionally, Council's Principal Traffic & Transport Coordinator has reviewed the proposal and raised no objection with respect to traffic generation. Refer to Section 3.2 of this report.

2.5 SEPP (BASIX) 2004

State Environmental Planning Policy (BASIX) 2004 applies to the proposed development and aims to reduce the consumption of mains-supplied water, reduce emissions of greenhouse gases and improve the thermal performance of the building.

A BASIX assessment has been undertaken and indicates that the development will achieve the required targets for water reduction, energy reduction and measures for thermal performance. The commitments as detailed in the BASIX Certificate will be imposed as a condition of consent.

2.6 SEPP 65 – Design Quality of Residential Flat Buildings

In accordance with Clause 50 of the Environmental Planning and Assessment Regulation 2000, a design verification statement was submitted with the application. This statement was prepared by Nick Taylor (Chartered Architect No. 5686).

The primary objective of SEPP 65 is to improve the design quality of residential flat development in NSW. In determining a development application for consent to carry out residential flat development, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the design quality principles. A consent authority must also consider provisions of the Residential Flat Design Code.

2.6.1 SEPP 65 Ten Quality Design Principles

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

Principle 1: Context

The development responds and reflects the context into which it is placed being located within a Major Centre as designated by the draft North West Subregion Strategy. The site is located on the edge of the Castle Hill Town Centre and the development conforms

to the future desired character of the area being zoned for a mix of land uses. The site has been earmarked as a gateway site and the proposed development provides strong visual character that will reinforce Castle Hill as a major centre. The context is likely to change as adjoining sites are developed in the context of the zoning and with the commencement of the North West Rail Link.

Principle 2: Scale

The overall scale of the development responds to the site and is considered to be appropriate to the desired future character of the Castle Hill Town Centre. The built form has been designed in accordance with the site specific Development Control Plan for the Crane Road Precinct and reinforces the location of the precinct as a gateway site to Castle Hill.

The two buildings have been designed to respond to the alignment of the boundaries by adopting a curvilinear form which is translated vertically in height. The height of the development overall is acceptable in terms of solar access to the development site and adjoining sites.

The spatial relationship of buildings has been considered. The proposed buildings will maintain adequate separation with appropriate distances between both buildings and respective apartments. The building separation will allow for landscape areas, entrances and a public domain area which will act as a thoroughfare between Terminus Street and the future train station and bus interchange.

The proposed development will comprise of a nil setback which increases to a maximum of 9.22 metres as a result of the curvilinear building facades. The proposed building setbacks in the context of the Castle Hill Town Centre will form active street frontages to Old Northern Road and Crane Road.

The proposed design addresses matters such as privacy, acoustic impact, wind impact, and solar access.

Principle 3: Built Form

The design of the building elements are of a contemporary style with a number of elements being used to provide an architectural character. The ultimate form of development is achieved in the articulation of the elevations, the selection of colours and materials and high quality landscaped setting of the central plaza.

Principle 4: Density

The proposed development for 378 units is considered to be appropriate for the site, the locality and within the context of the Castle Hill Town Centre.

Principle 5: Resources, Energy and Water Efficiency

The design achieves natural ventilation and insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

The energy rating of the residential units has been assessed and the accompanying ratings indicate an achievement of the minimum points being scored.

Principle 6: Landscape

The landscape plan indicates that all open spaces will be appropriately landscaped with appropriate tree species and shrubs to provide a high quality landscape setting, particularly within the central plaza. The proposed landscaping integrates with the overall appearance of the development.

Principle 7: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The key elements of the building design incorporates satisfactory access and circulation, apartment layouts, floor areas, ceiling heights, private open space, common open space, energy efficiency rating, adaptability and diversity, safety, security and site facilities for the enjoyment of residents.

Principle 8: Safety and Security

The development has been designed with safety and security concerns in mind having regard to the principles of Crime Prevention through Environmental Design (CPTED). The common open spaces, balconies and windows provide opportunities for passive surveillance to the central plaza. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security.

The Development Application was accompanied by a Crime Prevention Report which indicates that all aspects of the design comply with CPTED and Council's Safer by Design Guidelines.

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations will be imposed as a condition of consent.

Principle 9: Social Dimensions

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development provides an apartment mix to accommodate a range of budgets.

Principle 10: Aesthetics

The building mass is articulated in a curvature form which is translated vertically in building height. The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass and form into smaller segments. The bulk of the overall building and height is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall bulk and scale of the development. The combination of materials, colours and finishes will assist in conveying the development as a gateway site. The design is modern in style and appropriate for the Castle Hill Town Centre.

2.6.2 Residential Flat Design Code Table of Compliance

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a development application for a residential flat building is to take into consideration the Residential Flat Design Code (RFDC). The following table is an assessment of the proposal against the guidelines provided in the RFDC.

DEVELOPMENT STANDARD	SEPP 65 REQUIREMENTS (Rules of Thumb)	PROPOSED DEVELOPMENT	COMPLIANCE
Part 1 – Local Context – Primary Development Controls			
Building Height	Where there is an FSR requirement, test height controls against it to ensure a good fit.	The proposed height of the development is considered satisfactory and is consistent with the future character of the area and the built form envisaged under the site specific DCP. The FSR control of 6.4:1 is reflective of the permitted building height.	Yes
Building Depth	In general, apartment building depth of 10-18 metres is appropriate. Developments that propose depth greater than 18 metres must demonstrate how satisfactory day lighting and natural ventilation are to be achieved.	<p>Block A 24 metres balcony to balcony 19 metres window to window</p> <p>Block B 23.2 metres balcony to balcony 21 metres window to window</p> <p>While the building depths exceed the suggested depths of the SEPP, the designs of the buildings are sufficiently articulated with all units provided with adequate sunlight and ventilation through the incorporation of dual aspect orientations.</p>	Yes
Building Separation	<p>Design and test building separation controls in plan and section.</p> <p>5 to 8 storeys 18m between habitable rooms/balconies. 13m between habitable rooms/balconies and non-habitable rooms. 9m between non-habitable</p>	The separation distance between Block A and B will range between 24-28 metres.	Yes

	rooms		
Street Setback	Identify the desired streetscape character, the common setback of buildings in the street, the accommodation of street tree planting and the height of buildings and daylight access controls. Identify the quality, type and use of gardens and landscaped areas facing the street.	The proposed streetscape presentation and associated building setbacks in the context of the Castle Hill Town Centre is considered satisfactory. High quality landscaping is proposed to enhance the streetscape character of the development.	Yes
Side and rear setback	<p>Relate side setback to existing streetscape patterns.</p> <p>Test side and rear setback with building separation, open space and deep soil zone requirements (see Building Separation, Open Space and Deep Soil Zones).</p> <p>Test side and rear setbacks for overshadowing of other parts of the development and/or adjoining properties, and of private open space.</p>	<p>Building setbacks comply with the site specific DCP.</p> <p>Buildings are well articulated and in proportion with respect to the locality of the development.</p> <p>Landscaped area and solar access is considered satisfactory and appropriately considered by the applicant in the design of the development.</p>	Yes
Floor Space Ratio	<p>Test the desired built form outcome against proposed floor space ratio to ensure consistency with:</p> <ul style="list-style-type: none"> • Building height • Building footprint • The three dimensional building envelope • Open space requirements 	The proposed floor space ratio of 6.4:1 complies with the LEP.	Yes
Deep Soil Zones	A minimum of 25% of the open space area of a site should be a deep soil zone.	Approximately 984 square metres of the site contains soft landscaping which represents 17.8% of the site area.	No – Refer to discussion below

Open Space	The area of communal open space required should generally be at least 25-30% of the site area.	Approximately 2,790 square metres of the site is common open space area which represents 53% of the site area.	Yes
Pedestrian Access	Identify the access requirements from the street or car parking area to the apartment entrance. Follow the accessibility standard set out in AS 1428 (parts 1 and 2), as a minimum. Provide barrier free access to at least 20 percent of dwellings in the development	Ground level entrances provided and lift access to each floor is available from all basement levels. Access Report submitted and satisfactory. All units are accessible by lift.	Yes Yes Yes
Vehicular Access	Generally limit the width of driveways to a maximum of 6m. Locate vehicle entries away from main pedestrian entries and on secondary frontages.	The driveway widths are compliant with Australian Standards and ensure sufficient manoeuvring is available within the site. Vehicle entries are located away from main pedestrian entrances and will not conflict with pedestrian access.	Yes Yes
Apartment Layout	Single aspect apartments should be limited to 8 metres from a window.	Single aspect apartments contain a depth of 8 metres or more from a window.	No – Refer to discussion below.
Apartment Mix	If Council chooses to standardise apartment sizes, a range of sizes that do not exclude affordable housing should be used. As a guide, the Affordable Housing Service suggest the following minimum apartment sizes, which can contribute to housing affordability; (apartment	All proposed units within the development comply with the 'rule of thumb' minimum apartment size requirement for affordable housing as specified by the Residential Flat Design Code (RFDC).	Yes

	<p>size is only one factor influencing affordability)</p> <ul style="list-style-type: none"> • 1 bedroom apartment 50 m² • 2 bedroom apartment 70m² • 3 bedroom apartment 95m² 	<p>However, 287 of the 378 units (76% of units) comply with the apartment areas specified within the typology table of the RFDC.</p> <p>However it is considered that the apartment configuration and room dimensions are considered to provide for a high level of residential amenity. At least 70% of units achieve in excess of 3 hours solar access to living areas and balconies on 21 June. With respect to ventilation, 76.7% of units are cross ventilated given their aspect and elevation.</p> <p>In this regard, the apartment mix and sizes are considered to be satisfactory.</p>	
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres	All balconies comply as per the DCP requirements.	Yes
Ceiling heights	Minimum floor to ceiling height for habitable rooms is 2.7m and 2.4m for non-habitable.	All units will comprise a minimum height from floor to ceiling of 2.7 metres.	Yes
Internal Circulation	In general, where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to eight.	The maximum number of apartments off any single lift and stair lobby is eight.	Yes
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes, provide accessible storage facilities at the following rates:</p> <ul style="list-style-type: none"> • Studio – 6m³ • 1 bed – 6m³ • 2 bed – 8m³ 	Accessible storage is provided to all units within the designated storage areas within the basement.	Yes

	<ul style="list-style-type: none"> • 3 bed+ - 10m³ 		
Daylight Access	<p>Living rooms and private open spaces for at 70% of apartments in a development should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.</p> <p>Limit the number of single aspect units with a southerly aspect (SE-SW) to a maximum of 10% of the total units proposed</p>	<p>264 of the 378 units receive 3 hours of solar access between 9am and 3pm 21 June, representing 70% of the development. It is noted that 109 units receive 4 hours of solar access between 9 am and 3pm 21 June. This represents 28% of units.</p> <p>A maximum of 13 units or 3% of the development will have a SE-SW aspect.</p>	<p>Yes</p> <p>Yes</p>
Natural Ventilation	60% of residential units should achieve natural cross flow ventilation and 25% of kitchens should have access to natural ventilation.	76.7% of units achieve natural cross ventilation and 28% of units have natural ventilation to the kitchen.	Yes
Waste Management	Supply waste management plans as part of the DA as per the NSW Waste Board.	Waste Management Plans have been submitted, assessed by Council's Resource Recovery Section and considered satisfactory.	Yes
Water Conservation	Rainwater is not to be collected from roofs coated with lead or bitumen-based paints or from asbestos-cement roofs. Normal guttering is sufficient for water collections.	<p>Satisfactory rainwater collection, re-use and disposal proposed.</p> <p>Note that there are no offensive or hazardous roofing materials proposed.</p>	Yes

Variations to the RFDC have been identified and are addressed as follows:

a) Deep Soil Zone

The RFDC requires a minimum of 25% of the site area to be dedicated to a deep soil zone. The proposed development provides approximately 984 square metres of soft landscaping which represents 17.8% of the site area.

The site is surrounded by street frontage on all sides and the site is located within what is essentially a mixed use zone within Castle Hill Town Centre. In addition, the proposed development will provide a through site link which will provide the public with access to the future rail station and bus interchange. Further, the landscaping area proposed is located to screen the lower section of the buildings and to embellish the central plaza as a public domain area.

It should also be noted that 53% of the site area will be common open space for the enjoyment of residents and members of the public traversing the through site link in addition to commercial uses.

In this regard, the proposal is considered to meet the objectives of providing quality landscaping despite non-compliance with prescriptive requirements.

b) Apartment Layout

The RFDC requires single aspect apartments to comprise a maximum depth of 8 metres to a window. The proposed development comprises of single aspect units that have a depth of more than 8 metres to a window which exceeds the maximum permitted by the RFDC.

The applicant has justified the variation on the basis that the proposed development complies with the solar access and natural ventilation requirements of the RFDC.

A Solar Access and Natural Ventilation Report has been submitted which concludes that given the elevation of the units and the prevailing breezes, natural ventilation to the development will be achieved. In this regard, the proposed development achieves natural ventilation to 76.7% of units with 28% of kitchens being naturally ventilated. Furthermore, the proposed development achieves at least 3 hours of solar access between 9am to 3pm during midwinter to 70% of units.

In this regard, given that the proposed development achieves a satisfactory level of solar access and natural ventilation for the entirety of the development, the variation to the apartment depth for the respective non-compliant units is considered to be satisfactory.

2.7 The Hills Local Environmental Plan 2012

The site is zoned B4 Mixed Use and R4 High Density Residential under The Hills Local Environmental Plan 2012. Under the LEP, the proposed development is defined as a 'residential flat building' and ancillary 'commercial premises' as follows:

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

commercial premises means any of the following:

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

Residential flat buildings and ancillary commercial premises are permissible under the LEP. Accordingly, the proposal is considered satisfactory with regard to the LEP.

In addition to the above, Clause 4.1A of LEP 2012 'Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings' requires a minimum lot size for residential flat buildings of 4000m². The site is proposed to have an area of 5,568m² and will comply with the minimum site area.

The table below contains the relevant development standards of the LEP applying to the proposed development:

DEVELOPMENT STANDARD (CLAUSE NO.)	LEP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Permissibility	B4 Mixed Use Zone R4 High Density Residential <u>Amendment No. 9</u> B4 Mixed Use	The proposed development is permissible under the B4 Mixed Use zone and the R4 High Density Residential zone.	Yes
Minimum Lot Size	4,000m ²	The site comprises an area of 5,568 square metres (including land reserved for road widening located on the corner of Old Northern Road and Terminus Street).	Yes
Floor Space Ratio	6.4:1 Note: Surplus Road Reserve did not contain an FSR control under LEP at time of lodgement.	6.39:1	Yes
Building Height	45 metres 16 metres <u>Amendment No. 9</u> 68 metres	Block A – 69 metres (Lift Overrun) Block B – 69.7 metres (Lift Overrun) The roof level will be 67.4 metres and 68 metres respectively for Block A and B. The parapet level will be 68.3 metres and 69 metres respectively for Block A and B.	No – refer to Section 2.7.1 below.

2.7.1 Exceptions to development standards

The building height control of 16 and 45 metres respectively apply to the subject site under the LEP. The applicant submitted a Clause 4.6 variation to the building height of 16 and 45 metres which is considered to be satisfactory. However, subsequent to the lodgement of the Development Application, the LEP was amended to modify the building height for the entire subject site to 68 metres.

In this regard, it is considered to be more appropriate to assess the merits of a height variation against the height control of 68 metres as adopted under Amendment No. 9. The proposed development contains point encroachments to the maximum permitted building height of 68 metres. Block A will comprise a height of 69 metres whilst Block B will comprise a height of 69.7 metres. The variation represents a departure of 2.5% from the development standard.

The figure below illustrates the extent of the encroachment to the building height standard:



It is noted that the blue layer illustrates the 68 metre height plane measured from natural ground level. The proposed encroachments relate to the lift overrun and a portion of the roof parapet as illustrated in the figure above.

The applicant has submitted a Clause 4.6 variation to justify the variation to the existing height controls of the LEP. The applicant states that the lift overrun and parapet is an architectural roof feature in accordance with Clause 5.6 of the LEP.

The applicant has provided the following written request seeking a Clause 4.6 variation to the development standard for building height:

- *Clause 4.6 permits architectural roof features to exceed the height limit subject to the consent authority being satisfied of the considerations under subclause (3).*

- *The parts that exceed the 68 metre limit are a continuation of the key decorative elements of the building.*
- *A sculptural curvilinear form is used for the two towers to create dynamic building forms that provide a strong visual character for the site as a gateway to the northern section of the Castle Hill town centre.*
- *The sculptural quality of the tower forms is derived from the curvilinear plan forms that have been designed to maximise solar access, cross ventilation, and view outlook. The form of the two towers acts to unify the scheme by creating a dialogue between the towers but allows each its own identity. Building massing is articulated at transition points through form, colour and materials and gives a sculptural quality to facades.*
- *These qualities have been continued through to the top of the building resulting in decorative elements that continue this strong curvilinear form. The lift overrun has not been finished in a traditional rectangular structure; it has been carefully modulated to continue the important design and decorative elements of the towers.*
- *As demonstrated in the 3D images above the location of the parapet and lift overrun that exceeds the control will not result in additional overshadowing. Due to the location of these components any shadow will be absorbed into the shadow cast by the towers. Notwithstanding this, the expert Overshadowing Analysis undertaken by Steve King confirms that all surrounding residential properties will maintain the required 3 hours solar access to their windows and private open space in mid-winter.*
- *In addition, the development meets the objectives of the control which seeks:*
 - To allow architectural roof features that will integrate with building composition and form and encourage a high quality built form.*
- *The roof features integrate with the curvilinear detailing of the facades providing two towers that have been designed with an appropriate scale and identity that creates an iconic landmark for Castle Hill and a dynamic statement to the Castle Hill town centre.*
- *On the basis of the above assessment, the proposed development meets the criteria under Clause 4.6 of the LEP.*

Comment:

The objectives of Clause 4.3 Height of Buildings of the LEP are:

- *To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
- *To minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.*

Clause 5.6 (2) & (3) Architectural roof features of the LEP states:

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

- (i) comprises a decorative element on the uppermost portion of a building, and*
- (ii) is not an advertising structure, and*
- (iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and*
- (iv) will cause minimal overshadowing, and*

(b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature

The objectives of Clause 4.6 of the LEP are:

- to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

Clause 4.6(3) of the LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- that there are sufficient environmental planning grounds to justify contravening the development standard.*

Clause 4.6(4) of LEP 2012 states:

Development consent must not be granted for development that contravenes a development standard unless:

(a) The consent authority is satisfied that:

(i) The applicant has adequately addressed the matters required to be demonstrated by subclause (3)

Comment: The applicant has adequately addressed the matters required to be demonstrated by subclause (3).

(ii) The proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which development is proposed to be carried out, and

Comment: The proposed development comprises a building height of 69.7 metres which exceeds the amended LEP development standard of 68 metres by 2.5%. The applicant has justified the variation on the premise that the encroaching elements of the lift overrun and parapet are an architectural roof feature in accordance with Clause 5.6 of the LEP.

The objective of Clause 5.6 is to facilitate architectural roof features that exceed the height limit prescribed by Clause 4.3. The parapet feature is considered to integrate into the design of the building form given that the parapet reflects the predominant curvature building lines of the façade. In this regard, it is considered that the parapet can be considered as an architectural roof feature in accordance with Clause 5.6.

The objective of Clause 4.3 'Building Height' is to ensure the height of buildings is compatible with that of adjoining development and the streetscape. Additionally, the building height development standard aims to minimise the impact of overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas. As such, the development standard for building height and the development controls for building setbacks, building design, solar access and overshadowing have been considered with respect to the merits of a variation pursuant to Clause 4.6.

The proposed departure to the building height development standard will not cause adverse impact on the amenity of adjoining properties with respect to overshadowing, privacy, view loss and perceived bulk and scale. The proposed lift overrun has been modulated in a curvature from which is consistent with the lines of the façade. The lift overrun is located centrally within the roof plate and is unlikely to be visible from the street. Further, the overall massing of the site was predetermined as part of the site specific DCP and the proposed buildings are considered to respond appropriately to the interface of adjoining land.

The applicant has adequately demonstrated that the proposed development is in the public interest and is consistent with the objectives of Clause 4.3 'Building Height' and the B4 Mixed Use zone. In this regard, the variation to building height will not create a building of excessive height, bulk or scale nor will it cause undue impacts upon the amenity of adjoining residential properties. A variation to the building height in this instance is considered to be satisfactory given that the application of the development standard in this instance is considered to have negligible effect on the built form outcome with respect to bulk and scale. In this regard, the variation can be supported.

2.7.2 Development Near Zone Boundaries

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

The subject site was zoned B4 Mixed Use and R4 High Density Residential under the LEP at the time of lodgement. The portion of land zoned R4 High Density Residential related to the surplus road reserve that is the subject of a future road closure and land transfer.

The proposed development is permissible within the R4 zoned portion of land however it is noted that only 'neighbourhood shops' limited to an area of 100 square metres are permitted in the R4 zone. At the time of lodgement, the planning proposal which sought to amend the LEP was imminent and it is considered that the development of the R4 zoned land in conjunction with the B4 zone was compatible and achieved the zone objectives of each zone. In this regard, it is considered that the proposed development is satisfactory with respect to Clause 5.3 of the LEP.

2.7.3 Acid Sulfate Soils

Clause 7.1 of the LEP identifies land affected by Acid Sulfate Soils as detailed on the Acid Sulfate Soils Map. The site is not affected by Acid Sulfate Soils and accordingly Clause 7.1 of the LEP does not apply to the site.

2.7.4 Design Excellence

Clause 7.7 of the LEP applies to land identified as 'Area A' on the height of buildings map. The subject site is

Council at its meeting on 28 May 2013 resolved that a Design Competition for the subject site under Clause 7.7 of the LEP was not required as follows:

Written notification be provided to the proponent that the development concept as presented and identified within the draft DCP (Attachment 1) is one for which an architectural design competition is not required under clause 7.7 of The Hills Local Environmental Plan 2012.

In terms of the design excellence criteria, it is considered that the proposed development represents an innovative and appropriate architectural design for the precinct that will assist in facilitating the planned revitalisation of Castle Hill major centre. The proposed built form would create distinctive landmark buildings in line with the strategic objectives for the site, and additionally provide for an improved public domain through the incorporation of the proposed central plaza. Furthermore, the proposed development is consistent with the Crane Road Precinct DCP which reinforces the highest quality of architectural and design excellence.

2.8 The Hills Development Control Plan 2012

The proposal has been assessed against the following provisions of The Hills Development Control Plan 2012:

- Part D Section 15 – Crane Road Precinct;
- Part B Section 5 – Residential Flat Buildings;
- Part C Section 1 – Parking; and

2.8.1 Part D Section 15 – Crane Road Precinct

The proposal has been assessed against the relevant controls of Part D Section 15 – Crane Road Precinct as detailed below:

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
3 Urban Design Principles			
3.1 Development Framework			
3.1.1 Visual Impact	- Provide a strong visual character for the site as a gateway to the	The design of the proposed development reinforces the site as a	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>northern section of Castle Hill is consistent with the importance of Castle Hill as a major centre in the Sydney metropolitan area;</p> <p>- Complement the scale of development anticipated in the redevelopment of the Terminus Street Precinct, and in particular relate to the heights and positions on the corner of Old Northern Road, Crane Road and the intended realignment of McDougall Lane;</p> <p>- Provide high quality facades at the street level as well as the upper portions and principal facades which convey the civic quality intended for the Centre;</p>	<p>gateway site that will identify the northern end of Castle Hill and the future railway station.</p> <p>The proposed scale of the development responds to the future redevelopment of the Terminus Street Precinct and wider Castle Hill Town Centre. The building height and alignment of the proposed development will complement the corner of Old Northern Road and Crane Road.</p> <p>The proposed façades of the development fronting Crane Road, Terminus Street and Old Northern Road will comprise of high quality materials and finishes. A mixture of metallic cladding, ceramic tile cladding, glazing and sandstone will be incorporated into the design of the facades in addition to a green wall at the street level of Terminus Street and Crane Road.</p> <p>The facades to each street frontage are sufficiently articulated in a predominately curvature form which reflects the alignment of each corner of the site. Balustrading to balconies have been incorporated as a design feature which follows the curvilinear lines of the building line.</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<ul style="list-style-type: none"> - Provide a dynamic skyline that will complement the ridge top setting of Castle Hill; - Provide a suitable backdrop to the Arthur Whitling Park when viewed from the park and the areas near the park; and - Consider opportunities for illumination to express the landmark quality of the site. 	<p>The overall design of the building facades is considered to convey the civic quality intended for the Castle Hill Town Centre.</p> <p>The proposed development provides a dynamic skyline that complements the ridge top setting of Castle Hill.</p> <p>The proposed development will provide a suitable backdrop to Arthur Whitling Park.</p> <p>The proposed through site link located between the proposed buildings will be illuminated to express the landmark quality of the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.1.2 Urban Structure	<ul style="list-style-type: none"> - Provide an appropriate transition in scale from the existing buildings surrounding the site; the key relationships in scale are to the northeast of the site towards Mercer Street and Rosa Crescent, towards the south eastern side of Terminus Street and the south western side of Crane Road; 	<p>The proposed development is consistent with the scale of development envisaged under the LEP and DCP. The floor plate of each building reduces in area as the buildings increase in height thereby reducing the combined bulk and scale of the development at the upper storeys.</p> <p>The offsetting of the upper floor levels within each building provides a transition that is sympathetic to each street corner of the site and provides an appropriate interface to adjoining buildings.</p>	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>- Assist in facilitating convenient pedestrian connections between the Castle Towers Shopping Centre, Arthur Whitling Park, across Old Northern Road towards the Terminus Street Precinct and the residential areas to the east of the site; and</p>	<p>Furthermore the curvilinear form of the buildings and the varied street setbacks enhances the transition in scale to existing buildings surrounding the subject site.</p> <p>The proposed development will facilitate a direct pedestrian through site link between Terminus Street and Old Northern Road. Given the cross fall of the site between Old Northern Road and Terminus Street, an escalator and lift will be provided on Terminus Street to an at-grade through site link to Old Northern Road. The through site link will facilitate a pedestrian thoroughfare between the future bus interchange and train station to residential areas located to the east.</p> <p>Additionally, existing footpaths adjacent to street frontages will be maintained to facilitate pedestrian access. The proposed development will involve the provision of awnings above ground level to provide weather protection to the adjacent public footpath. A condition of consent will be recommended to ensure that adjacent footpaths are improved in accordance with the draft Public Domain Plan</p>	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>- Provide commercial, retail and recreational places, including a high quality central plaza that have an important sense of place and encourage the civic and mixed use development of Castle Hill.</p>	<p>for Castle Hill.</p> <p>It is noted that a condition of consent has been recommended to ensure the creation of an easement for pedestrian access over the through pedestrian site link in favour of the general public.</p> <p>The proposed development will comprise a through site link within the central plaza. The area will comprise of access pathways surrounded by landscaping. Water features and seating will be provided to encourage a sense of place.</p>	Yes
3.1.3 Land Use	<p>- Ensure a mix of uses that will provide social activity throughout the day and into the evening in a manner that is compatible with the role of Castle Hill as a major centre in the Sydney metropolitan area;</p> <p>- Provide a transport oriented mixed use precinct to cater to residents, commuters and visitors;</p> <p>- Provide development which is in keeping with and compatible to the surrounding residential and mixed use development to the east of the site; and</p>	<p>The proposed development will provide for ground floor commercial uses with direct access to the central plaza that will aim to promote social activities during the day and into the evening.</p> <p>The proposed development provides for a transit-orientated development by providing a mix of commercial and residential uses.</p> <p>The proposed mixed use development is consistent with the zone objectives and will be compatible with surrounding residential land uses to the east of the site.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<ul style="list-style-type: none"> - Consider the needs for an aging population by incorporating medical services and consulting rooms as well as other professional spaces. 	The occupation and use of the proposed commercial tenancies will be the subject of separate Development Applications as recommended by a condition of consent.	Yes
3.1.4 Access	<ul style="list-style-type: none"> - Provide an opportunity for convenient and direct movements to and from the proposed Bus Interchange on the east and west sides of Old Northern Road; - Respond to the realignment of McDougall Lane in the Terminus Street Precinct to allow safe and convenient access for pedestrians across Crane Road; - Provide through-site links which allow safe and convenient movement for pedestrians from the lower portions of the site at the corner of Crane Road and Terminus Street to Old Northern Road; - Minimise the impact of bus, private vehicular and service access on pedestrian amenity and the overall quality of the environment; 	<p>The proposed through site link will facilitate a pedestrian thoroughfare between the future bus interchange and train station to residential areas located to the east.</p> <p>The proposed development satisfactory responds to the proposed realignment and widening of McDougall Lane as envisaged by the Terminus Street DCP.</p> <p>The proposed development will facilitate a direct pedestrian through site link between Terminus Street and Old Northern Road.</p> <p>The proposed development involves provision of an entry/exit point onto Crane Road and an exit point onto Terminus Street. Both these points of ingress/egress will facilitate vehicle movements for residents and visitors. Additionally, a service</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
		<p>access point is provided separately off Crane Road. The service access point will facilitate the collection of waste and deliveries.</p> <p>It is considered that the driveway crossings associated with the access points will not adversely impede vehicular movements and pedestrian amenity.</p> <p>It is noted that no objections have been raised to the proposal by Council's Principal Traffic Coordinator in addition to the NSW RMS.</p>	
	<p>- Provide opportunities for casual surveillance, enhancing safety of pedestrians moving within the precinct; and</p> <p>- Allow for the staged development of the overall precinct, by allowing Rights of Way benefiting future development for vehicular access from the Crane Road entry.</p>	<p>The proposed development will provide opportunities for casual surveillance through the placement and outlook of residential apartments in addition to movements within the pedestrian through site link. Ground floor commercial premises will also provide a means of casual surveillance and will assist in activating the street frontages.</p> <p>The proposed development will not be staged, rather the precinct in its entirety is proposed to be developed under the subject application.</p>	<p>Yes</p> <p>Yes</p>
3.1.5 Landscape	- Provide a network of public spaces that	The central portion of the site located between	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>deliver a high level of amenity and connectivity for pedestrians that may be used during the day and into the evening;</p> <p>- Establish a vibrant centre for passive recreation and as a meeting place, involving a central public plaza incorporating high quality landscape treatments including water, soft landscape and paving that are complemented by the architecture of wide balconies, arcades, and plazas which are designed in order to encourage people to sit and relax;</p>	<p>both proposed buildings will be a communal open space area that will also facilitate the pedestrian through movements between Terminus Street and Old Northern Road. The area will be appropriately landscaped with raised landscape beds and will contain two water feature ponds. Seating will be provided to promote social activities during the day and evening. Additionally the area will accommodate direct access into at least six of the future commercial tenancies which will also assist in activating the communal open space during the day and evening.</p> <p>The central plaza will provide a vibrant and active place for pedestrians, visitors and residents of the development.</p> <p>The plaza will incorporate access paths to facilitate a through pedestrian link finished in exfoliated granite paving. Elevated landscape beds will be provided with sufficient depths to allow for tree plantings, shrubs and ground covers. Two water features will be provided within the centre of the landscaped beds with seating provided adjacent.</p>	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
		The central plaza has been designed to promote social activities for both residents and visitors to the site.	
	- Provide upgrades to the footpaths and public domain areas linking with Alfred Whitting Park and the Bus Interchange;	A condition of consent has been recommended to ensure that adjacent footpaths are improved in accordance with the draft Public Domain Plan for Castle Hill.	Yes
	- Integrate with the public domain standards planned for the public areas of Old Northern Road and Terminus Street;	A condition of consent will be recommended to ensure that the proposed development integrates with the draft Public Domain Plan for Castle Hill.	Yes
	- Provide high quality vibrant 'urban landscape' elements that are simple and robust in design to cater for large volumes of people and that are safe during both day and night; and	The central plaza incorporates robust urban landscape features such as awnings and seating which integrate effectively into the overall landscape scheme. The exhaust stack for the basement car park which protrudes above ground and located within the water pond will be screened and integrated into the landscape scheme.	Yes
	- Provide a high quality public domain based on sound Ecologically Sustainable Development and energy efficiency principles.	The proposed development satisfies the principles of Ecological Sustainable Development.	Yes
3.2 Design Principles			

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
The design principles that underpin future development within the Precinct are to:	(i) Enhance the quality of the public domain in the area, particularly at the interface of the precinct, the bus interchange and incorporating the upgrade of Terminus Street, Old Northern Road and McDougall Lane;	The development will facilitate a strong connection to the future bus interchange through the alignment of access paths within the development. The Old Northern Road frontage will contain a free standing glazed awning which will be designed in association with Transport for NSW with the future bus interchange to provide shelter for commuters.	Yes
	(ii) Create a landmark structure at the northern gateway of Castle Hill that is characterised by design excellence and expression of unique architectural form;	The design of the proposed buildings, particularly the northern elevation of Block B will anchor the site as a gateway to Castle Hill.	Yes
	(iii) Provides suitable articulation of facades to assist in providing a suitable scale to the building, and to reduce perceived building bulk;	The curvature form of the buildings and the offsetting of the floor plate at the upper levels, in unison, provide sufficient articulation to the façade and reduces the perceived building bulk.	Yes
	(iv) Strengthen indoor and outdoor pedestrian circulation through the centre by creating direct access and pedestrian friendly areas that both compliment and draw people through Castle Towers Shopping Centre towards the Crane Road and Terminus Street Precincts;	The proposed development will provide strong indoor and outdoor pedestrian circulation with direct links to nearby landmarks.	Yes
	(v) Provide retail and in particular dining and entertainment areas	Ground floor commercial tenancies fronting Old Northern	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>directed towards the park that allow the park to be enjoyed and contribute to passive surveillance of the park;</p> <p>(vi) Create a consistent alignment of buildings through the Centre and use podiums to maintain a consistent street edge through the centre;</p> <p>(vii) Provide weather protection to the public; and</p> <p>(viii) Minimize overshadowing of private open spaces associated with residential development.</p>	<p>Road will have an outlook towards Arthur Whitling Park.</p> <p>The proposed buildings have been designed in a curvature form to address the street frontages, particularly with respect to the street corners of the site.</p> <p>Awnings have been proposed adjacent to the footpath of Crane Road and a portion of Old Northern Road and Terminus Street.</p> <p>The proposed development will maintain a suitable level of solar access to the subject site and adjoining residential properties.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
3.2.1 Design Excellence	i. Refer to Clause 7.7 Design excellence of The Hills Local Environmental Plan 2012.	Refer to discussion above.	Yes
4. Development Controls			
4.1 Desired Future Character			
4.1.1 Existing Character	<p>The Crane Road Precinct contains a diverse range of uses with a poorly coordinated visual appearance.</p> <p>The existing uses in this Precinct include a 3 storey commercial building, a tyre outlet, a tattoo parlor and a</p>	<p>The proposal will incorporate a mixture of land uses that will capitalise on the strategic location of the site in the context of the town centre and future transport links.</p> <p>The design of the development will provide a strong visual</p>	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>petrol service station.</p> <p>The existing low scale buildings and uses in this precinct are not consistent with the desired future character of the gateway to the Centre. (Figures 16-17)</p>	<p>appearance and is consistent with the desired future character for the Castle Hill Town Centre.</p>	
4.1.2 Future Character	<p>Old Northern Road</p> <p>The desired future character for Old Northern Road is to promote the civic, commercial, retail and residential frontages as high quality civic frontages.</p> <p>The road frontages should be designed as an important entrance to Castle Hill Major Centre.</p> <p>The uses should be compatible with Castle Hill railway station and the Bus Interchange as well as the adjacent Park, and have awnings that provide suitably scaled weather protection.</p> <p>There should be an emphasis on pedestrian amenity and safety with suitable illumination while maintaining active street frontages.</p> <p>Crane Road</p>	<p>The proposed development is designed to provide a commercial podium level at ground floor to activate street frontages to the public domain.</p> <p>The design of the facades reinforces the site as a gateway site to Castle Hill Town Centre.</p> <p>The use of the ground floor commercial tenancies will be the subject of future Development Applications. However it is considered that the floor plates and proximity to a transport node would encourage uses that would be compatible and generally associated with a transit orientated development.</p> <p>The development will improve pedestrian amenity through the provision of a site link that will promote activity and casual surveillance.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>The desired future character for Crane Road is to include:</p> <ul style="list-style-type: none"> - Retail and commercial ground level uses to provide activity and visual interest to the pedestrian; and - Visual interest and a range of materials, colours and finishes in the upper level facades. <p>Terminus Street</p> <p>The desired future character for Terminus Street is to include:</p> <ul style="list-style-type: none"> - A boulevard character with street trees on both sides and a wide footpath; - A pedestrian friendly environment with easy access to Old Northern Road, bus interchange and park; - Ground level commercial uses to provide activity and visual interest to the pedestrian; and 	<p>Commercial tenancies will be located at street level on the corner of Old Northern Road and Crane Road in addition to the corner of Terminus Street and Crane Road.</p> <p>The Crane Road frontage will comprise of two commercial tenancies and will comprise of a mixture of materials, colours and finishes that promote visual interest. A vertical garden is also proposed on a section of wall between the vehicular access point and service entry point.</p> <p>The existing footpath verge will be maintained and the proposed façade at street level to Terminus Street will involve provision of a vertical garden.</p> <p>Access to Old Northern Road is provided through the site via the Central Plaza.</p> <p>Ground floor commercial uses are proposed on the corner of Terminus Street and Crane Road in addition</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>- Visual interest and a range of materials, colours and finishes in the upper level facades.</p>	<p>to the corner of Terminus Street and Old Northern Road.</p> <p>The Terminus Street frontage will comprise of two commercial tenancies and will comprise of a mixture of materials, colours and finishes that promote visual interest. Two vertical gardens are also proposed on the Terminus Street frontage.</p>	Yes
4.2 Streetscape	<p>a) Embellishment of the public domain fronting the site is to be carried out as part of the development in accordance with the existing landscape plans for the bus interchange, Alfred Whitling Park, Terminus Street Precinct, Castle Hill Main Street Project Terminus Street upgrades and the Castle Hill Public Domain Plan. As well as all sections of this Plan addressing aspects of the streetscape, including:</p> <ul style="list-style-type: none"> - Building and Ceiling Heights; - Land Uses; - Building Articulation; - Pedestrian Access and Linkages; - Public Domain; - Landscaping; - Active Street Frontages; and - Awnings. <p>(b) Allowance is to be made for the adjustment of the Old</p>	<p>The proposed central plaza incorporates a landscape scheme that embraces the direct interface to Arthur Whitling Park and the future rail station and bus interchange.</p> <p>The ground floor podium will facilitate a mix of commercial uses with access to the Central Plaza to promote activity within the development site.</p> <p>The proposed central plaza will also facilitate a linkage between Terminus Street and Old Northern Road to enable pedestrians to traverse the site.</p> <p>Awnings are proposed adjacent to sections of the footpath to provide weather protection.</p> <p>A deferred commencement</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	Northern Road property boundary as per Section 4.6 Building Alignments of this Plan, to accommodate road widening and access to services associated with the construction of the bus interchange.	condition is recommended to ensure the adjustment of the Old Northern Road boundary for road widening purposes.	
4.3 Building and Ceiling Heights	(a) Provide minimum 4.5 m ceiling heights at ground (Level 1) and first floor (Level 2) in all buildings to allow flexibility in internal uses.	The ground floor will comprise a floor to ceiling height of 4.5 metres. The first floor will comprise a floor to ceiling height of 3 metres given that it will accommodate residential apartments.	No – refer to discussion below
4.4 Floor Space Ratio	(a) Refer to Clause 4.4 Floor space ratio of The Hills Local Environmental Plan 2012.	The proposed development complies with the maximum Floor Space Ratio provision applying to the site.	Yes
4.5 Land Uses	(a) Provide active street/public open space frontages (such as retail, cafes or restaurants) at ground floor level. (b) Provide minimum 4.5m ceiling heights at ground (Level 1) and first floor (Level 2) in all buildings to allow flexibility of internal uses.	The proposed development will involve the provision of 11 commercial tenancies located at street level. The tenancies will assist in activating the street frontages of the site. Refer to Section 4.3 above.	Yes Yes
4.6 Building Alignments	(a) Buildings to have street frontages built predominantly to the street alignment. (b) Council must be satisfied with boundary	The proposed development comprises of two buildings which are predominately built to the street alignment. A deferred commencement	Yes Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>adjustments to the Old Northern Road frontage to facilitate access to services and accommodate the bus interchange.</p> <p>(c) Council must be satisfied with the upper levels setbacks of the building, following review of the solar effects, building separation distances and visual merits of the application.</p>	<p>condition is recommended to ensure the adjustment of the Old Northern Road boundary for road widening purposes.</p> <p>The upper levels of the buildings are setback and adequately separated to ensure that solar access will not adversely impact adjoining properties. A Solar Access and Overshadowing Report has been submitted which indicates that the subject site and adjoining properties receive adequate solar access with the exception of two adjoining residential properties as detailed further in this table.</p> <p>Additionally, the building separation of Block A and B is satisfactory and complies with the requirements of SEPP 65 and the DCP.</p>	<p>Yes</p>
	<p>(d) Setbacks for upper levels should alleviate downdrafts from high building facades. Wind tunnel testing must demonstrate that wind effects at pedestrian level are suitable for pedestrian comfort.</p>	<p>A Wind Analysis has been prepared by Windtech and is based on wind tunnel testing. The report concludes that subject to measures being incorporated into the design, the proposed development will not cause significant downdrafts that would adversely affect the comfort of pedestrians or residents.</p>	<p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
		<p>The recommended measures include provision of foliating trees, provision of awnings, baffle screens at ground level, blade walls on private balconies and impermeable balustrades on all private balconies.</p> <p>Accordingly, a condition of consent will be recommended to ensure that the recommendations of the report are incorporated into the building design.</p>	
4.7 Building Separation	(a) The minimum separation between windows or balconies in commercial buildings and other windows or balconies in commercial buildings is to be 12 m. Variances from these distances may be acceptable where it can be demonstrated that visual privacy and acoustic privacy has been addressed by other means including screening, awnings, or other physical devices.	The proposed building separation of Block A and B complies with the minimum 12 metre requirement. It is noted that the building separation varies between 24 to 28.5 metres.	Yes
4.8 Building Articulation and Design	<p>(a) Define the building envelope as to the overall proportion of the building, using lighter materials and colours.</p> <p>(b) The facades addressing the bus interchange are to contain:</p> <p>- Active frontages at ground level for the full length of the façade facing the park;</p>	<p>The building envelope is defined with the upper portion of the building stepped to reduce bulk and scale.</p> <p>Active frontages are proposed to the Old Northern Road frontage facing Arthur Whitting Park.</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<ul style="list-style-type: none"> - Generous and continuous pedestrian shelter in the form of colonnades or awnings at ground level or ground level and first floor level; - High quality facades; - A balance between window openings and solid wall of approximately 40% window to 60% wall; - A balance between horizontal and vertical proportions in the composition of the facades; and - A roof design that creates a distinctive top to the building. 	<p>Awnings are provided to the building frontage at ground level to provide continuous shelter.</p> <p>The façade treatment is considered to be of high quality and fitting for a gateway site.</p> <p>The proposed design incorporates an appropriate balance of solid wall and glazing.</p> <p>The proposed design incorporates an appropriate balance of horizontal and vertical elements into the façade.</p> <p>The design of the roof integrates with the treatment of the façades and has been designed to reduce bulk and scale.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
	<p>(c) The facades addressing the park are not to contain:</p> <ul style="list-style-type: none"> - Car park entries, fire stair exits or blank facades at ground level; - Concrete block, white or light coloured brickwork or painted brick or block work; and - Primarily blank walls or primarily glazed walls for the entire façade. 	<p>The façade to Old Northern Road will not contain car park entries or blank façade treatment. The facades will incorporate an appropriate balance of materials, colours and finishes that will complement the setting adjacent to Arthur Whitling park.</p>	<p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	(d) Articulate building entries, corners and other prominent locations with awnings, porticos and recesses.	Key entries into the Block A and B are suitably articulated and are identifiable to pedestrians. Corners are sufficiently articulated and are sympathetic to the boundaries of the site.	Yes
	(e) Locate building entries to relate to the street and to be a clearly identifiable element of the building in the street.	Key entries to the buildings will be located within the central plaza. Each entry is clearly identifiable.	Yes
	(f) Locate primary building entry at the bus interchange and cross walk along Old Northern Road with a prominent and clearly identifiable architectural element.	Key entries to the buildings will be located within the central plaza. Each entry is clearly identifiable.	Yes
	(g) Select balcony types that respond to the street context, building orientation and residential amenity.	Balconies respond to the street context and building orientation.	Yes
	(h) Design balconies so that they are recessed behind the building façade.	Balconies are designed to integrate with the building façade and do not encroach beyond the building envelope.	Yes
	(i) Provide balconies along park interface frontage for café seating overlooking park and above bus interchange.	Balconies have been appropriately orientated to the park interface and central plaza.	Yes
	(j) Integrate service elements such as lift over runs, service plants, vent stacks, telecommunications infrastructures, gutters and down pipes into the overall design of the roof.	Mechanical services have been integrated into the design of the building. Services including the lift overrun located on the roof will not be visible from the street.	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
4.9 Safety and Security	<p>(a) All development shall be designed to ensure the safety and security of residents and visitors within individual developments and in the public domain during the day and at night.</p> <p>(b) Certain developments due to their size, function or location may be referred to NSW Police for comment. These types of developments include, but are not limited to:</p> <ul style="list-style-type: none"> - Transportation facilities; - Large residential flat buildings and multi dwelling housing developments (50 or more dwellings); - Large mixed use developments (50 or more dwellings); - Major shopping centre developments; - New educational establishments and hospitals; - Large recreation facilities; - Registered clubs and hotel/motel accommodation; and - Service stations, convenience stores and other high-risk businesses. 	<p>The through site link will accommodate for pedestrian activity for residents and visitors to the site. Ground floor commercial uses will promote passive surveillance in addition to the placement of balconies over the central plaza.</p> <p>The proposal was referred to Castle Hill Police Local Area Command for comment. The Police have recommended design measures to promote security including CCTV, access restrictions and the use of non-porous materials to mitigate graffiti. A condition of consent will be imposed to ensure that the applicant implements the recommendations of the Police within the design of the development.</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
4.10 Pedestrian Access and Linkages	(a) Locate the primary 'entrance' of the development at the centre of bus interchange at pedestrian crossing and offer uses that cater to commuters.	The entrances to Block A and B are identifiable and are located adjacent to the central plaza. The uses of the proposed commercial tenancies will be subject to separate applications.	Yes
	(b) Provide a direct visual connection and pedestrian link from the intersection of Old Northern Road and Crane Road and the new Town Square.	A direct pedestrian link is provided within the central plaza between Old Northern Road and Crane Road.	Yes
	(c) Developments should demonstrate where possible that pedestrian connectivity to surrounding residential areas is provided.	The proposed development will accommodate a direct pedestrian link to surrounding residential areas.	Yes
	(d) The minimum width of the through pedestrian link is to be 6 metres	The minimum width of the through pedestrian link is approximately 19 metres.	Yes
4.11 Vehicular Access and Parking	(a) Parking provisions on site should be provided in accordance with Part C Section 1 – Parking of this Development Control Plan.	Refer to further assessment under Section 2.8.2.	Yes
	(b) The design for the car parking space, access driveway and manoeuvring areas will be in accordance with the current Australian Standards and Road and Maritime Services (RMS) Guidelines.	The design of the basement car park and associated access ways will be in accordance with current Australian Standards. It is noted that Council's Development Engineer has reviewed the proposal and has raised no objections subject to conditions of consent.	Yes
	(c) There is to be no vehicular ingress or egress from Old	The proposed development will not involve vehicular	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>Northern Road.</p> <p>(d) Show Rights of Way to allow for vehicular access through the site to accommodate staged development.</p>	<p>ingress or egress from Old Northern Road.</p> <p>The proposed development is not staged.</p>	<p>Yes</p>
<p>4.12 Solar Access and Overshadowing</p>	<p>(a) Ensure that properties on the eastern side of Terminus Street, between 9 am and 3 pm, on June 22nd have more than 3 hours of solar access to habitable rooms.</p>	<p>A Solar Access and Overshadowing Report indicates that the proposal will retain a minimum of 3 hours of solar access to adjoining residential land uses with the exception of a minor non-compliance to the development located at 7 Crane Road. The analysis of the report indicates that the property falls short of the 3 hour requirement by approximately 15 minutes before midday.</p> <p>Additionally, the report indicates that the property located at 5 Crane Road is currently overshadowed by existing vegetation in addition to the masonry street fence. However consideration must be given to the shadow impact generated by the proposal irrespective of existing site features.</p> <p>It is noted that both properties located at 5 and 7 Crane Road are currently used for commercial purposes.</p> <p>In this regard, the proposed development will result in two adjoining residential properties not receiving a minimum of 3 hours</p>	<p>No – Refer to discussion below.</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
		of solar access to habitable rooms between 9am and 3pm on 21 June.	
4.13 Public Domain	(a) Development of the public domain fronting the site is to be carried out as part of the development in accordance with the existing or proposed plans for the Old Northern Road bus interchange, Castle Hill Railway Station, Alfred Whitling Park, Terminus Street Precinct, Castle Hill Main Street Project, Terminus Street upgrades and the Castle Hill Public Domain Plan. The landscape of the site should integrate with those landscape plans, but seek to create a space with an individual character and a distinctive image in the Major Centre.	<p>The proposed development will adjoin the future bus interchange located on Old Northern Road. The central plaza and through site link will enhance connectivity to the interchange and will promote uses that will facilitate the needs of both residents and commuters.</p> <p>Planning for the future bus interchange has not yet been finalised however Transport for NSW has reviewed the proposal and has raised no objection.</p> <p>A condition of consent will be imposed to ensure that any civil works and those works adjacent to the bus interchange, are coordinated with the relevant government authority.</p>	Yes
4.14 Landscaping	(a) Provide large evergreen trees for the western side of streets and deciduous trees for the eastern side.	A variety of tree plantings capable of a mature height of 10-12 metres are proposed within elevated landscaped beds. Landscaped areas will contain a depth ranging between 300mm to 1200mm. Landscaping has been strategically located within setback areas to soften the street level appearance of the development and will contain evergreen tree species.	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>(b) All commercial, retail and mixed use developments to incorporate deep soil zones which shall comprise a minimum of 5% of the total development site area.</p> <p>(c) Deep soil zones are to allow for future planting of mature trees.</p> <p>(d) Landscaping for Crane Road Precinct shall be consistent with the Castle Hill Main Street Project and the Castle Hill Public Domain Plan.</p>	<p>Approximately 984 square metres of the site contains soft landscaping which represents 17.8% of the site area.</p> <p>Deep soil zones will accommodate suitable mature tree plantings.</p> <p>Landscaping is consistent with the Castle Hill Public Domain Plan.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
4.15 Landscaping on Structures	<p>(a) Design for optimum conditions for plant growth by:</p> <ul style="list-style-type: none"> - Providing soil depth, soil volume and soil area appropriate to the size of the plants to be established; - Providing appropriate soil conditions and irrigation methods; and - Providing appropriate drainage. <p>(b) Designing planters to support the appropriate soil depth and plant selection by:</p> <ul style="list-style-type: none"> - Ensuring planter proportions accommodate the largest volume of soil possible. Minimum 	<p>The planting proposed has had regard to soil depth and volume. A Landscape Report has been submitted which indicates that the proposed landscape species are capable of growing within the proposed landscaped beds. Council's Tree Management Officer has reviewed the proposal and has raised no objections to the landscape scheme.</p> <p>Landscaped areas will contain a depth ranging between 300mm to 1200mm and will accommodate appropriate plant selection. Landscaped areas are appropriately shaped and sized to allow for a wider spread</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>soil depths will vary depending on the size of the plant however, soil depths greater than 1.5 metres are unlikely to have any benefits for tree growth; and</p> <ul style="list-style-type: none"> - Provide square or rectangular planting areas rather than long narrow linear areas. <p>(c) Increase minimum soil depths in accordance with:</p> <ul style="list-style-type: none"> - The mix of plants in a planter for example where trees are planted in association with shrubs, groundcovers and grass; - The level of landscape management, particularly the frequency of irrigation; - Anchorage requirements of large and medium trees; and - Soil type and quality. 	<p>of plantings and canopy.</p> <p>A suitable mix of ground covers, shrubs and trees has been incorporated into the proposed landscape scheme.</p> <p>An irrigation system is proposed in addition to the ongoing management/ maintenance of the landscape area.</p>	Yes
4.16 Active Street Frontages	<p>Buildings with designated active frontages are to:</p> <p>(a) Contain shops, restaurants, cafes and other uses that allow interaction with the public and a physical connection between the public domain and the interior of the building at ground level;</p> <p>(b) Restrict vehicular</p>	<p>The ground floor level podium will comprise of ground floor commercial tenancies adjacent to the central plaza which satisfies the principle of active street frontages.</p> <p>Vehicular entries and</p>	<p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	<p>entries for car parking and service vehicles, fire escapes and other services from locating on designated "active frontages"</p> <p>(c) Provide active frontages flush with the footpath, for a minimum length of the entry doors to the ground floor level.</p> <p>(d) Locate security grilles inside the shop front; and</p> <p>(e) Provide transparent grilles.</p> <p>(f) Provide a plaza area with retail spaces and other activities that activate the space.</p> <p>Buildings with designated visually open street frontages are to:</p> <p>(a) Allow appropriately located vehicular entries for car parking and service vehicles, fire escapes and other services where necessary;</p>	<p>service points will not be located on the Old Northern Road frontage which is the primary active frontage for the site.</p> <p>Entry doors to Block A and B have been located internally within the site from the central plaza. Commercial tenancies will have frontages and entries to Crane Road and Old Northern Road.</p> <p>The commercial tenancies will be the subject of separate development applications for use.</p> <p>The commercial tenancies will be the subject of separate development applications for use.</p> <p>A central plaza area is proposed which will contain commercial tenancies and outdoor space for activities.</p> <p>Vehicular entries have been appropriately sited. The access points from Crane Road and Terminus Street have been reviewed by the NSW RMS, Council's Principal Traffic Coordinator and</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
		Council's Development Engineer. No objections were raised to the location of the vehicular access points.	
	(b) Limit vehicular access to one access point per building by combining service vehicle access with parking access;	The development will comprise of an entry/exit point on Crane Road and an exit point from Terminus Street. A service point is also proposed off Crane Road. Given the layout of the basement car park, the separation of the service point and vehicular access point is considered to be satisfactory and will not cause conflict for vehicular movements within the site nor adversely affect traffic on Crane Road.	Yes
	(c) Footpath crossings for vehicular access are to be a single crossing with a maximum width of 3 metres. In exceptional circumstances a double crossing with a maximum width of 5.4 metres may be permitted for safety reasons;	The existing footpath verge on Crane Road and Terminus Street is approximately 3.5 metres wide. A footpath crossing for vehicular access points will be a maximum of 3 metres wide and will need to be constructed in accordance with the draft Public Domain Plan for Castle Hill.	Yes
	(d) Provide visually interesting street frontages, with clear glazed windows, window displays, display cases, artworks and articulated facades with extensive architectural detail; and	The street frontages will comprise predominately of glazed frontages with solid elements and vertical gardens. The building façade is articulated with extensive architectural detail. A curtain glass wall is proposed to enclose the escalator and lift access point on Terminus Street, which	Yes

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
	(e) Avoid solid wall panels greater than 100m ² without windows.	is considered to feature as a predominant architectural element to the building. The street frontage will contain sections of wall panels that exceed 100 square metres without windows.	No – refer to discussion below.
4.17 Awnings	<p>(a) Provide high level and extended awnings to the full extent of the street frontages on Old Northern Road to ensure suitable weather protection to pedestrians, to allow high quality retailing facades and to maintain views to the park over the bus interchange from the first floor.</p> <p>(b) Integrate new awnings with existing awnings to achieve continuity of weather protection and built form.</p> <p>(c) Create awnings that are horizontal in form, all metal or with flat glazed sections to allow light to penetrate to the footpath.</p> <p>(d) Avoid steeply sloped, barrel vaulted or arched awnings.</p>	<p>Awnings have been provided adjacent to Block A and Block B fronting Old Northern Road. Additionally, given that the entire building line does not front Old Northern Road given the separation of the central plaza, a free standing awning is also proposed to provide shelter to the future bus interchange. It is noted that any works associated with the bus interchange will need to be carried out in conjunction with the relevant government agency.</p> <p>Existing awnings will not be retained.</p> <p>The proposed awnings are horizontal in form and will comprise of glazing with metal framing.</p> <p>The proposed awnings will be constructed horizontally and parallel with the level of the footpath.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

DEVELOPMENT CONTROL (CLAUSE NO.)	DCP REQUIREMENT	PROPOSED DEVELOPMENT	COMPLIANCE
4.18 Energy Efficiency	(a) The design shall target a 4.5 star rating and submit a verification statement from qualified experts.	The proposed development complies with BASIX Targets. A condition of consent will be imposed to ensure that all BASIX commitments are fulfilled.	Yes
4.19 Stormwater Management	<p>Water Sensitive Urban Design</p> <p>The best practice principles of WSUD are to be applied during the construction and post construction phases of development. Schemes that promote water capture, reuse initiatives and water quality management measures, as described in documents including, but not limited to:</p> <ul style="list-style-type: none"> - On-site Stormwater Detention Handbook, Version 4 2005, UPRCT; - Australian Runoff Quality, Engineers Australia, 2006; and - Water Sensitive Urban Design – Technical Guidelines for Western Sydney, May 2004, Prepared for UPRCT by URS. <p>are required for all new commercial and residential developments, or where the increase in impervious area over a site is greater than 150m². Common open space and publicly accessible courtyard areas may be utilised for WSUD initiatives.</p>	<p>The stormwater management of the site comprises of an on-site detention system located within the basement car park with stormwater quality treatment devices. The stormwater management scheme has been designed in accordance with the DCP and WSUD guidelines and is supported by MUSIC modelling.</p> <p>The proposed stormwater design has been reviewed by Council's Development Engineer and Council's Waterway Systems Coordinator. No objections were raised to the stormwater management of the site subject to conditions of consent.</p>	Yes

a) Building and Ceiling Heights

The DCP requires that the ground and first floor of the development should comprise a floor to ceiling height of 4.5 metres in order to allow for a flexibility of uses. The ground floor will comprise a floor to ceiling height of 4.5 metres however the first floor will comprise a floor to ceiling height of 3 metres given that it will accommodate residential apartments.

The proposed variation is considered to be acceptable given that the development will cater for ground floor commercial uses on the podium level with access to the central plaza. The ground floor uses will provide an appropriate interface to the central plaza in order to promote activity and surveillance. The proposed use of the first floor for residential purposes is considered to be acceptable and meets the definition of shop top housing.

b) Solar Access

The DCP requires that the proposed development be designed to ensure that properties on the eastern side of Terminus Street receive at least 3 hours of solar access to habitable rooms between 9 am and 3 pm on 22 June.

A Solar Access and Overshadowing Report indicates that the proposal will retain a minimum of 3 hours of solar access to adjoining residential land uses with the exception of two properties located at 5 and 7 Crane Road. Both properties are located approximately 30-45 metres away on the opposite side of Terminus Street to the east of the subject site. Shadow diagrams indicate that 5 Crane Road is affected by shadow at approximately 11:00am to 3:00pm and 7 Crane Road is affected by shadow at approximately 11:45am to 3:00pm.

The applicant has submitted the following justification:

In brief, detailed scrutiny of the affected properties shows that considerably smaller impact by overshadowing will occur than might be assumed by casual inspection. The properties where residential use determines that the overshadowing control is clearly applicable, on the whole retain the mandated minimum three hours of sun, both to those walls with glazing on which solar access to the interior is likely to rely, and to private open space.

The possible exception is 7 Crane Road. This property arguably falls short of the mandated minimum retained sun by approximately 15 minutes before noon. In considering the significance of this very small shortfall, one has to consider the unobstructed availability of sun before 9am.

Given the disproportionate impact on the development envelope on the subject site, in my considered opinion the very minor shortfall in retained sun (on the precise date of 21 June) cannot be considered determinative.

In my view there are no significant design measures that can reasonably be undertaken to reduce the projected overshadowing impacts.

In addition to the above, the report states the following:

5 Crane Road - Currently is a single storey dwelling, operating as a dental clinic. Without the proposed development, the existing trees & fence wall on Terminus Street already overshadow this property.

The report indicates that the property located at 5 Crane Road is currently overshadowed by existing vegetation in addition to the masonry street fence. In *Parsonage v Ku-ring-*

gai (2004) a planning principle was adopted concerning access to sun light. The planning principle indicates that overshadowing by fences should be taken into consideration however overshadowing by vegetation should be ignored. In this regard, it is considered that the overshadowing created by the proposed development on 5 Crane Road will need to be duly considered irrespective of the shadow cast by existing trees.

Both properties whilst built as single dwellings are currently used for commercial purposes. Additionally, both dwellings receive at least two hours of solar access between 9am and 11am and will receive the available sunlight before 9am. The Solar Access and Overshadowing Report indicates that the affected properties would be impacted by any building on the site with a height of 7 storeys or more. In this regard, it would be unreasonable to limit any development of the site to a height of 7 storeys where a 68 metre height limit applies.

It is noted that the development has been designed to maximise solar access through the enhancement of building separation between Blocks A and B. The separation of 24 to 28 metres provides a corridor of sunlight which provides a degree of solar access to both properties between 2pm and 3pm.

In this regard, whilst the two adjoining properties do not meet the required 3 hours of solar access to habitable rooms, the solar access provided is considered reasonable given the location of the site within the Castle Hill Town Centre, the site specific DCP which permits a building envelope which could potentially create a shadow impact, and the eastern location of the residential properties on Crane Road.

c) Active Street Frontages

The DCP limits the area of wall panels that exceed 100 square metres without windows. The street frontage will contain sections of wall panels that exceed 100 square metres without windows. These sections of wall relate to the vehicular access points on Crane Road and Terminus Street.

Despite the non-compliance, it is considered that the frontages of the development contain a satisfactory balance of materials, colours and finishes that will provide for a reasonable streetscape presentation. Blank walls on Terminus Street and Crane Road will also feature vertical gardens which will assist in softening the interface to the street when combined with glazed elements on both frontages. A variation in this instance is considered to be satisfactory.

2.8.2 Part B Section 5 – Residential Flat Buildings;

The proposal has been assessed against the relevant controls of Part B Section 5 – Residential Flat Building. It is noted that where there are any inconsistencies between Part B Section 5 'Residential Flat Building' and Part D Section 15 'Crane Road Precinct', the latter will prevail. In this regard, controls that are silent within Part D Section 15 'Crane Road Precinct' have been considered in the table of compliance below:

DEVELOPMENT CONTROL (CLAUSE NO.)	PROPOSED DEVELOPMENT	COMPLIANCE
1.1 Permissible Zones B4 Mixed Use	The subject site is zoned B4 Mixed Use pursuant to LEP 2012.	Yes

3.1 Site Requirements The minimum lot size for residential flat buildings is specified in Clause 4.1A of The Hills Local Environmental Plan 2012, as follows: <u>Within:</u> R1 General Residential – 4,000m ² R4 High Density Residential – 4,000m ² B2 Local Centre – 4,000m ² B4 Mixed use – 4,000m ² Min. road frontage – 30m	5,568m ² (including surplus road widening land with an area of 499m ² to be consolidated) Road frontages in excess of 30metres	Yes Yes
3.3 Setbacks – Building Zones Where trees are located within the 10 front setback, 8m rear setback and 6m side setback, the building zone boundaries will be set so that all buildings are 5m from the trees or clear of the drip line of the trees whichever is the greater distance. Front (one street frontage) - 10m Front (two street frontages): Primary frontage – 10m Secondary frontage – 6m Side – 6m Rear – 8m	N/A – Building setbacks	No – however compliant under DCP Part D Section 15.
3.4 Building Heights Refer to building height maps of The Hills Local Environmental Plan 2012. No buildings shall contain more than 4 storeys above natural ground level.	69.7 metres The height control of 68 metres pursuant to the LEP prevails in this instance.	No – Refer to Section 2.7.1 of this report. N/A
3.5 Building Separation and Treatment 12 metres	24 metres to 28.5 metres	Yes
3.6 Landscaped Area		

50% of site area	<p>The proposed development contains 984 square metres of landscaped area which represents approximately 17.8% of the site area.</p> <p>However it is noted that 53% of the site is to be dedicated to common open space.</p>	No – refer to discussion below.
3.7 Building Length Max. 50m	Block A – 74.6 metres Block B – 65.2 metres	No – refer to discussion below.
3.8 Building Design and Streetscape Must refer to Council's "Multi-Unit Housing: Urban Design Guidelines 2002" Designs must be in harmony in terms of form, mass, colour and structure with existing and likely future development in the street. Siting and design to ensure clear definition of street edge and reinforce street corners. Building lines together with landscaping treatments should distinguish the public and private realms. Must not be repetitive in design and incorporate harmonious design variations such as verandas, entrances, facades, etc. <u>Walls and Rooflines:</u> - Articulation provided to reduce bulk - With variety of colours to reduce monotony and add enhance the streetscape - With windows to enhance façade appearance - Well balanced vertical and horizontal proportions - Break up large horizontal facades	<p>The proposal is consistent with the Multi-Unit Housing: Urban Design Guidelines 2002.</p> <p>The proposed design of the development is considered to be in harmony with respect to the form, mass, colours and finishes of existing and likely future development.</p> <p>The siting of the building, predominately to the alignment of the street will reinforce street corners.</p> <p>The curvature form of the development results in a harmonious design. Block A and B will comprise of distinguishing massing and features that will not result in a mirroring effect of the buildings.</p> <p>The proposed façades of the development fronting Crane Road, Terminus Street and Old Northern Road will comprise of high quality materials and finishes. A mixture of metallic cladding, ceramic tile cladding, glazing and sandstone will be incorporated into the design of the facades in addition to a</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>(whether walls or roofs) into smaller sections no longer than 10m</p> <ul style="list-style-type: none"> - Use of well-proportioned and balanced projections and recesses on facades. - Provision of architectural features in the façade such as entry porches, pergolas, etc. <p><u>Garages:</u></p> <ul style="list-style-type: none"> - Comprise more than one material and colour to enhance visual attractiveness and interest. - Concealed or screened by planting from the street and public view, as much as possible. <p><u>Entrances:</u></p> <ul style="list-style-type: none"> - Clearly visible from the public and semi-public areas. Lighting to be provided for safety at night. - Entries to be readily apparent from the street and clearly visible from inside the dwelling for casual surveillance. - Space around building entrance to be sufficiently large to stand out and have a distinctive architectural form. - Entries to be distinctive, attractive and welcoming. - Provide sheltered transitional areas around building entries. - All ground floor dwellings to have their own entry at ground level. - Building entries to be visible from, or address the site front boundary, and clearly delineated and observable from the driveway. <p><u>Views and Siting:</u></p> <ul style="list-style-type: none"> - Siting of building to take advantage of any views to nearby/adjoining landscaped open space or any public reserve. 	<p>green wall at the street level of Terminus Street and Crane Road.</p> <p>The facades to each street frontage are sufficiently articulated in a predominately curvature form which reflects the alignment of each corner of the site. Balustrading to balconies have been incorporated as a design feature which follows the curvilinear lines of the building line.</p> <p>The overall design of the building facades is considered to convey the civic quality intended for the Castle Hill Town Centre.</p> <p>The proposed development will comprise of a basement garage and parking will be predominately concealed from public view.</p> <p>The main entries into Block A and B are located internally within the site adjacent to the central plaza. The entries are suitably articulated and are identifiable to residents and visitors.</p> <p>The siting of the proposed built form responds to the ridge setting of the site and takes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
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<ul style="list-style-type: none"> - Siting and design to take advantage of any views to open space, public reserves and bushland to promote natural surveillance and enhance visual amenity for residents. - Avoid blank courtyard walls along boundaries shared with open space or reserves. - Provide opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve. - Avoid courtyards facing a street or public place. If cannot be avoided due to design constraints, design to comply with Section 3.27 Fencing giving consideration to streetscape and visual impact issues. 	<p>advantages of views in all directions given the elevation of the buildings. The orientation of living spaces and balconies within the development will promote the natural surveillance of the central plaza.</p>	
<p>3.9 Urban Design Guidelines</p> <p>Demonstrate conformity with "Baulkham Hills Multi Unit Housing – Urban Design Guidelines 2002"</p>	<p>The proposal is consistent with the Multi-Unit Housing: Urban Design Guidelines 2002.</p>	<p>Yes</p>
<p>3.11 Unit Layout and Design</p> <p>1 bedroom – 75m² 2 bedroom – 110m² 3 bedroom – 135m²</p>	<p>1 Bedroom: 55-80m² 2 Bedroom: 79-94m² 3 Bedroom: 98-133m²</p>	<p>No – refer to discussion below.</p>
<p>3.12 Building Materials</p> <p>Must comply with the Local Government Act, 1993, Local Government regulations and Building Code of Australia</p> <p>Reflect and complement the existing character and streetscape.</p> <p>Choice of materials to consider both their environmental and economic costs.</p> <p>Use graffiti resistant materials in areas accessible by the general public and communal areas within the development.</p> <p>Use colours that are visually</p>	<p>A condition of consent will be imposed to ensure compliance with the Building Code of Australia.</p> <p>The proposed materials, colours and finishes will complement the existing streetscape and desired future character.</p> <p>The selection of materials considers both environmental and economic costs.</p> <p>Where possible, graffiti resistant materials will be used as recommended by the NSW Police.</p> <p>The colour selection is reflective</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>pleasing and reflect the predominant colours in the area.</p> <p>Avoid materials and colours with excessive glare.</p> <p>Avoid materials that are likely to contribute to poor internal air quality.</p> <p>Select materials that will minimise the long-term environmental impact over the whole life of the development.</p> <p>Preference to materials derived from renewable sources or are sustainable and generate lower environmental cost, recycled material/s with low embodied energy, better lifecycle costs and durability.</p>	<p>of a modern development in a town centre location.</p> <p>The standard of glazing will be determined at the Construction Certificate stage and will be compliant with Australian Standards so as to minimise the effect of glare.</p> <p>The selection of materials will not result in poor internal air quality.</p> <p>The material selection is considered to afford the built form with longevity.</p> <p>The selection of materials is considered to provide for satisfactory thermal comfort and durability.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.13 Open Space</p> <p>Private: Ground level – 4m x 3m (min)</p> <p>Above ground – min. 10m² with min. depth 2.5m</p> <p>Common: 20m² per dwelling</p>	<p>All units will comprise a balcony equal to or in excess of 10 square metres with a minimum depth of 2.5 metres.</p> <p>7,560m² of common open space required.</p>	<p>Yes</p> <p>No – Refer to discussion below.</p>
<p>3.14 Solar Access</p> <p>Adjoining buildings / open space areas – 4 hours between 9am and 3pm on 21 June</p> <p>Common open space – 4 hours between 9am and 3pm on 21 June</p>	<p>N/A – Adjoining residential properties will receive 3 hours of solar access between 9am and 3pm on 21 June with the exception of two properties as required under DCP Part D Section 15. Refer to Section 2.8.1 of this report.</p> <p>The central plaza will receive at least 4 hours of solar access between 9am and 3pm 21 June.</p>	<p>N/A</p> <p>Yes</p>
3.15 Ventilation		

<ul style="list-style-type: none"> - Consider prevailing breezes in relation to building orientation, window design and internal circulation. - Place windows to allow for cross ventilation i.e. on opposite sides of the building rather than adjacent walls where possible. These windows are to be lockable in a partly open position. - Promote air circulation and consider the installation of fans, roof vents, louvered windows and high-level windows to aid air circulation. 	<p>The proposed orientation and internal configuration of the development responds to prevailing breezes in order to maximise natural ventilation to apartments. At least 76% of apartments are naturally ventilated which exceeds the 60% requirement of the RFDC.</p> <p>Windows have been located on opposite sides or to a different aspect where possible.</p> <p>The proposed development will provide for sufficient air circulation to apartments and common areas.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.16 Lighting</p> <ul style="list-style-type: none"> - Lighting to be in accordance with the Building Code of Australia. - Adequate lighting to ensure the security and safety of residents and visitors. - Maximise the use of natural lighting through window placement and skylights. 	<p>A condition of consent will be imposed to ensure compliance with the Building Code of Australia.</p> <p>Adequate lighting will be provided for the safety and security of residents.</p> <p>Natural lighting maximised to apartments and common areas where possible.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.19 Car parking</p> <p><u>Rate per unit & visitor parking:</u> 1 space per 1 BR 2 spaces per 2 or 3 BR Visitor – 2 spaces per 5 dwellings</p>	<p><u>Required</u></p> <p>Residential: 524 Visitor: 152 Commercial: 87</p> <p>Required: 763 spaces</p> <p><u>Provided</u></p> <p>Residential: 386 Visitor: 77 Commercial: 87</p>	<p>No – refer to discussion below.</p>

<p>Parking Dimension:</p> <ul style="list-style-type: none"> - Lockable single garages min. dimension – 5.5 metres x 3 metres (exclusive of storage) - Lockable double garages min. dimension – 5.5 metres x 5.4 metres (exclusive of storage) - Visitor parking dimensions – 5.5 metres x 2.6 metres <p>Manoeuvring and Ramps:</p> <ul style="list-style-type: none"> - First 6 metres of the driveway inside the property boundary to be a maximum of 5% - Ramp grades to comply with Australian Standard 2890.1 - Manoeuvring in accordance with Australian Standard 2890.1 	<p>Provided: 550 spaces</p> <p>Deficit: 213</p> <p>Note: Two accessible parking spaces are required for the commercial component. The provision of 87 car spaces includes two disabled parking spaces.</p> <p>Council's Development Engineer has reviewed the basement and parking design and has raised no objection subject to conditions of consent.</p> <p>Council's Development Engineer has reviewed the access points and ramp design and has raised no objection subject to conditions of consent.</p>	<p>Yes</p> <p>Yes</p>
<p>3.20 Storage</p> <p>10m³ with an area 5m² and dimension 2 metres</p>	<p>All units have access to a storage area of 10m³ located within the basement car park.</p>	<p>Yes</p>
<p>3.21 Access and Adaptability</p> <p>Lift provided if greater than 2 storeys</p> <p>Accessible housing: 5% in a development >20 units</p> <p>Each unit so provided above shall have an accessible car-parking bay complying with AS 2890 for people with a disability, and be accessible to a pick-up and drop-off point. An accessible route between the car</p>	<p>All levels of the development are accessible by lift via four lift cores comprising a total of 8 lifts. Two lift cores will be provided in each building.</p> <p>19 units (5%) of the development will be adaptable.</p> <p>24 accessible car spaces will be provided with 20 for residential, 2 visitor and 2 commercial spaces.</p> <p>It is noted that an Access Report</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

parking space and unit shall be provided.	was submitted with the Development Application which indicates that the proposed adaptable units and associated common facilities will comply with relevant aspects of AS1428, AS4299 and the accessibility requirements of the DCP.	
3.22 Pedestrian/Bicycle Links		
<p><u>Within the Site</u></p> <ul style="list-style-type: none"> - Access to dwellings should be direct and without unnecessary barriers. No steps between the street frontage and the principal building entrances. 	The site provides a through site link and given the differing levels of Old Northern Road and Crane Road, an escalator and lift will be required on the Terminus Street frontage. However at-grade access to the central plaza and main building entries will be provided from Old Northern Road.	Yes
<ul style="list-style-type: none"> - Provide clearly defined pedestrian pathways between proposed development and proposed footpaths along sub-arterial roads. 	Internal pathways within the development will be clearly defined as detailed on the Landscape Plan.	Yes
<ul style="list-style-type: none"> - Adequate lighting in common and access areas. 	Adequate lighting to be provided to common open areas.	Yes
<ul style="list-style-type: none"> - All pathways and ramps to conform to the minimum dimensional requirements set out in AS1428 Part 1-1998 Design for Access and Mobility and AS1428 Part 2-1992. and Council's Policy "Making Access for All" (2002). 	All access paths and ramps are to comply with relevant Australian Standards.	Yes
<ul style="list-style-type: none"> - All surfaces to be stable, even and constructed of slip resistant materials. Any stair nosings should have a distinctive colour and texture. 	All surfaces will be stable and even to provide for safe pedestrian passage.	Yes
<ul style="list-style-type: none"> - Building and unit numbering and all signage is to be clear and easy to understand. International Symbols of Access should be displayed where buildings, crossings, amenities, car parking, pathways and ramps are accessible, as detailed in The Hills Shire Council policy entitled "Making Access For All" (2002). 	Signage and unit numbering will be clear and legible.	Yes
<ul style="list-style-type: none"> - Pathway locations must ensure natural surveillance of the pathway 	Apartments are orientated to ensure the natural surveillance	Yes

<p>from primary living areas of adjoining units. Dwelling entries must not be hidden from view and must be easily accessible.</p> <ul style="list-style-type: none"> - A bicycle lockup facility to be provided close to the main entry to the building. <p><u>Local Pedestrian Links</u></p> <ul style="list-style-type: none"> - Where possible, a pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway: - The link must be no less than 3m wide; - Should be a straight-line link through the site linking streets or other public spaces; and - Cannot include stairs and any ramps. Must have a reasonable gradient - refer to AS 1428.1 - 1988 Design for Access and <p>-) The design and layout of any building adjoining and landscaped spaces adjoining the pathway should ensure there is natural surveillance of the pathway to protect the amenity of users. A solid fence along the boundary of the pathway restricting views of the pathway from adjoining properties <u>not acceptable</u>.</p> <ul style="list-style-type: none"> - The pedestrian link must be dedicated to Council as a public footway and the footpath, and lighting must be provided at no cost to Council. 	<p>of the through site link within the central plaza.</p> <p>Bicycle lockup and storage provide adjacent to the lift core within the basement car park.</p> <p>A through pedestrian site link is provided within the site to promote pedestrian connectivity between Terminus Street and Old Northern Road.</p> <p>The access pathway will be a minimum width of 3.6 metres and will comprise of a relatively uniform level which requires access via an escalator and lift on Terminus Street.</p> <p>The link will be surrounded with suitable landscaping and is designed to promote natural surveillance.</p> <p>A condition of consent is recommended to ensure the creation of an easement for pedestrian access over the through pedestrian site link in favour of the general public.</p>	<p>Yes</p> <p>Yes</p>
<p>3.23 Privacy – Visual and Acoustic</p> <ul style="list-style-type: none"> - Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and screening devices (refer to section 3.13 Open Space). 	<p>Units have been designed to minimise the potential for direct overlooking through the sufficient separation of Blocks A and B in addition to the appropriate placement of balconies and windows.</p> <p>Furthermore, given that the site is isolated and combined with the substantial distance to</p>	<p>Yes</p>

<p>- Consider the location of potential noise sources within the development such as common open space, service areas, driveways, and road frontage, and provide appropriate measures to protect acoustic privacy such as careful location of noise-sensitive rooms (bedrooms, main living areas) and double glazed windows.</p> <p>- Dwellings adjoining arterial roads to be designed to acceptable internal noise levels, based on AS 3671 – Road Traffic Noise Intrusion Guidelines.</p>	<p>adjoining residential properties to the east, the proposal will not result in undue overlooking into adjoining residential properties.</p> <p>The internal configuration of the development has been designed to consider the location of potential noise sources.</p> <p>The Development Application was accompanied by an Acoustic Report prepared by Day Design Pty Ltd. The report identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The report concludes that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Environmental Protection Authority (EPA) subject to the implementation of noise mitigation measures.</p> <p>The Development Application was accompanied by a Road Traffic Noise Intrusion Report prepared by Day Design Pty Ltd. The report considers existing levels of traffic noise in addition to the impact of the future North West Rail Link with respect to noise and vibration pursuant to Clause 87 of the SEPP. The report recommends noise mitigation measures to offset the impact of traffic noise in addition to rail noise and vibration. The report concludes that subject to recommendations being carried out, the proposed development will comply with Australian Standard AS3671-1989, AS2107-2000 and Clause 87 of the SEPP.</p>	<p>Yes</p> <p>Yes</p>
<p>3.24 Services</p> <p>- Development consent not to be granted until satisfactory</p>	<p>A condition of consent will be imposed to ensure satisfactory</p>	<p>Yes</p>

<p>arrangements are made with relevant authorities for the provision of services.</p> <ul style="list-style-type: none"> - Site services and facilities (such as letterboxes, clothes drying facilities and garbage facility compounds shall be designed so as: <ul style="list-style-type: none"> - To provide safe and convenient access by residents and the service authority; and - Visually integrated with the development and have regard to the amenity of adjoining development and streetscape. - Laundries shall be provided to each dwelling. 	<p>arrangements are made with the relevant service authorities for the provision of services.</p> <p>Services and facilities for residents and visitors have been designed for safe and convenient access.</p> <p>Each apartment will be provided with an internal laundry, typically adjacent to the kitchen.</p>	<p>Yes</p> <p>Yes</p>
<p>3.25 Waste Management – Storage and Facilities</p> <ul style="list-style-type: none"> - Waste collection and separation facilities to be provided for each dwelling. Each dwelling should have a waste storage cupboard in the kitchen capable of holding at least a single days waste, and sufficient to enable separation of recyclable material. - Adequate storage for waste materials must be provided on site and any such waste must be removed at regular intervals and not less frequently than once per week for garbage and fortnightly for recycling. - Screen views of waste and storage facility from any adjoining property or public place while ensuring there is some natural surveillance from within the development to minimise vandalism and other anti-social activity. - Waste storage areas to be kept clean, tidy and free from offensive odours at all times. 	<p>Communal waste storage area proposed within basement area.</p> <p>No objections received by Council's Resource Recovery Officer and conditions provided accordingly.</p>	<p>Yes</p>
<p>3.26 Waste Management Planning</p> <p>Submission of a Waste Management Plan – demolition, construction and on-going use.</p>	<p>No objections received by Council's Resource Recovery Officer and conditions provided</p>	<p>Yes</p>

	accordingly.	
3.28 Developer Contributions		
In accordance with the relevant Section 94 Rate	A condition has been recommended requiring the payment of S94 contributions.	Yes

Variations to the DCP have been identified and are addressed as follows:

a) Landscaped Area

The DCP requires a minimum 50% of the site to be landscaped area. The proposed development contains approximately 984 square metres of landscaped area which represents approximately 17.8% of the site area.

The site is surrounded by street frontage on all sides and the site is located within what is essentially a mixed use zone within Castle Hill Town Centre. In addition, the proposed development will provide a through site link which will provide the public with access to the future rail station and bus interchange. Further, the landscaping area proposed is located to screen the lower section of the buildings and to embellish the central plaza as a public domain area.

It should also be noted that 53% of the site area will be common open space for the enjoyment of residents and members of the public traversing the through site link in addition to commercial uses.

In this regard, the proposal is considered to meet the objectives of providing quality landscaping despite non-compliance with prescriptive requirements.

b) Building Length

The DCP limits the maximum linear length of any residential flat building to 50 metres. Both buildings exceed the 50 metre maximum building length with Block A comprising a length of 74.6 metres and Block B comprising a length of 65.2 metres.

The applicant has provided the following justification for the variation to building length:

Both buildings exceed the 50m length maximum. This variation is appropriate as the buildings have a curved design which reduces the appearance of length.

The generous through site link and plaza will be provided between the middle of the two buildings to minimise bulk and scale.. Overall, the design is reflective of the draft LEP and DCP amendments.

Compliance in this instance is considered to be unreasonable given that the control relates primarily to reducing bulk and scale for residential flat buildings constructed within a suburban context. The subject site is located within the Castle Hill Town Centre and is consistent with the concept design considered at the planning proposal stage.

Each proposed building incorporates a curvature design which assists in modulating the façade of the building to reduce the perceived bulk and scale. In addition, the through site link between both buildings will also provide adequate separation in order to alleviate bulk and scale from the Terminus Street and Old Northern Road elevations.

It is also noted that the proposed length of the buildings when combined will not result in adverse shadowing impacts to residential properties to the east.

In this regard, a variation to the control can be supported in this instance.

c) Apartment Sizes

The proposed apartment sizes are inconsistent with the minimum apartment sizes required by the DCP. The proposal will provide for the following apartment sizes:

- One Bedroom: 55m² to 80m²
- Two Bedroom: 79m² to 94m²
- Three Bedroom: 98m² to 133m²

With respect to compliance, only one apartment complies with the apartment size controls contained within the DCP.

It is prudent to note that the built form of the proposed development is predicated on a concept design considered as part of the preceding planning proposal for the Crane Road Precinct. The planning proposal report detailed that the concept design would likely accommodate between 350-400 units over both buildings. The proposed development provides for 378 units and is consistent with the unit yield envisaged at the planning proposal stage.

The applicant has provided the following justification for the variation to apartment size:

- *Generally the apartment sizes meet the apartment type areas recommended by the RFDC and are all well above the recommended unit sizes to encourage affordability. The unit areas provide increased flexibility and a greater variety in apartment types and sizes.*
- *Although the proposed units do not achieve full compliance with the DCP requirements, it can be seen that the range of unit sizes provided will generally satisfy the RFDC recommended unit sizes.*
- *The objectives of unit layout and design under the DCP are:*
 - (i) To ensure that individual units are of a size suitable to meet the needs of residents;*
 - (ii) To ensure the layout of units is efficient and units achieve a high level of residential amenity.*
 - (iii) To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.*
- *The proposed unit sizes will satisfy the objectives in the following way:*
 - The unit sizes are appropriate in this area and due to their configuration will meet the needs of the future residents;*
 - 70% of units will achieve in excess of 3 hours of sunlight on 21 June;*
 - 76.7% achieve high level of cross or elevated natural ventilation;*
 - A large proportion of units have larger balcony areas.*
 - The sites location to major transport, employment, open space and services ensures that the proposed unit sizes will provide sufficient internal areas for future residents and encourage housing affordability and choice.*

- *The proposed variation to unit size is therefore considered appropriate in the circumstances of this development and a range of unit sizes ensures housing choice for future owners and residents and provides flexibility.*

The applicant has justified the variation by relying upon the minimum apartment size requirements of the Residential Flat Design Code which are less than the minimum apartment size requirements of the DCP.

In this regard, SEPP 65 contains the following minimum apartment sizes:

- 1 bedroom unit – 50m²
- 2 bedroom unit – 70m²
- 3 bedroom unit – 95m²

It is also noted that Clause 30A of SEPP 65 '*Standards that cannot be used as grounds to refuse development consent for residential flat buildings*' states that apartment size cannot be a reason for refusal if the proposed area for each apartment is equal to, or greater than, the recommended internal area and external area for the relevant apartment type set out in Part 3 of the Residential Flat Design Code. The apartment sizes all exceed the minimum requirements of the SEPP.

The apartments are satisfactory in regard to the minimum unit sizes required by SEPP 65 and are designed to take advantage of views, solar access and cross ventilation. Additionally, a large proportion of units comprise a balcony area that exceeds the minimum area requirement of the DCP. The varied apartment designs will allow a range of choice for future residents.

The apartment configuration and room dimensions are considered to provide for a high level of residential amenity. At least 70% of units achieve in excess of 3 hours solar access to living areas and balconies on 21 June. Furthermore it is noted that at least 82% of units achieve in excess of 2 hours solar access to living areas and balconies on 21 June. With respect to ventilation, 76.7% of units are cross ventilated given their aspect and elevation.

Furthermore the site exhibits the characteristics of a transit orientated development which typically includes a greater density of housing with a variety of sizes and configurations. Given the context of the site within the Town Centre, the proposed apartment sizes and mix is considered to be satisfactory.

It is noted however that subsequent to the lodgement of the subject Development Application, Council resolved to adopt amendments to the DCP with respect to apartment sizes. The amended control is detailed below:

3.11 Unit Layout and Design

Residential Flat Development (30 or more units)

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

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

(e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.

(f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments.

(g) All remaining apartments are to comply with the Type 3 apartment sizes.

An assessment of the proposal against the amendment reveals that 378 of the 378 units (100%) comply with the type 1 apartment size category and 64 of the 378 units (16%) comply with the type 2 apartment size category. With respect to type 3 apartment size category, only one unit complies.

The application was lodged prior to the adoption of the amended DCP which included the apartment mix controls. The apartment mix is consistent with the mix that was provided with the documentation that accompanied the planning proposal.

The proposal has been designed in accordance with the requirements of the site specific DCP with regard to density and overall yield considerations. When the site specific DCP was prepared, the recently adopted apartment mix requirements were not envisaged.

Nevertheless, it is considered that the proposed apartment sizes are satisfactory given the efficiency of the layout, the attainment of solar access and natural ventilation and the concept design envisaged with the planning proposal.

d) Common Open Space

The DCP requires that developments greater than 20 dwellings should provide a common open space area at a rate of 20 square metres per dwelling. This would result in an area of 7,560 square metres for 378 units. This is in excess of the site area and not viable for a site that is located within the Castle Hill Town Centre.

The applicant has provided the following justification:

This requirement is an area greater than the current available site area and therefore is not a viable control given the town centre location.

A 122m² communal room is provided at the corner of Crane Road and Terminus Street. In addition, 2970m² of communal open space in the form of a public plaza and through-site link will improve the amenity of future residents, overall the amount of common open space, although numerically non-compliant is appropriate.

The proposed development provides a communal open space area of 2,970 square metres and a communal room with an area of 122 square metres. The communal open space in the form of a central plaza will also facilitate public access between Terminus Street and Old Northern Road. The central plaza will be suitably landscaped and will encourage social activities for residents.

In combination with areas for private open space, the proposed development is considered to be suitable with respect to communal open space areas capable of accommodating recreational uses.

e) Car Parking

The proposed development has been assessed against DCP 2012 Part C Section 1 – Parking. The proposal provides 550 car parking spaces where the DCP requires 763 car parking spaces.

The required parking rate and the provision of parking are detailed in the table below:

Parking Type	DCP Rate (Town Centre)	DCP Requirements	Proposed
1 Bedroom (95)	1 Car Space	95	95
2 Bedroom (275)	1.5 Car Spaces	413	275
3 Bedroom (8)	2 Car Space	16	16
Visitor	2 spaces per 5 units	152	77
Retail	1 space per 18.5m ²	87	87
Total		763	550

As detailed above, the proposal results in a 213 car space shortfall to the parking provision. The shortfall is predominately attributed to the two bedroom units and the visitor car parking spaces requirement. Parking required for the commercial component of the development complies with the DCP.

In response to concerns raised by Council staff in respect to DCP car parking compliance, the proposal was amended to incorporate a fifth level of basement car park in order to provide an additional 80 car spaces. The original proposal comprised a total of 470 car spaces. The additional 80 car spaces provided have been dedicated to visitor and retail car spaces.

Whilst not fully compliant with the DCP parking rate, the applicant has submitted the following justification to the residential rate of car parking:

Residential Parking Rate

- *The 387 resident spaces proposed complies with Council rates for 1 bed and 3 bed units while the rate for 2 bed units is reduced from 1.5 to 1 car spaces. The number of residential spaces proposed lies between the higher rate required under the DCP and lower rate required under the RMS traffic generating guidelines.*

- Given the sites excellent location within the Castle Hill Town Centre and close proximity to the bus interchange and Castle Hill Railway Station the proposed number of car spaces is adequate. It also supports the State Government position on reducing car dependency within mixed use developments in close proximity to major transport services.

Residential Parking Rate

The proposed parking provision complies with the rate for one bedroom and three bedroom units. The rate of 1.5 car spaces for two bedroom units has been reduced to 1 car space, resulting in a shortfall of 138 car spaces for the residential unit component. It is noted however that at least 1 car parking space will be provided for each unit.

The site is located directly adjacent to the future Castle Hill Railway Station and bus interchange and will be highly accessible to future public transport links. The variation of 0.5 car space per two bedroom unit is considered to be satisfactory and will indirectly discourage vehicular dependency which is consistent with planning principles established for transit-orientated developments. It is anticipated that future residents of the development would utilise upon transport links to commute to places of employment or other destinations.

It is further noted that the NSW Roads and Maritime Service Guide to Traffic Generating Development contains parking provisions for varying land uses. The RMS parking rate applying to the development is detailed below:

Parking Type	RMS Guidelines	Proposed
1 Bedroom (95)	57	95
2 Bedroom (275)	247	275
3 Bedroom (8)	12	16
Visitor	77	77
Retail	98	87
Total	491	550

The above parking rate is reflective of a rate that would apply to a development located within a Town Centre and adjacent to a future transport node. As observed in the above table, the proposal exceeds the guidelines rates for the residential component of the development.

The application was referred to the NSW RMS in accordance with Schedule 3 of the SEPP (Infrastructure) 2007 for Traffic Generating Developments. The RMS raised no objections to the proposal and provided the following comments in their initial assessment:

RMS believes the proposed parking rates for the Centre, whilst superior to the general rate, are still excessive for the proposed development as it is one next to the future mass transit links. Council should consider applying lower parking rates to this development. It is noted that the proposed parking spaces for the development is above the RMS recommended parking spaces for this type of development.

Furthermore, it is noted that the proposed development includes commercial uses which will cater for the needs of future residents. The site is also located within close proximity to Castle Mall and Castle Towers in addition to other shops and commercial uses in the Town Centre. The proximity to commercial uses and the location of the site within the Town Centre will provide an opportunity for future residents to walk to shopping destinations or nearby services, thereby discouraging private transport use.

In this regard, it is considered that the variation to the parking provision, specifically for two bedroom units is satisfactory.

The applicant has submitted the following justification to the visitor rate of car parking:

Visitor Parking Rate

- *The DCP rate of 2 spaces per 5 units is significantly higher than other Local Government Areas.*
- *The sites close and excellent location to Castle Hill town centre, bus interchange and Castle Hill Railway Station can allow for a reduction in the number of visitor spaces. Emphasis should be placed on encouraging use of public transport and discouraging private transport use.*
- *Overall, a reduction in the number of visitor spaces is adequate.*

Visitor Parking Rate

Visitor parking has been provided at a rate of 1 space per 5 units which is commensurate of the rate recommended by RMS guidelines.

The DCP rate in this instance is considered to be superfluous for the proposed development given the high accessibility to future transport links. It is considered that the DCP rate would be relevant to other parts of the LGA where accessibility to public transport is limited.

In this regard, the proposed variation to the visitor parking rate is considered to be satisfactory given the context of the site.

2.8.3 Multi Unit Housing Guidelines

The application has been assessed with regard to the design quality principles outlined in the Multi-Unit Design Guidelines. The merits of the application in terms of urban design and its relationship to the site constraints are as follows:

i. Character of the Area

The development integrates with the future built form character of the surrounding area and is consistent with the site specific DCP for the entire subject site. The proposed development responds to the zone objective and is considered satisfactory with respect to the desired character of the area.

ii. Site Analysis and Design

The development has provided satisfactory private open space areas maximising solar access where possible. The dwellings therefore have been designed having regard to the orientation of the site and the northerly aspect. The design of the buildings is considered satisfactory.

iii. Building Envelope and Siting

The development is wholly within the building envelope prescribed for the site with the exception of a minor encroachment to building height. The massing of the built form provides a development which is considered appropriate to both surrounding properties and future character of the Castle Hill Town Centre.

iv. Setbacks

The buildings are articulated to provide visual interest when viewed from all adjoining interfaces. The proposed setbacks in front of the building will be landscaped where possible and are sufficient to provide active street frontages and surveillance of the street. The proposed setbacks are considered satisfactory as outlined previously in this report.

v. Building Height

The height of the buildings exceeds the height permitted by the LEP however the encroachment is considered to be negligible with respect to bulk and scale. The building height and scale of the buildings will not cause undue impact upon adjoining residential properties. The height of the buildings is considered to respond appropriately to the desired future character of Castle Hill Town Centre.

vi. Communal and Private Open Space

Private open space is provided and is located to service the living areas of each unit. A communal open space area in the form of a central plaza is provide and will promote social activities for future residents.

vii. Landscaping

The proposal provides landscaping for the enjoyment of future residents. Council's Tree Management Section has reviewed the landscape plan, and has raised no objection, subject to conditions.

viii. On-Site Car Parking and Access

The proposed car parking is considered satisfactory as outlined previously within this report. Council's Development Engineer has reviewed the proposal and has no objection to the car parking and access subject to conditions of consent.

ix. Solar Access

The proposed development ensures acceptable levels of solar access are provided to all private open space areas within the site and ensures that the proposed development does not result in adverse overshadowing for adjoining properties. Overshadowing of two adjoining properties has previously been considered in this report.

x. Resource, Energy and Water Efficiency

The development application was accompanied by a Basix Certificate meeting the thermal comfort, water and energy rating requirements.

xi. Security

The location of buildings and associated balconies provides an opportunity for informal surveillance to improve the safety of future residents. It is considered that there is a clear definition of spaces and transition areas. The design of the development encourages passive surveillance to publicly visible areas.

xii. Ecological Sustainable Design

The development will provide a high energy efficiency rating for each dwelling. The dwellings will be designed to provide good thermal efficiency and adequate cross-ventilation.

xiii. Building Design

The development provides a high level of amenity to future residents through the provision of both communal and private open space areas. The areas have been designed to maximise solar access and privacy where possible.

3 ISSUES FOR CONSIDERATION

3.1 Issues Raised in Submissions

The proposal was exhibited and notified to adjoining property owners on two separate occasions. In response, 23 submissions were received (two in support) during the first exhibition period and five submissions were received during the second exhibition period. The issues raised in the submissions relate to building height, design, bulk and scale, overshadowing, loss of privacy, noise, traffic and car parking. The matters raised in the submissions have been summarised below:

ISSUE/OBJECTION	COMMENT	OUTCOME
The proposed development is out of character with the established scale of Castle Hill and the proposed height will be comparable to the level of Rogans Hill being 208 metres above mean sea level.	<p>The proposed buildings will comprise a maximum building height of 69.7 metres measured from natural ground level which represents an RL of 208 metres.</p> <p>The building height and density was predetermined and considered as part of the preceding Planning Proposal for the subject site. Accordingly, the building envelope for the site was reinforced into THDCP Part D Section 15 – Crane Road Precinct.</p> <p>The built form of the proposed development is consistent with the building envelope envisaged for the site with the exception of a 2.5% variation to the building height as discussed in the report.</p> <p>The height of the development and the scale is considered to respond appropriately to the desired future character of Castle Hill Town Centre. The design and scale of the buildings will reinforce the site as a gateway site and will not result in adverse amenity impacts to adjoining residential properties with respect to solar access and privacy.</p> <p>The height and associated density is consistent with a transit-orientated development and will support the North West Rail Link.</p>	Issued addressed.
The development has been poorly designed with two excessively tall and bulky buildings with very limited setbacks to the street above the proposed retail level,	The building mass is articulated in a curvature form which is translated vertically in building height. The proposal integrates a number of recesses and projections at the upper elements	Issued addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>with little connection with the surrounding area and will create a bleak and intimidating environment, particularly fronting Terminus Street and Crane Road.</p>	<p>of each building to articulate the overall mass and form smaller segments.</p> <p>Design measures have been incorporated into the building to minimise perceived bulk and scale. The buildings adopt a curvilinear footprint which transitions in height. The design of the building with respect to massing is considered to respond appropriately to the curtilage of the site and surrounds. Combined with architectural elements on all facades such as glass curtain walls, metal cladding, sandstone cladding and the curved lines of balconies, the proposed design is considered to provide good vertical and horizontal articulation, thereby enhancing the architectural quality and visual appearance of the development when viewed from the public domain. The combination of façade treatment, materials, colours and finishes will convey the development appropriately as a gateway site.</p> <p>The proposed central plaza will assist in activating the street frontages by providing enhanced connectivity between Terminus Street and Old Northern Road.</p> <p>It is considered that the design, bulk and massing is compatible with the existing and desired built form character of Castle Hill Town Centre.</p>	
<p>The height of the proposed development will impact upon mobile phone coverage and will interfere with flight paths for the RAAF base in Richmond in addition to commercial flight paths for Kingsford Smith Airport.</p>	<p>The proposed buildings are generally consistent with the building envelope prescribed for the site.</p> <p>With respect to mobile phone coverage, the service quality of mobile phone reception is the responsibility of the relevant service providers and is not a matter for consideration under S79C of the EP&A Act. Should any changes to the built form environment affect their service;</p>	<p>Issued addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>the relevant service provider will be required to upgrade their services accordingly.</p> <p>In relation to flight paths, the subject site is not affected by Obstacle Limitation Surfaces (OLS) nor does the Hills Shire contain model provisions within the LEP for Airspace Operations which is typical of areas affected by descending aircraft within close proximity to major and regional airports. Given that the site is not affected by OLS, it is unlikely that the development will affect airspace operations. Nevertheless, a condition of consent is recommended to ensure that the applicant consults with CASA to determine whether the proposed development requires markers, obstruction lighting or similar mechanisms for aircraft avoidance. Furthermore, the site is not affected by ANEF contours of any airport.</p>	
<p>The proposed development does not provide for a positive urban design outcome.</p>	<p>The proposed development is considered to reflect good urban design that responds to the opportunities and constraints of the site.</p> <p>The proposed façades of the development fronting Crane Road, Terminus Street and Old Northern Road will comprise of high quality materials and finishes. A mixture of metallic cladding, ceramic tile cladding, glazing and sandstone will be incorporated into the design of the facades in addition to a green wall at the street level of Terminus Street and Crane Road.</p> <p>The facades to each street frontage are sufficiently articulated in a predominately curvature form which reflects the alignment of each corner of the site. The proposal integrates a number of recesses and projections at the upper elements of each building to articulate the overall mass and form smaller segments.</p>	<p>Issued addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>Balustrading to balconies have been incorporated as a design feature which follows the curvilinear lines of the building line. A good balance of material composition has been utilised within the façade to avoid repetitious design features and blank walls.</p> <p>The overall design of the building facades is considered to convey the civic quality intended for the Castle Hill Town Centre and satisfies the ten principles of SEPP 65.</p>	
<p>The excessive height will result in adverse overshadowing to residential properties to the south of Terminus Street.</p>	<p>A Solar Access and Overshadowing Report indicates that the proposal will retain a minimum of 3 hours of solar access to adjoining residential land uses with the exception of two properties located at 5 and 7 Crane Road. Both properties are located approximately 30-45 metres away on the opposite side of Terminus Street to the east of the subject site. Shadow diagrams indicate that 5 Crane Road is affected by shadow at approximately 11:00am to 3:00pm and 7 Crane Road is affected by shadow at approximately 11:45am to 3:00pm.</p> <p>Both properties whilst built as single dwellings are currently used for commercial purposes. Additionally, both dwellings receive at least two hours of solar access between 9am and 11am and will receive the available sunlight before 9am. The Solar Access and Overshadowing Report indicates that the affected properties would be impacted by any building on the site with a height of 7 storeys or more. In this regard, it would be unreasonable to limit any development of the site to a height of 7 storeys where a 68 metre height limit applies.</p> <p>It is noted that the development has been designed to maximise</p>	<p>Issued addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>solar access through the enhancement of building separation between Blocks A and B. The separation of 24 to 28 metres provides a corridor of sunlight which provides a degree of solar access to both properties between 2pm and 3pm.</p> <p>In this regard, whilst the two adjoining properties do not meet the required 3 hours of solar access to habitable rooms, the solar access provided is considered reasonable given the location of the site within the Castle Hill Town Centre, the site specific DCP which permits a building envelope which could potentially create a shadow impact, and the eastern location of the residential properties on Crane Road.</p>	
<p>Increased shadowing of residential properties may well cause an increase in energy usage. The DA does not advise of the shadowing effect that will occur between Sunrise and 9am and then again 3pm to Sunset at any time of year.</p>	<p>The DCP requires consideration of solar access between 9am and 3pm on the 21 June, requiring at least 3 hours during this period. The period is considered to provide for optimum daylight and is a common planning control.</p> <p>As previously discussed, the proposal will retain a minimum of 3 hours of solar access to adjoining residential land uses with the exception of two properties located at 5 and 7 Crane Road which receive a minimum of 2 hours solar access. However, whilst the two adjoining properties do not meet the required 3 hours of solar access to habitable rooms, the solar access provided is considered to be reasonable within the context of the Castle Hill Town Centre.</p>	<p>Issued addressed.</p>
<p>Height of building versus those of surrounding residences will allow line of sight intrusion to private or commercial premises thereby resulting in undue privacy impacts.</p>	<p>The height of the proposed development has been considered with respect to the adjoining residential properties located to the east. The subject site is an isolated parcel of land bounded by public road on all three sides. As a result of its placement, the site is located a minimum distance of approximately 30 metres to the</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>closest residential property located on the opposite side of Terminus Street. The substantial distance combined with the topography is considered to alleviate the potential for direct sightlines into adjoining residential properties to the east. Additionally, the development has been designed to orient the majority of balconies to the northerly aspect, resulting in less balconies fronting Terminus Street at the interface to existing residential properties.</p> <p>Further, it is noted that adjoining residential properties located on Crane Road, Mercer Street and Rosa Crescent to the east are located within an area that is zoned R4 High Density Residential, permitting residential flat buildings to a maximum height of 16 metres.</p> <p>It is prudent to note that both the Residential Flat Design Code and Development Control Plan contain prescriptive controls relating to minimum building separation with the principal objective of maximising privacy. The control requires a minimum building separation of 12 to 18 metres dependent on the height of the building and is applied to existing buildings located on adjoining properties. In this regard, the proposed development exceeds this requirement considerably.</p> <p>Based on the above, it is considered that the proposed development affords a reasonable level of privacy to adjoining residential properties.</p>	
<p>The acoustic report makes no mention of noise intrusion into existing residential dwellings facing Terminus St or parallel streets e.g. Mercer St or perpendicular streets such as Crane Rd east.</p>	<p>The Development Application was accompanied by an Acoustic Report prepared by Day Design Pty Ltd. The report identifies the main noise sources including mechanical plant equipment and traffic noise associated with vehicular traffic generated by the proposed development. The report concludes</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>that the level of noise emitted by the proposed development will meet the noise level requirements of the NSW Environmental Protection Authority (EPA) subject to the implementation of noise mitigation measures.</p> <p>Council's Environmental Health Coordinator has reviewed the proposal and concurs with the findings and recommendations of the Acoustic Report. Accordingly, appropriate conditions of consent have been imposed to ensure that the recommendations of the reports are implemented into the proposed development.</p> <p>It is noted that future commercial uses of the ground floor tenancies will be subject to further Development Applications and where necessary, acoustic investigations may be required.</p>	
<p>The development will further exacerbate traffic congestion within the immediate area and the existing traffic network is incapable of accommodating traffic generated by the proposed development.</p>	<p>A Traffic Report has been submitted with the Development Application which indicates that pre and post traffic generation are comparable.</p> <p>The Traffic Report has estimated that based on the floor area and the types of uses, the existing mixed use developments have a combined traffic generating capacity of 164 peak hour trips.</p> <p>A supplementary traffic report was submitted which estimates that the proposed mixed use development, based on RMS traffic generation rates, should generate similar peak trip numbers to that of the existing development at around 165 peak hour vehicle trips.</p> <p>When having regard to the proposed development having a similar peak hour traffic generating potential to the existing development it is envisaged that there will be no adverse traffic implications on the surrounding</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>road network.</p> <p>Council's Principal Traffic Coordinator has reviewed the proposal and raises no objection to the proposed development with respect to traffic generation.</p>	
<p>The development is premature without the provision of transport infrastructure including the North West Rail Link and the associated bus interchange. Vehicular access will be relied upon in the interim and will cause significant traffic and parking impacts. The development has had no regard with respect to parking for the period before the North West Rail Link is completed.</p>	<p>A Traffic Report has been submitted with the Development Application which indicates that pre and post traffic generation is comparable.</p> <p>Should the development precede the North West Rail Link, it is considered that the proposed parking provision is sufficient to accommodate parking demand for the site.</p> <p>It is further noted that the NSW Roads and Maritime Service Guide to Traffic Generating Development contains parking provisions for varying land uses. The RMS rate applying to the development equates to a total of 491 spaces whilst the proposed development provides for 550 spaces. A surplus of 59 spaces is provided.</p> <p>Nevertheless, given the imminence of the North West Rail Link, it would be highly unreasonable to impose a parking provision which is in line with the DCP requirement which is primarily intended for sites with limited access to public transport. Further the site benefits from existing bus services on Old Northern Road.</p> <p>In this regard, it is considered that the parking provision of the proposed development is sufficient to accommodate the development should it precede the North West Rail Link.</p>	<p>Issue addressed.</p>
<p>The proposed development does not provide sufficient car parking spaces with respect to the number of units proposed. The parking allowance of 0.6 car spaces</p>	<p>The proposed parking provision complies with the rate for one bedroom and three bedroom units. The rate of 1.5 car spaces for two bedroom units has been reduced to 1 car space, resulting in a</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
<p>per unit is insufficient.</p>	<p>shortfall of 138 car spaces for the residential unit component. It is noted however that at least 1 car parking space will be provided for each unit.</p> <p>The site is located directly adjacent to the future Castle Hill Railway Station and bus interchange and will be highly accessible to future public transport links. The variation of 0.5 car space per two bedroom unit is considered to be satisfactory and will indirectly discourage vehicular dependency which is consistent with planning principles established for transit-orientated developments. It is anticipated that future residents of the development would utilise transport links to commute to places of employment or other destinations.</p> <p>It is noted that the NSW Roads and Maritime Service Guide to Traffic Generating Development contains parking provisions for varying land uses. The RMS rate applying to the development equates to a total of 491 spaces whilst the proposed development provides for 550 spaces. A surplus of 59 spaces is provided.</p> <p>Furthermore, it is noted that the proposed development includes commercial uses which will cater for the needs of future residents. The site is also located within close proximity to Castle Mall and Castle Towers in addition to other shops and commercial uses in the Town Centre. The proximity to commercial uses and the location of the site within the Town Centre will provide an opportunity for future residents to walk to shopping destinations or nearby services, thereby discouraging private transport use.</p>	
<p>The development will have a significant impact on the accessibility to car parking within Castle Hill.</p>	<p>The proposed parking provision is considered to be satisfactory to accommodate parking demand for the site.</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	<p>It is noted that commercial uses within the site are likely to be non-desintational in nature and are unlikely to warrant significant parking demand.</p> <p>The proposed development is not considered to have a significant impact to the accessibility of parking within Castle Hill.</p>	
<p>40 car parking spaces for retail employees only. Local resident population will be inclined to utilise all free retail parking spaces for public transport use during inclement weather i.e. hot, humid or cool weather. Parking for commuters will become a premium in Castle Hill as it is at present for local shoppers.</p>	<p>The proposed parking provision for the commercial component of the development has been subsequently increased to include a total of 87 car spaces which is compliant with the DCP.</p>	<p>Issue addressed.</p>
<p>Concern is raised that existing infrastructure such as sewerage, water and electricity will not be able to accommodate the proposed development.</p>	<p>A condition of consent is to be imposed to ensure that the applicant consults with the relevant service authorities.</p> <p>However it is noted that the Development Application was referred to Transgrid and Sydney Water for review. No objections were raised with regard to capacity and servicing of the proposed development.</p>	<p>Issue addressed.</p>
<p>The additional population will place strain on emergency services such as police, ambulance and fire.</p>	<p>The issue is not a matter of consideration under Section 79C of the EP&A Act 1979. However it is noted that the State Government has earmarked key sites adjacent to the north west rail corridor to support housing and population growth. Both the Sydney Metro Strategy and the North West Rail Structure Plan anticipates population growth along key transport nodes. The proposed development is considered to be consistent with the wider strategic aims envisaged by the State Government. It is noted that the provision of emergency services is the responsibility of the state</p>	<p>Issue addressed.</p>

ISSUE/OBJECTION	COMMENT	OUTCOME
	government.	
The Hills Shire should be acknowledged As "The Garden Shire" with trees and shrubbery being the highlight of the ridges and escarpments. Correct Town Planning will ensure all suburbs of the Shire are human friendly, green in aspect and not a concrete jungle.	<p>The proposed development is consistent with the strategic and statutory planning framework envisaged for the site and its location within the Castle Hill Town Centre.</p> <p>The proposed development is considered to be appropriate to its context and will not adversely compromise the garden characteristics of the Hills Shire.</p>	Issue addressed.
The proposed development should not adopt any retail uses as there are an abundance of retail shops already in Castle Hill and taking into account the expansion of Castle Towers and Castle Mall.	<p>The proposed development will comprise of nine ground floor commercial tenancies. The proposed floor plate of each tenancy is likely to facilitate a use that is subservient to the residential component of the development, resulting in a commercial component that is non-destinational in nature.</p> <p>It is unlikely that the proposed commercial uses will impact upon existing commercial uses within the Town Centre.</p>	Issue addressed.
<p>The building construction will interfere and reduce accessibility with the adjacent bus stops.</p> <p>Increased heavy vehicle traffic from the development coupled with traffic from the North West Rail Link will further aggravate traffic congestion.</p>	<p>Traffic during construction has been reviewed by the NSW Roads and Maritime Service (RMS). The RMS have imposed a requirement for the applicant to provide a Construction Traffic Management Plan to the satisfaction of the RMS detailing construction vehicle routes, hours of operation, access arrangements and traffic control prior to the release of the Construction Certificate. The Plan must also consider the cumulative traffic impacts associated with the construction of the North West Rail Link, the expansion of Castle Towers and upgrade works to Showground Road.</p>	Issue addressed.
The building is not environmentally sustainable and should incorporate design features such as rain water reuse, solar panels,	The Development Application was accompanied by a BASIX Certificate meeting the thermal comfort, water and energy rating requirements.	Issue addressed.

ISSUE/OBJECTION	COMMENT	OUTCOME
double glazed windows, efficient appliances and lighting and a cent-a-meter per unit to monitor daily electricity use.	A condition of consent will be imposed to ensure BASIX commitments are fulfilled.	
For a development of this size, local residents are expected to be consulted by the developer before the application was submitted so that they had an opportunity of having some involvement in the redevelopment of such an important site for Castle Hill.	<p>The Development Application was publicly exhibited on two separate occasions for a period of 14 days each. Additionally, adjoining property owners were notified of the proposed development via mail.</p> <p>It is also noted that a site-specific Planning Proposal to amend the Local Environmental Plan 2012 was publicly exhibited and notified to adjoining land owners.</p> <p>Given the above, the preceding planning proposal and subsequent Development Application relating to the site were notified in accordance with statutory requirements.</p>	Issue addressed.

3.2 Referral Comments

3.2.1 Public Authority Comments

a. RMS Comments

The proposal is defined as 'Integrated Development' as there are proposed works that will require approval from the NSW Roads and Maritime Services pursuant to Section 138 of the Roads Act 1993.

The NSW Roads and Maritime Service have reviewed the proposed development and have provided the following conditions of consent (summarised):

- 1. The design and construction of the vehicular access on Terminus Street shall be restricted to left-out movements only and constructed to current Australian Standards. The driveway shall be splayed to ensure vehicles cannot turn left into the development.*
- 2. The design and construction of the gutter crossing off Castle Hill Ring Road (Terminus Street) shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Sydney Project Services on 8849 2496.*
- 3. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks and hours of operation, access arrangements and traffic*

control should be submitted to Council prior to the issue of a Construction Certificate. The CTMP should consider the impact of all construction activities in the vicinity of the development, including NorthWest Rail link, Castle Hill Tower and Showground Road.

4. The applicant is to obtain a Road Occupancy licence by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 for any proposed temporary/partial road closures of Castle Hill Ring Road.

5. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004.

6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Castle Hill Ring Road.

7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD20121001.

8. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

9. The proposed development should be designed such that road traffic noise from Castle Hill Ring Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

A condition has been recommended to ensure compliance with RMS requirements.

b. NSW Railcorp (Sydney Trains) Comments

The Development Application was referred to NSW Railcorp (Sydney Trains) given that the site is located within 25 metres of the proposed North West Rail Link corridor which is currently under construction. Railcorp (Sydney Trains) have reviewed the proposal in accordance with Clause 86 of the SEPP (Infrastructure) 2007 and have raised concern about the potential impacts of the proposed development on the future construction, operation and maintenance of the North West Rail Link.

Railcorp (Sydney Trains) has indicated that the proposed development which involves excavation to accommodate five levels of basement car park, could affect the practicability of the North West Rail Link, its construction cost and the capacity to design it to meet railway operational needs. Nevertheless, Railcorp (Sydney Trains) have provided their concurrence subject to conditions of consent to address potential design conflicts. On this basis, a condition of consent will be imposed to ensure that the requirements of Sydney Trains in their letter dated 14 November 2014 are complied with.

c. NSW Police Comments

The Development Application was referred to Castle Hill Police Local Area Command for comment. The Police have recommended design measures to promote safety by design

including CCTV, access restrictions and the use of non-porous materials to deter graffiti. A condition of consent will be imposed to ensure that the applicant implements the recommendations of the Police within the design of the development.

d. Civil Aviation Safety Authority

The Development Application was referred to the Civil Aviation Safety Authority for comment. No response was forthcoming from the Civil Aviation Safety Authority.

The subject site is not affected by Obstacle Limitation Surfaces (OLS) nor does the Hills Shire contain model provisions within the LEP for Airspace Operations which is typical of areas affected by descending aircraft within close proximity to major and regional airports. Given that the site is not affected by OLS, it is unlikely that the development will affect airspace operations. Nevertheless, a condition of consent is recommended to ensure that the applicant consults with CASA to determine whether the proposed development requires markers, obstruction lighting or similar mechanisms for aircraft avoidance. Furthermore, the site is not affected by ANEF contours of any airport.

3.2.1 Internal Referral Comments

a) Traffic Management Comments

1. Traffic Impact

i) Existing Traffic Environment

This application proposes to demolish several existing retail and commercial buildings at 299 and 309 Old Northern Road, Castle Hill and construct a mixed use 1612m² retail and 378 residential apartment development. A traffic impact statement dated November 2013 was prepared by Thompson Stanbury Associates and submitted in support of the application.

The subject site has frontages to three roads, the main western frontage is to Old Northern Road that was previously a State Arterial road under the jurisdiction of the Roads and Maritime Services. However when the construction of the bus interchange occurred at the time of the Main Street upgrade, vehicle movements were restricted to buses and the occasional vehicle accessing the existing businesses. The southern frontage to Crane Road is a 4 lane local road under the control of Council and is the main egress for buses exiting the bus interchange. The site also has an eastern frontage to Terminus Street and is a classified road under the control of the RMS.

The consultant has estimated based on floor area and the types of uses, the existing mixed use developments have a combined traffic generating capacity of **164 peak hour trips**. All existing vehicle movements entering and egressing the sites occurs via four driveways to Crane Road and a single driveway to Old Northern Road. Examination of the Technical Paper associated with the NWRL project has confirmed that the nearby intersections all currently operate at Level of Service D or better. However in 2021, post NWRL construction, the intersection of Old Northern Rd/Crane Rd/Castle St falls to Level of Service E.

ii) Proposed Development - Traffic Generation

A supplementary traffic report prepared by the consultant dated 28 August 2014 estimates that the proposed mixed use development, based on RMS traffic generation rates, should generate similar peak trip numbers to that of the existing development at around **165 peak hour vehicle trips**.

When having regard to the proposed development having a similar peak hour traffic generating potential to the existing development it is envisaged that there will be no adverse traffic implications on the surrounding road network.

iii) Traffic egress/ingress to arterial/sub-arterial roads

All existing vehicular accesses are to be closed and two new driveways are constructed for the development being one egress only driveway is to Terminus Street and a single combined entry/egress driveway to Crane Road. The consultant has estimated that the split for each driveway during the AM peak will be 55 left in and 55 left out movements in Crane Road and 55 left out only movements to Terminus Street. During the PM peak there will be 110 left in and 27 left out movements to Crane Road, while Terminus Street will be subjected to 28 left out only movements.

Terminus Street is classified as a Main Road under the jurisdiction of the RMS, approval is therefore required under Section 138 of the Roads Act 1993 from the RMS for the construction of the new exit only driveway.

One issue that requires further consideration is that as the Crane Road access is restricted to left in left out movements only, and a planned event occurs requiring the temporary closure of Main Street, access to the development becomes extremely convoluted. This issue could be resolved if right turn movements were permitted to occur via the Crane Road driveway.

iv) Sight distance and other safety issues

Sight distances when entering and exiting the proposed driveways exceeds the minimum Safe Intersection Sight Distance requirements as specified under the Austroads guidelines for vehicles traveling at the respective signposted limits.

2. Recommendations

There are no objections to the proposal in terms of traffic impact however amendments to the proposed access off Crane Road to allow right turn movements should be incorporated into the design. A condition of consent is recommended to ensure that works to facilitate right hand turn movements from Crane Road are carried out with details to be provided to the satisfaction of Council's Manager Infrastructure and Traffic prior to the issue of the Construction Certificate.

b) Engineering Comments

The Development Application was referred to Council's Development Engineer to review the design of car parking, vehicular access points and stormwater management. No objections were raised to the proposed development subject to conditions of consent.

c) Waterways Comments

The Development Application was referred to Council's Waterway Systems Coordinator to review the stormwater design. No objections were raised to the proposed development subject to conditions of consent.

d) Land Information Services Comments

The Development Application was referred to Council's Land Information Services to review the proposed house numbering scheme. No objections were raised to the proposed development subject to conditions of consent.

e) Tree Management Comments

The Development Application was referred to Council's Tree Management Officer for review. No objections were raised to the proposed development subject to conditions of consent.

f) Environmental and Health Comments

The Development Application was referred to Council's Environmental Health Officer to review land contamination and acoustic design. No objections were raised to the proposed development subject to conditions of consent.

g) Waste Management Comments

The Development Application was referred to Council's Resource Recovery Officer to review waste management. No objections were raised to the proposed development subject to conditions of consent.

h) Heritage Comments

The Development Application was referred to Council's Forward Planner to review heritage impacts. No objections were raised to the proposed development subject to conditions of consent.

CONCLUSION

The Development Application has been assessed against the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, The Hills Local Environmental Plan 2012, The Hills Development Control Plan 2012, and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and is considered satisfactory.

The proposal will provide additional housing choice for residents of the Shire. The external and internal design of the buildings is satisfactory and will result in an appropriate streetscape outcome for the future character of the Castle Hill Town Centre. The proposal will provide a through site link in the form of a central plaza to accommodate pedestrian movement between Terminus Street and Old Northern Road.

The proposal was exhibited and notified to adjoining property owners on two separate occasions. In response, 23 submissions were received during the first exhibition period and five submissions were received during the second exhibition period. The issues raised in the submissions relate to building height, design, bulk and scale, overshadowing, loss of privacy, noise, traffic and car parking. The matters raised in the submissions have been reviewed and do not warrant refusal of the application.

The proposal is recommended for approval subject to a deferred commencement condition requiring the completion of a road closure to a portion of Old Northern Road and dedication of land for the purposes of road widening.

DEFERRED COMMENCEMENT

- A1. Pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

1. The road closure of Old Northern Road and Terminus Street as shown 'R4' on the Plan of Proposed Subdivision dated 12/11/2013 and prepared by J Ramsay & Co. The road closure and associated costs are to be borne by the applicant.
 2. Approval of the part road closure by Crown Lands NSW.
 3. The dedication at no cost to Council of land adjacent to Old Northern Road for road widening purposes as shown 'R1', 'R2' and 'R3' on the Plan of Proposed Subdivision dated 12/11/2013 and prepared by J Ramsay & Co.
- A2. The applicant must provide to Council evidence sufficient to enable it to be satisfied of the matters in Condition A1 within 24 Months or such further period as Council may determine is appropriate upon application in writing being made to Council.
- B. Upon compliance with the requirements of Part A1, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	ISSUE	DATE
A002	Location Plan, Site Plan and Site Analysis prepared by KTA	01	12/11/2013
A003-1	Basement Level 5 Floor Plan prepared by KTA	02	08/08/2013
A003	Basement Level 4 Floor Plan prepared by KTA	10	12/11/2013
A004	Basement Level 3 Floor Plan prepared by KTA	10	12/11/2013
A005	Basement Level 2 Floor Plan prepared by KTA	10	12/11/2013
A006	Basement Level 1 Floor Plan prepared by KTA	10	12/11/2013
A007	Ground Floor Plan prepared by KTA	10	28/08/2014
A008	Level 2, 5 Typical Floor Plan prepared by KTA	08	12/11/2013
A009	Level 3, 6, 7, 9, 10 Typical Floor Plan prepared by KTA	08	12/11/2013
A010	Level 4 Floor Plan prepared by KTA	08	12/11/2013
A011	Level 8 Floor Plan prepared by KTA	08	12/11/2013
A012	Level 11 Floor Plan prepared by KTA	07	12/11/2013
A013	Level 12 Floor Plan prepared by KTA	08	12/11/2013

A014	Level 13 Floor Plan prepared by KTA	08	12/11/2013
A015	Level 14 Floor Plan prepared by KTA	08	12/11/2013
A016	Level 15 Floor Plan prepared by KTA	08	12/11/2013
A017	Level 16 Floor Plan prepared by KTA	08	12/11/2013
A018	Level 17 Floor Plan prepared by KTA	08	12/11/2013
A019	Level 18 Floor Plan prepared by KTA	08	12/11/2013
A020	Level 19 Floor Plan prepared by KTA	08	12/11/2013
A021	Level 20 Floor Plan prepared by KTA	08	12/11/2013
A022	Level 21 Floor Plan prepared by KTA	08	12/11/2013
A023	Roof Plan prepared by KTA	08	12/11/2013
A024	Roof Service Plan prepared by KTA	02	12/11/2013
A30	Elevation 1 prepared by KTA	05	29/08/2014
A31	Elevation 2 prepared by KTA	06	29/08/2014
A32	Elevation 3 prepared by KTA	06	29/08/2014
A33	Elevation 4 prepared by KTA	03	29/08/2014
A34	Elevation 5 prepared by KTA	03	29/08/2014
A037	Section A-A prepared by KTA	04	28/08/2014
A040	Basement Details prepared by KTA	02	12/11/2013
A50	Material Board prepared by KTA	04	12/11/2013
145.14(13)/385'A	DA Landscape Plan prepared by iScape	1/3	August 2014
145.14(13)/386'A	DA Planters Plan prepared by iScape	2/3	August 2014
145.14(13)/363	DA Greenwall Plan prepared by iScape	3/3	August 2014

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

2. External Finishes

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

3. Construction Certificate

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

4. Building Work to be in Accordance with BCA

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

5. Reflective Qualities

Construction materials are to exhibit low reflective qualities and are to blend in with the surrounding environment.

6. Final Occupation Certificate

Prior to occupation/use of a building resulting from a change of use, it is necessary to obtain an Occupation Certificate from Council subject to the requirements under Clause 109H(2) of the EP&A Act 1979 being satisfied.

7. Provision of Parking Spaces

The development is required to be provided with 550 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

8. Separate application for signs

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

9. Separate Development Application for Occupations

A separate development application is required for the occupation of the approved commercial tenancies. This application is required to provide assessment against:

- The Hills Local Environmental Plan 2012; and
- The Hills Development Control Plan 2012.

The above assessment should specifically address the following:

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

10. Noise Minimisation Signs

Signs reminding staff and visitors to minimise noise at night shall be installed at entry and exit points from the car park.

11. Compliance with NSW Roads and Maritime Services

Compliance with the requirements of the NSW Roads and Maritime Services throughout all stages of the development as outlined in their letter dated 3 November 2014 Ref SYD13/01346/02 attached to this consent as Appendix A.

12. Compliance with Sydney Trains Requirements

Compliance with the requirements of Sydney Trains throughout all stages of the development as outlined in their letter dated 14 November 2014 attached to this consent as Appendix B.

13. Compliance with NSW Police Requirements

Compliance with the design requirements of the NSW Police throughout all stages of the development as outlined in their letter dated 28 November 2013 Ref D/2013/229214.

14. Compliance with Recommendations of Wind Analysis Report

The recommendations contained within Section 6 of the Wind Analysis Report prepared by Windtech and dated 19 August 2014 are to be incorporated into the design of the development.

15. Protection of Public Spaces – Hoarding

- (1) If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.
- (2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
- (3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
- (4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.
- (5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

16. Property Numbering for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The property address for this development is: - Property Address

Please refer to approved numbering correspondence and plan. These numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances.

Clear and accurate external directional signage is to be erected on site at driveway entry points and on buildings. Unit numbering signage is also required on stairway access doors and lobby entry doors. It is essential that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed, in the event of an emergency.

17. Washing of Vehicles

Washing of vehicles is to be conducted in the only in the designated car wash bays which are to be bunded or graded to exclude rainwater. All wastewater from car washing is to be discharged to the sewer under a Trade Waste Agreement from Sydney Water.

18. Contamination

Any new information, which comes to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council.

19. Stockpiles

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

20. Asbestos Removal

Asbestos and asbestos containing material shall be removed by licensed asbestos removalist and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment & Conservation and all docket and paper work for the disposal shall be retained and made available to the Council if requested.

21. Acoustic Requirements

The recommendations of the Environmental Noise Impact prepared by Day Design Pty Ltd, referenced as report number 5194-2, dated 16 October 2013 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Section 6 Noise Control Recommendations and Section 7 Construction Noise.

22. Road Traffic Noise Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by Day Design Pty Ltd, referenced as 5194-1, dated 16 October 2013 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Section 5 – Recommended Acoustical Treatment.

23. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by SMEC Testing Service Pty Ltd, referenced as Report No. 12/0508A, dated May 2012 and submitted as part of the Development Application are to be implemented as part of this approval.

24. Removal, Remediation and Validation of Underground Fuel Storage Tanks

The remaining underground fuel storage tanks are to be removed and the soil in the vicinity tested and remediated in accordance with the guidelines and standards acceptable to the NSW Environment Protection Authority. The Validation Report is to be provided to Council for review and Council records.

25. Adherence to Waste Management Plan – Operational

All requirements and recommendations of the Waste Management Plan prepared by Elephants Foot Waste Compactors Pty Ltd, dated 11 November 2013 and submitted as part of the Development Application must be implemented and complied with at all times, unless otherwise determined by Council.

26. Management of Construction and Demolition Waste

Waste materials must be appropriately stored and secured in a designated waste area on site at all times, prior to its reuse on site or removal off site. Any waste material removed from the site must be transported in accordance with the requirements of the *Protection of the Environment Operations Act 1997*, and only to a place that can lawfully be used as a waste disposal or resource recovery facility, or to facilities that can otherwise lawfully receive waste. The separation and recycling of the following waste materials is required: metals, timbers, masonry products, clean waste plasterboard and mixed plastics, cardboard and paper. This shall be achieved by source separation of materials on site, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste materials can be stored in one or more bins and sent to a transfer / sorting station that will sort the waste materials on their premises. Receipts of all waste / recycling tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them. Building waste containers are not permitted to be placed on the public way at any time unless a separate application is approved by Council to locate a building waste container in a public place.

27. Surplus Excavated Material

The disposal of surplus excavated material, other than to facilities that can lawfully receive waste, is not permitted without formal approval from Council. Any unauthorised disposal of surplus excavated material is a breach of the *Protection of the Environment Operations Act 1997* and subject to substantial penalties. Receipts of tipping must be kept on site at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

28. Commencement of Domestic Waste Service

The building manager must ensure to arrange the commencement of a domestic waste service with Council no later than two days after occupancy and no earlier than two days

prior to occupancy of the development. Notifications must be made by the building manager by telephoning Council on (02) 9843 0310.

29. Construction of Domestic Bin Rooms

All works involving construction of the garbage rooms and central recycle/ garbage bin store room is to be in accordance with the requirements of Council's Bin Storage Facility Design Specifications. Storage facility is to be provided for a minimum of:

Core 1: Seven (7) 660 litre mobile garbage bins and one (1) under chute system 660 litre MGB carousel compactor.

Core 2: Eleven (11) 660 litre mobile garbage bins and one (1) under chute system 660 litre MGB carousel compactor.

Core 3: Eight (8) 660 litre mobile garbage bins and one (1) under chute system 660 litre MGB carousel compactor.

Core 4: Nine (9) 600 litre mobile garbage bins and one (1) under chute system 660 litre MGB carousel compactor.

Central: One hundred and sixty (160) 240 litre mobile garbage bins.

30. Construction of Commercial Bin Room

All works involving construction of the retail garbage/ recycle bins room is to be in accordance with the requirements of Council's Commercial/ Industrial Waste Storage Area Specifications.

31. Waste and Recycling Collection Contract – Commercial

The building manager must ensure that there is a contract with a licenced contractor for the removal of all waste generated on site. Written evidence of a valid and current collection contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

32. Process for Council Endorsement of Legal Documentation

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

33. Road Opening Permit

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

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

34. Protection of Public Infrastructure

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

35. Vehicular Access and Parking

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

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. 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.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. 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.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

36. Gutter and Footpath Crossing Application

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.

37. Excavation/ Anchoring Near Boundaries

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

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

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

38. Tree Removal

Approval is granted for the removal of all trees on site.

Suitable replacement trees are to be planted upon completion of construction.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

39. Provision of Right Turn Movements from Crane Road

The vehicular access point servicing Crane Road is to facilitate right hand turn movements from Crane Road into and out of the proposed development. Plans detailing the revised access arrangement are to be submitted to the satisfaction of Council's Manager Infrastructure and Transport Planning prior to the release of the Construction Certificate.

40. Consultation with the Civil Aviation Safety Authority

Consultation with the Civil Aviation Safety Authority is to be carried out prior to the issue of the Construction Certificate, in order to determine if the proposed development will require the provision of aviation warning lights.

41. Details of Lighting for the Through Site Link

Details of lighting for the through site link are to be submitted to Council prior to the release of the Construction Certificate. Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

42. Terms of Public Access Easement over Through Site Link

The terms of the pedestrian public access easement over the through site link are to be negotiated with Council prior to the issue of the Construction Certificate. The terms must be prepared as per Schedule 4A Part 2 of the Conveyancing Act 1919.

43. Footpath Upgrade Works

The footpath verge adjacent to the street frontages of the development site are to be upgraded at no cost to Council in accordance with the draft Public Domain Plan for Castle Hill. Details are to be submitted to the satisfaction of Council's Manager Infrastructure and Transport Planning prior to the issue of the Construction Certificate.

44. Section 94 Contribution

The following monetary contributions must be paid to Council in accordance with Section 94 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following: -

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	No. of 1 bedroom units: 95	No. of 2 bedroom units: 275	No. of 3 bedroom units: 8	Sum of Units	Total S94
Roads & Traffic - Land	\$ 4.52	\$ 6.26	\$ 9.40	\$ 429.40	\$ 1,721.50	\$ 75.20	\$ 2,226.10	\$ 2,226.10
Roads & Traffic - Capital	\$ 165.83	\$ 229.64	\$ 344.45	\$ 15,753.85	\$ 63,151.00	\$ 2,755.60	\$ 81,660.45	\$ 81,660.45
Open Space - Land	\$ 1,133.28	\$ 1,569.16	\$ 2,353.75	\$ 107,661.60	\$ 431,519.00	\$ 18,830.00	\$ 558,010.60	\$ 558,010.60
Open Space - Capital	\$ 287.86	\$ 398.63	\$ 597.95	\$ 27,346.70	\$ 109,623.25	\$ 4,783.60	\$ 141,753.55	\$ 141,753.55
Community Facilities - Land	\$ 20.75	\$ 28.73	\$ 43.09	\$ 1,971.25	\$ 7,900.75	\$ 344.72	\$ 10,216.72	\$ 10,216.72
Community Facilities - Capital	\$ 608.22	\$ 842.05	\$ 1,263.11	\$ 57,780.90	\$ 231,563.75	\$ 10,104.88	\$ 299,449.53	\$ 299,449.53
Total	\$ 2,220.46	\$ 3,074.47	\$ 4,611.75	\$ 210,943.70	\$ 845,479.25	\$ 36,894.00	\$ 1,093,316.95	\$ 1,093,316.95

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

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

This condition has been imposed in accordance with Contributions Plan No 5.

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

45. Construction Noise Management Plan

A Construction Noise Management Plan is to be prepared as recommended by the Environmental Noise Impact Report prepared by Day Design Pty Ltd and submitted with the Development Application.

The Construction Noise Management Plan is to provide the following details:

- Identification of nearby residences and other sensitive land uses;
- Construction programme and methodology with a list of the proposed noisy plant/equipment and activities to be used and carried out during the construction works;
- Assessment of the expected noise impact;
- Feasible and reasonable work practices to be implemented to minimise noise impact;
- Community consultation and the methods to be implemented to liaise with affected community members to advise on and respond to noise related complaints and disputes.

46. Management Plan for the Monitoring and Removal of Ground Water Seepage

As the ground water has been slightly impacted by past land uses, a Management Plan is to be prepared for the identification collection and disposal of any ground water seepage during construction and particularly during the excavation of the site.

47. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded heavy rigid waste collection vehicle (i.e. 28 tonne axle load) from the boundary to the waste collection point including any manoeuvring areas.

48. Resubmit Waste Management Plan – Construction and Demolition

Prior to a Construction Certificate being issued, the Waste Management Plan prepared by Krikis Tayler Architects, dated 13 November 2013 and submitted as part of the Development Application must be resubmitted to and approved by Council. The plan shall readdress the following for each type of waste material:

1. The location and method of waste disposal and recycling.

All requirements of the approved Waste Management Plan must be implemented during construction and demolition for the development.

49. Separate Approval for WIK/ MPB Agreement

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

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

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

50. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

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

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) Four copies of the design plans and specifications.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.

2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flowpath within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

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

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. RMS Approval

Submission of a set of construction plans endorsed by the RMS for the works required under this consent.

ii. Local Pavement Widening

The partial width construction of the Crane Road and Old Northern Road frontages associated with the road widening is required.

The construction works must include extension of street drainage network, kerb and gutter, road pavement, relocation of painted centreline, service adjustments and ancillary work required to make the construction effective.

The design must incorporate a suitable kerb return and splay corner to the requirements of Council.

iii. Concrete Footpath Paving

A full width concrete footpath paving, including access ramps at all intersections, must be provided across the street frontages Crane Road, Old Northern Road and Terminus Street of the development site.

iv. Footpath Verge Formation

The grading 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.

v. Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

vi. Painted Centreline Relocation

The existing painted centreline on INSERT must be following completion of the road works outlined above, transitioning back to the existing line marking at either end.

vii. Driveway Requirements

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

- The proposed driveways must be built to Council's heavy duty standard.

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

51. Onsite Stormwater Detention & Water Sensitive Urban Design Elements

Combined Onsite Stormwater Detention (OSD) system and Water Sensitive Urban Design Elements are required to be provided with the development.

The OSD must be in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

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

- Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tools-resources/index.html>

- Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>

The detailed design must be generally in accordance with the Concept Stormwater Management drawings 130433 D04 – D06 dated 27/08/2014 and 11/08/2014 respectively and associated Stormwater Management Plan Report Ref: 130433.R5 dated August 11 2014 both prepared by Australian Consulting Engineers.

The stormwater concept plan is for DA purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- a) A completed OSD Drainage Design Summary Sheet;
- b) 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;
- c) A completed OSD Detailed Design Checklist;
- d) A maintenance schedule.
- e) Detailed water quality and quantity modeling and must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:
 - 90% reduction in the annual average load of gross pollutants
 - 85% reduction in the annual average load of total suspended solids
 - 65% reduction in the annual average load of total phosphorous
 - 45% reduction in the annual average load of total nitrogen

All model parameters and data outputs are to be provided.

The design and construction of the stormwater system must be approved by either Council or an accredited certifier. This certification must be included with the documentation approved as part of any Construction Certificate.

A Design Compliance Certificate (DCC) certifying the detailed design of the storm water system can be issued by Council subject to the following being provided:

- i. A completed application form;
- ii. Four copies of the design plans and specifications;
- iii. Payment of the applicable application and inspection fees.

52. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must provide for the following:

- a) A holding tank sized to store the runoff from a 12 hour, 1 in 100 year design storm event;
- b) An alternating two pump system capable of emptying the holding tank at either the Permissible Site Discharge rate or the rate of inflow for a five hour, 1 in 5 year design storm event, whichever is lower;
- c) An alarm system to alert a pump failure;
- d) 100mm freeboard to all nearby parking spaces;
- e) The system must be connected to the Onsite Stormwater Detention system before being discharged to the street 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.

53. Draft Legal Documents

Where an encumbrance on title is required to be created as part of this consent, draft copies of all legal documents must be submitted to Council for checking before a Construction Certificate is issued.

54. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, a security bond of \$250,000.00 is required to be submitted to Council to guarantee the protection of the road pavement and other public assets in the vicinity of the site during construction works. The above amount is calculated at the rate of \$85.00 per square metre based on the road frontages of the subject site plus an additional 50m on either side multiplied by the width of the road as follows.

Old Northern Road (151m x 9m), Crane Road (73m x 12m) and Terminus Road (108m x 7m)

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

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

55. Security Bond – External Works

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

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

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

56. Bank Guarantee Requirements

Any bank guarantee submitted in lieu of a cash bond must comply with the following:

- a) Have no expiry date;
- b) Be sent to Council direct from the bank;
- c) Reference the development application, condition and matter to which it relates;
- d) The amount must match that required to be paid;
- e) If a single bank guarantee is used for multiple bonds, it must be itemised.

Should Council need to uplift the bank guarantee, notice in writing will be forwarded to the applicant 14 days beforehand.

57. Landscape Plan Bond

Lodgement of a landscape bond in the amount of \$40,000 shall be lodged with Council to ensure satisfactory completion of the landscaping works.

The landscape bond shall be released:

- a) six months from the issue of the Final Occupation; and
- b) after submission of certification from a qualified landscape architect;
- c) and to the satisfaction of the Manager – Health & Environment;
- d) that the landscaping has been completed in accordance with the approved landscape plan.

PRIOR TO WORK COMMENCING ON THE SITE

58. Management of Building Sites – Builder's Details

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

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number. In the case of a privately certified development, the name and contact number of the Principal Certifying Authority.

59. Consultation with Service Authorities

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

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

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

60. Principal Certifying Authority

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

61. Builder and PCA Details Required

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

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

62. Approved Temporary Closet

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

63. Erosion & Sediment Control Plan Kept on Site

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

64. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

65. Erosion and Sedimentation Controls – Minor Works

Erosion and sedimentation controls shall be in place prior to the commencement of site works; and maintained throughout construction activities until the site is landscaped and/or suitably revegetated. The controls shall be in accordance 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).

66. Stabilised Access Point

A stabilised all weather access point is to be provided prior to commencement of site works, and maintained throughout construction activities until the site is stabilised. The

controls shall be in accordance with the requirements with the details approved by Council and/or as directed by Council Officers. These requirements shall be in accordance with Managing Urban Stormwater – Soils and Construction produced by the NSW Department of Housing (Blue Book).

67. Site Water Management Plan

A Site Water Management Plan is to be submitted to Council for approval. The plan is required to be site specific and be in accordance with "Managing Urban Stormwater - Soils and Construction" (The Blue Book) produced by the NSW Department of Housing.

In regards to the site excavation the Plan is to detail the method of collection, treatment and disposal of any accumulated rainwater.

68. Notification of Asbestos Removal

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

69. Stormwater Management

All existing stormwater pits to the site will be covered with geofabric sediment fencing to prevent sediment runoff into the stormwater system. To prevent sediment contamination the filters will be regularly inspected and replaced during the duration of the works.

70. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the *Occupational Health & Safety Regulations 2001* Part 8 and AS 2601-2001. All vehicles transporting demolition materials off site are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos cement must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the WorkCover Authority, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

71. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

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

72. Public Infrastructure Inventory Report

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

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

73. Separate OSD Detailed Design Approval

No work is to commence until a detailed design for the OSD system has been approved by either Council or an accredited certifier.

DURING CONSTRUCTION

74. Hours of Work

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

Monday to Saturday - 7.00am to 5.00pm;

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

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

75. Compliance with Critical Stage Inspections and Other Inspections

Nominated by the Principal Certifying Authority

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

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

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

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

76. Survey Report

Survey Certificate to be submitted to the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

77. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 500603M be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate.

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

78. Asbestos Removal

Asbestos and asbestos containing material shall be removed by a licenced asbestos removalists and all work must be in accordance with the requirements of the NSW Workcover Authority. Asbestos and asbestos containing material is to be disposed of in accordance with the requirements of the Department of Environment, Climate Change

and Water (DECCW). All dockets and paper work for the disposal shall be retained and made available to Council upon request.

79. Dust Control

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

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

80. Rock Breaking Noise

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

Details of noise mitigation measures and likely duration of the activity will also be required to be submitted to Council seven (7) days of receiving notice from Council.

81. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

82. Section 73 Certificate must be submitted to the Principal Certifying Authority before the issuing of an Occupation Certificate

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

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

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

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

83. Compliance with NSW Roads and Maritime Services Requirements

A letter from the NSW Roads and Maritime Services must be submitted confirming that all works in their letter dated 3 November 2014 have been completed in accordance with their requirements.

84. Remedial Action Plan and Site Validation for Soil Contamination

The recommendations of the Remedial Action Plan prepared by Environmental Investigations Aust. Pty Ltd, referenced as Report No. E22013AA, dated 15 November 2013 and submitted as part of the Development Application are to be implemented as part of this approval.

A Validation Report detailing the remediation, sampling and results undertaken and final statement that the site is suitable for the proposed development is to be provided to the Certifying Authority prior to the issue of an occupation certificate.

85. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in report titled Road Traffic Noise Intrusion Report prepared by Day Design and dated 16 October 2013.

Certification is to be provided to Council as to the correct installation of components and that the required criteria's have been met.

86. Internal Pavement Construction

Prior to any Occupation Certificate (interim or final) being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed in accordance to the approved plans, and is suitable for use by a loaded heavy rigid waste collection vehicle.

87. Final Inspection of Waste Storage Areas

Prior to any Occupation Certificate (interim or final) being issued, a final inspection of the waste storage areas must be arranged by the Principal Certifying Authority and must be undertaken by an authorised officer of the Council. This is to ensure compliance with Council's design specifications and that all waste management equipment is operational. The time for the inspection must be arranged with Council at least 48 hours prior to the Principal Certifying Authority's suggested appointment time.

88. Agreement for Onsite Waste Collection – Domestic

Prior to any Occupation Certificate (interim or final) being issued, an Indemnity Agreement is to be obtained from Council by the applicant, completed, signed and returned to Council for approval. This is to enable the onsite collection of bins from the development by Council and its contractor.

89. Completion of Engineering Works

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

90. Works as Executed Plans

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

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

91. Confirmation of Pipe Locations

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

92. Stormwater CCTV Recording

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

93. Public Asset Creation Summary

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

94. OSD System Certification

The Onsite Stormwater Detention (OSD) system must be completed to the satisfaction of the Principal Certifying Authority (PCA) prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the OSD system and prior to a final inspection:

- 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.

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

95. Water Sensitive Urban Design Certification

An Occupation Certificate must not be issued prior to the completion of the WSUD elements conditioned earlier in this consent. The following documentation must be submitted in order to obtain an Occupation Certificate:

- 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.

96. Pump System Certification

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

97. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of one year and may be extended to allow for the completion of necessary maintenance or in the case of outstanding/ bonded works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

98. Consolidation of Allotments

All allotments included in this consent must be consolidated into a single allotment before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

99. Notice of Privately Issued Strata Certificate

Should the Strata Certificate be issued by a certifier other than Council a copy of the strata certificate, along with all supporting documentation relied upon as part of the same, must be submitted to Council within seven days.

100. Public Infrastructure Inventory Report - Post Construction

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

101. Creation of Restrictions / Positive Covenants

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

i. Restriction – Restricted Access

The subject development must be burdened with a restriction precluding vehicular access from Terminus Street to the development using the "restricted access" terms included in the standard recitals.

ii. Restriction – Bedroom Numbers

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

iii. Restriction/ Positive Covenant – Onsite Stormwater Detention

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.

iv. Restriction/ Positive Covenant – Water Sensitive Urban Design

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

v. Positive Covenant – Stormwater Pump

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.

102. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- a) Three copies of the final plan.
- b) The original administration sheet and Section 88B instrument, along with one copy of each.
- c) All certificates and supplementary information required by this consent.
- d) An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

103. Final Plan and 88B Instrument

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

i. Dedication – Road Widening (land exchange)

The dedication of the proposed road widening as per the negotiations agreed under the deferred commencement condition must be included on the final plan.

ii. Public Access Easement (Right of Footway)

The public access easement to cater for pedestrian movement over the through site link must be included on the final plan.

104. Landscaping Prior to Issue of Occupation Certificate

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

THE USE OF THE SITE

105. Lighting

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 The Control of Obtrusive Effects of Outdoor Lighting*.

106. Times for Commercial Waste Removal

Waste removal and waste bin servicing for the commercial / retail premises is to only occur between 7am and 10pm.

107. Waste and Recycling Collection – Commercial

All waste generated on site must be removed at regular intervals and not less frequent than once weekly for garbage and fortnightly for recycling. Collection operations at the premises may only take place between 7:00am and 10:00pm except for Sundays and public holidays, where collection operations shall only take place between 8:00am and 10:00pm. Collection operations must not cause nuisance or interfere with the amenity of the surrounding area.

108. Waste and Recycling Management – Commercial

To ensure the adequate collection and storage of waste from the use of the tenancies, all waste shall be stored in the approved waste area to, which includes provision for the storage of all waste and recyclable material emanating from the premises between collections. Arrangement must be in place in all areas of the tenancies and the main waste area for the separation of recyclable material from general waste.

109. Waste and Recycling Collection – Domestic

To ensure the efficient and effective management and collection of bins, a caretaker must be engaged and shall liaise with Council as to the required collection arrangements for the development. The caretaker must be available to meet any of Council's collection requirements in this regard.

110. Servicing of Bins

Waste/ recycling collection vehicles servicing the development are not permitted to reverse in or out of the development. Collection vehicles must enter and exit the development in a forward direction.

APPENDIX A



3 November 2014

Our Ref: SYD13/01346/02 (A7839381)
Council Ref: 636/2014/JP

The General Manager
The Hills Shire Council
PO Box 75
Castle Hill NSW 1765

Attention: Claro Patag

DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF MIXED USE DEVELOPMENT AT 299-309 OLD NORTHERN ROAD, CASTLE HILL

Dear Sir/Madam,

I refer to Council's correspondence dated 8 October 2014, regarding the abovementioned proposal which was referred to Roads and Maritime Services (Roads and Maritime) in accordance with Clause 104 and Column 2 of Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 and for concurrence under Section 138 of the *Roads Act, 1993*.

Please note that this letter supersedes our letter dated 4 February 2014.

Roads and Maritime has reviewed the development application and grants concurrence to the proposed vehicular crossing on Terminus Street under Section 138 of the *Roads Act, 1993*, subject to Council's approval and the following requirements being included in the development consent:

1. The design and construction of the vehicular access on Terminus Street shall be restricted to left-out movements only and constructed to current Australian Standards. The driveway shall be splayed to ensure vehicles cannot turn left into the development.

Amended plans for the left out only movement include the installation of a roller door, this will further ensure vehicles cannot enter the development via the Terminus Street access.

2. The design and construction of the gutter crossing off Castle Hill Ring Road (Terminus Street) shall be in accordance with Roads and Maritime requirements. Details of these requirements should be obtained from Roads and Maritime Sydney Project Services on 8849 2496.

Detailed design plans of the proposed gutter crossing are to be submitted to Roads and Maritime for approval prior to the issue of a Construction Certificate and commencement of any road works.

It should be noted that a plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant prior to the release of the approved road design plans by Roads and Maritime.

Roads and Maritime Services

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973 Parramatta NSW 2150 | www.rms.nsw.gov.au | 131 782

3. A Construction Traffic Management Plan (CTMP) detailing construction vehicle routes, number of trucks and hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate. The CTMP should consider the impact of all construction activities in the vicinity of the development, including NorthWest Rail Link, Castle Hill Tower and Showground Road.
4. The applicant is to obtain a Road Occupancy Licence by contacting the Transport Management Centre's Planned Incidents Unit on (02) 8396 1513 for any proposed temporary/partial road closures of Castle Hill Ring Road.
5. The layout of the proposed car parking areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1-2004.
6. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Castle Hill Ring Road.
7. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

8. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

9. The proposed development should be designed such that road traffic noise from Castle Hill Ring Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.

Further enquiries on this matter can be directed to the undersigned on phone 8849 2012.

Yours sincerely



Gordon Trotter
**Manager Land Use Assessment
Network and Safety Management**

APPENDIX B



14 November 2014

The General Manager
The Hills Shire
PO Box 75
CASTLE HILL NSW 2154

ATTENTION: James McBride

Dear Sir/Madam,

**NORTH WEST RAIL LINK
STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007
DEVELOPMENT APPLICATION – 636/2014/JP
299-309 OLD NORTHERN ROAD, CASTLE HILL**

I refer to Council's letter referring amended plans for the above development application (proposed development) to Sydney Trains for concurrence pursuant to the provisions of State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) due to the proximity of the proposed development to the North West Rail Link (NWRL) corridor.

I also refer to the Sydney Trains letter of 12 September 2014 granting concurrence, subject to conditions, for the proposed development. Among other things, that concurrence included a requirement to further refer any modification to the lower level depth. The amended plans include an increase in the number of the basement levels from four to five.

The proposed development involves a redevelopment of a site bounded by Old Northern Road, Terminus Street and Crane Road, Castle Hill. The Proposed Development comprises two multi-level mixed use buildings with a basement car park and is partially within the NWRL corridor protection zone covered by the provisions of the ISEPP.

Sydney Trains has referred the assessment of the proposed development to the North West Rail Link team within Transport for NSW (TfNSW). Clause 86 of ISEPP requires the consideration of the likely effect of the proposed development in respect of:

- the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
 - the safety or structural integrity of existing or proposed rail infrastructure facilities;
 - the safe and effective operation of existing or proposed rail infrastructure facilities; and
- the measures that are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

TfNSW has taken the above matters into consideration and has advised that there are concerns about the potential impacts of the proposed development on the future construction, operation and maintenance of the NWRL.

Sydney Trains is a NSW Government agency
Level 2, 38-48 George Street, Burwood NSW 2134 - PO Box 456 Burwood NSW 1805
T 8575 0780 E jim.tsirniagou@transport.nsw.gov.au
www.transport.nsw.gov.au/sydneytrains AEN 38 284 779 082





The interaction between the proposed development and the NWRL alignment could affect the practicability of the NWRL, its construction cost and the capacity to design it to meet railway operational needs.

TfNSW has advised Sydney Trains that concurrence can be issued to the proposed development subject to the attached conditions (Attachment A) being included in any such development consent.

If there is any modification to the lower level depth prior to the issue of any development approval or following development, the proposed modifications should be referred for consideration by Sydney Trains.

Please contact John Bryan on 0409 243 851, should you wish to discuss this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kevin Sykes', written over a light blue circular stamp.

KEVIN SYKES
General Manager Property

**DEVELOPMENT APPLICATION – 636/2014/JP
299-309 OLD NORTHERN ROAD, CASTLE HILL**

SYDNEY TRAINS/TRANSPORT FOR NSW REQUIREMENTS

1. The applicant must allow in the design, construction and maintenance of the approved development for the:
 - a. construction of rail tunnels in the vicinity of the approved development; and
 - b. operation of railway tunnels in the vicinity of the approved development, especially in relation to noise, vibration, stray currents, electromagnetic fields and fire safety.
2. Ground anchors, if authorised by the roads authority for Old Northern Road, are not to intrude into the North West Rail Link protection zone shown in drawing NWRL-10013-60-CSH-SKE-CI-24305 Revision B, dated 7 November 2014, attached to these conditions.
3. No modifications may be made to the approved basement design (drawing A003-1 Issue 02, dated 8 August 2013, and drawings A003 Issue 10, A004 Issue 10, A005 Issue 10 and A006 Issue 10, all dated 12 November 2013) without the consent of Transport for NSW.
4. Prior to the issue of a construction certificate the applicant is to:
 - a. provide the Deputy Project Director, Rapid Transit Integration, North West Rail Link, Transport for NSW, with drawings, reports and other information related to the design, construction and maintenance of the foundations and ground anchors for the approved development to allow Transport for NSW to fully understand the interaction between the approved development and the North West Rail Link protection zone; and
 - b. receive written confirmation from Transport for NSW that the information satisfies Transport for NSW's requirements.
5. Prior to the issue of an occupation certificate, the applicant is to:
 - a. provide the Deputy Project Director, Rapid Transit Integration, North West Rail Link, Transport for NSW, with as-built drawings, reports and other information related to the design, construction and maintenance of the approved development to allow Transport for NSW to fully understand:
 - i. the interaction between the approved development and the North West Rail Link protection zone;
 - ii. the measures taken to avoid the potential effects of construction and operation of rail tunnels in the vicinity of the approved development; and



- b. receive written confirmation from Transport for NSW that the information satisfies Sydney Trains requirements.
- 6. Transport for NSW, and persons authorised by it for this purpose, are entitled to inspect the site of the approved development and all structures to enable it to consider whether those structures on that site have been or are being constructed and maintained in accordance with these conditions of consent, on giving reasonable notice to the principal contractor for the approved development or the owner or occupier of the part of the site to which access is sought.
- 7. Copies of any certificates, drawings or approvals given to or issued by Transport for NSW must be delivered to the Shire for its records

Sydney Trains is a NSW Government agency
Level 2, 36-48 George Street, Burwood NSW 2134 - PO Box 459 Burwood NSW 1805
T 8575 0780 E jim.fairmings@transport.nsw.gov.au
www.transport.nsw.gov.au/sydneytrains ABN 38 284 779 682



APPENDIX C



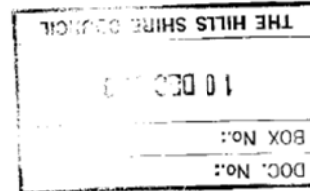
We are now on Facebook
Like our Page "The Hills JAC" for up
to date information on local crime trends



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

Thursday 28th November 2013

Claro Patag
Town Planning Co-ordinator
The Hills Shire Council
P.O. Box 75
Castle Hill NSW 1765



Dear Mr Patag,

Subject: Development Application Nos. 636/2014/JP

Property: Lot 23 DP 785110, Lot 1 DP 701677, Lot 18-19 Dp 821398, Lot A DP 151502
Demolition of Existing Buildings and Construction of a 20 and 21-storey mixed use
building containing 378 apartments, retail space and four levels of basement
parking.
299-309 Old Northern Road, Castle Hill NSW

Police Ref: D/2013/229214

We refer to your development application which seeks comment regarding demolition of Existing Buildings and Construction of a 20 and 21-storey mixed use building containing 378 apartments, retail space and four levels of basement parking at 299-309 Old Northern Road, Castle Hill NSW. After perusing the paperwork and plans associated with this proposal, Police have some concerns with the application.

Building

While the applicant refers to the "Likely Impact" (section 4.3 of the Statement of Environmental Effect) and the "public Interest" (section 4.6 of the Statement of Environmental Effect) there does not appear to be any clear considerations of crime risk issues. For example, the Basement Level Floor Plan indicates that access will be restricted to the lower levels by means of a boom gate. Residences in Castle Hill are regularly the target of Break & Enters, Stealing from Motor Vehicle and Stealing from Property offences. One of the major reasons for this is the lack of adequate access control to residents' car bays and storage rooms.

All of basement level 1 appears to be given over for the use of visitors and retail shoppers. Therefore there is no acceptable reason for anyone to access lower basement levels. Police would suggest a ventilated roller door is installed at the entry ramp to the lower basements and that the roller door can only be opened by authorised users, i.e. the residents.

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

The Hills Local Area Command

TRIPLE ZERO (000)

POLICE ASSISTANCE LINE (131 444)

CRIME STOPPERS (1800 333 000)

It is also strongly suggested that installation of a CCTV system is considered with one camera placed inside of the proposed roller door and of a quality that will make face recognition possible. The isolation of the proposed Community Room is also of concern as there is no surveillance of the area. Users of the space could be at risk of victimisation. Police would therefore suggest the placement of cameras to cover the Community Room, the lift and escalator areas.

Police would suggest the implementation of a swipe card or keypad access system that residents use to enter the secured car park and the apartment blocks. This would make it difficult for a potential criminal to provide a reason for being in the secure car park and/or residential floors of the building. Police suggest that each garage door is suitably secured to reduce the incidence of an offender being able to force a door off its track and gain entry. The standard key and lock mechanism on garage doors is also insufficient to deter potential offenders. Additionally, the material used to delineate each car park and/or storage room is of material (usually aluminium grill) that is insufficient to stop unauthorised entry using easily obtainable cutting implements. Lift access to the residential areas of the towers should be via a swipe card that limits access to the lobby area of each tower, the relevant basement level of the car park and the relevant residential floor to each individual resident of the towers.

Due to the isolation of the garages offences are not usually noticed by the residents until much later. It is obvious to attending Police that a better quality of garage door and locking mechanism needs to be used to reduce the incidence of this type of crime. Police would suggest that an allowance be made in the building stage that would permit the residents or developer to install an alarm system in garages that are connected to the relevant unit. The alarm would then alert the residents in a timely manner as to any unauthorised access to their garages so that Police can be called as soon as possible.

The surface of the building facing Terminus Street could be used by graffiti vandals. Police would suggest the use of materials that are non-porous. Often a ghost image will remain even after cleaning so while easily damaged building materials may be less expensive to purchase initially, their susceptibility to vandalism can make them a costly proposition in the long term, particularly in at-risk areas.

Traffic

Council DCP requires provision of 762 parking spaces, comprising 87 retail spaces, 524 resident and 151 residential visitor spaces. RMS Recommendations require the provision of 491 parking spaces, comprising of 98 retail spaces, 316 resident and 77 visitor spaces. **Police have noted that the development is only proposing to provide 470 parking spaces which does not comply with either council or RMS requirements.** The proposal is for 387 resident parking spaces, 43 visitor parking spaces and 40 retail tenancy parking spaces. Retail parking provisions are less than half of the nominated requirements and it is only to accommodate retail on site staff. The residential parking provision does not comply with Councils parking provision but does comply with RMS.

The proposed residential visitor parking does not comply with either Council or RMS requirements. Due to inadequate parking provisions police do not support the application. The reasons outlined for reduced retail parking include, *"it is expected that retail floor space will service residents of the development and surrounding population, most likely associated with commuters generated to the adjoining major public transport interchange. This in combination with the multitude of other anchor retail users within Castle Hill Major Centre is such that additional retail tendencies contained within the subject site are unlikely to generate any demand for additional customer parking"*.

While Police acknowledge that the retail facilities will be utilised by individuals residing within the development and possibly commuters, they are also of the opinion that other members of the public residing in the near vicinity will also use it and any retail provision will generate a need for some additional parking, therefore provision for such should be made. The development has only allocated parking for staff working within the site and no provision has been made for any shopper whom may have a vehicle. Police foresee this as problematic.

In regard to the inadequate visitor parking allocation, it was stated *"the subject site is to be provided with an unprecedented level of connectivity to regular, frequent and varied modes of public transport"*. Police agree that the site will be well serviced by Public transport in the future, however the argument put forth that visitors will utilise the public transport modes available cannot be relied upon as many suburbs within the Hills area do not have direct access to public transport and it is predominantly an area of high vehicle ownership and vehicular use. Also, individuals attending shopping centres and visiting residents are unlikely to utilise public transport. Due to these reasons, Police are requesting the development meet RMS requirements as a minimum.

In regard to the inadequate provision of parking in the proposed development, it is likely that the excess vehicles will search for alternate means of parking nearby. Surrounding sites, such as Castle Mall and Castle Towers, should not have to accommodate these vehicles. Additionally these car parks are already operating at capacity in peak periods and as such are incapable of doing so. Additionally Castle Towers parking can only be utilised in business hours thus are not available for use to visitors of the development outside this period. Furthermore, there is **no available on-street parking** in the immediate vicinity as Old Northern Rd, Crane Rd and Terminus Street are main roads with high traffic volume therefore have little or nil provision for on-street parking.

THE SURROUNDING ROAD NETWORK

The subject site is bounded by Old Northern Road to the west, Terminus Street to the east and Crane Road to the south. All of which are signalised intersections. Traffic count data has been included in the report for a number of key surrounding intersections and roads. As the passenger vehicle ingress/egress access driveway connects with Crane road, mid way between Old Northern Rd and Terminus Street, focus will be placed on the level of service of the intersection of Crane road and Terminus Street.

The report included is two years old, it indicates that in 2011 the level of service at AM peak period was a "D" – **Satisfactory but operating near capacity**. In the PM peak timeframe it was operating at a level of Service "C" – satisfactory with spare capacity. In the past two years, traffic volumes would have increased and Police request a current traffic analysis be provided for the intersection of Crane Rd x Terminus and Old Northern Road/ Crane/ Castle Street/ Old Castle Hill Rd. This request is made as currently during peak hours, traffic is generally congested on Crane Rd approaching Terminus St in an easterly direction, especially in lane 1 of 2. At times, this congestion can also have a negative impact on traffic in lane 1 of 2 on Castle Street (at the Castle St /Old Northern Rd/Old Castle Hill Rd/ Crane Rd intersection), where vehicles are waiting to cross the intersection and continue east on Crane Road. It is likely that the entry/exit driveway for the development on Crane Road would further affect the traffic delays at these intersections and place additional strain on a road that is already congested.

The report outlines that the North West Rail Link (NWRL) has an anticipated completion date of 2019 and is proposed to be located immediately north-west of the site, that being below Old Northern Rd and Arthur Whitting Park. With the development of the Castle Hill Station, other Infrastructure Modifications are to be made such as Old Castle Hill Road operating as a two way road between McMullen Ave and Old Northern Rd/Crane Rd/ Castle St. Pedestrian crossings on Old Castle Hill Road and Old Northern Rd will also be included.

The NWRL will require changes to the road network and existing bus network and will ultimately lead to unacceptable traffic delays. As outlined in the report, the changes include an increase in the redistribution of local traffic around the stations especially in relation to Old Castle Hill Road, where a "kiss and ride" will be located which is estimated to generate 350 vehicular trips, approximately 20 % of which will utilise Crane Road in order to access the railway station.

The Crane Road northern approach is forecast to operate at a level of service "E", that being it has reached capacity and incidents will cause excessive delay. Additionally the queue on the northern approach of the Crane Rd/ Terminus St intersection is forecast to extend back to the Old Northern Rd/ Crane Road/ Castle St intersection with the expectation that it should clear every traffic cycle.

The subject development is expected to generate 165 peak hour trips according to RMS Guide to Traffic Generating Developments. Although the report states that the proposed development will not exceed the level of vehicular traffic already generated by the existing site, they have calculated their traffic generation based on reduced parking rates, which as stated previously, Police do not support. The intersection of Terminus St x Crane Road has already been identified as being at/near capacity and not being able to support the increased traffic demands upon completion of the NWRL resulting in excessive delays to Motorists. Due to the large number of peak hour vehicular trips generated by the subject site, Police foresee that this development will contribute to further unacceptable traffic delays.

ENTRY/ EXIT POINTS

Police note that there are a large amount of restrictions on vehicle access surrounding the site.

* There are no entry signs on the north bound lanes on Old Northern Road X Crane Road/Castle St.

* Likewise vehicles travelling west on Crane Rd cannot make an immediate right turn onto Old Northern Road (near the bus interchange).

* Right turns into the site from Crane Road will not be permitted due to the potential to create lengthy traffic delays to vehicles travelling NW on Crane Rd

* No right turn sign from Terminus Street onto Old Northern Road (Buses Excepted) – South bound lanes.

*Although it is not outlined in the report, Police are also aware of proposed road changes to Castle Street as a result of the expansion of Castle Towers. Castle Street (east bound lanes) is proposed to lead to an underground Car park of Castle Towers and therefore will affect the accessibility of the proposed site.

If there is a left turn in/left turn out of the development on Crane Rd, vehicles have limited options available to them to access the site and would need to travel roads with high volumes of pedestrian use. The major approach and departure routes which will be utilised to service the site are:

- Old Northern Road to the south
- Old Northern Rd to the north

Vehicles would have to utilise the main street outside the Castle Towers Piazza on Old Northern Road to access the complex or make a left turn from Terminus Street onto the south bound lanes of Old Northern Road and utilise the bus interchange road to turn into the site. Additionally, The Hills Council, through its development Control Plans for the Castle Hill Town Centre, provides for the future development of other sites in the town centre which will also contribute to traffic growth.

Police have significant concerns in regard to the traffic generated as a result of this high density development, insufficient parking provisions and the location of the ingress and egress points. Police believe this development will have a detrimental impact on the already congested road network with forecasted unsatisfactory delays upon completion of the NWRL. Traffic impact assessments have indicated the surrounding intersections are at or above capacity and future developments will further impact negatively on the road network. Police suggest that if the development were to be approved additional ingress and egress points need to be considered in an attempt to distribute the traffic away from the intersections identified which are going to provide an unsatisfactory level of service "E", namely Crane Rd x Terminus St and Old Northern Rd/ Crane Rd/ Old Castle Hill Rd/ Castle St.

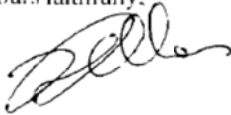
Due to the large scale of the subject development, construction will occur over a significant period of time during which an integrated series of traffic and pedestrian management measures will be required to be implemented. This will also overlap with the construction of the NWRL and associated Castle Hill Centre road network alterations. Police would request that Council make it a condition of approval that the Applicant regularly liaise with Police from Castle Hill in relation to traffic issues, particularly any situation causing disruption to the free flow of traffic during the construction phase of the development and a TMP be provided.

Construction Phase

Offenders target this type of development in its construction phase and earth movement equipment may be vandalised or stolen. Police would therefore recommend the use of security sensor lights and security guards or patrols to monitor the site while construction is in progress.

If there are any questions in relation to this report please contact me at Castle Hill Police Station on 02 9680 5399.

Yours faithfully,

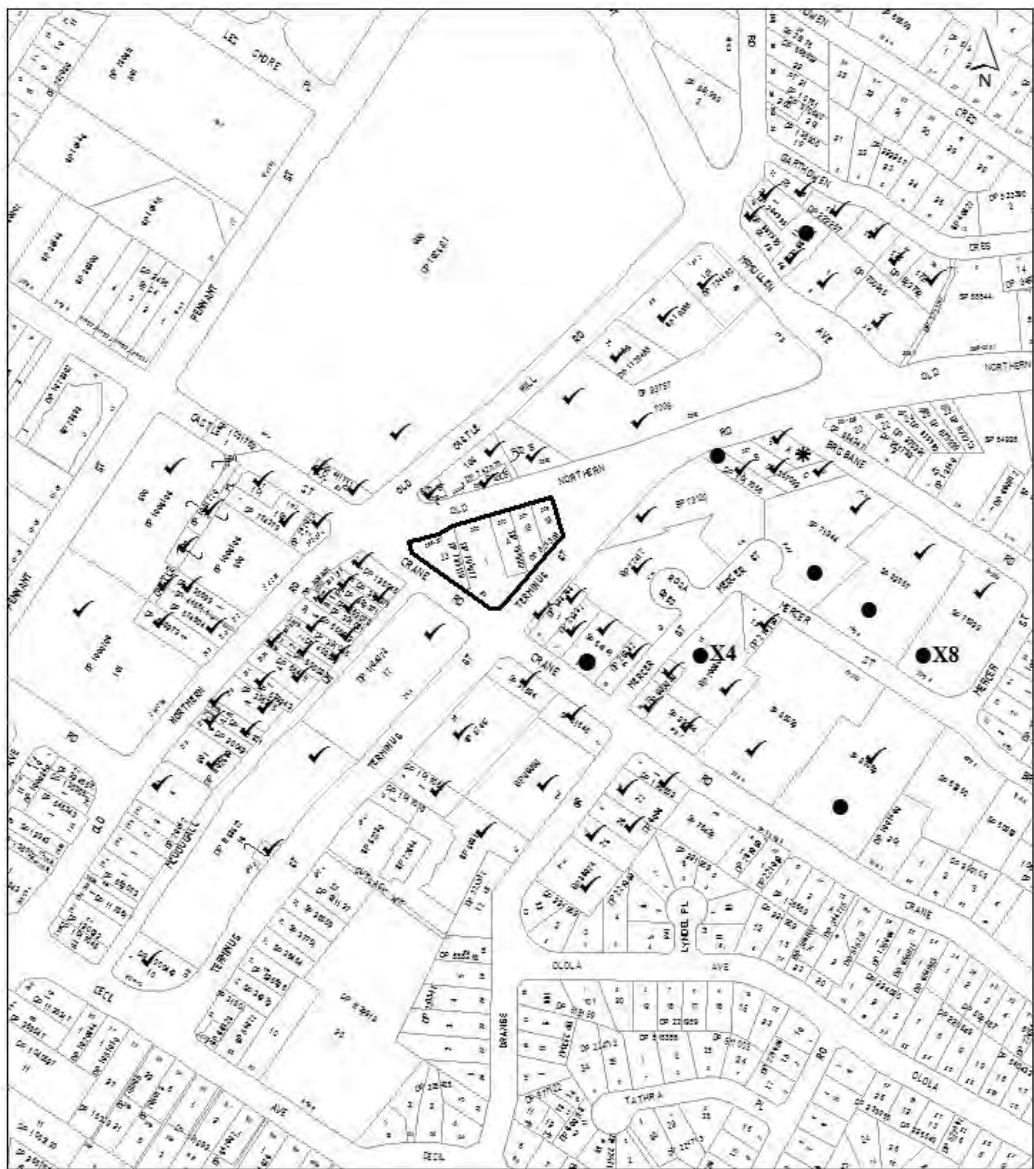


Senior Constable Tim FELLOWS
Crime Prevention Officer
The Hills Local Area Command

The NSW Police Force (NSWPF) has a vital interest in ensuring the safety of members of the community and their property. By using recommendations contained in this evaluation, any person who does so, acknowledges that:

- *It is not possible to make areas evaluated by the NSWPF absolutely safe for the community and their property*
- *Recommendations are based upon information provided to, and observations made by the NSWPF at the time the evaluation was made*
- *The evaluation is a confidential document and is for use by the council or organisation referred to on page one*
- *The contents of this evaluation are not to be copied or circulated otherwise than for the purpose of the council or organisation referred to on page one.*
- *The NSW Police Force hopes that by using recommendations contained within this document, criminal activity will be reduced and the safety of members of the community and their property will be increased. However, it does not guarantee that the area evaluated will be free from criminal activity if its recommendations are followed.*

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED
- * SUBMISSIONS RECEIVED IN SUPPORT

NOTE: ONE IN SUPPORT AND SIX OBJECTORS RECEIVED OFF THE SCOPE OF THIS MAP

THE HILLS DISTRICT HISTORICAL SOCIETY AND RMS ALSO NOTIFIED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

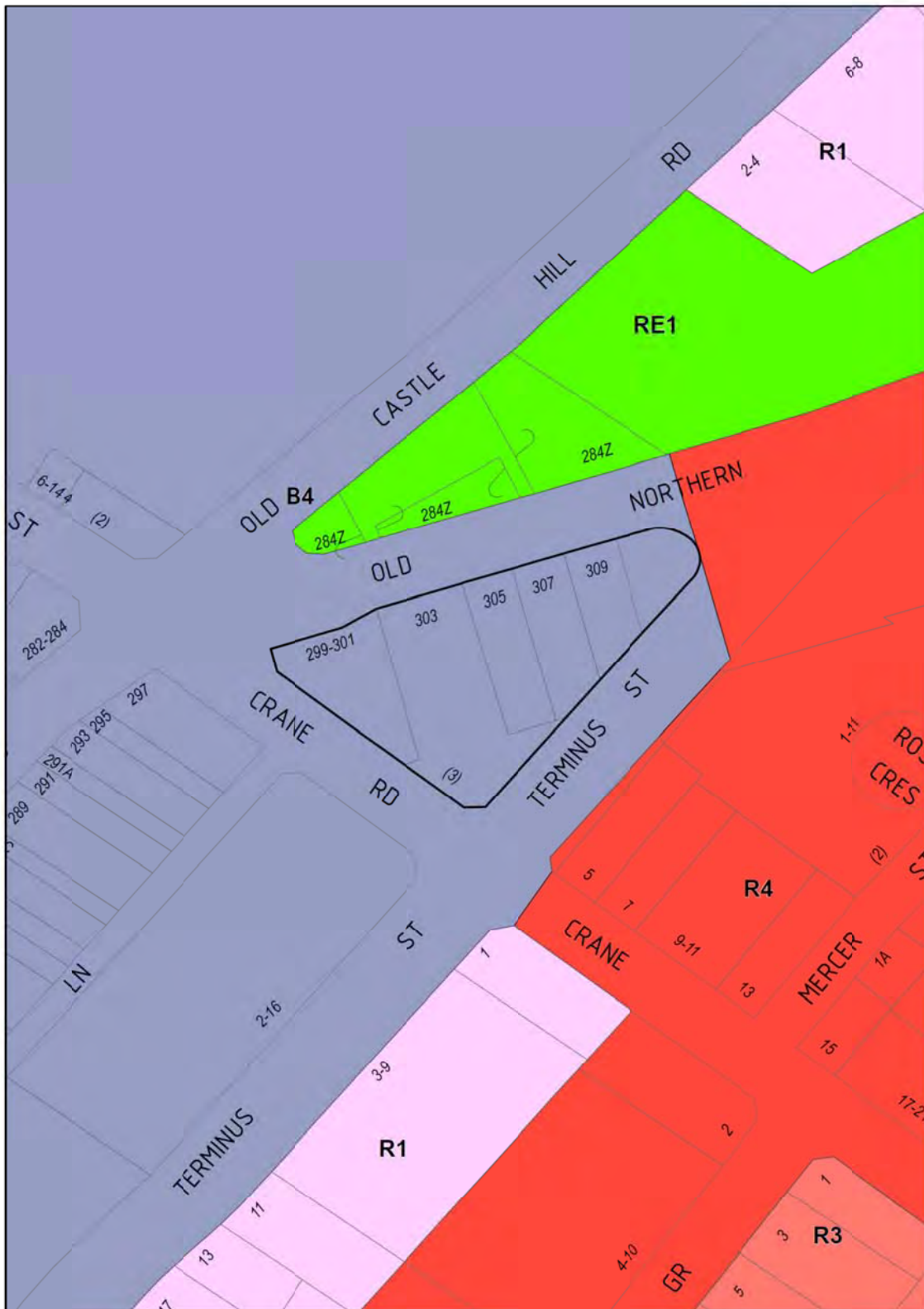
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT

ATTACHMENT 2 – AERIAL PHOTOGRAPH

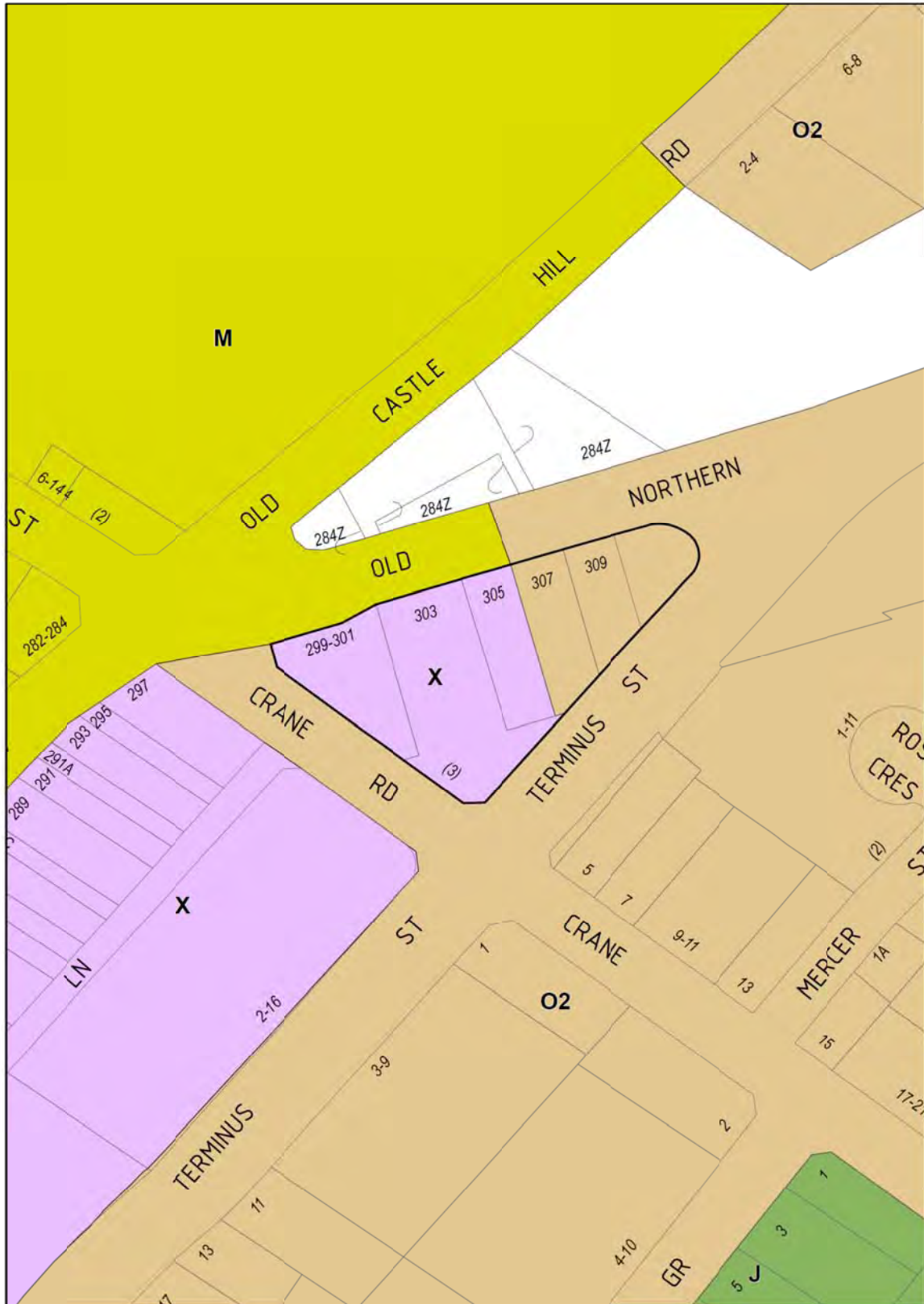


[illegible]

ATTACHMENT 4 – ZONING MAP (AMENDMENT NO 9)

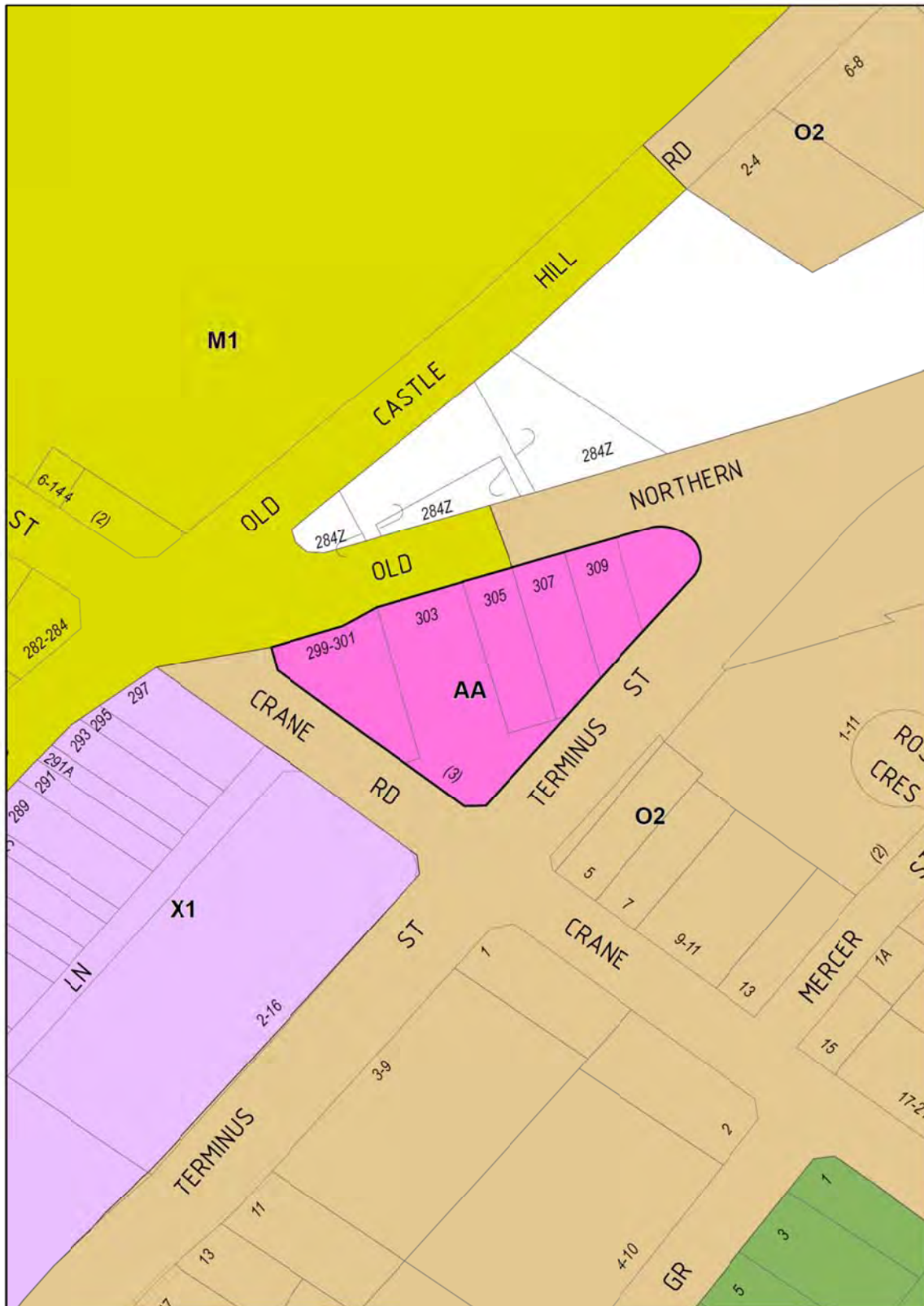


ATTACHMENT 5 – HEIGHT OF BUILDINGS MAP



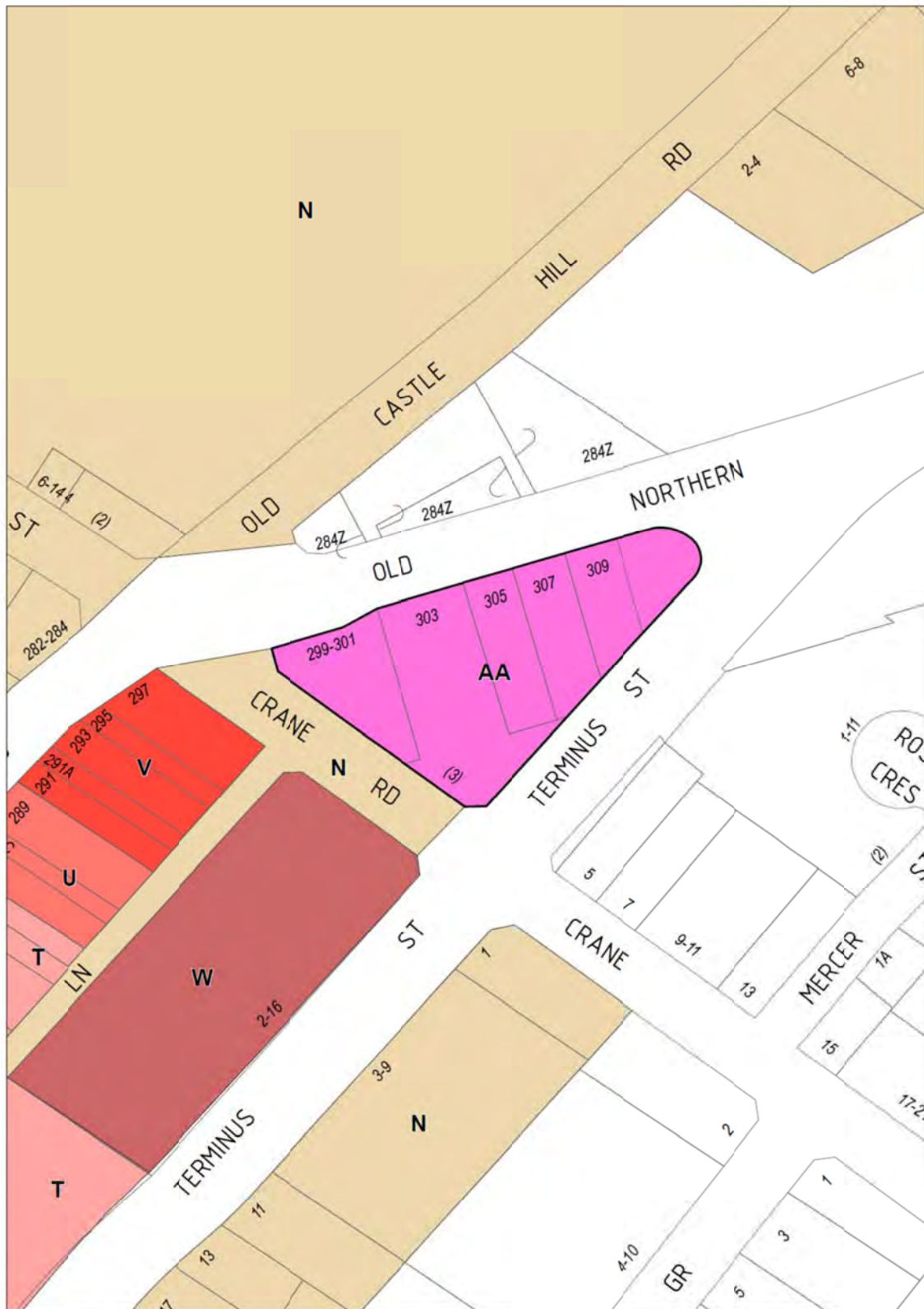
X – 45 metres | O2 – 16 metres

ATTACHMENT 6 - HEIGHT OF BUILDINGS MAP (AMENDMENT NO 9)



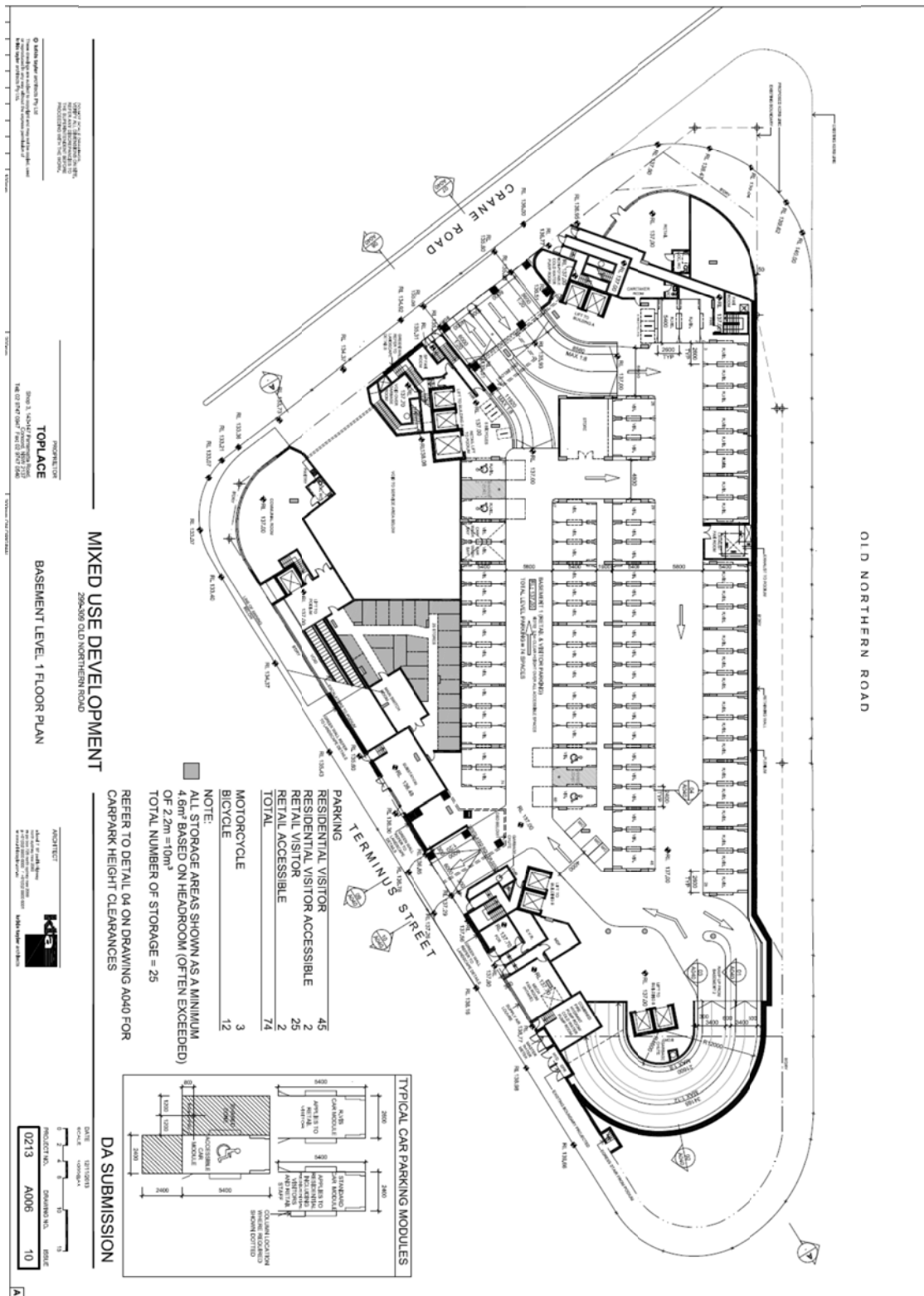
AA – 68 Metres

ATTACHMENT 7 – FLOOR SPACE RATIO MAP

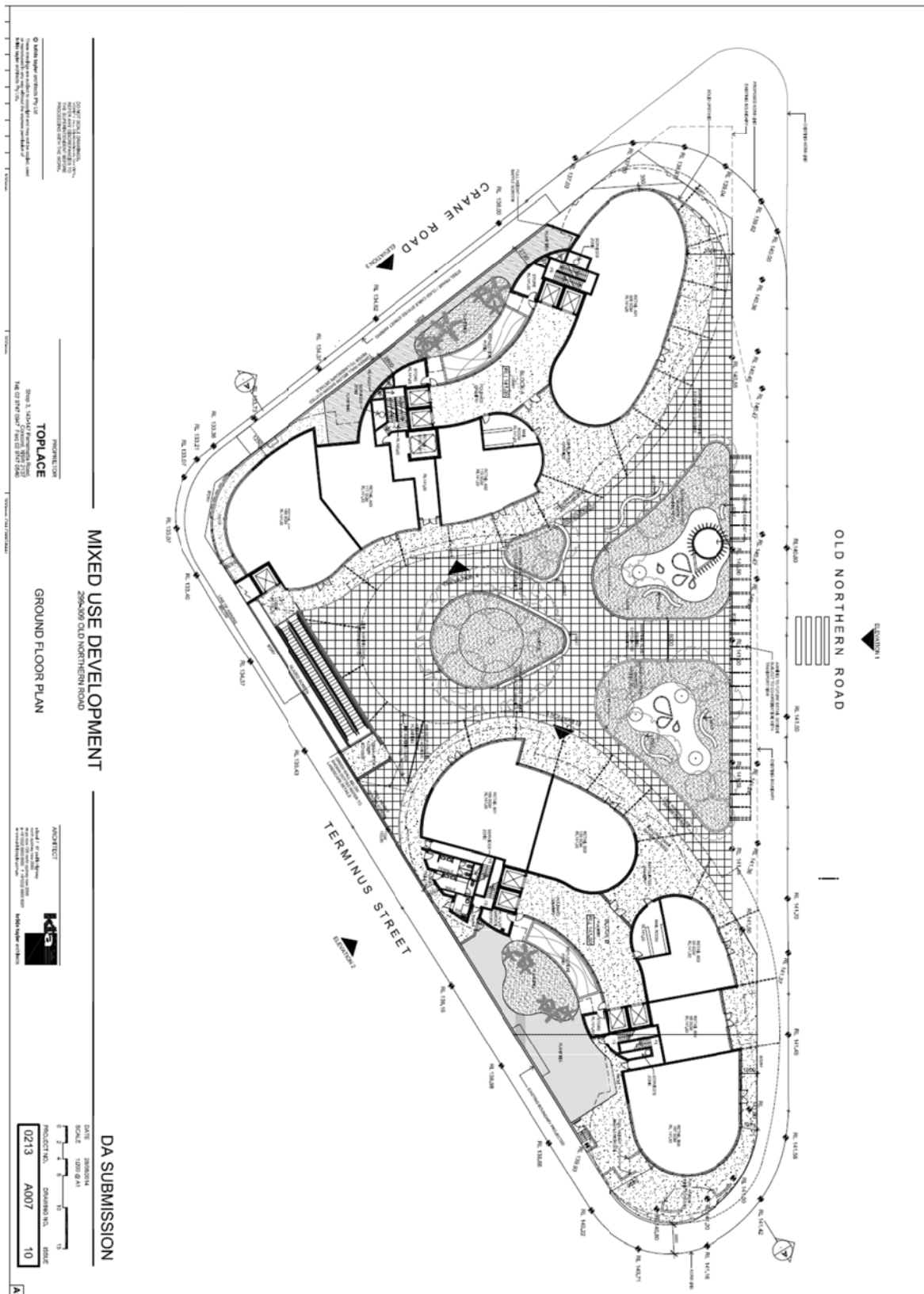


AA- 6.4:1

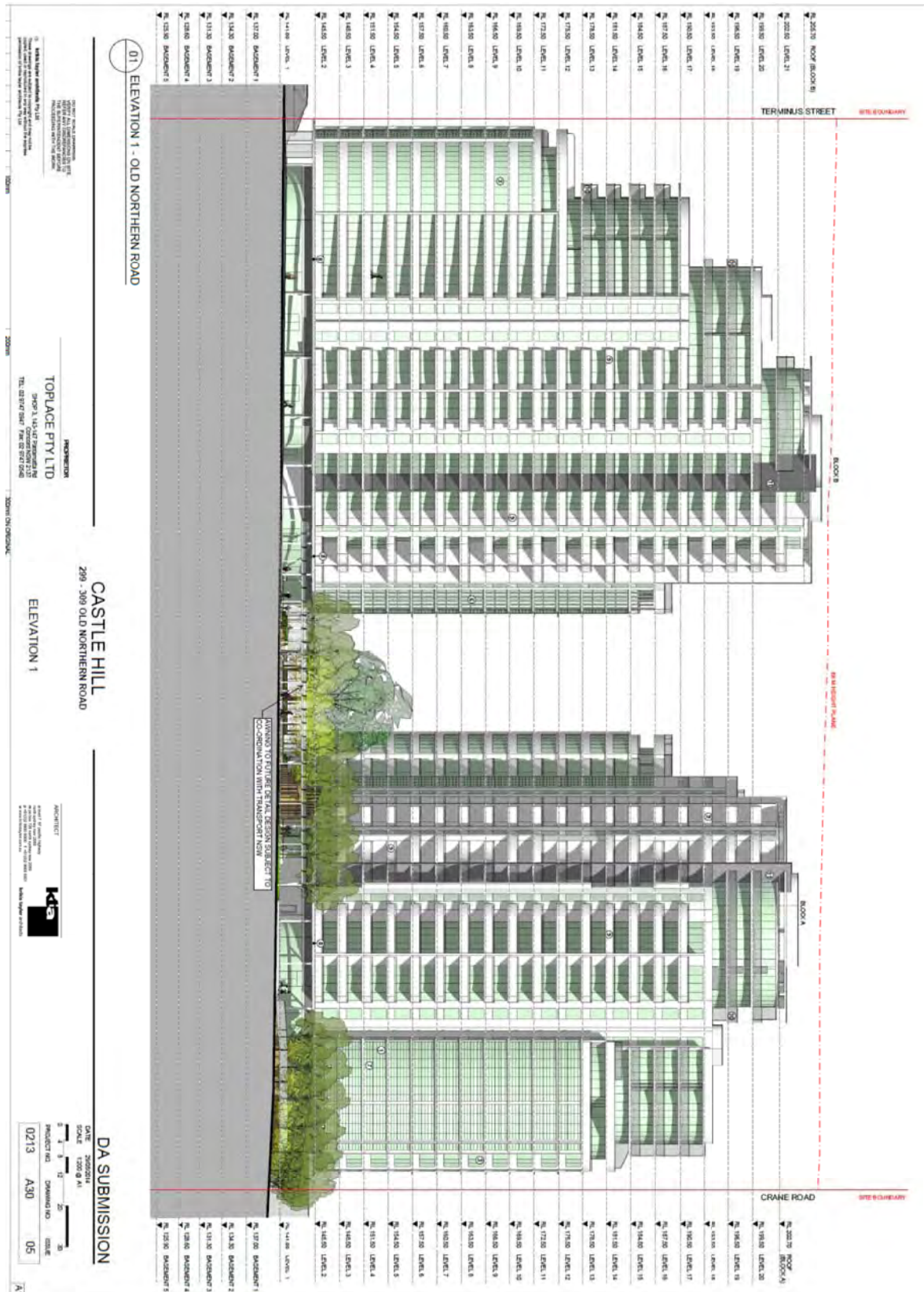
ATTACHMENT 8 – BASEMENT LEVEL 1 FLOOR PLAN



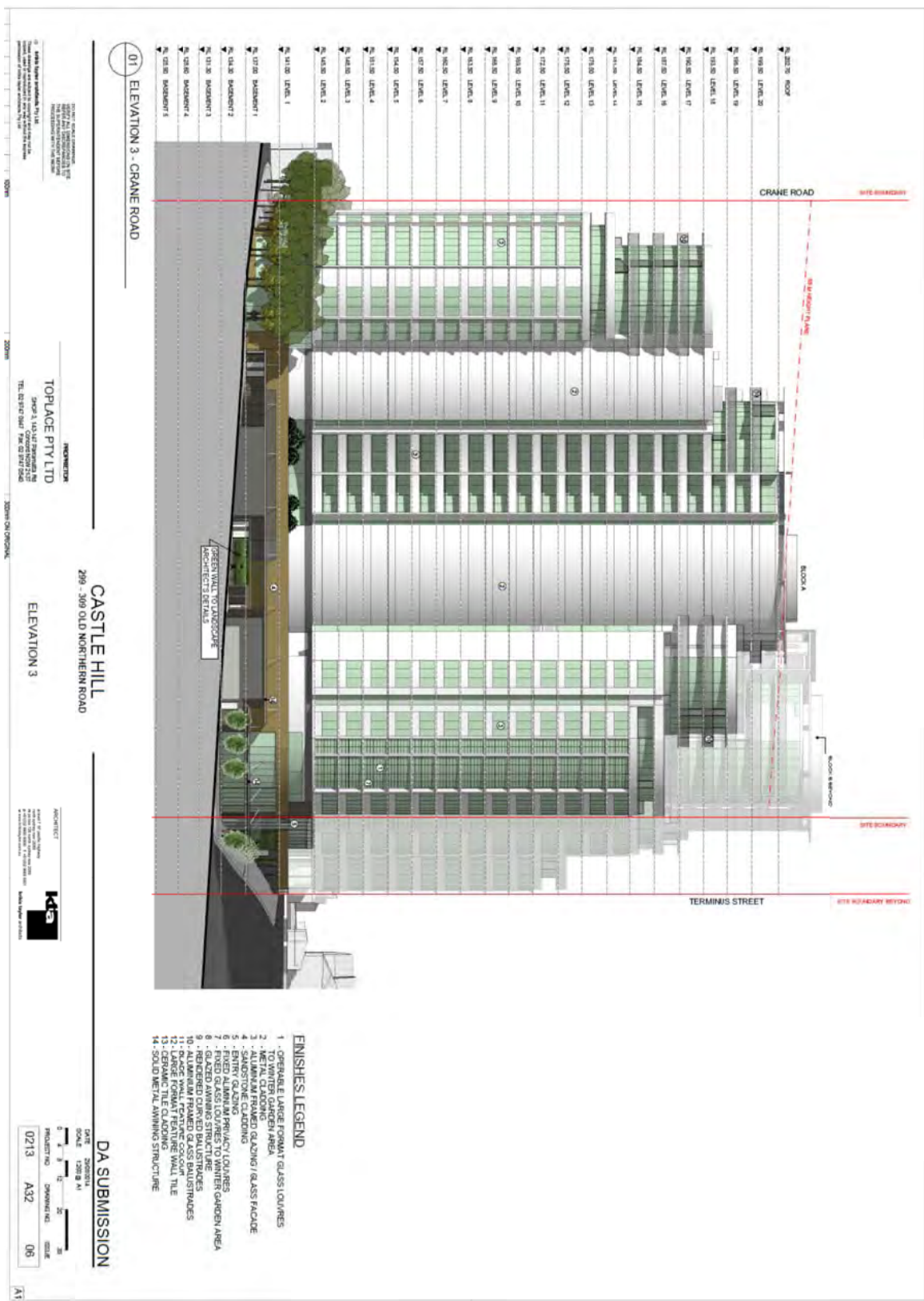
ATTACHMENT 9 – GROUND FLOOR PLAN

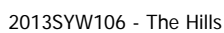


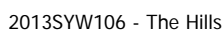
ATTACHMENT 10 – ELEVATIONS

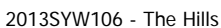


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ATTACHMENT 12 – MATERIAL BOARD

MIXED USE DEVELOPMENT
 15000 OLD NORTHERN ROAD

DA SUBMISSION

DATE: 02/13/2023
 SCALE: 1:100
 DRAWING NO.: 0213
 SHEET NO.: 04

DA SUBMISSION

ATTACHMENT 13 – LANDSCAPE PLAN



ATTACHMENT 14 – SHADOW DIAGRAM



ATTACHMENT 15 – PHOTOMONTAGE



ATTACHMENT 15 – PHOTOMONTAGE

