

SYDNEY WEST CENTRAL PLANNING PANEL

Panel Reference	2016SYW122
DA Number	DA 1946/2016/JP
LGA	The Hills Shire Council
Proposed Development	DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FIVE RESIDENTIAL FLAT BUILDINGS CONTAINING 923 UNITS WITH BASEMENT PARKING
Street Address	LOT 101 DP 1146629, 51-53 OLD CASTLE HILL ROAD, CASTLE HILL
Applicant	TOPLACE PTY LTD
Date of DA lodgement	24 JUNE 2016
Number of Submissions	First Notification Period: Five Second Notification Period: Nine
Recommendation	Approval subject to conditions
Regional Development Criteria (Schedule 4A of the EP&A Act)	CIV exceeding \$20 million
List of all relevant s79C(1)(a) matters	LEP 2012 SEPP State and Regional Development 2011 SEPP 55 – Remediation of Land SEPP 65 – Design Quality of Residential Apartment Development Apartment Design Guidelines SEPP Building Sustainability Index: BASIX 2004 DCP Part D Section 2 – Pennant Street Target Site
List all documents submitted with this report for the Panel's consideration	Copy of all submissions
Report prepared by	KRISTINE MCKENZIE PRINCIPAL EXECUTIVE PLANNER
Report date	20 April 2017

Summary of S.79C matters Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	Yes
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	No
Conditions Have draft conditions been provided to the applicant for comment? Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report	Yes

EXECUTIVE SUMMARY

The Development Application is for a residential flat building development containing 923 apartments within five buildings. The units comprise 202 x 1 bedroom units, 675 x 2 bedroom units, and 46 x 3 bedroom units. The proposal also includes basement parking for 1154 vehicles comprising 969 resident spaces and 185 visitor spaces. The site fronts Pennant Street, Gay Street and Old Castle Hill Road. Vehicle access to the basement parking is from Gay Street and Old Castle Hill Road.

A Planning Proposal was notified on 09 October 2015 which amended the height of buildings and the floor space ratio (FSR) on the site to allow the provision of a higher density form of development in close proximity to the future rail link, existing bus transit station and the major centre of Castle Hill. The zoning of the site, R4 High Density Residential, remained. The Planning Proposal was supported by a site specific DCP which contains specific requirements for the development of the site.

The proposed development outcome is quite different from that envisaged by the Planning Proposal in terms of height and the location and form of the buildings. However the resultant built form outcome allows the provision of more slender towers which are less bulky than the built form envisaged by the DCP and which allow for an improved streetscape outcome, smaller on-ground footprint and landscape works at ground level. Overall, the built form proposed will result in a better planning outcome.

The development includes a variation to LEP 2012 which limits the height of the development to 54 metres. The proposed height is a maximum 76.8m to Building B which represents a maximum 42.2% variation to the LEP standard. The height variation

will not create an unreasonable impact on streetscape or result in unreasonable privacy or solar access impacts. The proposed built form outcome will be quite different from the existing built form within the area in terms of density and height. In this regard the site is the first to be developed in an area which will undergo significant changes in the coming years. The applicant has submitted a Clause 4.6 variation request which has been reviewed and is considered worthy of support.

In addition, it may be noted that the site is limited to an FSR of 5.5:1. The proposal is compliant with the FSR limitation.

The development includes variations to the Apartment Design Guidelines in regard to building separation, visual privacy (setbacks) and additional setbacks at zone boundaries, and to the DCP in regard to site planning, setbacks, parking, unit size and mix and private open space. The proposed design is considered satisfactory and the variations are minor in nature given the scale of the development. The built form outcome is considered satisfactory and is an appropriate architectural design for the area. It is acknowledged that the area is one which will likely undergo changes in built form in the coming years due to the demand for higher density forms of development near public transport hubs.

The proposal was exhibited and notified to adjoining property owners on two occasions. Five submissions were received during the original notification period and nine submissions were received to the second notification period. The issues raised relate to concerns regarding vehicle access, traffic, height, form of development and character of the area. The development is considered satisfactory in terms of its height and character. The development is permissible within the zone and is located in close proximity to the future rail, existing bus transit and existing retail and commercial town centre. The development is considered to be appropriately located and will not unreasonably impact on streetscape or character. It is acknowledged that the

The proposal is recommended for approval subject to conditions.

In the absence of the SWCPP process, this matter would be determined by Council due to the variation to height exceeding 10%.

BACKGROUND

MANDATORY REQUIREMENTS

Owner:	51 Ochr Pty Ltd	1.	<u>LEP 2012</u> - permissible with consent. Clause 4.6 variation to height.
Zoning:	R4 High Density Residential	2.	<u>SEPP State and Regional Development 2011</u> - Satisfactory.
Area:	14,160m ²	3.	<u>SEPP 55 - Remediation of Land</u> Satisfactory.
Existing Development:	Dwelling	4.	<u>SEPP 65 - Design Quality of Residential Apartment Development</u> - Satisfactory.
		5.	<u>SEPP Building Sustainability Index: BASIX 2004</u> - Satisfactory.
		6.	<u>DCP Part D Section 2 - Pennant Street Target Site</u> - Variations required, see report.
		7.	<u>Section 79C (EP&A Act)</u> - Satisfactory.
		8.	<u>Section 94 Contribution</u> - yes, currently \$2,773,107.49

SUBMISSIONS**REASON FOR REFERRAL TO SWCPP**

1. Exhibition:	Not required.	1.	CIV exceeding \$20 million
2. Notice Adj Owners:	Yes, 14 days on two occasions.		
3. Number Advised:	112 (on both occasions)		
4. Submissions Received:	First Notification: Five Second Notification: Nine		

HISTORY**09/10/2015**

The Planning Proposal was notified by the Department which amended the height of buildings and the floor space ratio on the site.

24/06/2016

Development Application lodged. At the time of lodgement of the Development Application, the site was owned by The Hills Shire Council.

Note: Contracts for the sale of the land were exchanged on 09 September 2015 with a delayed settlement of 12 months. Settlement occurred on 14 September 2016.

04/07/2016

Phone conversation with the applicant who advised that revised/updated information would be submitted to address inconsistencies in the information lodged.

06/07/2016

Email sent to the applicant advising that as the proposal includes works in the adjoining Eric Felton Reserve, further owner's consent is required from The Hills Shire Council.

07/07/2016

Owner's consent provided from the General Manager of The Hills Shire Council.

29/07/2016

Advice received from RMS which advised that the proposed vehicle access to Pennant Street is not supported, and advising that vehicle access is required to the local road system and not a Classified Road. These comments were forwarded the applicant for review and response.

02/08/2016

Revised information submitted by the applicant which included revised plans and documents.

14/09/2016

Letter sent to the applicant requesting additional information and advising that a VPA is not required for the through-site link, permissibility of works in the RE1 Public Recreation zoned land, DCP and SEPP compliance, the provision of left-in/left-out vehicle access to Old Castle Hill Road, landscape works and tree removal, waste management, unit numbering, drainage, engineering and carpark design.

30/09/2016

Additional information submitted by the applicant.

13/10/2016	Advice received from Council's Engineer that additional information is required to be submitted to address stormwater matters.
03/11/2016	Email sent to the applicant requesting an arborist report and information regarding waste management.
10/11/2016	Email sent to the applicant requesting additional information regarding Eric Felton Reserve and permissibility of works, an updated Clause 4.6 variation addressing height, updated landscape plan details, advice from CASA, and confirmation that a VPA is not required for the through-site link.
30/11/2016	Additional information submitted by the applicant.
07/12/2016	Re-notification of the amended proposal to the adjoining property owners and those who had made a submission. The amendments related primarily to the relocation of the vehicle access points to Gay Street and Old Castle Hill Road, however also included an increase in unit numbers and parking spaces and redesign of the buildings to facilitate the revised vehicle access.
22/12/2016	Letter sent to the applicant requesting additional information regarding the height of building C, confirmation of unit numbers, accessibility of the through-site link, advice from CASA, compliance with the DCP and SEPP, landscape works, drainage, vehicle access, parking and acoustic impacts.
10/01/2017	Meeting held with the applicant to discuss the outstanding issues.
14/02/2017	Additional information submitted by the applicant.

PROPOSAL

The proposal is for the demolition of the existing dwelling and construction of a residential flat building development of five separate buildings. The development proposes 923 units comprising:

- 202 x 1 bedroom units,
- 675 x 2 bedroom units, and
- 46 x 3 bedroom units.

The works also include five levels of basement parking to accommodate 1154 vehicles. Vehicle access to the basement parking is from Gay Street and Old Castle Hill Road (which is limited to left-in/left-out). The parking comprises 969 resident spaces and 185 visitor spaces. In addition, 923 bicycle spaces and 24 motorcycle spaces are provided.

The proposal includes a publicly accessible through-site link from Gay Street to Pennant Street. The through-site link has a variable width and will improve access through the site for pedestrians walking from the north/northwest of the site. The link has an accessible grade. The through-site link will be publicly accessible and will be open to the public at all times (See Conditions 31 and 99(h)).

The proposed buildings have the following heights:

- Building A – 20 storeys;
- Building B – 23 storeys;
- Building C – 23 storeys;
- Building D – 21 storeys; and
- Building E – 18 storeys.

Roof top gardens to be used for common open space are provided on Buildings A, B and C. A swimming pool and communal room are also provided on the upper ground floor of Building B.

The site has frontages to Pennant Street, Old Castle Hill Road and Gay Street.

The site is in an area which will be subject to redevelopment in the future. In this respect, the site is at the southern perimeter of the Castle Hill North area (see comments in Section 6). The site is in close proximity to the North West Rail Link (currently under construction), the bus transit centre, Castle Towers Shopping Centre and other retail and commercial uses within the Castle Hill precinct. The site has a high level of access to existing and future public transport and to retail/commercial services.

ISSUES FOR CONSIDERATION

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 Planning Panel:-

Council related development over \$5 million

Development that has a capital investment value of more than \$5 million if:

- (a) *a council for the area in which the development is to be carried out is the applicant for development consent, or*
- (b) *the council is the owner of any land on which the development is to be carried out, or*
- (c) *the development is to be carried out by the council, or*
- (d) *the council is a party to any agreement or arrangement relating to the development (other than any agreement or arrangement entered into under the Act or for the purposes of the payment of contributions by a person other than the council).*

At the time of lodgement of the application, the site was owned by The Hills Shire Council. As such the \$5 million limit was applicable. The ownership of the site has now changed and Council is no longer the owner. In addition, the original proposal included works within Eric Felton reserve which is owned by Council. These works have now been deleted from the proposal.

Notwithstanding the change of site ownership, the need for referral to the JRPP is also triggered by the following requirement:

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

The proposed development has a Capital Investment Value of \$257,297,435 thereby requiring referral to, and determination by, a Planning Panel. In accordance with this requirement the application is referred to the SWCPP for determination.

2. Compliance with LEP 2012

a. Permissibility

The site is zoned R4 High Density Residential. The works are defined as a residential flat building as follows:

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

The proposal meets the above definition and is permissible within the zone.

The LEP also requires that the minimum lot size for residential flat development is 4000m². The subject site has an area of 14,160m².

In addition, the LEP limits the development on the site to an FSR of 5.5:1 and a height of 54 metres. The proposed FSR is 5.5:1 and therefore complies with the LEP standard. The proposed height exceeds to the LEP and is addressed below.

The proposed works are satisfactory in regard to LEP 2012.

b. LEP Height Standard

LEP 2012 sets a height of 54 metres for the subject site. The proposed heights are as follows:

Building	Proposed maximum height to top of roof	Variation	Proposed maximum height to top of lift over-run	Variation	Number of Storeys
Building A	65.4m	11.4m	69.5m	15.5m	20 storeys
Building B	71.9m	17.9m	76.8m	22.8m	23 storeys
Building C	70.1m	16.1m	74.3m	20.3m	23 storeys
Building D	64.6m	10.6m	65.7m	11.7m	21 storeys
Building E	54.5m	500mm	56.9m	2.9m	18 storeys

It is noted that the DCP also requires that the development not exceed 18 storeys and includes a building height transition with lower buildings fronting Gay Street and higher buildings fronting Pennant Street.

The applicant has submitted a detailed Clause 4.6 variation which included the following justification (summarised):

- The height of the development will be compatible with the desired future character of the Castle Hill Town Centre. This site is the first site within the Castle Hill North Precinct to be rezoned to High Density residential.*

- *The form of buildings envisaged by the DCP were substantially longer block forms running almost parallel with Pennant Street. These forms will present as a substantial mass that would limit the opportunity to achieve solar access through the site. The re-configuration and increased building height enables the buildings to be oriented in a primarily north/south direction which enables solar access through the site.*
- *The re-configuration and increased building height enables the buildings to be slender in form and be oriented in a primarily north/south direction which enables solar access through the site. Furthermore, the removal of the podium and creation of north/south towers reduces the visual impact of the mass of the buildings when viewed at street level*
- *From all vantage points, you will be able to appreciate the space between the building forms and achieve vistas through the site. The reduction in building footprint and increased height enables this to be achieved.*
- *The LEP permits a height of 54 metres across the site. The proposed variation of height beyond this control does not result in increased shadowing of the public park. The break between the buildings enables solar penetration.*
- *The tower footprints occupy less than 38% of the site compared with a compliant building height that would require building site coverage of in excess of 80%. A substantial reduction in building footprint enables a far superior urban design and public domain interface outcome by increased landscaping and visual permeability through the site.*

Attachment 10 contains the Clause 4.6 Variation request from the applicant.

Comment:

LEP 2012 limits the height for the site to 54 metres. The proposed height is a maximum 76.8m to Building B. This represents a maximum 42.2% variation to the LEP standard.

The objectives of Clause 4.3 are as follows:

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

The objectives of Clause 4.6 of LEP 2012 are:

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

The objectives of the R4 High Density Residential zone are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*

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

It is also noted that other sites within the locality have height limits as follows:

- Terminus Street Precinct adopted a height of 45 metres.
- Crane Road Precinct adopted a height of 68 metres.
- Pennant Street Target Site adopted a height of 54 metres.

The proposed height of the buildings is considered satisfactory given that the site is surrounded by roads or park on three frontages and also adjoins land which forms part of the Castle Hill North Planning Proposal. As such the development is separated from adjoining sites in terms of its location. The shadow impact from the development is considered reasonable given the form of the development. The separation to adjoining future development will reduce the potential for overlooking and privacy impacts.

The urban form is considered to be appropriate for the area and the development of a residential nature. The proposal incorporates a variety of finishes and colours and will result in an appropriate urban outcome. The applicant's statement that the use of taller, slender structures results in an improved urban form is supported.

The land adjoins the existing Eric Felton Reserve, which is located to the east of the site. The location and orientation of the Reserve results in appropriate solar access in the morning, however it is acknowledged that shadow impact will occur later in the day. However, the proposed works will not unreasonably impact on the Reserve and will allow increased opportunities for passive surveillance of the park.

A high level of amenity is provided to the units given the area of landscape provided as part of the development site, the proximity to the existing and proposed shopping areas, future public transport and the variety of unit types available. There are also 46 adaptable units provided which will assist in providing housing choice within the area.

The site is in an area which will be subject to redevelopment in the future. In this respect, the site is at the southern perimeter of the Castle Hill North area (see later comments). The site is in close proximity to the North West Rail Link (currently under construction), the bus transit centre, Castle Towers Shopping Centre and other retail and commercial uses within the Castle Hill precinct. The site has a high level of access to existing and future public transport and to retail/commercial services.

Clause 4.6(3) of 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:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

Comment: The height limit currently applied under LEP 2012 is considered to be unreasonable and unnecessary as outlined above. The proposal has a high level of

access to the existing rail station, existing bus transit centre and existing retail and commercial uses and is appropriately located to support a higher density form of development. The proposed building form outcome is considered to respond appropriately to the desired future character of the area which will reflect a modern urban character. The additional height will allow for a more slender building form which will form the interface between residential and commercial/retail development.

- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment: There are sufficient planning grounds to justify the proposed height. These planning grounds include the current height under LEP 2012 applying to the immediate area, the importance of the site in a local and regional context and the location of the works on the site.

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's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

Comment: The applicant has adequately addressed the matters required to be addressed 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 the development is proposed to be carried out, and*

Comment: As detailed above, the proposal is an appropriate outcome in regard to public interest and is consistent with the objectives of the R4 High Density Residential zone.

- (b) the concurrence of the Director-General has been obtained.

Comment: Council has assumed concurrence under the provisions of Circular PS 08-003 issued by the Department of Planning and Environment.

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

- The applicant's request is well founded;
- The proposed variation results in a development that is consistent with the objectives of Clause 4.3 Height of Building and the R4 High Density Residential zone objectives;
- Compliance with the standard is unnecessary or unreasonable in this instance; and
- The proposal results in a better planning outcome.

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

On the basis of the above comments, the proposed variation to the height is considered reasonable, will not result in an adverse impact on amenity and will provide an additional service to residents and customers.

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

It is also noted that in accordance with the Departments Circular PS 08-003 that Director General's concurrence can be assumed in respect of any Environmental Planning Instrument that adopts Clause 4.6 Exceptions to Development Standards of the Standard Instrument or a similar clause.

3. SEPP 55 – Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land 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.*

The applicant has submitted a site contamination report by Douglas Partners which has concluded that:

Based on the field and analytical results presented in this report it is considered the site is suitable for the proposed high density residential development with ancillary open space. In designing and constructing the future development of the site, consideration must be given to the following:

- A hazardous building materials survey of existing buildings should be completed prior to demolition, with any hazardous materials removed by a licensed contractor in accordance with WorkCover guidelines;*
- Upon completion of demolition, a qualified occupational hygienist should inspect the property, particularly the surface soils, and prepare a clearance report demonstrating that no hazardous materials (particularly asbestos) exist on the site surface after demolition;*
- Further investigation and / or assessment in the vicinity of borehole BH15 to assess the impact of the recorded exceedance of the BaP ecological screening level;*
- Further investigation and / or assessment in the vicinity of borehole BH24 to assess the impact of the recorded asbestos in soil;*
- Further analysis in the vicinity of boreholes BH15 and BH21 to confirm the waste classification;*
- Waste classification in accordance with EPA (2014) for filling to be removed from site;*
- VENM assessment for natural material to be removed from site; and*
- An unexpected finds protocol should be prepared and implemented during civil and construction works to outlined procedures for managing unexpected finds of contamination or contamination sources such as USTs, asbestos fragments etc.*

The report has been reviewed by Council's Environmental Health Officer who has raised no objection to the proposal subject to the imposition of a condition requiring implementation of the recommendations of the report (See Condition 13).

4. Compliance with SEPP 65 - Design Quality of Residential Apartment Development

The proposal has been accompanied by a Design Verification Statement by Krikis Tayler which confirms that the proposal is satisfactory with regard to the provisions of SEPP 65.

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

Clause	Design Criteria	Compliance
Siting		
Communal open space	25% of the site, with 50% of the area achieving a minimum of 50% direct sunlight for 2 hours midwinter.	32% of the site contains common open space.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	15% of the total site is provided as deep soil, which is 2123m ² .
Separation	Between habitable rooms and balconies, 12m for up to 4 storeys, 18m for 5-8 storeys and 24m for 9 storeys and above. At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.	No - Building D and E have a separation distance of 19m at its closest point, with a 24 metre separation between the other towers. The setback to the boundary does not provide an additional setback of 3m to the north and north-eastern boundary where the zone changes to a lower density zone.
Visual privacy	Between habitable rooms and balconies, 6m for up to 4 storeys, 9m for 5- 8 storeys and 12m for 9 storeys and above. Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	No - Buildings B, C, D and E do not provide the required setback to the northern boundaries. Appropriate visual privacy is achieved through window placement, use of balustrades, screens and separation between buildings.

Carparking	Carparking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.40 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking).	Parking is provided in accordance with SEPP 65.
Designing the Building		
Solar and daylight access	Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm midwinter.	77% of the units within the development will receive in excess of 2 hours sunlight midwinter.
	A maximum of 15% of apartments in a building receive no direct sunlight between 9am and 3pm at mid-winter.	5.2% of units receive no direct sunlight in mid-winter.
Natural ventilation	At least 60% of units are to be naturally cross ventilated in the first 9 storeys of a building. For buildings at 10 storeys or greater, the building is only deemed to be cross ventilated if the balconies cannot be fully enclosed. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.	76% of units will achieve cross ventilation.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	The ceiling heights are compliant with the required heights.
Apartment size	Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m²	All units comply with the required sizes.

	3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.	
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window.	The proposed apartment layout is satisfactory.
Balcony area	The primary balcony is to be: Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.	All units comply with the required minimum balcony areas.
Storage	Storage is to be provided as follows: Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³ At least 50% of the required storage is to be located within the apartment.	All units provide the required storage areas.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	The proposed apartment mix is satisfactory – see comments below.

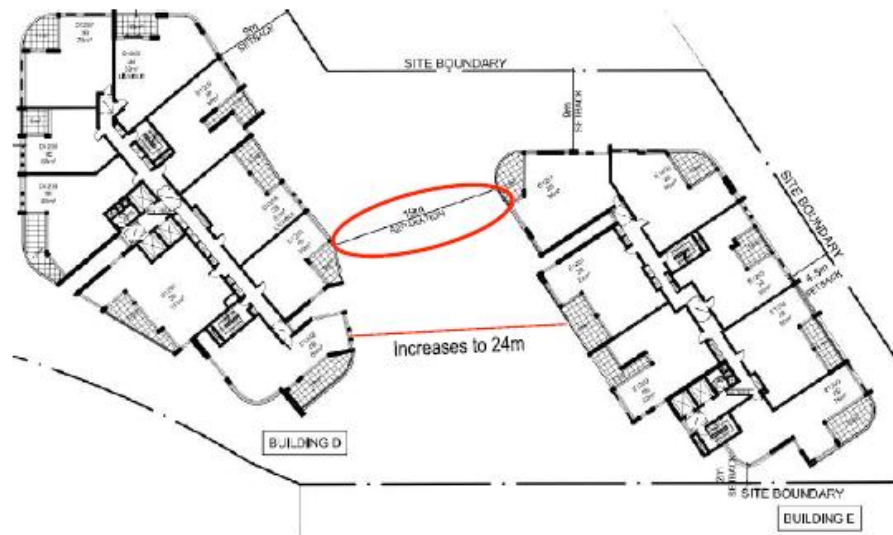
a. Separation

The ADG requires that for habitable rooms and balconies for building 9 storeys and above, a separation distance of 24 metres is required. Buildings D and E have a separation distance of 19m at its closest point, with 24 metres separation between the other towers. The setback to the boundary does not provide an additional 3 metre setback to the northern boundary where the zone changes to a zone to a lower density zone.

The applicant has submitted the following as justification:

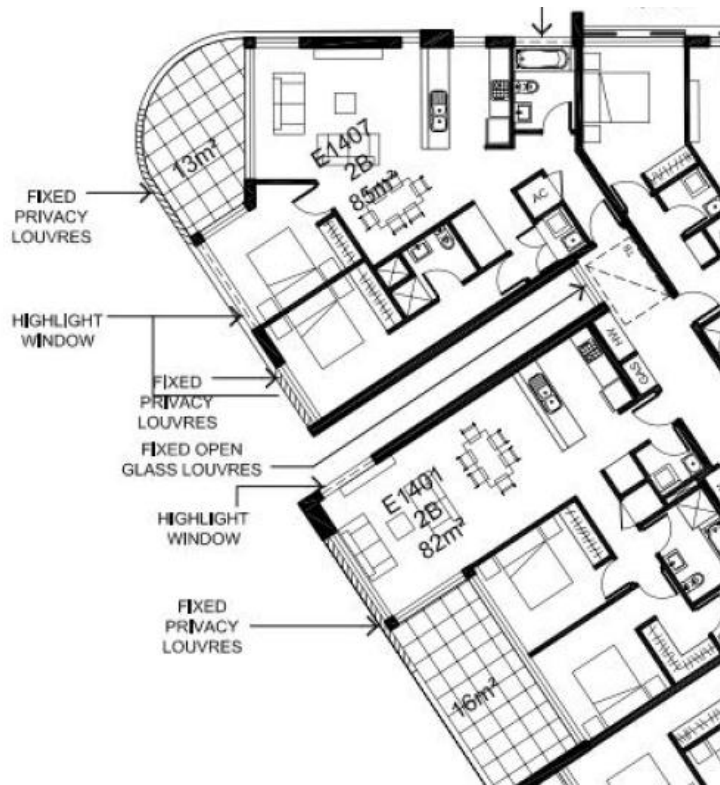
As indicated in the Statement of Effects, the required 24m separation between all the buildings is fully compliant with the exception of a reduced separation of 19 metres between Building D & E at one point. This submission provides further justification in relation to this variation to the ADG.

The separation between Building D & E is demonstrated in the following diagram:



However, the building design has considered the interface between the opposing units at this point and overcome the potential amenity conflict by creating a generally habitable to non-habitable relationship. The ADG in this instance would allow a reduced separation of 18 metres.

As shown in the diagram below, the units within Building E incorporate a range of measures to restrict overlooking between the units. The typical units incorporate a combination of fixed privacy louvres and highlight windows. The building design has utilised these effective measures to address the interface at this reduced point.



Due to the angle and positioning of the buildings, the separation increases to the south to enable a compliant 24 metre. As the separation increases, the buildings achieve an appropriate spatial separation which enables substantial ground level landscaping.

It is therefore considered that the separation between all buildings proposed is appropriate and will provide a quality urban outcome.

In relation to the additional 3m separation required where there is a change in zoning at the boundary to a lower density zone, the applicant has also stated:

It is noted that the Apartment Design Guide recommends a further 3 metre separation where one site adjoins a lower density zone boundary above those required in the ADG. However, given the Draft LEP for the Castle Hill North Precinct seeks to rezone the adjacent land to R4 High Density Residential, consistent with the subject site, this requirement would be unreasonable in this instance.

Refer also to Sections 4(b) and 5(b) in regard to visual privacy and setbacks.

Comment:

The aims of the ADG in relation to separation are:

- ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings.
- assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook.
- provide suitable areas for communal open spaces, deep soil zones and landscaping.

The proposed variation to the separation between Buildings D and E is considered minor and occurs as a point encroachment only. The variation is limited to a small portion of the buildings as demonstrated in the above plan.

The proposal incorporates a variety of privacy measures including fixed louvres and highlight windows to ensure that privacy is maintained between the units. The design of the privacy measures will not unreasonably reduce amenity or result in impacts to solar access or natural ventilation.

In regard to the additional 3 metre setback required at the zone boundary, this matter has been addressed in Sections 4(b) and 5(b). In this respect, the properties to the north of the site are zoned R2 Low Density Residential and R3 Medium Density Residential. The development of a residential flat building is not permitted within either zone. The Castle Hill North Planning Proposal (see comments in Section 6) seeks to amend the zoning of the land to the north of the site (within Gay Street) to R4 High Density Residential which will permit apartment development. As such the additional setback provision is not considered necessary in this instance.

The proposed separation is considered appropriate given that adequate landscape planting is provided at ground level to soften the development when viewed from adjoining streets and open spaces. The proposal will provide an appropriate garden setting through the provision of landscape gardens and soft landscape features.

The proposed separation is considered satisfactory in regard to the aims of the ADG and can be supported.

b. Visual Privacy

The ADG requires that visual privacy be provided between the development site and adjacent properties between habitable rooms and balconies of 6m for up to 4 storeys, 9m for 5- 8 storeys and 12m for 9 storeys and above. Buildings B, C, D and E do not provide the required setback to the northern boundaries. The proposed setbacks (at ground level) are 4m to the eastern corner of Building C and 9m to the northern corner of Building B, the eastern corner of Building B and the north-eastern corner of Building B.

In addition to the above, the building separation section of the ADG requires that at the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m. In this instance the properties to the north of the site are zoned R2 Low Density Residential and R3 Medium Density Residential. The development of a residential flat building is not permitted within either zone. Given that the additional setback applies to the site boundary, it has been detailed below.

The applicant has submitted the following as justification

In relation to building separation to the side and rear boundaries, the development provides:

	Up to level 4		5 – 8 storeys		9+ storeys		Comment
	Required	Proposed	Required	Proposed	Required	Proposed	
Building A							
North	6m	12m	9m	12m	12m	12m	Fully complies
West	6m	9m to ground level courtyards 12m above	9m	12m	12m	12m	Fully complies
Building B							
North	6m	9m	9m	9m	12m	9m	Achieves

	Up to level 4		5 – 8 storeys		9+ storeys		Comment
	Required	Proposed	Required	Proposed	Required	Proposed	
							intent of the ADG. See discussion below
Building C							
Eastern end	6m	4m	9m	4m	12m	4m	Achieves intent of the ADG. See discussion below
Building D							
D	6m	3m to courtyard 9m above	9m	9m	12m	9m	Achieves intent of the ADG. See discussion below
Building E							
E	6m	9m	9m	9m	12m	9m	Achieves intent of the ADG. See discussion below

Note: as outlined above, the ADG requires that an additional 3 metre setback be provided to the northern boundary due to the change in the zoning. In effect, this would require the required setbacks above to be increased by 3 metres.

***Building B** - The northern end of Building B is located adjacent to a side boundary and proposes a 9 metre setback. The numerical control requires a 12 metre setback for the 9th storey and above under the design criteria in Section 3F of the ADG.*

However, the building design has considered the interface with the boundary and potential development of the adjacent site and has overcome the potential amenity conflict by creating a non-habitable condition. In my opinion the ADG would then permit a 6 metre setback.

The elevation creates a 'non-habitable condition' as all windows are highlight windows or include fixed privacy screens. The design of this elevation achieves 'external and internal privacy' which is the objective of the separation distances to side and rear boundaries.

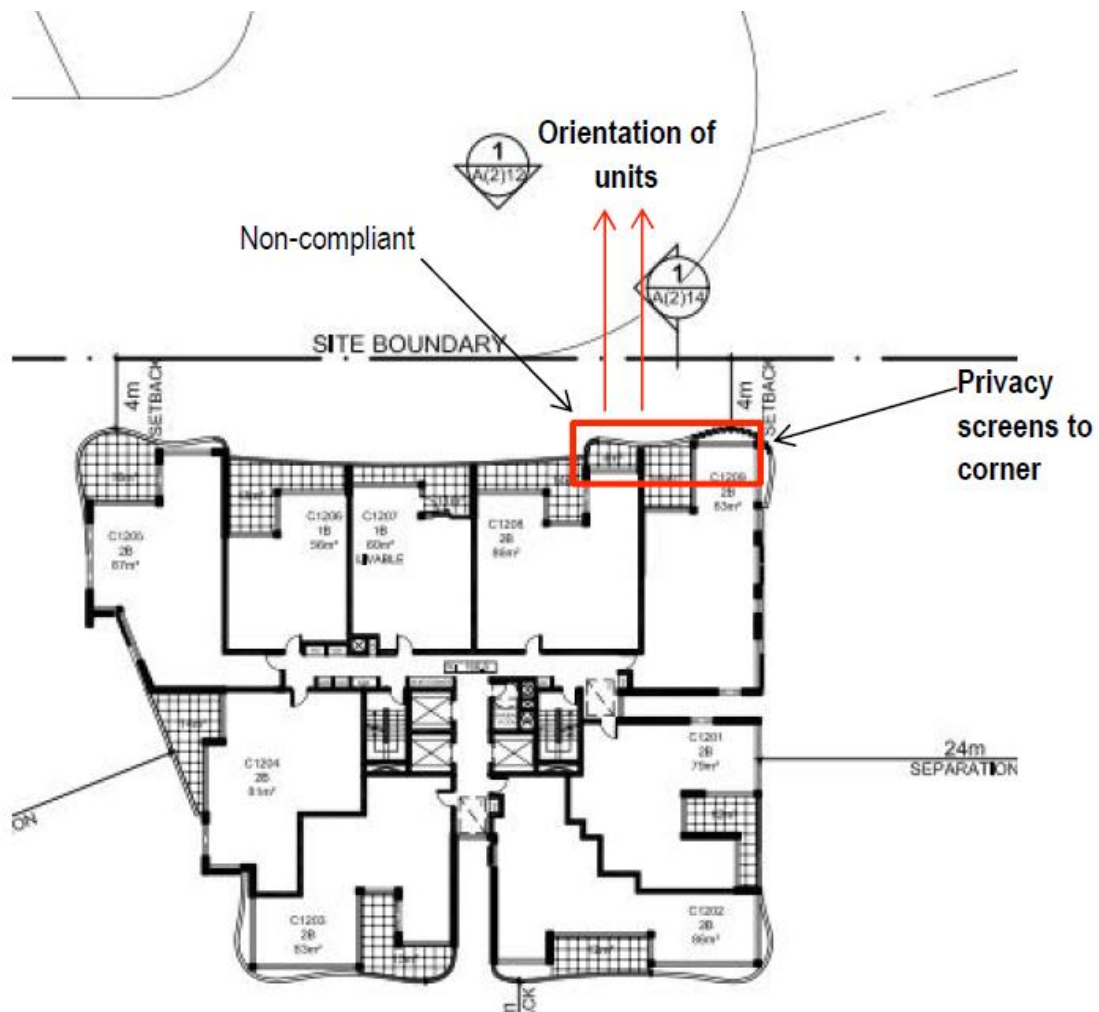
The openings on this elevation are all secondary openings and not the primary source of light and ventilation.

In addition, the building design meets the aims of Section 2F of the ADG. The north south orientation of the building minimises the frontage that adjoins the neighbouring property and therefore the adjacent site will be able to take advantage of the landscaped view corridors created through the site by the creation of 5 distinctly separate tower forms.

The proposed setback of Building B will have no impact on the ability for the adjacent sites to be redeveloped in the future subject to the Castle Hill North rezoning.

Building C - The eastern end of Building C adjoins the side boundary of 18 Gay Street. The remainder of the building adjoins a public road and is therefore considered in relation to the front setback requirements of Council's DCP.

A variation is sought to the position of the northern end of Building C that is oriented to the north east as shown below:



Given the position of Building C it is unlikely that any building would be achieved opposite building C in the view line of the proposed units. The inclusion of privacy screens to the corner of the building ensures that no future development on 18 Gay Street will be impacted by the position and setback of Building C.

Building C plays an important role in establishing the main visitor entry to the site with the creation of a Porte cochere off Gay Street that will enable residents and visitors to be dropped off within the site with weather protection from the cantilevered building above. Its position and setback has been designed to address the street and reinforce this function.

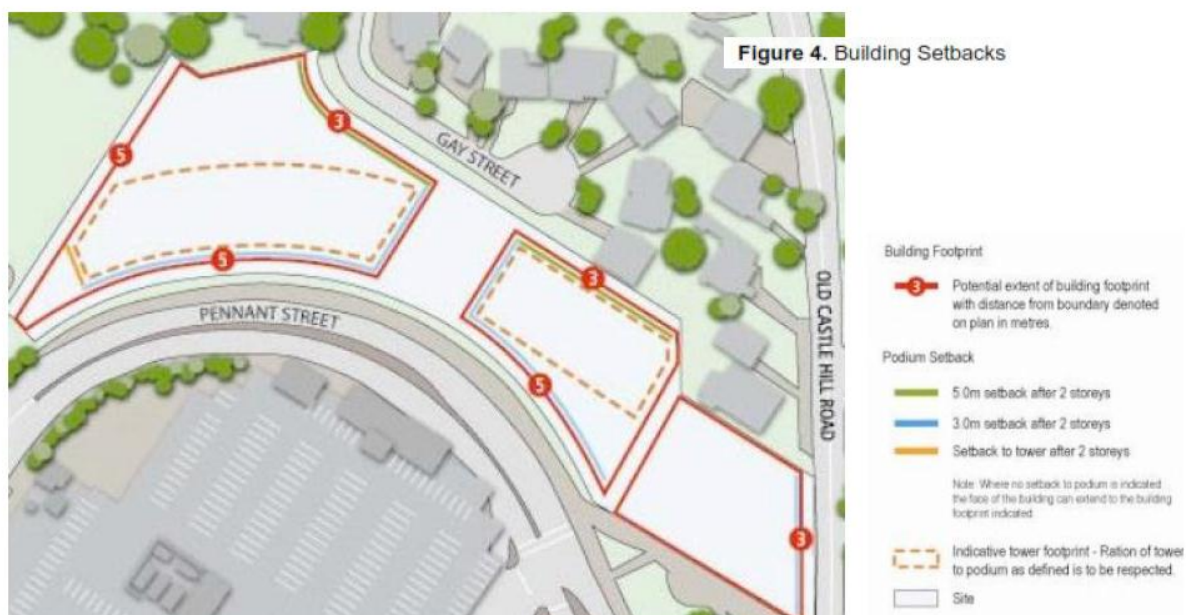
It is considered that the proposed setback of Building C will have no impact on the ability for the adjacent sites to be redeveloped in the future subject to the Castle Hill North rezoning.

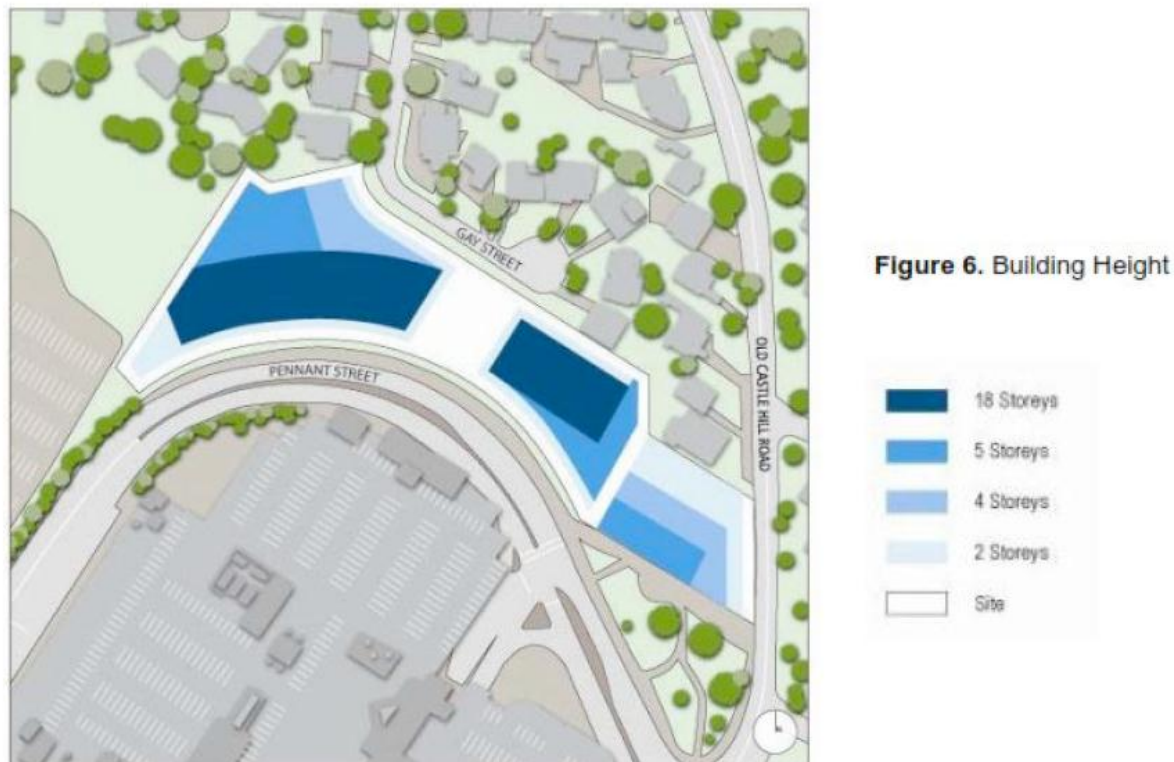
Building D - The northern and part of the eastern end of Building D is located adjacent to a side boundary and proposes a 9 metre setback. The numerical control requires a 12 metre setback for the 9th storey and above under the design criteria in Section 3F of the ADG.

The courtyards at level 2 which sit above the driveway are located approx. 4 metres from the boundary. These are considered compliant as they are screened by the boundary fence and dense landscaping as shown on the landscape plans.

A variation is sought to the boundary separation above level 9. The north south orientation of the building minimises the frontage that adjoins the neighbouring property. The scheme enables future development to the north to enjoy the landscaped view corridors created through the site by the creation of 5 distinctly separate tower forms. The land to the north benefits from the removal of the podium and the opening up of the site between buildings C & D and D & E.

The Pennant Street DCP envisaged a solid podium form increasing from 2 to 4 storeys and a tower setback 8 metres from the boundary as identified in Section 3.2.2 of the DCP. The DCP required the podium to be setback 3 metres from the northern boundary and minimal setback to the north eastern boundary as demonstrated in the following extracts from the DCP:





The DCP envisaged a podium with a height of 2 storeys increasing to 4 storeys within 3 metres of the adjacent boundaries. This would limit the opportunity for boundary landscaping and result in an imposing form across the site that would have an adverse visual impact on the sites to the north.

The removal of the podium and increased setback to the tower will provide improved amenity and a better outcome for future development to the north.

It is therefore considered that the variation to Building D is appropriate as the site delivers substantial benefits that will improve the visual amenity for adjoining sites.

Building E - The northern end of Building E is located adjacent to a side boundary and proposes a 9 metre setback. The numerical control requires a 12 metre setback for the 9th storey and above under the design criteria in Section 3F of the ADG.

Consistent with Building B, it is proposed to create a non-habitable condition to the northern end of Building E. In my opinion the ADG would then permit a 6 metre setback.

Accompanying this submission are sketch plans that provide for the incorporation of highlight windows and fixed privacy screens to the northern elevation. The openings on this elevation are all secondary openings and not the primary source of light and ventilation.

It is therefore recommended that Council propose the following condition of consent:

Prior to the release of the Construction Certificate the plans shall be amended in accordance with SK 170331-01 prepared by Krikis Tayler Architects dated 31.3.17 to provide highlight windows and fixed privacy louvres to the northern end of Building E at levels 10 to 17.

With the incorporation of the above condition, the proposed setback of Building E will have no impact on the ability for the adjacent sites to be redeveloped in the future subject to the Castle Hill North rezoning.

Based on the above discussion the proposed separation distances are appropriate for the proposed development and will not unreasonably affect adjoining sites. The development achieves the aims and objectives of Section 2F and 3F of the Apartment Design Guide.

In relation to the additional 3m separation required where there is a change in zoning at the boundary, the applicant has also stated:

It is noted that the Apartment Design Guide recommends a further 3 metre separation where one site adjoins a lower density zone boundary above those required in the ADG. However, given the Draft LEP for the Castle Hill North Precinct seeks to rezone the adjacent land to R4 High Density Residential, consistent with the subject site, this requirement would be unreasonable in this instance.

Comment:

The aims of the ADG in relation to visual privacy are:

Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.

The applicant has utilised a number of design methods to ensure that privacy is maintained between properties. As outlined above, these include the use of hi-light windows, fixed louvres on windows and louvres on balconies.

At the closest point, the development proposes a 4m setback to the eastern corner of Building C. Whilst the setback is minimal at this point, the proposal uses hi-light windows and fixed privacy louvres on the balcony to minimise privacy impacts. In addition, the area where the 4m setback occurs is adjacent to the cul-de-sac head of Gay Street and this area will be the subject of any front setback associated with the development of the adjoining property.

In regard to Building E and the condition suggested by the applicant, a condition has been recommended to this effect. It may be noted that the condition has been amended to refer to Levels 9-17 (not 10-17) in accordance with the ADG criteria (See Condition 32).

The design has minimised the windows which directly overlook the adjoining properties. Landscape works will be undertaken along site boundaries which include both shrub and tree planting which will assist in screening the development at the lower levels and will soften the development at ground level.

The ADG refers to 'degrees of privacy' and the ability of the occupants to screen rooms and areas, activities undertaken in the rooms and frequency of use. These factors have been taken into consideration and it is considered that the design has had adequate regard to the potential to impact on future development and residents.

In regard to the additional 3 metre setback required at the zone boundary, this matter has been addressed in Sections 4(a) and 5(b). In this respect, the properties to the north of the site are zoned R2 Low Density Residential and R3 Medium Density Residential. The development of a residential flat building is not permitted within either zone. The Castle Hill North Planning Proposal (see comments in Section 6) seeks to amend the zoning of the land to the north and north-east of the site (within Gay Street)

to R4 High Density Residential which will permit apartment development. As such the additional setback provision is not considered necessary in this instance.

As outlined in Section 6, the area to the north and north-east is subject to the Castle Hill North Planning Proposal. Whilst the development in this area is currently characterised by single and two storey single residential development, this area will be the subject of significant changes in the future to allow the development of higher density forms of development up to 12 storey in height.

The development provides an appropriate interface to the existing and future built form of the area and will have an appropriate relationship. In this regard, whilst the proposed built form is significantly different from the existing built form, the relationship between structures is appropriate for a higher density development within an area characterised as an area which is likely to undergo significant change in the future.

The proposed visual privacy is considered satisfactory in regard to the aims of the ADG and can be supported.

(i) Context and Neighbourhood Character

The site is located in Castle Hill and the development is consistent with the future desired character of the area. The site has frontage to existing roads on three sides. The surrounding properties to the north, east and west are zoned for residential purposes, whilst the property to the south is zoned B4 Mixed Use and contains the existing Castle Towers Shopping Centre. The area to the north is part of the Castle Hill North Planning Proposal (see comments in Section 6).

The area can be described as one which in the future will be undergoing change, due to factors such as Castle Hill North, the general upgrade of older housing stock and the desire to provide higher density housing close to the Town Centre, future rail link and bus transit centre. This context is likely to evolve further over time as adjoining and surrounding sites are to be developed.

(ii) Built Form and Scale

The design of the building elements are of a contemporary style with a number of elements being used. Articulation of the elevations, the selection of appropriate materials and high quality landscaping are achieved. The height of the development is acceptable in terms of solar access and amenity impacts. The proposal responds to the existing topography of the site. The height ensures that the development responds to the desired future scale and character of the site where the proposal is consistent with other recent approved developments in the precinct.

The setbacks allow for sufficient landscape areas, entrances and deep-soil zones. The proposed setbacks provide for satisfactory distances to boundaries, to form active street frontages and adequate open space areas for recreation. The proposed development addresses both privacy and open space provisions.

(iii) Density

There is no density requirement under the DCP, however the proposal provides an appropriate built form outcome. The proposed development is suitable given the zoning and location close to a Town Centre.

(iv) Sustainability

The design achieves good natural ventilation and will contribute significantly to the reduction of energy consumption, use of valuable resources and costs. A BASIX certificate has been lodged and the energy rating of the residential units satisfies the BASIX requirements.

(v) Landscape

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

(vi) Amenity

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 design incorporates satisfactory access/circulation, apartment layouts, ceiling heights, private open space, common open space, energy efficiency rating, adaptability, safety, security and site facilities.

(vii) Safety

The development has been designed with safety and security concerns in mind. The common open spaces allow for passive surveillance. Open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened. The basement car parks have been appropriately designed and appropriate conditions of consent are imposed to further assist in the promotion of safety/security.

(viii) Housing Diversity and Social Interaction

The development provides for a diverse range of units within a new precinct. The proposal provides a mix of unit sizes and also provides 46 adaptable units. The proposal is considered satisfactory in terms of the provision of a variety of unit layouts.

(ix) Aesthetics

An appropriate composition of building elements, material textures and colours has been used. The proposal integrates a number of recesses and projections into the facades of the structure to articulate the overall mass into smaller segments. The bulk of the overall building is reduced by the articulation of the facades, creating smaller segments in order to minimise the overall scale of the development. The design is modern in style and appropriate for the area.

5. Compliance with DCP Part D Section 2 – Pennant Street Target Site

The following table details compliance with the development controls:

CLAUSE	REQUIRED	PROVIDED	SATISFACTORY
Desired Future Character	To facilitate a unique development that seeks to balance quality, higher density residential living with the leafy, green suburban character of the Shire.	The proposed design outcome is considered satisfactory and will provide a modern streetscape character.	Yes

Site Planning	Development shall occur in three distinct development areas as identified in Figure 3.	The proposal provides five separate buildings rather than three.	No – see comments below.
	The maximum height of future development shall be 18 storeys/54 metres.	The proposed development exceeds the number of storeys and LEP height limit.	No – see comments above in Section 2.
	The proposed development is to have building height transition in accordance with Section 3.4 Building Height.	The proposed development exceeds the number of storeys and LEP height limit.	No – see comments above in Section 2.
	The built form shall take a podium/tower arrangement and comply with controls in Section 3.5 Podium and Tower Built Form.	The proposal provides five towers and does not include a podium.	No – see comments below.
	The podium development along Gay Street shall be a maximum height of two (2) storeys in height / 9 metres above natural ground level and be designed to a pedestrian scale at street level.	The proposal provides five towers which range from 18-23 storeys and does not include a podium.	No– see comments below.
	Tower element shall be set back a minimum of eight (8) metres from all boundaries.	The proposed setbacks are addressed below.	No - see comments below.
	The tower element shall have a narrow building footprint to create more slender building forms.	The towers provide slender building forms.	Yes
	A central open space shall create an inviting, quality pedestrian link between Gay Street and the public footpath along Pennant Street.	A publicly accessible through-site link is provided between Gay Street and Pennant Street.	Yes
	Development shall front all active edges of the site.	The proposed works front all streets and provide a reasonable level of activation.	Yes
	Development along Gay Street shall be designed to a domestic scale at street level.	The Gay Street frontage includes a drop off/pick up point and includes appropriate landscape and street activation.	Yes
	Future development to be located generally in accordance with building zones shown in Figure 3.	The proposal provides five separate buildings rather than three.	No – see comments below.

	Development shall front all adjoining public open space to provide casual surveillance of the area.	The proposed works front all streets and provide a reasonable level of activation.	Yes
	Maximum building footprints shall not exceed 80% of each building zone.	The building footprint for the site is 81.3% (with the basement) and 37.9% without the basement.	No
	The central open space shall be partly accessible by the public.	A publicly accessible through-site link is provided between Gay Street and Pennant Street.	Yes
Building Setbacks	Setbacks shall be sympathetic with the existing qualities of the adjoining streetscapes and provide sufficient area for ground level landscaping.	The proposal provides adequate areas for landscape setbacks between buildings and the site boundaries.	Yes
	In buildings above four storeys in height, setbacks shall be used to create distinct podium and tower forms.	The proposal provides five towers which range from 18-23 storeys and does not include a podium.	No – see comments below.
	Setbacks shall minimise overlooking, overshadowing and visual impacts on surrounding residential areas.	The proposal provides a reasonable level of privacy and visual impact to residents within the development and external to the site. The shadow created by the development is considered reasonable given the scale and form of the buildings.	Yes
	Upper level setbacks shall be used to create useable terrace and roof spaces in buildings above four storeys.	The proposal includes roof top gardens and provides adequate upper level setbacks.	Yes
	Building setbacks shall be in accordance with Figure 4.	The proposal does not meet the required setbacks.	No – see comments below.
Building Height	The maximum height of the building at any point shall be measured from the natural ground level to the ridge of the roof or top of the flat roof slab or top of the parapet if there is parapet on the roof slab. Natural ground level means the actual physical level of the site as existing	The proposed height has been measured in accordance with the definition.	Yes

	prior to development taking place.		
	The combined height of the podium/tower shall be a maximum of 18 storeys / 54 metres.	The proposed development exceeds the number of storeys and LEP height limit.	No – see comments above in Section 2.
	Permanent and temporary structures shall be included in the maximum building height of the building,	The proposed height has been measured in accordance with the definition.	Yes
	The height of development along Gay Street and Old Castle Hill Road shall respect the scale of development in these areas.	The proposed development exceeds the number of storeys and LEP height limit.	No – see comments above in Section 2.
	Building height shall transition from low to high between Gay Street and Pennant Street, with higher building forms along Pennant Street.	The proposed development exceeds the number of storeys and LEP height limit.	No – see comments above in Section 2.
	Higher building forms shall be designed to limit the impacts of overshadowing and overlooking on surrounding sensitive areas.	The proposed design limits impacts on overlooking. The shadow created by the development is considered reasonable given the scale and form of the buildings.	Yes
	Variations in building heights and roof forms across the site and within individual buildings shall be used to reduce visual bulk and add to visual interest (Figure 5)	The proposal provides a reasonable streetscape outcome and has adequate articulation.	Yes
	Maximum building heights shall be in accordance with Figure 6.	The proposed development exceeds the number of storeys and LEP height limit.	No – see comments above in Section 2.
Podium and Tower Built Form	The built form is take a podium and tower arrangement with an overall maximum height of 18 storeys / 54 metres.	The proposal does not include a podium.	NA
	The maximum height of the podium shall be in accordance with Figure 6.	The proposal does not include a podium.	NA
	The podium shall have building transition as identified in Figure 6.	The proposal does not include a podium.	NA
	The podium development along Gay Street shall have a maximum height of	The proposal does not include a podium.	NA

	two (2) storeys in height / 9 metres above natural ground level and be designed to a pedestrian scale at street level.		
	The podium frontage along Gay Street at ground level is to be setback a minimum of 3 metres from the sites boundary, as shown in Figure 4.	The proposal does not include a podium.	NA
	An upper level setback of 5 metres to Gay Street above the second floor of the podium, as shown in Figure 4.	The proposal does not include a podium.	NA
	Podium design along Gay Street shall respect the lower scale of surrounding development. Podium facades along Gay Street shall establish a strong vertical rhythm and use a variety of materials and textures to respond to the surrounding low-rise character, as shown in Figure 8.	The proposal does not include a podium.	NA
	The podium design expression shall be deliberately distinctive and separate from the building forms above.	The proposal does not include a podium.	NA
	Tower elements are to be sited towards the Pennant Street boundary as identified in Figure 4.	The proposal is for 5 towers which are located across the site.	No – see comments below.
	Tower elements shall have a narrow building footprint to create more slender building forms.	The proposed towers are a slender design.	Yes
	Tower elements shall comprise various building heights to create a unique feature and reduce its apparent visual bulk.	The proposal provides a reasonable streetscape outcome and has adequate articulation. The towers have varying heights.	Yes
Architectural Style and Character	Buildings should be designed with a clear base, podium and top to reduce visual bulk.	The proposal does not include a podium. The proposed buildings are adequately designed.	Yes
	Building facades should be well articulated with textures, materials, colours, windows and	The proposal provides a reasonable streetscape outcome and has adequate	Yes

	recessed elements to soften the visual bulk of the development (Figure 7).	articulation. The towers have varying heights.	
	Buildings shall use a diverse range of natural and visually appealing materials	The proposal includes a variety of materials and colours which are in keeping with the modern character of the building.	Yes
	Buildings shall use a diverse range of natural and visually appealing materials.	The proposal includes a variety of materials and colours which are in keeping with the modern character of the building.	Yes
	Subdued colours and tones shall be encouraged, with bright colours used sparingly to accent building features and provide visual interest.	The proposal includes a variety of materials and colours which are in keeping with the modern character of the building.	Yes
	Building design along Gay Street shall respect the lower scale of surrounding development.	The proposed development adequately considers adjoining development areas.	Yes
	Building facades along Gay Street shall establish a strong vertical rhythm to the street.	The proposal provides vertical rhythm to the facade along Gay Street with various vertical elements used in the design.	Yes
	Building facades should be designed to add to the visual interest of the surrounding areas.	The proposal provides a reasonable streetscape outcome and has adequate articulation. The towers have varying heights.	Yes
	Where appropriate, roof forms such as pitched roofs and gable ends may be used to provide architectural character and visual interest to the development.	The proposed towers have flat roofs which are appropriate given the modern design and use of some roof areas as roof top gardens.	Yes
	Roof areas intended for use as shared open space shall be designed with flat roofs that provide for accessibility and safety of users.	The proposed towers have flat roofs which are appropriate given the modern design and use of some roof areas as roof top gardens.	Yes
	Foyer entries should be clearly defined to communicate points of	The foyer areas are clearly defined to ensure safe and direct	Yes

	entry.	access.	
	Terrace / rooftop areas shall be adequately enclosed with fencing that adds visual interest to the roof forms.	Fencing will be utilised to ensure safety of all users and ensure that visual interest is maintained.	Yes
Streetscape and Public Realm	Streetscapes, semi-public and public spaces shall be designed to enhance pedestrian convenience, amenity and comfort and connect the development with adjacent areas.	The through-site link will provide a direct and safe access for residents and the public. Suitable landscape planting will be undertaken through the site.	Yes
	The interface of development with any adjacent streetscapes and public spaces shall be clearly defined and designed to enhance the comfort / safety of the user.	The through-site link will provide a direct and safe access for residents and the public. The through-site link will be clearly defined.	Yes
	Buildings shall address any shared open space and adjacent public areas to increase the natural surveillance of these areas and contribute to their safety and security (Figure 8).	The ground floor areas and lobbies, along with upper floor units and balconies, will allow passive surveillance of shared areas.	Yes
	Building design shall avoid creating opportunities for personal concealment.	The proposal has had adequate regard to CPTED requirements.	Yes
	All public spaces, building entries, car parks and internal access ways shall be provided with adequate lighting.	A condition has been recommended which requires lighting of external areas to be in accordance with the Australian Standards.	Yes
	Blank facades shall not dominate the streetscape.	The proposal does include blank facades.	Yes
	Any exposed parking structures shall be designed to increase their attractiveness to the public realm whilst providing for adequate security of the area.	There are no exposed parking areas proposed.	Yes
	Lighting and directional signage shall be provided to all pedestrian paths, car parking areas, building entries and public spaces.	Appropriate lighting and directional signage will be utilised on the site.	Yes
	Unique and attractive human-scale lighting shall be provided along the	A condition has been recommended which requires lighting of	Yes

	public footpath to the south of the site to enhance its safety and amenity.	external areas to be in accordance with the Australian Standards.	
	All fencing or walls shall be constructed of similar materials, colours and textures and shall be compatible with the design, materials and colours of the building.	A condition has been imposed which requires fencing to be compatible with the built form.	Yes
	Front fences or walls along Gay Street and the Pennant Street interface shall be no higher than 1.2 metres provided the design of the fence or wall incorporates opening or other design elements that maintain at least 60% transparency through the fence or wall.	The applicant has advised that there is no front fencing proposed.	NA
	Front fences or walls along Old Castle Hill Road shall be no higher than 1.8 metres provided the design of the fence or wall incorporates opening or other design elements that maintain at least 80% transparency through the fence or wall.	The applicant has advised that there is no front fencing proposed.	NA
	Fences or walls along the site's western interface shall be predominantly solid and no higher than 1.8 metres.	A condition has been imposed which requires fencing to be compatible with the built form.	Yes
Car Parking and Vehicular Access	On-site parking is to be provided at the following rate: 1 bed unit – 1 space 2 bed unit – 1.5 spaces 3 bed unit – 2 spaces Visitor – 2 spaces for every 5 dwellings	Based on 202 x 1 bedroom units, 675 x 2 bedroom units, and 46 x 3 bedroom units, 1307 (1306.5) resident spaces are required. In addition, 370 (369.2) visitor spaces are required. Total required = 1677 Total provided = 1154 (which comprises 969 resident spaces and 185 visitor spaces)	No – see comments below.
	Car parking shall generally be provided underground.	The parking is provided in a	Yes

		basement parking area.	
	Driveway design shall provide safe and efficient access/egress to the site.	The proposed driveway design is satisfactory.	Yes
	The design of driveways and parking areas shall minimise the visual impact of hard paved areas.	The proposed driveway design is satisfactory.	Yes
	The design of driveways and parking areas shall take into account pedestrian walkways and give priority to pedestrian crossings.	The proposed driveway design is satisfactory.	Yes
	The driveway design shall make provision for service vehicles where practicable.	The proposed driveway design is satisfactory.	Yes
	Car parking access to the site shall be provided at a single access point along Gay Street, as indicated in Figure 9.	The proposed vehicle access to the site is from Gay Street and Old Castle Hill Road. The vehicle access points are consistent with Figure 9.	Yes
	The design and configuration of accessways and driveways shall be in accordance with THDCP Part C Section 1 – Parking.	The proposed parking and vehicle access will be required to be in accordance with the relevant Australian Standards and RMS requirements.	Yes
Pedestrian and Cycle Access	Pedestrian access should generally be in accordance with Figure 9.	Pedestrian access will be provided by the through-site link and along Pennant Street.	Yes
	Development shall provide separate pedestrian access from the street, separately defined to vehicular access.	The proposal provides separate pedestrian access through the site.	Yes
	A clearly defined, direct pedestrian pathway through the central open space shall be provided to facilitate movement through the site.	Pedestrian access will be provided by the through-site link to link Gay Street to Pennant Street.	Yes
	Pedestrian and cycle access between Gay Street, Old Castle Hill Road and Pennant Street through the proposed development shall be provided with adequate signage.	A condition has been recommended requiring that signage be erected on the through-site link.	Yes

	Bicycle storage areas shall be provided for both residents and visitors. Provision shall be at the rate of one (1) secure bicycle storage space per apartment. Resident cycle parking shall be located in secure rooms at ground level with separate provision for each building. Cycle parking rooms should be collocated with the foyer areas, and will ideally have a separate entry. Fixings to enable bikes to be locked securely should be provided for 50% of the bicycles expected in each cycle parking room.	A total of 923 bicycle spaces are provided which is one space per unit.	Yes
Private and Shared Open Space			
Private Open Space	All balconies and/or roof top areas conveniently accessible from a main living area must have a minimum area of 10sqm, with a minimum dimension of 2.5 metres.	There are a number of 1 bedroom units which have a balcony area of 8-9m ² .	No – see comments below.
	South facing balconies shall be recessed a minimum of 1.5m and utilise solid balustrades to minimise the impacts of street noise along Pennant Street and create a high degree of privacy to residents.	The proposed balcony design is satisfactory.	Yes
	North facing balconies shall be designed to prevent unreasonable overlooking of adjacent residential properties.	The north facing balconies have been designed to minimise overlooking.	Yes
	All primary balconies shall be no deeper than 4m to ensure sunlight penetration into all dwellings.	The proposed balcony design is satisfactory.	Yes
	Balconies shall be recessed and partially enclosed. All balconies must be entirely contained within the building envelopes except balconies on elevations directly fronting a primary	The proposed balcony design is satisfactory.	Yes

	street where the balcony may extend a maximum of 1 metre outside the envelope.		
	All balconies shall be provided with water and gas outlets.	A condition of consent has been recommended to this effect.	Yes
	Each dwelling shall provide an area of useable private open space, or private courtyard area, which has direct private access from the dwelling.	All dwelling are provided with a private open space area for private recreation which have direct access from the dwelling.	Yes
Shared Open Space	Areas of shared open space above the ground floor such as terrace or rooftop gardens shall be provided to maximise landscape opportunities and improve the internal amenity of the development.	Common rooftop terraces are provided on the roof of Buildings A, B and C.	Yes
	Residences shall overlook shared open spaces where possible to improve their visual amenity and increase the natural surveillance of these areas.	At ground shared areas will be able to be viewed from adjacent units.	Yes
	The location of all shared open space areas shall have regard to such requirements as solar access, outlook, privacy and the location of adjoining dwellings to make these spaces as attractive and useable to residents as possible.	The shared open space areas are appropriately designed and will have a reasonable level of amenity.	Yes
	Shared open space shall generally be located in accordance with Figure 11.	Open space is provided around all buildings.	Yes
	The central open space shall be a minimum of 30m wide along Gay Street and Pennant Street.	The proposed through-site link has a width of 35.7m – 39.5m.	Yes
	A minimum of 50% of terrace / rooftop areas must be used for shared open space.	The rooftop areas are shared open space for use by the residents of the building.	Yes
	Terrace / rooftop areas must be adequately enclosed with fencing as per relevant safety	Common rooftop terraces are provided on the roof of Buildings A, B and C. The roof	Yes

	requirements.	top areas will be fenced.	
	Where possible, each building shall incorporate a central, shared courtyard at ground level that is overlooked by residences.	The buildings are towers and there are no ground level shared areas proposed.	Yes
	Shared open spaces are to include equipment such as seating, shade structures, barbeques and children's play equipment. Consideration should also be given to the provision of a swimming pool.	The common open space areas include seating, shade structures and children's play equipment and are considered reasonable.	Yes
	Common room and hard stand outdoor play area shall be provided as part of the overall development of the site.	The outdoor play areas include paved areas to allow all weather use of these areas.	Yes
Landscape and Vegetation	A landscape plan shall be submitted by a suitably qualified landscape architect and include but not limited to both botanical and common names, quantity of plants, pot sizes and height at maturity.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	High quality landscaping shall be provided in all shared open spaces.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Building setbacks shall be appropriately landscaped to improve the amenity of the development and assist in protecting the privacy of residents in surrounding properties.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Landscaping design shall be used as a strategy to break up the massing of the development.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Shared open spaces shall be landscaped to achieve a high degree of amenity.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Landscape design shall support the safety and security of private and public spaces within, and around the edges of, the development.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Landscape design shall seek to mitigate the	A detailed landscape plan has been	Yes

	impacts of sunlight to reduce building heating and cooling loads.	submitted and is satisfactory.	
	Species selection shall utilise native vegetation to minimise water usage.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Clean stemmed, branching trees shall be planted along the street edges of Gay Street, Old Castle Hill Road and Pennant Street and be compatible with the existing characteristics of the streetscape.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	Shrubs less than 1 metre tall and clean stemmed trees shall be used in areas adjacent to public spaces to minimise opportunities for concealment.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	A minimum of 20% of shared open space on ground level must be suitable for deep planting. In cases, where underground parking limits the soil depth, landscape beds/tubs to provide additional soil depth must be provided.	The site has a common open space area of 4789m ² . A deep planting area of 2123m ² is provided which is 44.3% of the shared open space.	Yes
	Landscaping of all shared terrace / roof spaces shall be easy to maintain and not compromise the structural integrity of the building.	The proposed roof top gardens are satisfactory and the plant species chosen are appropriate.	Yes
	Terrace / roof spaces shall be capable of being planted with climbing plants and falling plants selected to spill over the edge of the terrace onto the building façade (Figure 12).	The proposed roof top gardens are satisfactory and the plant species chosen are appropriate.	Yes
	Landscaping of shared terrace / roof spaces shall consider the effects of wind and seek to mitigate its effects to users.	The proposed roof top gardens are satisfactory and the plant species chosen are appropriate.	Yes
	Buildings shall incorporate vertical landscaping features along the building façade to contribute to the buildings green character	A detailed landscape plan has been submitted and is satisfactory.	Yes

	and soften the visual bulk of the building.		
	All exposed car parking structures must be masked with attractive landscaping features to enhance their appearance.	There is no exposed car parking structures.	Yes
	The central open space shall contain linear rows of clear stemmed trees to provide shade and facilitate clear views and safe movement through the site.	A detailed landscape plan has been submitted and is satisfactory.	Yes
	All landscaping works within the public domain shall be consistent with the draft Castle Hill Public Domain Plan.	A detailed landscape plan has been submitted and is satisfactory.	Yes
Planting on Structures	Specific details of planting requirements.	A detailed landscape plan has been submitted and is satisfactory.	Yes
Internal Floor Area	The proposal is required to meet unit mix and sizes.	The proposal does not meet the required unit mix and sizes.	No – see comments below.
Ceiling Height	Ceiling heights shall be measured from finished floor level (FFL) to finished ceiling level (FCL). These are minimums only and not preclude higher ceilings, if desired.	The proposed units have a satisfactory ceiling height.	Yes
	In general, 2.7 metre minimum for all habitable rooms on all floors, 2.4 metres if the preferred minimum for all non-habitable rooms, however 2.25 is permitted.	The proposed units have a satisfactory ceiling height.	Yes
Ecologically Sustainable Development	The proposal is to incorporate sustainable building materials, maximise features such as natural and cross ventilation, and minimise hard stand areas.	The proposed development has adequate regard to the use of sustainable materials, design features, landscape works and waste management.	Yes
BASIX	All development applications will be required to demonstrate that they meet the BASIX targets.	The proposal includes BASIX Certificates which are satisfactory.	Yes
Solar Access and Overshadowing	A minimum of 2 hours of direct sunlight between 9am and 3pm on June	76% of units receive at least 2 hours of sunlight.	Yes

	22nd is to be available to the majority of balconies, living room spaces and private and communal open space areas of the proposed dwellings.		
	The primary living areas and private open space of existing dwellings are to receive a minimum of 4 hours of direct sunlight between 9am and 3pm on June 22nd.	The existing dwellings are located to the north of the subject site and minimal impact on solar access will result.	Yes
Overlooking and Acoustic Privacy	Private open space and habitable areas are to be located to minimise overlooking into and between units. Consideration is to be given to acoustic impact within the development, and external noise impacts.	Adequate separation is provided between buildings. The building layout and window placement will ensure that a reasonable level of privacy is maintained. An acoustic report was submitted which requires all habitable rooms adjoining Pennant Street and Old Castle Hill Road to limit internal noise levels.	Yes
Site Facilities and Services	The provision of laundries within each unit, letterboxes, waste disposal areas and similar.	All units are provided with a laundry and services are provided to each unit.	Yes
Storage	Studio apartments – 6m ³ - One bed – 6m ³ - Two bed – 8m ³ - Three plus bed – 10m ³ .	All units provide the required storage areas.	Yes
Stormwater Management	The proposal must demonstrate that adequate WSID measures are in place.	The proposal has implemented adequate WSUD measures.	Yes
Waste Management	Appropriate waste management is to be undertaken during demolition, construction and on-going.	Appropriate waste management will be undertaken on site.	Yes
Erosion and Sediment Control	Appropriate erosion and sediment control devices are required to be implemented during construction.	Appropriate devices will be utilised during construction.	Yes
Public Improvement Works	Undertake the following public improvement works: (i) A roundabout at the intersection of Gilham Street and Old Castle Hill	Council's Manager Infrastructure and Transport Planning has advised that the roundabout and some footpath works are not	Yes

	Road. (ii) An extension of the concrete footpath along the southern side of Gilham Street from the existing concrete footpath along Old Castle Hill Road to Gay Street, and along Gay St up to the development site.	required. The roundabout will be funded under the CP in regard to Castle Hill North and footpath works will be undertaken along site frontages for development sites. A condition has been recommended in regard to footpath works along Gay Street.	
Aviation Requirements	Each corner of the building (tower element) shall be provided with low intensity red obstacle lights.	A condition has been recommended to this effect.	Yes
	Consultation with the Civil Aviation Safety Authority (CASA) shall be undertaken and written evidence submitted to Council.	A letter has been submitted from CASA which confirms that they have no specific requirements for the development.	Yes

a. Site Planning

The DCP requirements envisaged three building zones with towers erected above a podium level, with a pedestrian scale provided fronting Gay Street. The proposed development is for five towers and no podium. The proposed variations to height and number of storeys are detailed above in Section 2.

The applicant has provided the following justification for the variation:

The proposed development seeks to improve the site planning by reducing the podium footprint and increasing building height. The scheme provides for a series of 5 towers that are spread across the site. This arrangement improves the permeability of the site and enables visual lines through the site. The removal of podiums and increased setbacks between the towers identified in the DCP, will improve the articulation of the skyline with a series of slender building forms punctuating the views across the site. The removal of the large podium form will also provide an improved interface with Pennant Street and Old Castle Hill Road. The tower will link to the ground within a landscaped setting as opposed to a hard edge podium. The revised site planning will produce a better outcome on this site. In addition the through-site link has moved to the west where it provides a better connection with Gay Street. This variation is appropriate as the intention of providing a through-site link is still achieved across the site.

Comment:

The objectives of the DCP are:

- (i) *To achieve a site layout that maximises residential development opportunities whilst providing ample, quality open spaces.*
- (ii) *To create a coherent and legible site layout that is easy for users to understand and navigate.*

- (iii) *To integrate the development into surrounding areas.*
- (iv) *To create development that is responsive to sensitive interfaces.*
- (v) *To create a landmark development that positively contributes to the functioning and attractiveness of Castle Hill Centre.*

The proposed building form is considered satisfactory and results in an improved built form outcome. The design of the buildings allows for improved at-ground open space and increased landscape works. The buildings all provide a legible entry point for residents and visitors.

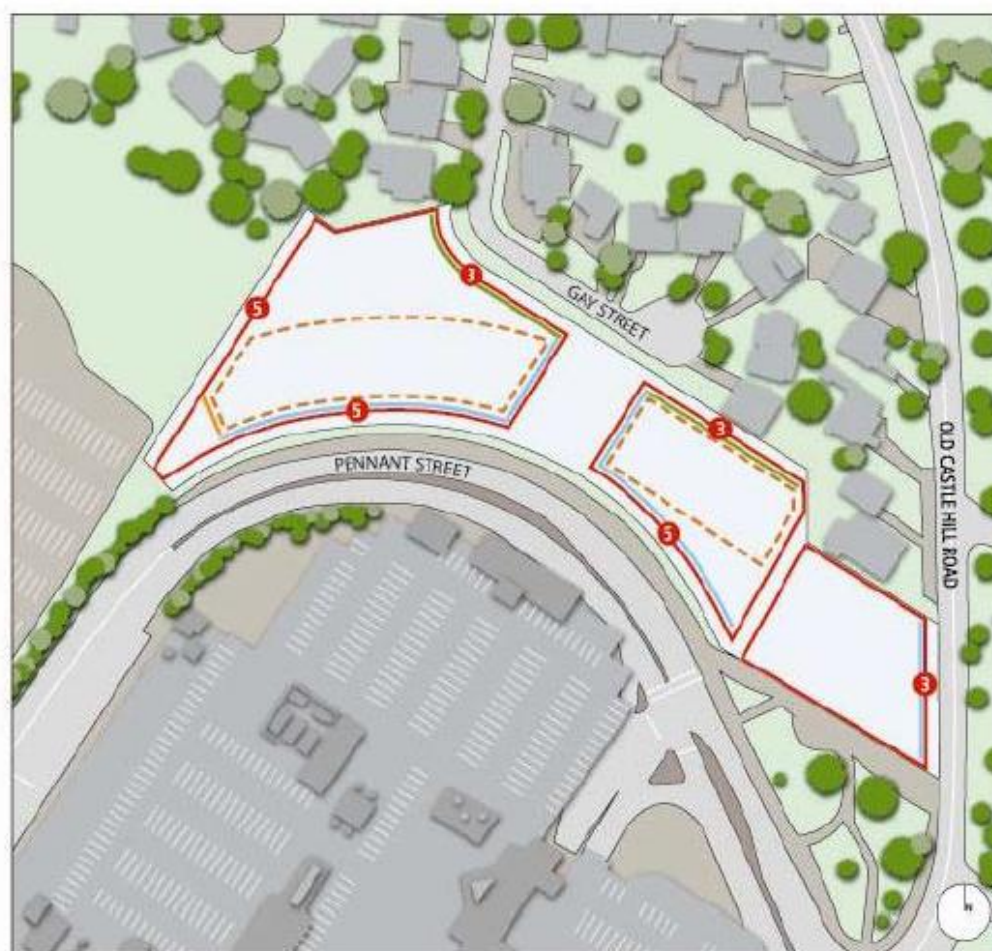
The non-provision of a podium level does not detract from the design and allows a uniform and articulated façade to be provided. The modern design is in keeping with the desired future character of the area and will provide a satisfactory streetscape outcome.

The development has a satisfactory relationship to the adjoining properties and will result in an appropriate interface. Whilst it is acknowledged that the development will be significantly different from the existing built form within the area in terms of density and height, the site is the first to be developed in an area which will undergo significant changes in the coming years.

The proposed variation is considered satisfactory and can be supported.

b. Building Setbacks

The DCP requires the following setbacks:



Building Footprint

- 3 Potential extent of building footprint with distance from boundary denoted on plan in metres.

Podium Setback

- 5 (m) setback after 2 storeys
- 3 (m) setback after 2 storeys
- Setback to tower after 2 storeys

Note: Where no setback to podium is indicated, the face of the building can extend to the building footprint indicated.

- Indicative tower footprint - Ratio of tower to podium as defined is to be respected.
- Site

Site Interface

Gay Street	3m setback from Gay street boundary, 5m setback from building edge after 2 storeys.
Pennant Street	5m setback from Pennant Street boundary; 3m setback from building edge after 2 storeys.
QIC Site	5m setback from western site boundary.
Old Castle Hill Road	3m setback from western site boundary.
Public Park	No Setback
Adjoining residential property on Castle Hill Road (North of Site)	No Setback

Building Interface

Figure 4| Building Setbacks

In addition, it is noted that the ADG requires:

At the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3m.

The properties to the north of the site are zoned R2 Low Density Residential and R3 Medium Density Residential. The development of a residential flat building is not permitted within either zone.

The applicant has submitted the following as justification:

The proposed buildings provide for the following setbacks to adjoining boundaries:

Boundary Setbacks	Required	Proposed	Complies
Gay Street - Podium	3m	No podium proposed.	N/A
Gay Street - Tower	8m	Building B = 2m Building C = 4m Building D = 9m	Only Building D complies. However, the Building is setback more than the required podium setback of 3m above.
Pennant Street – Podium	5m	No podium proposed.	N/A
Pennant Street – Tower	8m	Building A = 1.2m Building B = 4m Building C = 5.1m Building D = 6m	x
Old Castle Hill Road	3m	4.8m	☒
Public Reserve	Nil	Building D = min 8m Building C = 2m	☒
West Boundary	5m	12m	☒
From Northern Residential Property on Castle Hill Road	Nil	9m	☒
Nth/West Residential Property on Gay Street	Nil	Building A = 12m Building B = 9m	☒

The current DCP for the Pennant Street Target Site requires setbacks based on a podium and tower development form across the subject site with a height transition decreasing towards the adjoining lower density area to the north.

However, the future direction for the sites to the north are likely to change in the near future with a current draft planning proposal for the Castle Hill North Precinct that seeks to increase heights and densities for the sites, being more consistent with the controls across the Pennant Street Target Site. The site analysis undertaken prior to the detailed design of this site determined that the forms proposed within the DCP would not result in a good outcome of this site and that the removal of the podium and increased building height was a better outcome.

The podium design is not conducive to quality residential development given the size of the floor plates indicated in the DCP. The proposed development of 5 distinctly separate tower forms will enable an improved integration with the streetscape and provide for high quality landscaping surrounds that will soften the built environment and improve amenity for existing and future residents.

The setbacks to the northern and western side boundaries comply and are in excess of the minimum DCP setback requirements. These setbacks have been provided in consideration of the separation requirements of the Apartment Design Guide, the respective 9m and 12m setbacks to the north and west side boundaries will enable compliant separation distances to future development that will be achieved following the progression of the Planning Proposal for the Castle Hill North Precinct.

It is noted that the Apartment Design Guide recommends a further 3 metre separation where one site adjoins a lower density zone boundary above those required in the ADG. However, given the Draft LEP for the Castle Hill North Precinct seeks to rezone the adjacent land to R4 High Density Residential, consistent with the subject site, this requirement would be unreasonable in this instance.

In relation to the street setbacks, the location of Building E enables a deep soil landscape setback along Old Castle Hill Road. It is likely given the future transformation of this precinct and the likely heights of future buildings being achieved that this range of setback would be appropriate as part of a town centre location. The setback facilitates a landscaped setback and primary entry into the building without detrimentally affecting adjoining sites by way of shadow, scale and privacy.

The setback along the boundary to Pennant Street varies along the length of the frontage between 1.2m and 6m. Buildings A to D are set back from the elevated footpath boundary and are set well above street level. All the buildings are generally aligned in a north/south orientation, with the narrow end of the buildings facing the Pennant Street boundary. The reduced setbacks along Pennant Street boundary are appropriate for the following reasons:

- The residential units will be located in close proximity to the elevated footpath, ensuring that there is a high level of natural surveillance making it safer for future residents and visitors to use given the height above actual road level;*
- The proposed landscaping works including trees, plants and walkways will assist in softening the built form when viewed from the public domain;*
- The narrow end of the buildings will face Pennant Street minimising the effects of scale when viewed from the street;*
- The proposed shadow from the buildings will not unreasonably affect any residential properties with majority of the shadow being cast across Pennant Street and Castle Towers shopping centre;*
- The south facing apartments are suitably separated from residential properties with outlook across Castle Towers shopping centre, therefore having no effect on privacy; and*
- The proposed tower forms will enable sunlight to penetrate through the site and allow for views across the site.*

The setback to the park varies from a minimum of 2 metres for Building E and approx. 8m for Building D, with the setbacks for Building E increasing towards the north due to building orientation. The current DCP permits a nil setback with a maximum height of 2 storeys, the proposed buildings will be much higher than 2 storeys, however the setbacks are acceptable for the following reasons:

- The proximity of the building to the park will enable a very high level of passive surveillance and in turn will encourage greater use than it currently does;*
- The separation between Buildings D and E will ensure that solar access is achieved between the towers to the park;*
- Landscaping works will be undertaken to improve connections with the park; and*
- The development will revitalise this otherwise underutilised public space.*

Based on the above discussion the proposed setbacks are reasonable for the proposed development and will not unreasonably affect adjoining sites. The setbacks to the adjoining sites have respected the ADG requirements to ensure that sites to the north and west can be redeveloped in the future in a similar manner pending the gazettal of the Castle Hill North Planning Proposal.

Comment:

The objectives of the DCP are as follows:

- (i) To ensure development is setback from the street at ground level in a way that respects the character of the adjoining streetscapes.*
- (ii) To create sufficient opportunities for landscaping, open spaces and outdoor living areas which contribute to establishing a garden setting on the site.*
- (iii) To protect the amenity of adjoining public spaces through appropriate building siting.*

The proposed setbacks are considered appropriate given that adequate landscape planting is provided at ground level to soften the development when viewed from adjoining streets and open spaces. The proposal will provide an appropriate garden setting through the provision of landscape gardens and soft landscape features.

The development provides an appropriate interface to the existing and future built form of the development, and will have an appropriate relationship. In this regard, whilst the proposed built form is significantly different from the existing built form, the relationship between structures is appropriate. It is also noted that the area is one which is likely to undergo significant change in the future due to the Castle Hill North Planning Proposal (see comments in Section 6) and the redevelopment potential of older housing stock.

The site adjoins the Eric Felton Reserve which is located at the corner of Pennant Street and Old Castle Road. The Reserve is located to the south-east of the site. The proposed development will allow passive surveillance of the Reserve and is likely to increase the use of the Reserve. The orientation of the development will not unreasonably create shadow impact to the Reserve.

The proposed setbacks are considered satisfactory and can be supported.

c. Car Parking

The DCP requires car parking to be provided at the following rate:

- 1 bed unit – 1 space
- 2 bed unit – 1.5 spaces
- 3 bed unit – 2 spaces
- Visitor – 2 spaces for every 5 dwellings

Based on 202 x 1 bedroom units, 675 x 2 bedroom units, and 46 x 3 bedroom units, 1307 (1306.5) resident spaces are required.

In addition, 370 (369.2) visitor spaces are required.

Total required = 1677

Total provided = 1154 (which comprises 969 resident spaces and 185 visitor spaces)

The applicant has provided the following as justification:

Under Part C Section 1, the subject site is located within the Town Centre so the parking rates are reduced to:

1 bed = 1 space

2 bed = 1.5 spaces

3 bed = 2 spaces

Visitor Spaces = 2 per 5 dwellings

Based on the unit mix of 923 units the following spaces are required:

Residential = 1305.5

Visitor = 369.2

Total = 1674.7 spaces.

However, as the site is located within 800 metres of a future railway station the applicable parking requirements are those specified by the RMS Guide to Traffic Generating Developments.

The RMS guide requires:

1 bed = 0.6 space

2 bed = 0.9 spaces

3 bed = 1.4 spaces

Visitor Spaces = 1 per 5 dwellings

Based on the unit mix of 923 units the following spaces are required:

Residential = 792.3

Visitor = 184.6

Total = 976.9 spaces.

The development proposes a total of 1,153 spaces including:

968 resident parking spaces

185 visitor parking spaces.

Comment:

The proposal requires the provision of 1307 resident parking spaces and 370 visitor parking spaces, being a total of 1677 spaces required. The proposal provides 1153 parking spaces comprising 969 resident spaces and 185 visitor spaces.

The applicant has advised that all units will be provided with a minimum of one parking space. A condition of consent has been recommended to this effect (See Condition 2).

The objectives of the DCP are:

- (i) To ensure that vehicular access to and from the development is simple and safe and does not compromise the safety or amenity enjoyed by more vulnerable road users.*
- (ii) To provide sufficient and accessible parking for residents and visitors so as to maintain the amenity of adjoining properties and the efficiency of the road network.*

The proposal has been considered having regard to the location of the site within a Town Centre location and the proximity to the existing bus transit centre and the future rail line (under construction). Given the high level of accessibility to existing and future

public transport and the location which is serviced by a variety of retail and business uses, the reduced level of parking is considered satisfactory.

In addition, it is noted that the ADG contains alternate parking rates for sites in close proximity to rail stations as follows:

On sites that are within 800m of a railway station or light rail stop in the Sydney Metropolitan area.	The minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Development, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off site.
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The subject site is approximately 330m from the future rail station (measured to the entry to the through site link on Pennant Street).

The RMS Guide to Traffic Generating Development contains the following rate for parking:

Metropolitan Sub-Regional Centres:

0.6 spaces per 1 bedroom unit.
0.9 spaces per 2 bedroom unit.
1.40 spaces per 3 bedroom unit.
1 space per 5 units (visitor parking).

Based on:

202 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 121.2 spaces
675 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 607.5 spaces
46 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 64.4 spaces
Total of 794 (793.1) resident spaces required

1 space per 5 units (visitor parking) @ 923 units = 184.6 spaces
Total of 185 visitor spaces required.

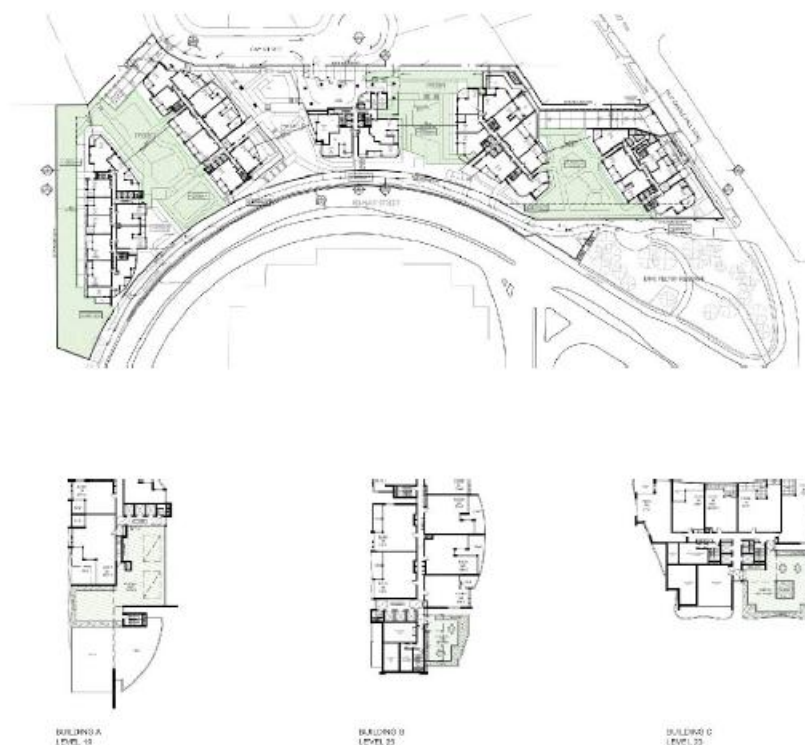
The proposal provides 1153 spaces comprising 969 resident spaces and 185 visitor spaces, and as such meets the requirements of the ADG.

Clause 30(1)(b) of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the parking provided is equal to or greater than the recommended minimum amount of parking specified in Part 3J of the Apartment Design Guide. The development meets the minimum parking numbers specified in the ADG.

The proposal has been considered in the context of Town Centre location and the high level of access to a variety of entertainment, retail and business uses. The Town Centre provides a mix of goods and services for future residents which may assist in limiting reliance of vehicles.

The high level of accessibility to existing and future public transport will promote a reduction in car dependency and encourage walking, cycling and use of public transport. The existing bus transitway and future rail link are convenient in terms of location and accessibility and are likely to be highly utilised.

In addition to the private open space, the development provide in excess of the minimum required communal open space. The ADG requires a minimum of 25% of the site area to be provided as communal open space. As demonstrated in the following diagrams, the development proposes 34% of the site area as communal open space.



The communal open space provides a range of active and passive options to suit the needs of future residents including:

- *Landscaped areas with opportunity for active and passive use*
- *BBQ facilities*
- *Swimming pool*
- *Rooftop terraces*

It is therefore considered that the development provides appropriately sized balconies to meet the needs of future residents.

Furthermore, it is noted that under Clause 6A of SEPP 65, as the balcony sizes in the DCP are inconsistent with the Apartment Design Guide, the provisions in the DCP have no effect.

Comment:

The DCP contains the following objectives:

- (i) *To ensure the ample provision of high quality private and shared open spaces that contribute to the creation of a strong, green garden character.*
- (ii) *To integrate areas of common open space into building design to allow for the development of a sense of community.*
- (iii) *To ensure that private and shared open spaces respect the privacy of adjoining and adjacent residents.*
- (iv) *To ensure the safety and security of shared open space.*
- (v) *To ensure the provision of at least one large central open space at ground level to provide a focal point to the development.*

The proposed design provides a reasonable level of amenity for future residents. The units have direct access from the living areas to the balcony and receive a satisfactory level of solar access. A high level of residential amenity is provided, with the provision of a pool and child play areas within the common open space area.

The balconies have a reasonable level of privacy and are sited to limit direct views from external spaces between units.

The units also comply with the ADG provision which requires a private open space area of 8m² for a one bedroom unit.

The units also have a high level of access to the common open space immediately surrounding the development and to Council's public park which is located adjoining the site to the south-east. As such the proposal is considered to have a high level of access to both private and public open space.

The proposed variations to the private open space areas are satisfactory and can be supported.

e. Unit Size and Mix

The DCP requires the following in regard to unit size and mix:

Apartment Mix

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

Residential Flat Development (30 or more units)

- (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.*

The following is proposed:

202 x 1 bedroom units;
675 x 2 bedroom units; and
46 x 3 bedroom units.

Apartment Mix:

- (a) No more than 25% of the dwelling yield is to comprise either studio or one bedroom apartments – there are 202 x 1 bedroom units (21.8% of the total).
- (b) No less than 10% of the dwelling yield is to comprise apartments with three or more bedrooms – there are 46 x 3 bedroom units (4.9% of the total).

The proposed unit sizes are:

Unit Type	Size	No. of Units	Type
1 bedroom	53-64m ²	201	Type 1
	65m ²	1	Type 2
2 bedroom	75-87m ²	652	Type 1
	91-96m ²	23	Type 2
3 bedroom	99-110m ²	46	Type 1

- (e) Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments – there are 899 x Type 1 apartments (97.4% of the total).
- (f) Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments - there are 24 x Type 2 apartments (2.6% of the total).
- (g) All remaining apartments are to comply with the Type 3 apartment sizes ie: 40% - there are no Type 3 apartments proposed.

The applicant has submitted the following as justification:

Under The Hills DCP 2012 Part B Section 5 – Residential Flat Buildings the following minimum unit sizes are based on 3 categories:

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

Of the 3 categories above they are limited in the following way:

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

The Apartment Design Guide provides guidelines for minimum unit sizes based on design and affordability. The following table illustrates a variety of unit types:

Apartment type	Minimum internal area
Studio	35m ²
1 bedroom	50m ²
2 bedroom	70m ²
3 bedroom	90m ²

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each

The unit sizes, above, are provided in the ADG for the benefit of Council's when standardising sizes of units to encourage affordable housing and modern day living.

The accompanying Schedule of Units demonstrates that a variety of unit sizes are provided and the following table outlines the proportion of each type in Council's DCP:

Number	Type 1	Type 2	Type 3	TOTAL
1 bedroom	201	1	0	202
2 bedroom	652	23	0	675
3 bedroom	46	0	0	46
TOTAL	899	24	0	923
Percentage				
1 bedroom	21.78%	0.11%	0%	21.89%
2 bedroom	70.64%	2.49%	0%	72.95%
3 bedroom	4.98%	0%	0%	4.98%
TOTAL	97.40%	2.6%	0%	100%

The proposed apartment sizes exceed the apartment type areas recommended by the ADG, providing an average unit size of the ADG and Council unit size requirements. 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 satisfy or exceed the recommended ADG 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.*
- (iv) To provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.*
- (v) Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.*
- (vi) 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;*
- *77% of units will achieve in excess of 2 hours of sunlight on 21 June;*
- *76% of units within the first 9 storeys of the proposed buildings are deemed to achieve natural cross-ventilation; and*
- *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.*

Furthermore, the unit sizes specified in the DCP apply across the Hills Shire Council; however this site is located in the Castle Hill town centre with excellent access to public transport, employment and local conveniences. The DCP does not recognise these variances.

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.

Comments:

Although the development does not meet the requirements of the DCP in regard to unit sizes, the proposal complies with SEPP 65 requirements in terms of minimum unit sizes. The proposal also meets the objective of the ADG in regard to unit mix which requires 'A range of apartment types and sizes is provided to cater for different household types now and into the future'.

Clause 30(1)(b) of SEPP 65 states that a consent authority must not refuse consent to a development application for the carrying out of residential flat development if the internal area for each apartment will be equal to, or greater than, the recommended minimum internal area for the relevant apartment type specified in Part 4D of the Apartment Design Guide. The units all meet the minimum internal area specified in the ADG.

The proposal complies with the intent of SEPP 65 and the proposal cannot be refused on apartment sizes if compliance is achieved. The SEPP also requires that the development demonstrates that the proposal has had adequate regard to the Design Quality Principles and the objectives of the ADG. The application has been assessed having regard to the design quality principles outlined in SEPP 65 and is considered satisfactory.

The proposal is considered satisfactory in regard to the proposed unit sizes and mix. The development provides a range of unit types and layouts to meet the needs of future residents.

6. Castle Hill North Planning Proposal

On 24 November 2015 Council resolved to forward a Planning Proposal applying to the Castle Hill North Precinct to the Department of Planning and Environment for a Gateway Determination.

On 2 November 2016 a Gateway Determination was issued for the planning proposal (16/2016/PLP), and included a condition which requires the planning proposal to be amended to be consistent with the agreed methodology for housing diversity, prior to exhibition. In accordance with the Gateway Determination the planning proposal has been updated and can now be placed on public exhibition.

A number of draft planning documents are currently being prepared to support the draft amendments to LEP 2012. These include a draft Development Contributions Plan to

collect the necessary funds for the provision of local infrastructure required to support the additional population, draft amendments to DCP 2012 to regulate the urban structure, built form and design of development, a draft public domain plan to guide the design for embellishment of the public realm. It is anticipated that that Draft DCP, Contributions Plan and public domain plan will be reported to Council in mid-2017 for a decision as to whether to exhibit the draft plans in conjunction with the amendments to LEP 2012.

The Castle Hill North Precinct is generally bound by Pennant Street and Castle Street to the south, Gilham Street to the north, Old Northern Road to the east and Carramarr Road to the west. The aerial photo below shows the subject area.



The Planning Proposal seeks to achieve the following:

1. Rezone land in the Precinct from R1 General Residential and R2 Low Density Residential to R1 General Residential, R3 Medium Density Residential and R4 High Density Residential;
2. Apply a minimum lot size of 1800m² across the precinct;
3. Apply a 'base' floor space ratio ranging from 1:1 to 1.1:1 and an 'incentivised' floor space ratio ranging from 1.2:1 to 4.8:1;
4. Identify the proposed R4 High Density Residential portion of the land as "Area A" within the Floor Space Ratio Map;
5. Remove height of buildings for land proposed to be zoned R1 General Residential and R4 High Density Residential;
6. Introduce a maximum height of buildings of 10 metres for land proposed to be zoned R3 Medium Density Residential;
7. Include the following local provision which ensures that the "incentivised floor space ratio" for residential development can only be achieved where the proposed development complies with Council requirements for apartment size, mix and car parking:

7.12 Dwelling mix and diversity within the Sydney Metro Northwest Corridor

- (1) *The objectives of this clause are as follows:*
 - (a) *To support the provision of increased housing surrounding Sydney Metro Northwest rail stations at densities compatible with the future character of the surrounding area;*
 - (b) *To ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets;*
 - (c) *To promote development that accommodates the needs of larger households, consistent with the demographics and family household structures of the Hills Shire;*
- (2) *This clause applies to land identified as "Area A" on the Floor Space Ratio Map.*
- (3) *Despite Clause 4.4, development consent may be granted for development that exceeds the floor space ratio shown on the Floor Space Ratio Map but no greater than the floor space ratio shown on the Floor Space Ratio Incentive Map only if the development provides:*
 - (a) *a Family Friendly Dwelling Mix, and*
 - (b) *a Diversity of Housing, and*
 - (c) *car parking spaces at a minimum rate of 1 space per dwelling, plus 1 visitor space for every 5 dwellings within the development.*
- (4) *In this clause:*

Family Friendly Dwelling Mix means a mix of apartment types, providing housing choice for different demographics, living needs and household budgets. In The Hills Shire, based on the demographic profile of the area, a development is considered to provide Family Friendly Dwelling Mix if no more than 25% of all dwellings are studio or 1 bedroom dwellings and at least 20% of all dwellings are 3 or more bedroom dwellings.

Diversity of Housing means a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. In The Hills Shire, a development is considered to provide Diversity of Housing if at least 40% of all 2 bedroom dwellings and 40% of all 3 bedroom dwellings have a minimum internal floor area of 110 square metres and 135 square metres respectively.

In accordance with Condition 1 of the Gateway Determination, the above local provision as well as the proposed floor space ratio and floor space ratio incentive maps are consistent with the agreed methodology for securing housing mix and diversity within the Sydney Metro Northwest Corridor. Specifically, the 'base' floor space ratio has been calculated having regard to the walking distance of the site from the station.

It is noted that the above local provision is indicative only and may be subject to change as a result of legal drafting; and

8. Add to clause 4.4B Floor Space Ratio to provide a floor space incentive for key mapped sites to amalgamate where it can be demonstrated that the amalgamation will deliver improved outcomes and public domain improvements;
9. Amend clause 4.6 to insert after clause 4.6(8) (ca):

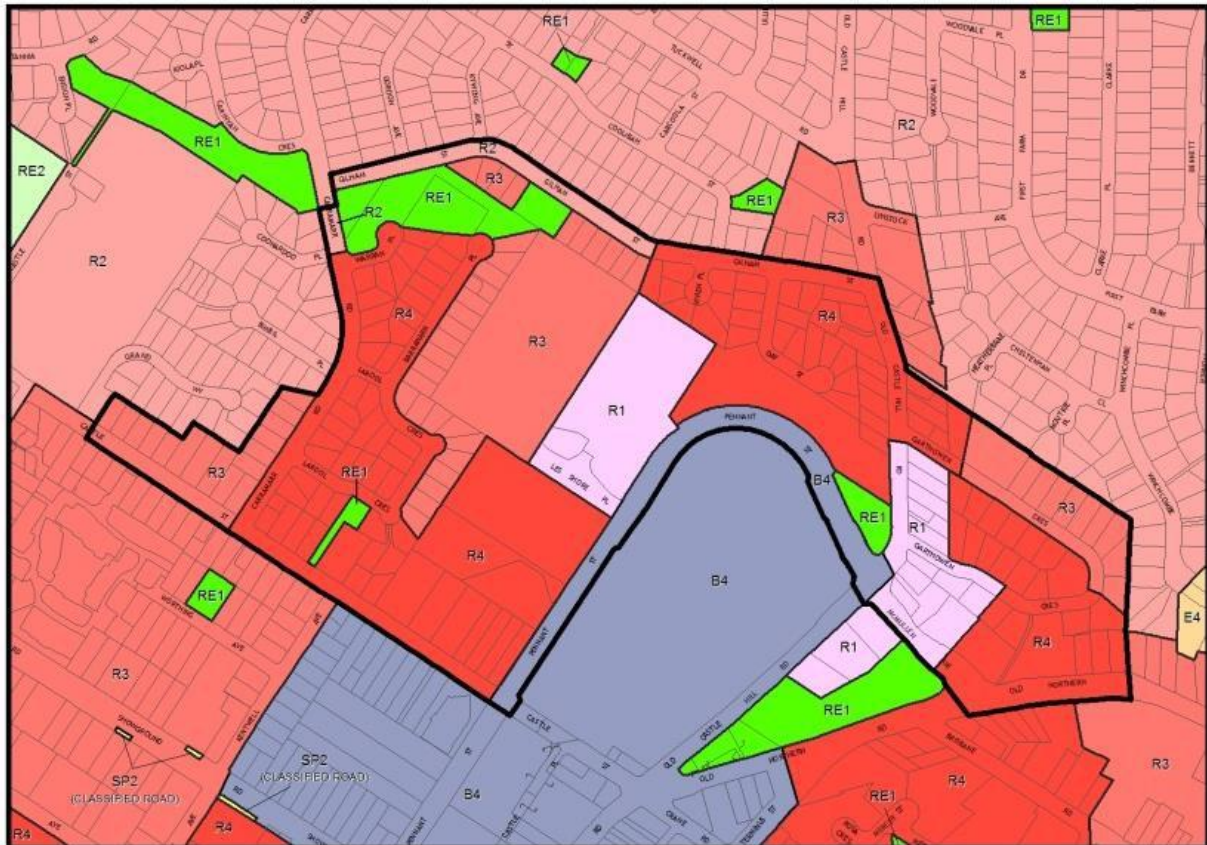
"(d) clause 7.12"

This will ensure that development consent cannot be granted for development which seeks to achieve the "incentivised floor space ratio" but fails to comply with the proposed local provision.

- Amend a draft clause 7.7 Design Excellence to apply to all development with a height of 25 metres or more, with revised considerations for design excellence and provision for a Design Excellence Panel.

In broad terms, the proposal will increase the housing within the precinct from 292 dwellings to 3283 dwellings.

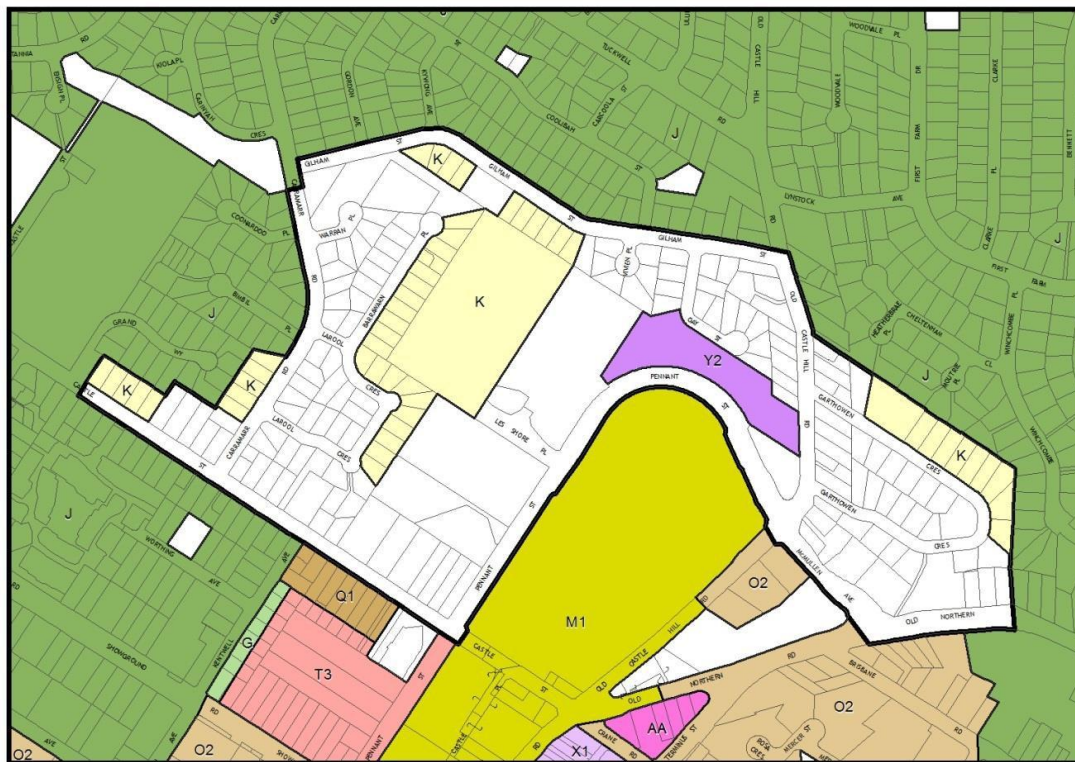
The proposed zoning is as follows:



Land Zoning (LZN)

B4	Mixed Use	R2	Low Density Residential	RE1	Public Recreation
E4	Environmental Living	R3	Medium Density Residential	RE2	Private Recreation
R1	General Residential	R4	High Density Residential	SP2	Infrastructure

The proposed height is as follows:



Height of buildings (m) (HOB)

G	7.0	M1	12.0	T3	28.0	AA	68.0
J	9.0	O2	16.0	X1	45.0		
K	10.0	Q1	19.0	Y2	54.0		

In regard to height, whilst the Planning Proposal will removed the height limits from the LEP, the density limits and built from controls will translate to equivalent heights as follows:

Land to the north of the site (across Gay Street) and immediately adjoining the site to the east – 4-12 storey;

Land to the east (across Old Castle Hill Road) – 4-18 storey;

Land to the north-west (adjoining the site and fronting Gilham Street) – 4-8 storey; and

Land the west (at the corner of Pennant Street and Les Shore Place) – 4-12 storey.

7. Submissions

The proposal was notified on two occasions to the adjoining property owners. During the first notification period five submissions were received. Upon receipt of amended plans which principally amended the vehicle access from Pennant Street to Gay Street and Old Castle Hill Road, the proposal was renotified and nine submissions were received. The concerns raised during both notification periods from adjoining owners were similar in nature during each notification period. The following table details the concerns raised:

Issue	Comment	Outcome
The proposal is not in the interest of Castle Hill residents and is not a good outcome for future residents. The apartments will be servicing the needs of developers and foreign investors. The development is too large for the area where it is planned to be built.	The applicant has identified a need for additional housing within the area. The proposal is also consistent with the North West Rail Link Corridor Strategy, Hills Corridor Strategy and the Castle Hill North Precinct Plan which have all identified the strong demand for housing in Castle Hill close to the rail link and retail/commercial services.	Issue addressed.
The proposal will result in air and noise pollution.	The proposal is unlikely to result in any significant noise or air pollution when completed. It is acknowledged that some impacts may occur during the construction period, however a number of conditions have been imposed in regard to hours for construction and rock breaking, dust suppression, acoustic limits and similar to minimise the potential for impacts.	Conditions imposed – see Conditions 50, 76, 83 and 86.
Impact on resources such as electricity, water and open green areas.	The proposal will be required to be provided with all utility services. There is adequate private and common open space within the development in accordance with DCP requirements. The site also adjoins the Eric Felton reserve.	Issue addressed.
Traffic impact.	The proposed traffic generation of the development has been reviewed and is considered satisfactory – see Traffic comments below.	Issue addressed.
Development in the area will result in an over populated and unattractive cityscape which is too dense.	The proposal has been reviewed having regard to the SEPP, ADG, LEP and DCP requirements and is considered to be a reasonable built form outcome which is consistent with the need to increase density close to public transport and retail/commercial centres.	Issue addressed.
The development will lower the price of houses and apartments.	This is not a matter for consideration with the proposal. However, based on the demand for housing in desirable areas and the current market, it is unlikely that there will be a short term decrease in property values.	Issue addressed.
The railway line will not ease the congestion in the area.	The rail link will provide a train ever four minutes in the peak and will provide a link between Castle Hill, surrounding suburbs and the city. The rail link will assist in reducing commuter traffic in the area.	Issue addressed.
Question of whether a percentage of the units will be for affordable rental housing.	The proposal is for residential apartments and is not an Affordable Rental Housing proposal.	Issue addressed.
Question of why Council has given priority to the site whilst the Castle Hill North Planning	The planning for the subject site commenced prior to the Castle Hill North Precinct Planning. In this regard	Issue addressed.

Proposal has not proceeded. In the interim, the development will have a serious impact on the amenity of Gay Street. This impacts on the marketing of properties until the zoning is clarified.	the investigations for the potential for development of the subject site commenced in 1997. Investigations into the potential development of Castle Hill North commenced in 2014 following the commitment to the rail link and desire for higher forms of development around transport hubs.	
Reduced setback to Gay Street.	The proposed setback to Gay Street is addressed in Section 5 above.	Issue addressed.
The number of apartments and the height of the development.	The proposal is for 923 apartments. The proposed height of the development is addressed in Section 2 above.	Issue addressed.
The LEP height should be complied with. The heights will be imposing as the site is already elevated. Building height should be limited to a level which is in sympathy with the neighbouring buildings. The development will set a precedent for future 'eyesores' which will tower over the skyline of Castle Hill.	The proposed height of the development is addressed in Section 2 above.	Issue addressed.
It is unlikely that families will live in the buildings, as shown in the perspectives, given that the proposal is mainly one and two bedroom units. Council should require a higher ratio of larger apartments for families.	The proposal provides 721 x two and three bedroom units which is 78% of the total units, both of which can cater for families. The proposal unit mix is considered satisfactory. The proposed unit mix is addressed in Section 2 above.	Issue addressed.
Adequacy of resident and visitor parking. The DA relies on the proximity to the train station to justify the parking provided, however residents will move beyond the rail corridors and will do so using cars. Visitors will park in Gay Street and Gilham Street. Council's visitor parking rate should be enforced.	The proposal provides adequate resident and visitor parking in accordance with the ADG. The proposed parking rate is addressed in Section 5 above.	Issue addressed.
Council must consider the relationship between the site and land owned by QIC and its future development. QIC land plays a critical role in the economic, employment and housing growth in the strategic centre.	The proposal has had adequate regard to the adjoining properties and will not unreasonably impact on the potential of any adjoining property to develop in the future.	Issue addressed.
QIC have prepared a draft plan for the site at the corner of Pennant Street/Les Shore Place and the proposal should not impact on that future development.	The proposal has had adequate regard to the adjoining properties and will not unreasonably impact on the potential of any adjoining property to develop in the future.	Issue addressed.

Concern that operational characteristics of Castle Towers Shopping Centre, such as lighting of the roof top parking, use of loading docks, plant and equipment location etc, and the at-grade parking at the corner of Pennant Street/Les Shore Place may result in conflict between land uses. The applicant should ensure that acoustic impact is considered in the design of the apartments, and that all potential purchasers be made aware of the existing and future operations of the Shopping Centre.	The approved Stage 3 expansion of the Castle Towers Shopping centre contains a number of operational conditions to ensure that operations will not adversely impact on adjoining properties. The acoustic report submitted for the subject application included background noise readings which would include noise from the shopping centre. A condition has been recommended which requires that the internal noise levels are to be in accordance with the requirements of SEPP Infrastructure 2007 and that the recommendations of the acoustic report be complied with.	Condition imposed – see Condition 44.
A higher standard of architectural design and greater diversity in architectural form and expression should be provided.	The proposed design, architectural relief and form are considered satisfactory. The proposal is considered to be appropriate and is a modern character which is in keeping with the changing building character of the area.	Issue addressed.
The proposal indicates that a future connection across Pennant Street is allowed for, and further details of any land or structural design to support the construction of this bridge should be submitted. A pedestrian overpass should be constructed either to Castle Towers, or if this is not feasible, to the rail station in order to protect pedestrian safety.	Any future bridge or overpass connection across Pennant Street will require a separate approval. These works are not part of the subject application.	Issue addressed.
The proposal should upgrade the elevated footpath, landscaping and lighting along the Pennant Street frontage of the site.	The existing footpath and lighting are considered satisfactory and there is no requirement for any upgrade works. Landscape works will be undertaken within the site in proximity to the Pennant Street boundary.	Issue addressed.
Vehicle access to Pennant Street is inconsistent with the DCP. Vehicle access should be from Gay Street and Old Castle Hill Road	The original proposal for vehicle access to Pennant Street was not supported by RMS due to the impact on traffic flow on the Classified Road. The proposal has been amended to provide vehicle access to Gay Street and Old Castle Hill Road which is consistent with the DCP.	Issue addressed.
The proposed vehicle access to Pennant Street will result in delays for both through traffic and traffic entering and exiting the Shopping Centre.	The original proposal for vehicle access to Pennant Street was not supported by RMS due to the impact on traffic flow on the Classified Road. The proposal has been amended to provide vehicle access to Gay Street and Old Castle Hill Road which is consistent with the DCP.	Issue addressed.

Traffic impact on Gilham Street and Gay Street due to the proposed vehicle drop-off point. Suggestion that a lay-back set down/pick up area on Old Castle Hill Road will negate the need for traffic to enter Gilham Street and Gay Street.	The proposed vehicle access has been amended to include a vehicle access point to/from Gay Street in accordance with the DCP. The drop off point has also been retained from Gay Street. However given that the traffic generation from Gay Street remains below environmental capacity, there is no need for the drop off point to be amended.	Issue addressed.
If parking occurs on Gay Street this will impact on two-way traffic on Gay Street.	Gay Street is a 7.0m wide local access street. It is acknowledged that if parking occurs on both sides of the road there may be an impact on through traffic. If this occurs, further review will be undertaken regarding the implementation of parking restrictions. However, it is noted that resident and visitor parking is provided in accordance with the RMS requirements.	Issue addressed.
The vehicle access to Pennant Street will require the existing pedestrian crossing to be relocated which means pedestrian will have to cross the roads at two locations instead of one.	The original proposal for vehicle access to Pennant Street was not supported by RMS due to the impact on traffic flow on the Classified Road. The proposal has been amended to provide vehicle access to Gay Street and Old Castle Hill Road which is consistent with the DCP.	Issue addressed.
The existing pedestrian crossing at the Castle Towers entry is not an adequate width to cater for additional pedestrian traffic from the proposal.	The pedestrian crossing is existing and is and not part of the application. The crossing is not required to be upgraded with the subject application.	Issue addressed.
Question as why notification was not undertaken to a broader area and why it was undertaken so close to Christmas. Further time should be given for submissions. Request for an extension of the notification period for an additional two months.	Notification has been undertaken in accordance with Council's DCP in terms of the extent of persons advised and the time period.	Issue addressed.
Loss of privacy and domination of the building to nearby properties.	The proposal includes appropriate separation between the proposed works and adjoining properties to limit direct views where possible. It is acknowledged that due to the height of the development, some overlooking will occur how this is considered reasonable given the likely redevelopment of the adjoining sites in the future. The proposed height is considered satisfactory – see comments in Section 2 above.	Issue addressed.
The proposal does not consider other developments	The cumulative traffic impacts of development in the area have been	Issue addressed.

in the area and the cumulative impacts on traffic, including the future development in the Castle Hill North precinct. The proposal may prejudice future development of sites in Castle Hill North to ensure that equitable traffic decisions are made.	considered with planning for the Castle Hill North precinct planning. In addition, Council is undertaking a review of transport/pedestrian infrastructure as part of the Castle Hill North Precinct Planning work using data from TfNSW, together with Castle Towers modelling of the Town Centre.	
Traffic movements within the basement car parking and potential for queues of traffic trying to enter and exit the basement.	The shutter locations for both access points are located far enough into the site to not result in queueing onto either road.	Issue addressed.
The aircraft warning lights required on the buildings will not be attractive.	The DCP requires the provision of the warning lights. Given the height and location of the lights, they are unlikely to be visually intrusive.	Issue addressed.
Residents may park in visitor spaces as it is more convenient.	All units are provided with at least one parking space. Should resident parking occur in the visitor spaces, this will be a matter for the strata committee to review.	Issue addressed.
Vehicle access into Gay Street and into the proposed driveway at Old Castle Hill Road will be difficult given the existing traffic in the local streets.	Council's Principal Co-ordinator Roads and Transport has reviewed the proposed vehicle movements anticipated with the development and has raised no objections to the proposed vehicle access points.	Issue addressed.
Potential safety hazard for children crossing Gay Street when walking to/from the nearby schools.	The proposal will generate an additional 65 vehicle movements per hour in Gay Street. The traffic generated by the development will not reduce child safety in Gay Street or surrounding roads.	Issue addressed.
Residents are likely to use the Gay Street entry/exit point to avoid delays at the Old Castle Hill Road entry/exit point. This will result in excessive traffic on Gay Street.	Should this occur, a total of 175 vehicles per hour will result. This remains below the environmental capacity of 250 vehicles per hour for Gay Street.	Issue addressed.
The basement parking which is accessed from Gay Street should be limited to a parking of 100 spaces in accordance with the Australian Standards.	The carpark is accessed from both Gay Street and Old Castle Hill Road and is interlinked between the levels. The design and layout of the carpark complies with the Australian Standard.	Issue addressed.
The traffic survey was undertaken on a Tuesday which is the day with the least traffic impacts on local roads in this area and did not include the afternoon school peak.	Council's Principal Co-ordinator Roads and Transport has raised no objection to the traffic survey.	Issue addressed.
Traffic using the Old Castle Hill Road exit will have to do a U-turn to travel south which will create traffic impacts.	Vehicles exiting Old Castle Hill Road will be limited to left turn only. Currently, vehicles wishing to travel south can turn at the existing roundabout at Tuckwell	Issue addressed.

	Avenue. In the future, a roundabout will be constructed at Gilham Street/Old Castle Hill Road to allow turns. These movements will not result in traffic impacts.	
Right turn access from Gilham Street onto Old Castle Hill Road is currently unsafe, and increased traffic will exacerbate this. This intersection should be upgraded.	The construction of a roundabout will be required as part of the development of the Castle Hill North precinct. Contributions will be collected for these works.	Issue addressed.
Adequacy of open space within the site.	The proposal provides adequate open space. The ADG requires 25% of the site as open space, whilst the development proposes 32%.	Issue addressed.
Impact on the capacity of local schools and child care centres.	This is not a matter for consideration with the proposal. However, the Department of Education are aware of increased densities within the Shire.	Issue addressed.
There is no major hospital in the Shire.	The Norwest Private Hospital is located at Norwest which is approximately 8km from the site.	Issue addressed.
The vehicle access to Pennant Street should be reinstated as that would ease traffic impacts on local roads. As there is now a vehicle access to Old Castle Hill Road, the traffic impact on Pennant Street will be less. An alternate would be to allow exit only to Pennant Street. Once other sites in the Castle Hill North precinct are completed, traffic in Gay Street and Gilham Street will be further increased. Therefore it is a better outcome to require vehicle access to Pennant Street from the outset.	The original proposal for vehicle access to Pennant Street was not supported by RMS due to the impact on traffic flow on the Classified Road. This access point will not be reinstated.	Issue addressed.
The development is not beneficial to the area and will result in loss of space, privacy and green spaces and will result in overdevelopment.	The applicant has identified a need for additional housing within the area. The proposal is also consistent with the North West Rail Link Corridor Strategy, Hills Corridor Strategy and the Castle Hill North Precinct Plan which have all identified the strong demand for housing in Castle Hill close to the rail link and retail/commercial services. There is adequate private and common open space within the development in accordance with DCP requirements. The site also adjoins the Eric Felton reserve.	Issue addressed.
The building of more intensive housing to accommodate	The applicant has identified a need for additional housing within the area. The	Issue addressed.

'unnecessary and burdensome immigration quotas' is not needed. We do not need these huge population increases. The area does not have the manufacturing, jobs or other needs to make necessary such an intensive development. Statement of opposition to the Government direction of increasing Australia's population. The development is a negative vision for the future of the Shire.	proposal is also consistent with the North West Rail Link Corridor Strategy, Hills Corridor Strategy and the Castle Hill North Precinct Plan which have all identified the strong demand for housing in Castle Hill close to the rail link and retail/commercial services.	
A higher standard of architectural design and greater diversity in architectural form and expression should be provided. There is minimal transition of the buildings to the street level.	The proposed design, architectural relief and form are considered satisfactory. The proposal is considered to be appropriate and is a modern character which is in keeping with the changing building character of the area.	Issue addressed.
The proposal will overshadow Eric Felton reserve, particularly in winter.	The proposal will result in some shadow impact to the reserve in mid-winter due to the orientation of the site. However the shadow impact is considered reasonable given the form and height of the development.	Issue addressed.
Impacts of wind between the buildings must be considered to ensure there is adequate amenity to the units and private open space on ground level.	The proposal includes a wind analysis statement which includes recommendations to ensure that wind impact is controlled. A condition has been recommended requiring compliance with the recommendations of the report.	Condition imposed – see Condition 25.
There should be variation between the tower heights.	The proposed height of the development and roof forms are considered satisfactory. See comments in Section 2 above.	Issue addressed.
Impact on the performance of the Pennant Street/Old Castle Hill Road/McMullen Avenue intersection.	Works to upgrade this intersection will be undertaken as part of the approved works relating to the expansion of Castle Towers shopping centre (under DA 864/2015/JP). The works include the provision of a separate left turn from McMullen Avenue into Old Castle Hill Road, and the south bound approach of Old Castle Hill Road to the shopping centre will require the short dual lane line marking extended back to the northern intersection of Garthowen Crescent. In addition, Council is undertaking a review of transport/pedestrian infrastructure as part of the Castle Hill North Precinct Planning work using data	Issue addressed.

	from TfNSW, together with Castle Towers modelling of the Town Centre.	
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8. Draft West Central District Plan

The Draft West Central District Plan seeks to ensure that housing is provided in areas of demand and that housing meets the needs, requirements and demands of current future residents. The proposed development meets the priorities of the Draft Plan as follows:

- The apartment development meets the demand of residents for this form of dwelling type;
- The apartment development provides housing diversity and choice, including the provision of 46 adaptable units ;
- The apartment development assists with the supply of housing within close proximity to the existing bus transit centre and future rail link (under construction);
- The development is in close proximity to the Castle Hill town centre.

The Draft Plan refers to the provision of more intense residential development around centres, and this is achieved in this instance.

The proposal is considered satisfactory in regard to the Draft Plan.

POLICE COMMENTS

The proposal was referred to the Police in accordance with the requirements of "Safer by Design Guidelines" and the Protocol between The Hills Shire Council and Castle Hill Police.

The Police have raised no objection to the proposal subject to a condition of consent (see Condition 28).

RMS COMMENTS

The proposal was originally referred to RMS as a concurrence authority given that direct vehicle access was proposed to Pennant Street which is a classified road. RMS reviewed the proposal and advised that vehicle access to Pennant Street was not supported given the potential for impacts on the classified road network and that the access was inconsistent with the DCP.

As a result the applicant amended the proposal to provide vehicle access to Old Castle Road and Gat Street. As such RMS are no longer a concurrence authority. The proposal is required to be referred to RMS under the provisions of Schedule 3 of SEPP Infrastructure 2007 given that the proposal is for a residential flat building development of 300 more dwellings.

RMS have advised that the proposal will have an adverse impact on the operation of the Pennant Street/Old Castle Hill Road/ McMullen Avenue intersection and have requested that the applicant provide additional modelling for the intersection and pay contributions

for the upgrading of the signalised intersection. RMS have requested that this be done prior to the determination of the application.

The advice provided by RMS has been reviewed by Council's Manager Infrastructure and Transport Planning who has advised that:

There are four current traffic/intersection models or reports that already exist and have been referred to the RMS during the last two years. These models include investigations by Transport for NSW (TfNSW) on the rail station, and a CBD model by Queensland Investment Corporation (Castle Towers). No additional modelling from this applicant is needed as a result of this application. Council is undertaking a review of transport/pedestrian infrastructure as part of the Castle Hill North Precinct Planning work using data from TfNSW, together with Castle Towers modelling of the Town Centre.

(See Traffic Management Comments below).

On this basis, the applicant has not been requested to provide further modelling to support the proposal.

TRAFFIC MANAGEMENT COMMENTS

i. Existing Traffic Environment

This application proposes to construct a 923 apartment style high density residential development having a mix of 1, 2 & 3 bedrooms, with 1154 off street vehicle and extensive bicycle parking spaces. A traffic impact statement prepared by TSA Pty Ltd has been submitted in support of the application. This site is part of the Castle Hill North Precinct and the Traffic and Accessibility Report prepared by Brown Consulting for Council as part of the Castle Hill North Precinct Planning was also referenced to gauge the overall impact of the proposal on the network.

Primary vehicular access is proposed via a 13.0m wide left in/left out combined entry/egress driveway off Old Castle Hill Road servicing 70% of the available basement parking spaces with the remaining 30% accessing a combined 6.0m wide entry/exit driveway off Gay Street.

Old Castle Hill Road is a 2.2km long 9.0m wide major collector road and currently has an existing peak hour traffic volume, near the intersection of Pennant Street of approximately 905 vehicles per hour. Roads having similar characteristics would typically have Environmental Capacities within the range of around 400 vehicles per hour (vph).

Similarly the 9.0m wide 640m long minor collector road of Gilham Street would typically have an Environmental Capacity of 300 vph. Gay Street is a 160m long 7.0m wide local access street providing the only vehicular access for 13 detached dwellings and would typically have an Environmental Capacities of around 250vph.

ii. Proposed Development - Traffic Generation

Due to the proximity of the proposed rail line, the traffic consultant has used the RMS's Technical Direction 2013/2014 (04a) adopted daily traffic generation rate for high density residential developments of 0.19 trips/dwelling in the AM peak and 0.15 trips/dwelling in the PM peak. Applying this rate to the proposed 923 dwellings equates to 175 AM and 138 PM trips.

Applying an 80% departing and 20% arrival split in AM peak and the reverse in the PM further equates to 140 outbound and 35 inbound trips in the AM peak and 110 arriving and 28 departing trips in the PM peak. As the proposed carpark is serviced from two

separate driveways with a 70% split to the Old Castle Hill Road access and 30% to Gay Street, approximately 98 vehicles will be turning left out and 25 turning left into the Old Castle Hill Road access during the morning peak, along with 42 vehicles exiting and 10 entering via the Gay Street access.

iii. Cumulative Impact in Locality

Traffic Movements in	Mid-Block Traffic Capacity VPH	Environmental Capacity VPH	Existing Volumes VPH	Proposed Increase VPH	Proposed Traffic Volumes VPH	% Increase over existing
Old Castle Hill Road	1000	400	905	123	1028	13%
Gilham Street	500	300	104	52	156	50%
Gay Street	250	250	13	52	65	400%

The above table demonstrates the cumulative impact of the proposed development on the surrounding road network and provides data on the midblock traffic capacity, Environmental Capacity, existing traffic volumes and proposed increase for each affected street. The existing volumes have been derived from a number of sources including recent counts undertaken by TSA Pty Ltd, and the Castle Hill North Traffic Study.

In summary, the proposed development will result in traffic increases of 123 trips in Old Castle Hill Road and an additional 52 vehicles using the Gilham/Gay Street access.

During the AM peak this represents a 13% increase on Old Castle Hill Road, and an increase of 50% and 400% respectively using Gilham and Gay Street. Whilst the increases in both Gilham Street and Gay Street may appear excessive compared to existing flows, the addition of 52 trips still provides ample spare traffic and environmental capacity on both streets.

As previously identified in the Castle Hill North Traffic Study, the existing volume on Old Castle Hill Road is approaching mid-block traffic capacity and exceeding environmental capacity by a substantial margin. Traffic management measures to ameliorate this impact are planned, including the construction of a roundabout at the intersection of Old Castle Hill Road and Gilham Street, and significant road widening on the western side of Old Castle Hill Road between Pennant Street and Gilham Street – including this development site. The works will be funded as part of the Castle Hill North Contributions Plan.

iv. Need for Traffic Improvements in the Locality

As traffic volumes in Old Castle Hill Road have increased over the previous 20 years Local Area Traffic Management measures such as roundabouts and parking lane treatments have already been installed. These proposals have in combination reduced the speed and to some extent the volume of traffic currently using Old Castle Hill Road as a bypass route. However the traffic volume along Old Castle Hill Road will always exceed the environmental capacity because of its significance in supplying secondary

access into the Castle Hill Town Centre. This route has also been favoured by motorists seeking to bypass the arterial road network, particularly certain intersections on Old Northern Road and Showground Road. These deficiencies in the arterial network have been in part dealt with via the Town Centre ring road, and the upgrade of Showground Road to its ultimate configuration (currently under construction).

The total traffic flow capacity (without regard to environmental constraints) of Old Castle Hill Road is approximately 10,000 vehicles per day and is similar to other routes leading into Castle Hill Town Centre such as Crane Road and Castle Street. These volumes more accurately reflect the actual function within the hierarchy as a major collector road in the immediate vicinity of a major regional centre.

Council officers have on numerous occasions consulted the Roads and Maritime Services (RMS) regarding the operating performance of the town centre, particularly given the proposed Stage 3 Castle Towers development, and the Castle Hill North Precinct development. In response the RMS has recommended that the applicant carry out broader 'microsimulation' traffic modelling to better predict the cumulative impact that this and other larger scale developments such as the Castle Towers expansion and future rail stations have on the road network, and principal intersections around the Castle Hill CBD.

There are four current traffic/intersection models or reports that already exist and have been referred to the RMS during the last two years. These models include investigations by Transport for NSW (TfNSW) on the rail station, and a CBD model by Queensland Investment Corporation (Castle Towers). No additional modelling from this applicant is needed as a result of this application. Council is undertaking a review of transport/pedestrian infrastructure as part of the Castle Hill North Precinct Planning work using data from TfNSW, together with Castle Towers modelling of the Town Centre.

v. Traffic egress/ingress to arterial/sub-arterial roads

Old Castle Hill Road is located to the north of Showground Road and to the west of Old Northern Road within the suburb of Castle Hill. Access to Old Northern Road exists from the signalised intersections of McMullen Avenue and Old Castle Hill Road opposite Oakhill College. Significant upgrades are planned along both local roads under Council control, and along the arterial road network under the control of the RMS as a result of previous investigations. Further works along these roads are now planned as part of the Castle Hill North development area. No additional improvements will be required at intersections along the major arterial and collector roads as a result of traffic generated from this development, and other large scale developments in the Castle Hill CBD area, as these works will form part of the Contribution Plan for the Castle Hill Town Centre.

vi. Sight distance and other safety issues

The subject site is located on the western side of Old Castle Hill Road north of the corner of Pennant Street. The road is relatively straight in the vicinity of the subject site with moderate gradients. Sight distances from the access on Old Castle Hill Road and Gay Street are considered adequate for vehicles entering and exiting the subject property, exceeding the minimum safe intersection sight distance of 80m for vehicles travelling at 50km/h.

vii. Recommendations

There are no objections to the proposal in terms of traffic impact. following traffic related conditions should be included with any conditions of consent :-

1. All vehicular maneuvering areas to comply with the minimum requirements of AS 2890.1.2004. and the relevant DCP.

2. The proposed driveway dimensions and construction to comply with relevant Council standards.
3. The applicant be required to pay the relevant contribution for implementing traffic management measures identified in the Contribution Plan.

(See Conditions 7, 30 and 42).

SUBDIVISION ENGINEERING COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

TREE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

WASTE MANAGEMENT COMMENTS

No objection raised to the proposal. Relevant conditions are included in the recommendation.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979, LEP 2012, SEPP 55 Contamination of Land, SEPP No. 65 Design Quality of Residential Apartment Development and DCP Part D Section 2 – Pennant Street Target Site and is considered satisfactory. The proposed variation to the LEP height limit, the ADG requirements in regard to building separation, visual privacy (setbacks) and additional setbacks near zone boundaries, and the variations to the DCP in respect to site planning, setbacks, parking, unit size and mix and private open space have been assessed and are considered to be supportable. The objections received to the proposal have been reviewed and do not warrant refusal of the application.

The proposal is recommended for approval subject to conditions.

IMPACTS:

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The Hills Future Community Strategic Plan outlines the aspirations of community residents for The Hills Shire region. Desired community outcomes include balanced urban growth, vibrant communities and a protected environment. The social and environmental impacts have been identified and addressed in the report.

RECOMMENDATION

The Development Application be approved 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	DATE
A(2)00	Title Sheet, Location Plan & Site Analysis	06/03 /17 Issue G
A(2)01	Site Plan	08/02/17 Issue E
A(2)02	Basement 3 Plan	08/02/17 Issue N
A(2)03	Basement 2 Plan	08/02/17 Issue N
A(2)04	Basement 1 Plan	08/02/17 Issue Q
A(2)05	Lower Ground Floor Plan	08/02/17 Issue Q
A(2)06	Upper Ground Floor	08/02/17 Issue T
A(2)07	Level 1 Plan	08/02/17 Issue P
A(2)08	Level 2 Gay Street Plan	08/02/17 Issue P
A(2)10	Typical Level Plan (Level 12)	08/02/17 Issue K
A(2)11	Roof Plan	08/02/17 Issue K
A(2)12	North & South Elevations	08/02/17 Issue J
A(2)13	East, West & Through Site Link Elevations	08/02/17 Issue J
A(2)14	Sections	08/02/17 Issue J
A(2)15	Shadow Diagrams Summer	08/02/17 Issue E
A(2)16	Shadow Diagrams Equinox	08/02/17 Issue E
A(2)17	Shadow Diagrams Winter	08/02/17 Issue E
A(2)20	Materials Board Sheet 1	08/02/17 Issue E
A(2)21	Materials Board Sheet 2	08/02/17 Issue E
A(2)24	View From Gay Street Looking South	---
A(2)25	View From Through Site Link Looking North	---
A(2)26	View From Gilham Street Looking South	---
A(2)27	View From Gilham Street Looking South – Night	---
A(2)28	View From Pennant Street Looking North	---
A(2)29	View From Pennant Street Looking North- Night	---
A(2)30	Building A Lower & Upper Ground Floor Plans	08/02/17 Issue L
A(2)31	Building A Level 1 & Typical Levels 2-11 Plans	08/02/17 Issue K
A(2)32	Building A Levels 12-18 & 19 Plans	08/02/17 Issue K
A(2)33	Building A Level 20 & Roof Plans	08/02/17 Issue K
A(2)40	Building B Upper Ground Floor & Level 1 Plans	08/02/17 Issue L
A(2)41	Building B Level 2 & Typical Levels 3-14 Plans	08/02/17 Issue L

A(2)42	Building B Levels 15-22 & 23 Plans	08/02/17 Issue K
A(2)43	Building B Roof Plan	08/02/17 Issue K
A(2)50	Building Cupper Ground Level & Level 1,2 Plans	08/02/17 Issue M
A(2)51	Building C Level 3, Typical Levels 4-13 & 14-22 Plans	08/02/17 Issue K
A(2)52	Building C Level 23 & Roof Plans	08/02/17 Issue K
A(2)60	Building D Upper Ground Floor & Level 1 Plans	08/02/17 Issue L
A(2)61	Building D Level 2 & Typical Levels 3-10 Plans	08/02/17 Issue K
A(2)62	Building D Typical Levels 11-20 & Roof Plans	08/02/17 Issue K
A(2)70	Building E Upper Ground Floor, Level 1 & 2 Plans	08/02/17 Issue L
A(2)71	Building E Level 3, Typical Levels 4-9 Plans	08/02/17 Issue K
A(2)72	Building E Typical Levels 10-13 & 14 Plans	08/02/17 Issue K
A(2)73	Building E Levels 15-17 & Roof Plans	08/02/17 Issue K
A(2)80	Basement Details	08/02/17 Issue C
SK160704-3	Landscape Area Diagram	08 Feb 2017 Rev. C
SK160704-4A	Communal Open Space Area Diagram - Podium	08 Feb 2017 Rev. D
SK160704-4B	Communal Open Space Area Diagram - Roof Top	08 Feb 2017 Rev. D
SK160707-5	Deep Soil Area Diagram	08 Feb 2017 Rev. D
SK160928-COS-01	Principal Usable Communal Open Space	08 Feb 2017 Rev. C
SK160928-01	Depth of Soil on Slab Diagram Section-Through Site Link & Loading Dock	08 Feb 2017 Rev. C
SK160928-02	Depth of Soil on Slab Diagram Section-Communal Open Space	08 Feb 2017 Rev. C
SS16-3247 100	Landscape Masterplan	01.02.2017 Issue G
SS16-3247 101	Landscape Plan	01.02.2017 Issue G
SS16-3247 102	Landscape Plan	01.02.2017 Issue G
SS16-3247 104	Landscape Plan	01.02.2017 Issue G
SS16-3247 105	Landscape Planting Plan	03.03.2107 Issue C
SS16-3247 201	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 202	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 203	Landscape Planting Plan	01.02.2017 Issue G

SS16-3247 204	Landscape Planting Plan	01.02.2017 Issue G
SS16-3247 205	Plant Schedule	01.02.2017 Issue G
SS16-3247 206	Planting Plan - Rooftop	08.03.2017 Issue B
SS16-3247 501	Landscape Details	01.02.2017 Issue G
SS16-3247 502	Specification & Plant Schedule	01.02.2017 Issue G
8269/15	Plan Showing Details and Levels	7/10/15
SK160706-1A- 1	GFA Diagram Building A-Lower Ground Level	08 Feb 2017 Rev C
SK160706-1A- 2	GFA Diagram Building A-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1A- 3	GFA Diagram Building A-Level 1	08 Feb 2017 Rev C
SK160706-1A- 4	GFA Diagram Building A- Level 2-11	08 Feb 2017 Rev C
SK160706-1A- 5	GFA Diagram Building A- Level 12-17	08 Feb 2017 Rev C
SK160706-1A- 6	GFA Diagram Building A- Level 18	08 Feb 2017 Rev C
SK160706-1A- 7	GFA Diagram Building A- Level 19	08 Feb 2017 Rev C
SK160706-1A- 8	GFA Diagram Building A- Level 20	08 Feb 2017 Rev C
SK160706-1B- 1	GFA Diagram Building B-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1B- 2	GFA Diagram Building B- Level 1	08 Feb 2017 Rev C
SK160706-1B- 3	GFA Diagram Building B- Level 2	08 Feb 2017 Rev C
SK160706-1B- 4	GFA Diagram Building B- Level 3-14	08 Feb 2017 Rev C
SK160706-1B- 5	GFA Diagram Building B- Level 15-22	08 Feb 2017 Rev C
SK160706-1B- 6	GFA Diagram Building B- Level 23	08 Feb 2017 Rev C
SK160706-1C- 1	GFA Diagram Building C-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1C- 2	GFA Diagram Building C-Level 1	08 Feb 2017 Rev C
SK160706-1C- 3	GFA Diagram Building C- Level 2	08 Feb 2017 Rev C

SK160706-1C-4	GFA Diagram Building C- Level 3	08 Feb 2017 Rev C
SK160706-1C-5	GFA Diagram Building C-Level 4-13	08 Feb 2017 Rev C
SK160706-1C-6	GFA Diagram Building C- Level 14-22	08 Feb 2017 Rev C
SK160706-1C-7	GFA Diagram Building C- Level 23	08 Feb 2017 Rev C
SK160706-1D-1	GFA Diagram Building D-Upper Ground Level	08 Feb 2017 Rev C
SK160706-1D-2	GFA Diagram Building D- Level 1	08 Feb 2017 Rev C
SK160706-1D-3	GFA Diagram Building D- Level 2	08 Feb 2017 Rev C
SK160706-1D-4	GFA Diagram Building D- Typical Level 3-10	08 Feb 2017 Rev C
SK160706-1D-5	GFA Diagram Building D- Level 11-20	08 Feb 2017 Rev C
SK160706-1E-1	GFA Diagram Building E - Upper Ground Level	08 Feb 2017 Rev C
SK160706-1E-2	GFA Diagram Building E - Level 1	08 Feb 2017 Rev C
SK160706-1E-3	GFA Diagram Building E - Level 2	08 Feb 2017 Rev C
SK160706-1E-4	GFA Diagram Building E - Level 3	08 Feb 2017 Rev C
SK160706-1E-5	GFA Diagram Building E - Level 4-9	08 Feb 2017 Rev C
SK160706-1E-6	GFA Diagram Building E - Level 10-13	08 Feb 2017 Rev C
SK160706-1E-7	GFA Diagram Building E - Level 14	08 Feb 2017 Rev C
SK160706-1E-8	GFA Diagram Building E - Level 15-17	08 Feb 2017 Rev C
SK170331-01	Building E Upper Levels North Façade Revisions	31 March 2017

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. Parking and Bicycle Spaces

The provision and maintenance of a total of 1154 parking spaces comprising:

Resident spaces: 969

Visitor spaces: 185

All units are to be provided with a minimum of one resident parking space.

In addition, the following is required to be provided:

Bicycle racks/storage for a minimum 923 bicycles.

Motorcycle Parking: 24 spaces

3. Separate Application for Strata Subdivision

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

4. 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.

5. Structures Adjacent to Piped Drainage Easements

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

6. Requirements for Council Drainage Easements

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

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

7. Vehicular Access and Parking

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

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

Where conflict exists the Australian Standard must be used.

The following must be provided:

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Contamination Assessment & Site Remediation

The recommendations of the *Report on Detailed Site (Contamination) Investigation* for proposed residential development 51-53 Old Castle Hill Road, Castle Hill NSW, project 84969.00, dated August 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: section 11 conclusions and recommendations which includes:

1. Upon completion of demolition, a qualified occupational hygienist should inspect the property and prepare a clearance report;
2. Further investigation in the vicinity of BH15 to assess the impacts of the recorded exceedance of the BaP ecological screening level; and
3. Further investigation in the vicinity of BH24 to assess the impact of the recorded asbestos in soil.

14. Adherence to Operational Waste Management Plan

All requirements of the Operational Waste Management Plan submitted as part of the Development Application (dated 24 November 2016) must be implemented, except if contrary to other conditions of consent. All waste generated onsite must be appropriately managed as approved and lawfully disposed of.

15. Communal Composting Areas

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

16. Management of Construction and Demolition Waste

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

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

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

17. Disposal of Surplus Excavated Material

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

18. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council for the entire site. The service must be arranged no earlier than one week prior to occupancy and no later than two days after occupancy. All requirements of Council's domestic collection service must be complied with at all times. Contact Council's Resource Recovery Department on (02) 9762 1112 to commence a waste service.

19. Construction of Garbage and Recycling Storage Rooms

All work involving construction of the garbage and recycling storage rooms (also known as the bin holding rooms) and the bulky goods temporary storage area must comply with the twelve requirements listed in the condition titled 'Construction of Garbage Rooms'. The garbage storage room must comfortably contain 42 (660L) bins, the recycling storage room 25 (1100L) bins, and the bulky goods temporary storage area must have a minimum floor area of 76m². Additionally:

1. Extra space must be provided in the recycling storage room to contain a bin tractor and trailer, and a cardboard bailer.
2. The bulky goods temporary storage area must be caged off from the recycling waste storage room. A single or double swinging access door must be provided to the area from the recycling waste storage area with a minimum clear floor width of 1.5m. Alternatively, this door can open up directly onto the loading dock.

20. Provision of Garbage and Recycling Chutes

A single chute for garbage and a single chute for recycling must be provided on all residential levels of each building. The chute openings must be contained in a room and the chutes must discharge to the garbage rooms (also known as the waste discharge rooms). The chutes must be accessible from all units on the same level the chutes are on. A single chute with dual stream technology is not permitted.

21. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be provided and designed in accordance with Australian Standard 2890.2-2002 for the standard 12.5m long Heavy Rigid Vehicle. A minimum clear vertical clearance of 4.5m is required. The following additional requirements are applicable:

1. All manoeuvring and loading areas for waste collection vehicles must be prominently and permanently line marked, signposted and maintained to ensure entry and exit to the site is in a forward direction at all times and that loading and traffic circulation is appropriately controlled.
2. Pedestrian paths around the areas designated for manoeuvring and loading of waste collection vehicles must be prominently and permanently line marked, signposted and maintained (where applicable) for safety purposes.
3. The requirement for reversing is limited to a single reverse entry maneuver into the approved loading bay. The loading bay must allow additional space for access and loading and have appropriate signage such as no parking at any time.
4. All manoeuvring areas where the clear headroom is less than 4.5m must have flexible striker bars and warning signs as per Australian standard 2890.1 to warn waste collection contractors of the low headroom area. Note all manoeuvring areas for waste collection vehicles must have minimum clear headroom of 4.5m.
5. The loading area must have a sufficient level of lighting, and allow additional space for access and loading (e.g. wheeling a bulk bin to the back of the collection vehicle for rear load collection).
6. Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium and heavy vehicles, remote access or other measure to ensure there is no requirement for collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

22. Construction of Garbage Rooms

All work involving construction of the garbage rooms (also known as the waste discharge rooms) must comply with the requirements below. The five rooms must comfortably contain a 3-bin (660L) linear track with compactor for garbage, a 3-bin (1100L) linear track without compactor for recycling, and extra operational space for exchanging full

bins with empty bins. Garbage must be compacted at a ratio of 2:1 (no more or less) and no compaction is permitted for recycling.

1. The layout of the garbage rooms must ensure that each bin is easily accessible and manoeuvrable in and out of the garbage rooms with minimal or no manual handling of other bins.
2. The walls of the garbage rooms must be constructed of brickwork.
3. The floor of the garbage rooms must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The garbage rooms must have a waste servicing door, with a minimum clear floor width of 1.5m. Acceptable waste servicing doors are single or double swinging doors.
5. All passageways that bins must be taken through to get to the garbage and recycling waste storage rooms must be a minimum width of 1.5m.
6. All doors of the garbage rooms, when fully opened, must be flush with the outside wall and must not block or obstruct the carpark aisles or passageways. All doors must be able to be fixed in position when fully opened.
7. The garbage rooms must be adequately ventilated (mechanically). Ventilated garbage rooms should not be connected to the same ventilation system supplying air to the units.
8. The garbage rooms must be provided with a hose tap (hot and cold mixer), connected to a water supply, to facilitate bin washing. If the tap is located inside the garbage rooms, it is not to conflict with the space designated for the placement of bins or waste management and reduction equipment.
9. The garbage rooms must be provided with a light (automatic sensor light recommended).
10. The maximum grade acceptable for manually moving bins for collection purposes is 5%.
11. The garbage rooms must have appropriate signage, provided by Council, mounted in a visible location on an internal wall and is to be permanently maintained by the Owners Corporation.
12. Finishes and colours of the garbage rooms are to complement the design of the development.

Bin Measurements (mm)

660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

23. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property/street address for this development is:

51 Old Castle Hill Road Castle Hill

Approved unit numbering:

Level	Building A	Building B	Building C	Building D	Building E
LG	LG01-LG06	N/A	N/A	N/A	N/A
G	G01-G08	G09	G10-G12	G13-G18	G19-G22
1	101-110	111-119	120-124	125-130	131-135
2	201-210	211-219	220-223	224-232	233-238
3	301-310	311-320	321-324	325-333	334-340
4	401-410	411-420	421-429	430-438	439-445
5	501-510	511-520	521-529	530-538	539-545

6	601-610	611-620	621-629	630-638	639-645
7	701-710	711-720	721-729	730-738	739-745
8	801-810	811-820	821-829	830-838	839-845
9	901-910	911-920	921-929	930-938	939-945
10	1001-1010	1011-1020	1021-1029	1030-1038	1039-1045
11	1101-1110	1111-1120	1121-1129	1130-1138	1139-1145
12	1201-1210	1211-1220	1221-1229	1230-1238	1239-1245
13	1301-1310	1311-1320	1321-1329	1330-1338	1339-1345
14	1401-1410	1411-1420	1421-1429	1430-1438	1439-1445
15	1501-1510	1511-1520	1521-1529	1530-1538	1539-1545
16	1601-1610	1611-1620	1621-1629	1630-1638	1639-1645
17	1701-1710	1711-1720	1721-1729	1730-1738	1739-1745
18	1801-1810	1811-1820	1821-1829	1830-1838	N/A
19	1901-1904	1905-1914	1915-1923	1924-1932	N/A
20	2001-2003	2004-2013	2014-2022	2023-2031	N/A
21	N/A	2101-2110	2111-2119	N/A	N/A
22	N/A	2201-2210	2211-2219	N/A	N/A
23	N/A	2301-2308	2309-2313	N/A	N/A

Unit numbering cannot be repeated throughout the development, regardless of building name, number or other identification.

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 all driveway/pedestrian entry points and on buildings. Unit numbering signage is also required on stairway access doors and lift/lobby entry doors. Signage indicating vehicular entrances must also be clearly displayed. It is essential that all signage throughout the complex is clear to assist emergency service providers locate a destination with ease and speed.

Letterbox positioning must to be approved by Australia Post to ensure delivery. Approval confirmation is to be forwarded to Land Information Section of Council.

24. Planting Requirements

All trees planted as part of the approved Landscape Plans are to be minimum 75 litre pot size. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers are to be planted at 5/m².

For all planting on slab and planter boxes allow the following minimum soil depths in accordance with Hills DCP Part D Section 2 Pennant Street Target Site Castle Hill 3.12.2:

- 1.3m for large trees, 1m medium trees or 800mm for small trees;
- 500-600mm for shrubs;
- 300-450mm for groundcover;

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

25. Compliance with Recommendations of Wind Analysis Statement

The recommendations contained within Section 4 of the Pedestrian Wind Environment Statement prepared by Windtech and dated 24 June 2016 and the Technical Memo dated November 24 2016 are to be incorporated into the design of the development.

26. Tree Removal

Approval is granted for the removal of Trees numbered 1-79, 81-102 and 115-132, in Arboricultural Development Impact Assessment Report Revision B, prepared by Birds Tree Consultancy.

Notification shall be provided to Council (72 hours notice) prior to removal of Trees numbered 98-102 within Eric Felton Reserve.

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

27. Street Trees

Street trees are to be planted along Gay Street, Pennant Street and Old Castle Hill Road. All planting of street trees is to be in accordance with *The Hills Development Control Plan 2012- Part C Section 3*. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections and be planted between 7 metres to 10 metres apart. Street tree planting stock is to be of good quality and is to comply with *AS 2303:2015 Tree stock for landscape use*. The street trees are to be surrounded with a 75mm deep mulch zone for an area with a minimum radius of 450mm from the tree trunk of the tree. Timber edging is to define this mulch zone. Details demonstrating compliance with the DCP and the above must be submitted to Council for review and concurrence prior to any street tree planting.

28. Compliance with Police Requirements

Compliance with the requirements of NSW Police – Local Area Command as outlined in their letter dated 13 July 2016:

Surveillance

- During the construction phase security sensor lights be used and security guards are to monitor the site.
- Paint the basement white to reflect light.
- All vehicle and resident/visitor access points are required to have secure access.
- Vegetation is to be maintained at all times to allow natural surveillance and reduce opportunities for concealment.
- The lifts are to be operated by the use of a code/fob or similar to restrict access.
- A security intercom system is to be installed between the visitor parking and all units.
- Security access is to be utilised at both the entry and exit to the basement parking.

Lighting and Technical Supervision

- Lighting is to be utilised within the site in accordance with Australian Standards.
- CCTV is required to be installed at entry/exit points to the carpark, within the basement carparking and common areas. Height stickers are also required on entry/exit doors.

Environmental Maintenance

- Materials chosen are to have regard to the potential for graffiti.

Access Control

- Fencing is required to be vertical style to stop unauthorised access, with spaces left between vertical elements to limit physical access.
- The development is to limit outer ledges or anchor points for ropes to limit access.
- The ground floor units are required to have upgraded security measures, such as alarmed doors and windows, thickened glass and sensor lights.
- Signage is to be erected to ensure that people are aware they are entering private property. The signage is also required to include details of what security treatment has been implemented.
- Ensure that the section of the security roller shutter near the manual door release is solid, that garage shutter doors are strong and that good-quality locking mechanisms are used.

- Letterboxes and caged storage areas are to have good-quality locking mechanisms and be secure.

29. Endeavour Energy Requirements

The applicant is required to liaise with Endeavour Energy regarding the provision of upgraded services to the site.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

30. 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	Purpose: Credit	No. of 1 bedroom units: 202	No. of 2 bedroom units: 675	No. of 3 bedroom units: 46	Sum of Units	No. of Credits: 1	Total S94
Roads & Traffic - Land	\$ 4.52	\$ 6.26	\$ 9.40	\$ 12.18	\$ 913.04	\$ 4,225.50	\$ 432.40	\$ 5,570.94	\$ 12.18	\$ 5,558.76
Roads & Traffic - Capital	\$ 171.31	\$ 237.22	\$ 355.84	\$ 461.27	\$ 34,604.62	\$ 160,123.50	\$ 16,368.64	\$ 211,096.76	\$ 461.27	\$ 210,635.49
Open Space - Land	\$ 1,133.28	\$ 1,569.16	\$ 2,353.75	\$ 3,051.15	\$ 228,922.56	\$ 1,059,183.00	\$ 108,272.50	\$ 1,396,378.06	\$ 3,051.15	\$ 1,393,326.91
Open Space - Capital	\$ 297.37	\$ 411.80	\$ 617.71	\$ 800.71	\$ 60,068.74	\$ 277,965.00	\$ 28,414.66	\$ 366,448.40	\$ 800.71	\$ 365,647.69
Community Facilities - Land	\$ 20.75	\$ 28.73	\$ 43.09	\$ 55.86	\$ 4,191.50	\$ 19,392.75	\$ 1,982.14	\$ 25,566.39	\$ 55.86	\$ 25,510.53
Community Facilities - Capital	\$ 628.32	\$ 869.89	\$ 1,304.85	\$ 1,691.38	\$ 126,920.64	\$ 587,175.75	\$ 60,023.10	\$ 774,119.49	\$ 1,691.38	\$ 772,428.11
Total	\$ 2,255.55	\$ 3,123.06	\$ 4,684.64	\$ 6,072.55	\$ 455,621.10	\$ 2,108,065.50	\$ 215,493.44	\$ 2,779,180.04	\$ 6,072.55	\$ 2,773,107.49

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.

31. Through-Site Link

The through-site link is to be accessible to all in accordance with AS 1428.1. Details are to be provided to the PCA prior to issue of the Construction Certificate.

32. Building E Plans to be Amended

Prior to the release of the Construction Certificate the plans shall be amended in accordance with SK 170331-01 prepared by Krikis Tayler Architects dated 31.3.17 to provide highlight windows and fixed privacy louvres to the northern end of Building E at levels 9 to 17.

33. Balcony Facilities

All balconies are to be provided with water and gas outlets. Details are to be provided to the PCA prior to issue of the Construction Certificate.

34. Fencing of Roof Top Open Space and Site Fencing

- All roof top open space is to be fenced to ensure safety of users. The fencing is to be appropriate for use and is to be designed to add to the external view of the buildings.
- Site Fencing
 - All fencing or walls shall be constructed of similar materials, colours and textures and shall be compatible with the design, materials and colours of the building;
 - Front fences or walls along Gay Street and the Pennant Street interface shall be no higher than 1.2 metres provided the design of the fence or wall incorporates opening or other design elements that maintain at least 60% transparency through the fence or wall;
 - Front fences or walls along Old Castle Hill Road shall be no higher than 1.8 metres provided the design of the fence or wall incorporates opening or other

- design elements that maintain at least 80% transparency through the fence or wall; and
- Fences or walls along the site's western interface shall be predominantly solid and no higher than 1.8 metres.

Details are to be provided to the PCA prior to issue of the Construction Certificate.

35. Design Verification

Prior to the release of the Construction Certificate design verification is required from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in SEPP 65.

36. Driveway Construction to Old Castle Hill Road

The Old Castle Hill Road driveway must be widened across the footpath verge fronting 55 Old Castle Hill Road to facilitate the left turning movement of a Heavy Rigid Vehicle into and out of Old Castle Hill Road from the development. This will require the reconstruction of the existing driveway servicing 55 Old Castle Hill Road to a heavy duty standard. These works need to be coordinated with the owner of that adjoining property in order to maintain access during construction and beyond. Consent from the affected property owner must be provided to Council prior to the issuing of a Construction Certificate.

37. Site Stormwater Management

a) Onsite Stormwater Detention – Hawkesbury River Catchment Area

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Upper Parramatta River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook.

The Internal Stormwater Drawings Project Ref 160155 prepared by Australian Consulting Engineers are for development application purposes only and is not to be used for construction. The detailed design must reflect the following approved concept drawings:

Drawing	Reference	Revision	Date
Site Stormwater Drainage Plan	D001	H	09/02/2017
Basement 2 Stormwater Drainage Plan 3 of 3	D014.2	I	10/02/2017
Site Stormwater Drainage Details Sheet 2	D082	G	31/01/2017
Site Stormwater Drainage Details Sheet 3	D083	H	09/02/2017
Site Stormwater Drainage Details Sheet 4	D084	F	31/01/2017
Site Stormwater Drainage Details Sheet 4	D085	B	09/02/2017

The detailed design must incorporate the following necessary changes:

- Raised bottom of the tank in OSD 1 to achieve gravitational discharge to the outlet pit.
- The design must be reflective of the revised design relating to the diversion of drainage pipe/ external drainage works required earlier in this consent.

Comprehensive design plans showing full construction details must be prepared by an accredited OSD designer and submitted with:

- A completed OSD Drainage Design Summary Sheet;

- 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;
- A completed OSD Detailed Design Checklist;
- A maintenance schedule.

b) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of rainwater tanks, Psorb Stormfilter cartridges and EnviroPod pit baskets, are to be located generally in accordance with the MUSIC model and Site Stormwater Drainage Details Sheet 4 Drawing D084 Revision F dated 31/01/2017 prepared by Australian Consulting Engineers.

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

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

All model parameters and data outputs are to be provided.

These 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 design and construction of the OSD and WSUD 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 OSD system can be issued by Council.

38. Stormwater Pump/ Basement Car Park Requirements

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

39. Works on Adjoining Land

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

40. 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 \$230,000.00 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 frontage of the subject site plus an additional 50m on either side (149m in Gay Street and 156m in Old Castle Hill Road) multiplied by the width of the road (8.5m and 9.5m respectively). No bond has been calculated or is required to be taken for the works in Pennant Street, despite any RMS bond required likely not covering the footpath verge, on the basis the above amount is sufficient already.

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.

41. Security Bond – Engineering 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 engineering works. 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.

42. Engineering Works and Design

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

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

a) Driveway Requirements

The design, finish, gradient and location of all driveway crossings must comply with the above documents and Council's driveway specifications which can be found on Council's website:

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

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

The Gay Street driveway must be 6m wide at the boundary splayed to 8m wide at the kerb. The driveway must be a minimum of 6m wide for the first 6m into the site, measured from the boundary.

The Old Castle Hill Road driveway must be widened across the footpath verge fronting 55 Old Castle Hill Road to facilitate the left turning movement of a Heavy Rigid Vehicle into and out of Old Castle Hill Road from the development. This will require the reconstruction of the existing driveway servicing 55 Old Castle Hill Road to a heavy duty standard as noted above. These works need to be coordinated with the owner of that adjoining property in order to maintain access during construction and beyond. Consent from the affected property owner must be provided to Council prior to the issuing of a Construction Certificate for these works.

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

b) Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the Gay Street, Old Castle Hill Road and Pennant Street 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.

In the vicinity of the emergency overland flow path proposed to the east of the driveway on Gay Street the footpath shall have a reverse grade.

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 (the only exception being Pennant Street). 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. The works in Pennant Street require separate approval from the RMS as outlined later in this consent.

c) Concrete Footpath

A concrete footpath must be constructed along the Gay Street frontage of the site and extending along Gay Street to Gilham Street (in front of No. 1-7 Gay Street). The footpath must be 1.2m wide (minimum).

d) 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.

e) Stormwater Management/ Stormwater Pipeline Reconstruction

In order to ensure the proposed development is protected from flooding whilst ensuring the existing flooding issues downstream towards Les Shore Place and beyond are not exacerbated by the same, the following points (f) through (k) apply:

f) Pipeline Diversion/ Upgrade of Drainage Infrastructure

The proposed drainage concept design, shown on the External Drainage Plan Job 160155 Drawing D1100 Revision F dated 09/02/2017 includes the diversion of an existing drainage pipe (375mm diameter) that traverses the middle of the property with an amplified 600mm diameter pipe along the western boundary, installation of new 600mm diameter pipe (60m long) and amplifying the existing 375mm diameter pipe with a 600mm diameter pipe (66m long) and upgrading a number of existing stormwater pits in Gay Street and Pennant Street as shown on the plans referred to above. The DRAINS models dated 08/02/2017 analysing this concept show that by increasing the size of the pipe within the development site to protect it from flooding, there is an increase in both piped and overland flow further downstream in the catchment, including in the vicinity of residential dwellings/ properties. In addition to the works shown on the plans referred to above, the following additional works/ requirements apply to the development to ensure this impact is mitigated as best as possible:

A detailed design and associated construction documentation must be submitted for approval at the Construction Certificate stage. These works must include:

- An orifice (maximum size 375mm diameter reflective of the pre-development pipe size) must be installed on the downstream side of pit 15/01 to control the discharge of stormwater downstream (to mitigate the downstream impact of these increased flows referred to earlier).
- The provision of an online flood storage chamber incorporated into (or upstream of) pit 15/01 referred to above, within the south-western corner of the site and extended along the overland flow path along the western boundary to detain the controlled water backed up by the orifice controlled outlet.
- Details of the suspended driveway with openings proposed as part of the engineering plans referred to earlier to facilitate the overland flow against the driveway profile included with the stamped approved architectural plans. The detail/ levels must ensure the basement carpark is protected from flooding (including freeboard above the top water level/ level of the edge of the swale). Importantly, the stamped approved architectural plans do not show this suspended driveway. The detailed engineering design needs to be prepared first, then the driveway grades/ long-section needs to be plotted, then the building plans need to be amended to reflect both.

The amendment must be supported by a revised DRAINS model (proposed condition) confirming that the flow rates both pipe and overland flow at downstream conditions have been reduced to the existing condition. This will include detail sizing the online flood storage chamber referred to above.

The stormwater drainage works proposed in/ along Pennant Street must be approved by the RMS, and a copy of the approved documents must be provided to Council. For this reason the online flood storage chamber needs to be contained to the site/ proposed easement.

g) Stormwater Drainage – Pipe Extension on Gay Street

The street drainage network must be extended along the southern side of Gay Street to the east end (cul-de-sac) and include new kerb inlet pits on the southern side of Gay Street from the existing pit (E1) in the vicinity of the driveway, in order to avoid concentrating the collection of stormwater runoff of this upstream catchment at one point that subsequently increases the pressure on the pipes/ inlet structure at this

location. The plan to pipe the majority of flow puts specific focus on the performance and factor of safety associated with the inlet capacity of the piped network in Gay Street, hence the need for these works.

The pipe extension must be located under the existing kerb, requiring the removal and reconstruction of the kerb and gutter and rectification (where required) of the road shoulder fronting the site.

h) Stormwater Drainage – Pipe Extension on Old Castle Hill Road

Construction of a new kerb inlet pit in Old Castle Hill Road along with the extension of the street drainage to a downstream pit is required in accordance with the Proposed External Drainage Plan Drawing D1100 Revision F dated 09/02/2017.

The pipe extension must be located under the existing kerb, requiring the removal and reconstruction of the kerb and gutter and rectification (where required) of the road shoulder fronting the site.

i) Easement/ Drainage Structures Maintenance Plan

A maintenance plan for the emergency overland flow path, proposed bridge/ suspended driveway slab and associated structures is required to be prepared and submitted for written approval to cover and guide the ongoing maintenance of the easement.

j) Flood Compatible Materials

All building materials below the Flood Planning Level must be compatible with the passage of flood waters expected here to ensure the building/s are protected from the same.

All building walls adjoining the emergency overland flow path must be adequately water proofed.

k) Structural Assessment and Certification

Structural certification issued by a specialist structural engineer, experienced in riverine hydraulic processes for all the structures adjacent to the emergency overland flow path must be provided.

This certification is to be based on an assessment against the predicted 100 year ARI flood flow behaviour expected to be experienced at the site as per the submitted modelling, having regard to the following parameters/ considerations:

- Hydraulic loadings (flow depth, flow velocity)
- Shear stress and scour forces
- Scour impacts around and downstream of the structure
- Debris impact loadings
- Saturated ground conditions
- Any other relevant design considerations

43. Security Bond Requirements

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

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;

- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

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

44. Acoustic - Protection of Internal Noise Levels

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

- 35 dB (A) in any bedroom between 10pm and 7am.
- 40dB (A) anywhere else (other than garage, kitchen, bathroom and hallway) at any time.

In particular the acoustic statement shall detail that all recommendations contained within the report *Road Traffic Noise Intrusion Assessment* for proposed residential development at 51-53 Old Castle Hill Road, Castle Hill prepared by Day Design Pty Ltd, referenced as 5988-1.2R Rev A and dated 1 August 2016, have been included in the construction plans of the development.

45. Erosion & Sediment Control Plan

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

- Allotment boundaries
- Location of the adjoining roads
- Contours
- Existing vegetation
- Existing site drainage
- Critical natural areas
- Location of stockpiles
- Erosion control practices
- Sediment control practices
- Outline of a maintenance program for the erosion and sediment controls

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

46. Internal Pavement Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practicing 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 gross vehicle mass) from the boundary to the waste collection point including any manoeuvring areas.

47. Construction Management Plan – Flooding

The replacement/ new pipeline must be in place before the old pipeline is removed, to ensure there are no adverse stormwater impacts during construction. A construction management plan covering this staging of works must be prepared and submitted for written approval before a Construction Certificate is issued.

48. Sydney Water Servicing

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

Make an early application for the certificate, as there may be water and wastewater pipes to be built that can take some time. This can also impact on other services and buildings, driveways or landscape designs.

Applications must be made through an authorised Water Servicing Coordinator. For help either visit www.sydneywater.com.au > Plumbing, building and developing> Developing> Land development or telephone 13 20 92.

49. Acoustic Requirements – BCA

Prior to the issue of any Construction Certificate an acoustic statement is required to be submitted to the PCA which confirms that the recommendations made in the report *BCA Acoustical Recommendations* for proposed residential development at 51-53 Old Castle Hill Road, Castle Hill prepared by Day Design Pty Ltd, referenced as 5988-1.3R Rev A and dated 1 August 2016 are detailed on the final construction plans. Should there be any inconsistencies between the mentioned report and the BCA, then the BCA shall take precedence.

50. Acoustic – Construction Noise Management Plan

Prior to the issue of any Construction Certificate a Construction Noise Management Plan (CNMP) is to be prepared by a suitably qualified acoustic consultant and submitted to Council's Manager – Environment and Health for review and if satisfactory, written approval. The CNMP is to demonstrate how compliance with the *Interim Construction Noise Guideline* published by the Department of Environment and Climate Change, 2009 can be achieved.

51. Acoustic – Mechanical Ventilation

Prior to any Construction Certificate being issued a final noise assessment is to be undertaken as recommended in section 6.2 of the *Environmental Noise Impact Assessment* for proposed residential development at 51-53 Old Castle Hill Road, Castle Hill prepared by Day Design Pty Ltd, referenced as 5988-1.1R Rev E and dated 9 February 2017. The final noise assessment is to confirm that the acoustic noise levels (condition of consent) will not be exceeded.

In addition the final construction plans are to be updated to reflect the following recommendations of the abovementioned report: 6.1.2 car park roller door, 6.1.4 car park speed humps on ramps and 6.1.5 car park stormwater grates on ramps.

The final noise assessment is to be submitted to Council's Manager – Environment and Health for review and if satisfactory written approval will be provided in support of a Construction Certificate being issued.

52. Acoustic – Carpark Driveway Barriers

Prior to the issue of any Construction Certificate the final construction plans are to clearly demonstrate along the northern edge of the two driveways a masonry sound barrier of 1.8m from ground level tapering to 1.2m at the street frontage.

The construction plans demonstrating the masonry sound barrier are to be submitted to Council's Manager – Environment and Health for review and if satisfactory written approval will be provided in support of a construction Certificate being issued.

PRIOR TO WORK COMMENCING ON THE SITE

53. Pre-Construction Adjoining Property Dilapidation Report

A dilapidation report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on adjoining properties within the likely zone of influence from any excavation, dewatering or construction induced vibration. These properties must include, but are not limited to:

- Lot 41 DP 259208, No. 18 Gay Street;
- Lot 32 DP 259208, No. 7 Gay Street;

- Lot 7 DP 227212, No. 6 Vivien Place;
- Lot A DP 158531, No. 55 Old Castle Hill Road;
- Lot 1 DP 161513, No. 57 Old Castle Hill Road;
- Lot 51 DP 1022542, No. 28-34 Pennant Street;
- Lot 3 DP 881999, Eric Felton Reserve; and
- The retaining wall located along Pennant Street.

54. Tree Protection Fencing

Prior to any works commencing on site Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be as per Tree Protection Plan as per Arborist report for project to protect trees numbered T80, T103 -114.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within TPZ;
- Placement of fill within TPZ;
- Parking of vehicles within the TPZ;
- Compaction of soil within the TPZ;
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

55. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating "Tree Protection Zone No Access" (The lettering size on the sign shall comply with AS1319). Access to this area can only be authorised by the project arborist or site manager.

56. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

57. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) and under supervision of a project arborist.

Root pruning should be avoided, however where necessary, all cuts shall be clean cuts made with sharp tools such as secateurs, pruners, handsaws, chainsaws or specialised root pruning equipment. Where possible, the roots to be pruned should be located and exposed using minimally destructive techniques such as hand-digging, compressed air or water-jetting, or non-destructive techniques. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

Certification of supervision by project arborist must be provided to the Certifying Authority within 14 days of completion of trenching works.

58. 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:

- Planned construction access and delivery routes; and

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

59. Traffic Control Plan

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

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

60. Sediment and Erosion Control

The approved sediment and erosion control measures, including a stabilised all weather access point, must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

61. 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.

62. 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.

63. Principal Certifying Authority

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

64. 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.

65. 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.

66. Notification of Asbestos Removal

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

67. Site Water Management Plan

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

68. Erosion & Sediment Control Plan Kept on Site

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

69. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials from the 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 (of an area more than 10 square metres) must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool www.wastelocate.epa.nsw.gov.au. Asbestos removal must be carried out in accordance with the WorkCover, 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.

70. Discontinuation of Domestic Waste Service

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

71. Construction and Demolition Waste Management Plan Required

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

DURING CONSTRUCTION

72. Historic Sites or Relics

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

73. Landscape Works

The landscape works and provision of children's play areas, seating, community gardens and similar are to be provided in accordance with the details provided within the 'Landscape DA Report' prepared by Site Image and dated 17 November 2016, Issue B.

74. 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.

75. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

76. 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.

Any variation sought to the hours of work above, for exceptional circumstances, will require the approval of Council's Manager Regulatory Services. Should approval for works beyond the hours specified above be granted, written notification must be provided to neighbouring properties at least 48 hours in advance of work commencing.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff.

77. Roof Water Drainage

Gutter and downpipes to be provided and connected to an approved drainage system upon installation of the roof covering.

78. Survey Certificate

A survey certificate signed and dated (including contact details) from a registered land surveyor may be requested by the Principal Certifying Authority at footings and/or formwork stage. The certificate shall indicate the location of the building/structure in relation to all boundaries, and shall confirm the floor/coping level prior to any work proceeding on the building/structure.

79. 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 Nos. 737993M_02 and 744459M are to 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.

80. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(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.

81. Stockpiles

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

82. Asbestos Removal

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

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

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

83. 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.

84. Project Arborist

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Private Certifying Authority within 14 days of completion of the works.

85. Further contamination assessment

As per the recommendations of the *Report on Detailed Site (Contamination) Investigation* for proposed residential development 51-53 Old Castle Hill Road, Castle Hill NSW, project 84969.00 and dated August 2015 a contamination assessment of the soils shall be carried out in areas that were inaccessible at the time of the initial contamination assessment. A copy of the assessment shall be submitted to Council's Manager – Environment and Health.

86. Rock Breaking Noise

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

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

87. Contamination

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

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

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

88. Compliance with Requirements of Development Consent

Compliance with all conditions of approval of the Development Consent on the subject property.

89. Design Verification Certificate

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

90. Signage for Pedestrians and Cyclists

Signage is to be erected on the through-site link advising that the link is open to the public at all times.

91. Erection of Red Obstacle Lights

Each corner of each building (towers) shall be provided with low intensity red obstacle lights. The lights are to be erected and functioning prior to issue of the Occupation Certificate.

92. Landscaping Prior to Issue of Occupation Certificate

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 THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

93. Adjoining Property Dilapidation Report Post Construction

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

94. 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.

95. 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.

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. Legal Agreement – Drainage Easement Encroachment

The completion and registration of a deed of agreement acceptable to, and in favour of, Council preserving Council's right of access to pipelines and overland flow along the proposed drainage easement. This deed of agreement must be registered on the title of the property via a positive covenant. Council has standard wording that is available upon request.

The deed of agreement must be submitted to Council for checking along with payment of the applicable fee from Council's Schedule of Fees and Charges. As this process includes the preparation of a report and the execution of the documents by Council, sufficient time should be allowed.

98. 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:

- Works as executed plans prepared on a copy of the approved plans;
- A certificate of hydraulic compliance (Form B.11) from a suitably qualified engineer or surveyor verifying that the constructed OSD system will function hydraulically;
- 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.

99. 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.

a) Easement – Public Stormwater Drainage

New/ replacement drainage easements must be created over all stormwater drainage pipelines and structures which convey public stormwater runoff, in accordance with the requirements of Council. Easement widths must comply with Council's Design Guidelines Subdivisions/ Developments.

b) Restriction/ Positive Covenant – Flood Storage and Overland Flow Path

The subject site must be burdened with a restriction and a positive covenant to ensure the flood storage chamber and emergency overland flow path (and associated walls) required by this consent are maintained to the requirements of Council.

c) Restriction – Bedroom Numbers

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

d) 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.

e) Restriction/ Positive Covenant – Water Sensitive Urban Design

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.

f) Positive Covenant – Stormwater Pump

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

g) Positive Covenant – Onsite Waste Collection

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

h) Public Access Easement (Right of Footway)

A public access easement must be created over the through site link referred to earlier.

100. 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:

- WAE drawings and any required engineering certifications;
- Records of inspections;
- An approved operations and maintenance plan; and
- 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.

101. Works as Executed Plan/ Flood Certification

To ensure the development has been completed in accordance with the approved plans and conditions of this consent the following documentation must be provided to the Principal Certifying Authority (Council in the case of most external and public stormwater works) upon completion of the above works and prior to a final inspection:

- Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor, in accordance with Council's Design Guidelines Subdivisions/ Developments must be submitted to Council when the engineering works are completed.
- The plan must show the extent of inundation associated with a 1:100 year ARI storm, including flood levels along the emergency overland flow path (if any).
- The plans must be accompanied by site earthworks details, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.
- A certificate from a suitably accredited engineer verifying that the development has been completed in accordance with the approved drawings and related conditions.

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

102. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

103. 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.

104. 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.

105. Public Asset Creation Summary

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

106. Amendment of Existing Easement

The existing drainage easement 4m wide and variable width must be amended. Where 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. The new/ replacement easements need to consider both the realigned piped drainage and the emergency overland flow path, which are not aligned. It also must consider all encroaching structures, such as the suspended driveway slab over the swale.

107. Validation report

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

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

108. Acoustic Compliance Report

The acoustic consultant shall progressively inspect the installation of the required noise suppressant components as recommended in the following reports, any acoustic reports approved by Council's Manager – Environment and Health and any conditions which take precedence over the reports:

- *Environmental Noise Impact Assessment* for proposed residential development at 51-53 Old Castle Hill Road, Castle Hill, prepared by Day Design Pty Ltd and referenced as 5988-1.1R Rev E and dated 9 February 2017.
- *BCA Acoustical Recommendations* for proposed residential development at 51-53 Old Castle Hill Road, Castle Hill, prepared by Day Design Pty Ltd and referenced as 5988-1.3R Rev A and dated 1 August 2016.
- *Road Traffic Noise Intrusion Assessment* for proposed residential development at 51-53 Old Castle Hill Road, Castle Hill, prepared by Day Design Pty Ltd and referenced as 5988-1.2R Rev A and dated 1 August 2016.

Certification from a qualified acoustic consultant is to be provided to Council's Manager – Environment and Health.

109. Occupational Hygienist Report for Asbestos Removal

As per the recommendations of the *Report on Detailed Site (Contamination) Investigation* for proposed residential development 51-53 Old Castle Hill Road, Castle Hill NSW, project 84969.00 and dated August 2015, on completion of the asbestos removal works an Occupational Hygienist shall provide documentation in the form of an asbestos clearance certificate in conjunction with the Validation Report to Council's Manager – Environment and Health.

110. Internal Pavement Construction

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

111. Final Inspection of Garbage and Recycling Rooms

Prior to an Occupation Certificate being issued, a final inspection of the garbage and recycling rooms (include those on the residential levels) and related management facilities must be undertaken by Council. This is to ensure compliance with design specifications in other conditions of consent and that necessary arrangements are in place for waste collection by Council. Additionally:

1. The garbage and recycling chutes must be fully operational. This includes the bin linear tracks systems approved in this consent.
2. The cardboard bailer and bin tractor and trailer as required by other conditions of this consent must be installed / supplied at the site.

Contact Council's Resource Recovery Team on (02) 9762 1112 to arrange this inspection. The time for the inspection should be arranged at least 48 hours prior to the suggested appointment time.

112. Bin Tractor and Trailer

Prior to an Occupation Certificate being issued, a tractor and trailer must be procured and delivered to the site. The tractor must have capacity to tow the trailer (loaded with full bins) up all ramps and slopes between the garbage rooms and garbage and recycling storage rooms (collection point). The trailer must have capability to easily load and hold multiple 660L and 1100L. The tractor and trailer must be lawfully handed into the ownership of the Owners Corporation.

113. Waste Collection Risk Assessment

Prior to an Occupation Certificate being issued, an onsite risk assessment relating to waste collection from the site must be undertaken by Council and its waste collection contractor. The time for the assessment must be arranged with Council when clear unobstructed access to and from the loading dock is available to undertake a mock collection run. Contact Council's Resource Recovery Team on (02) 9762 1112 to arrange this inspection.

THE USE OF THE SITE

114. Lighting

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

115. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council staff, an acoustic assessment is to be undertaken (by an appropriately qualified consultant) and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation measures directed by Council's Manager - Environment and Health must be implemented.

116. Acoustic – Noise Levels

Noise from plant and equipment shall not exceed the noise levels listed below at the boundary of any residential receiver (including those within the subject site):

- 54dB(A) during the day (7am – 6pm);
- 50dB(A) during the evening (6pm – 10pm); and
- 39dB(A) at night (10pm to 7am).

In addition, the outdoor condensing units proposed to be installed on the balconies are to have a sound power level of no more than 66dB(A).

117. Acoustic – Maintenance

All approved acoustic attenuation measures installed as part of the development are to be maintained at all times, in a manner that is consistent with the approved acoustic reports, the consent and so that the noise attenuation effectiveness is maintained. This includes but is not limited to:

- Driveway sound barriers;
- Vibration isolated car park ramp stormwater grates;
- Vibration isolated car park roller doors;
- Mechanical plant acoustic barriers.

118. Waste and Recycling Management

A caretaker must be engaged by the Owners Corporation to manage waste and recycling at the development. The caretaker must (but not limited to) transport full bins to and from the garbage rooms and garbage and recycling rooms for collection purposes, exchange full bins with empty bins underneath the garbage and recycling chutes, wash all bins including their storage areas on a regular basis, and action all other matters as required. All of Council's waste servicing instructions must be complied with at all times.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Plan
4. LEP Height Plan
5. Site Plan
6. Elevations
7. Shadow Diagrams
8. Landscape Plan
9. Perspectives
10. Clause 4.6 Variation Request

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

- SUBMISSIONS RECEIVED (FIRST NOTIFICATION)
- * SUBMISSIONS RECEIVED (SECOND NOTIFICATION)

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

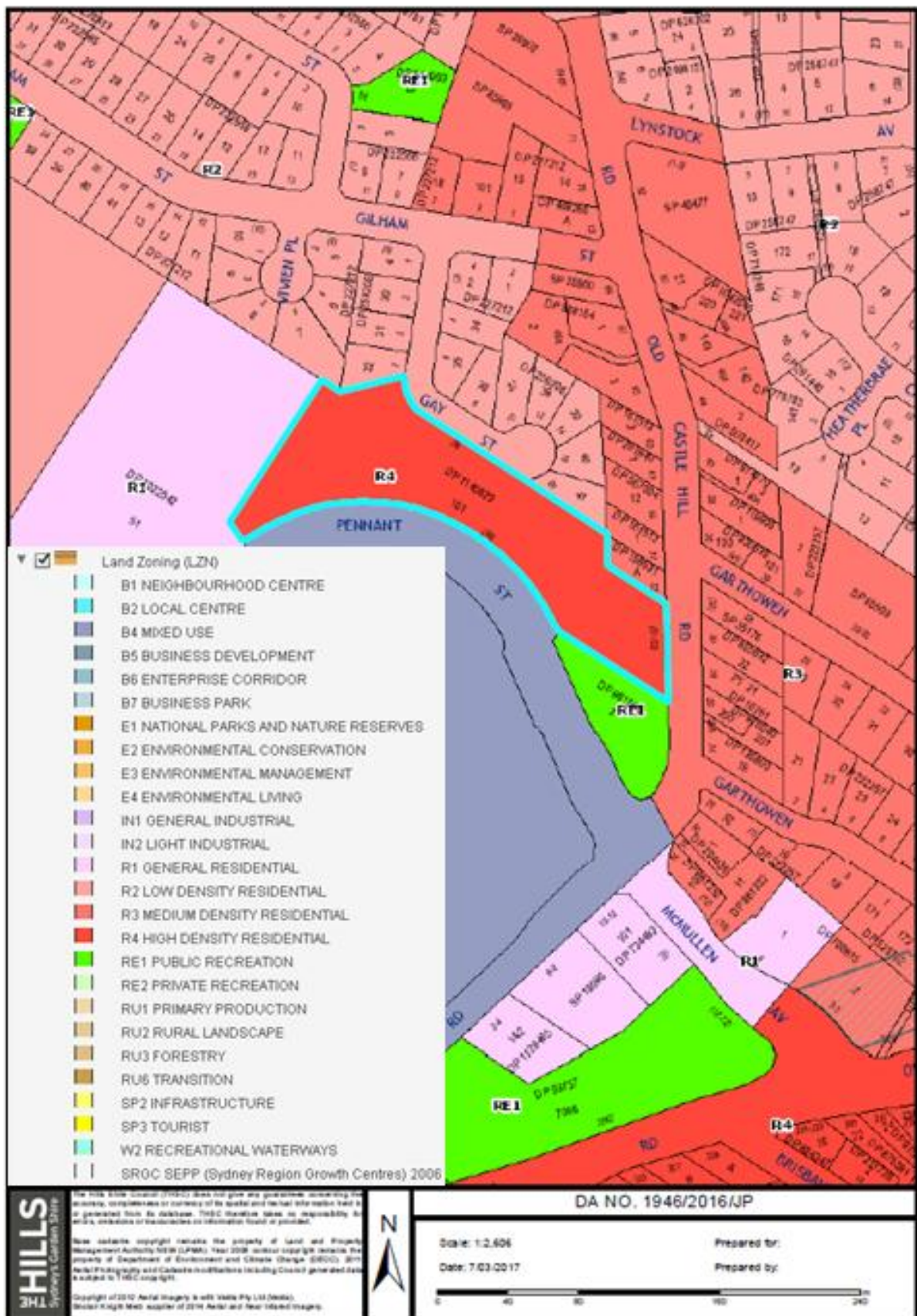
THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE

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

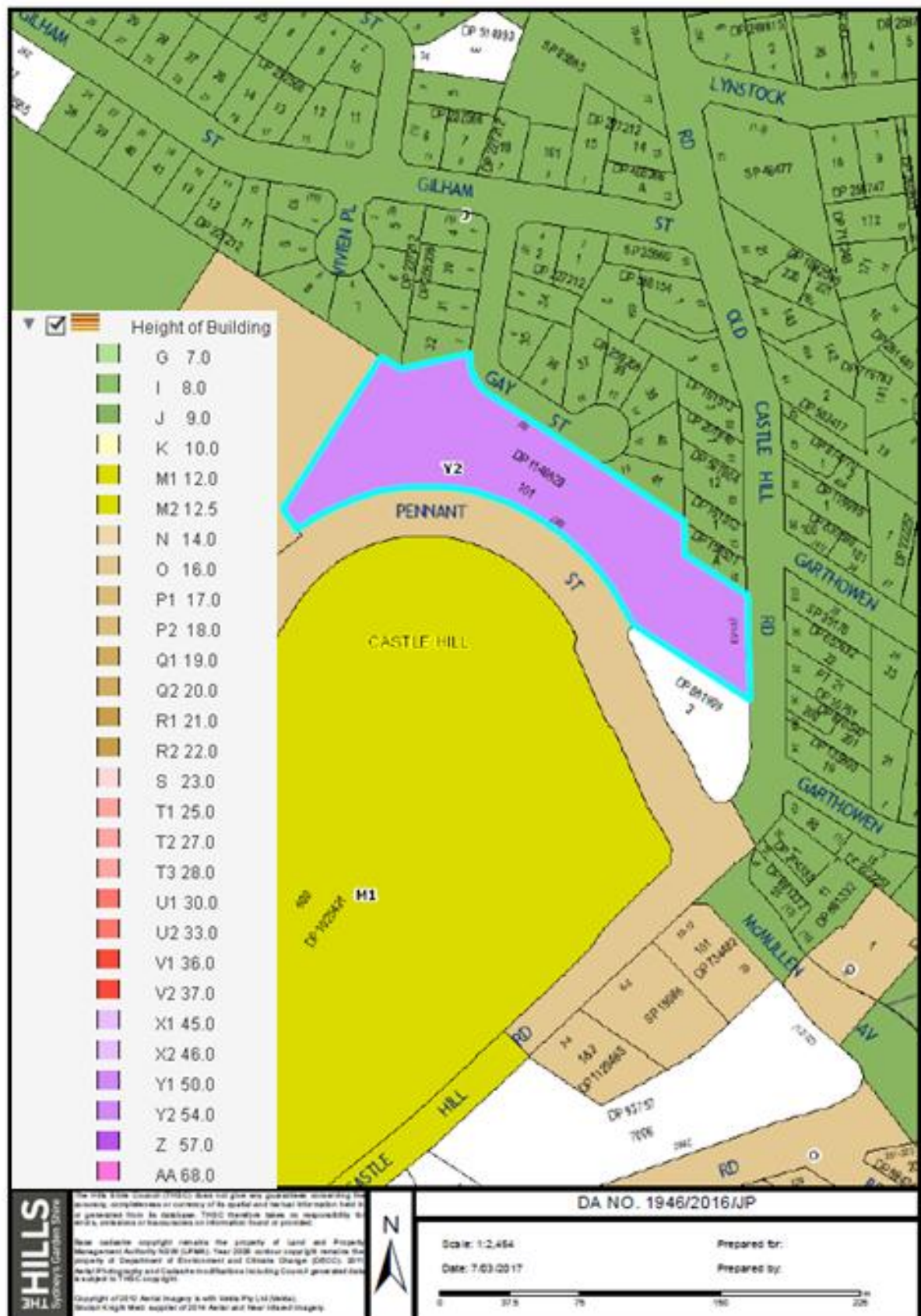
ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – LEP ZONING PLAN



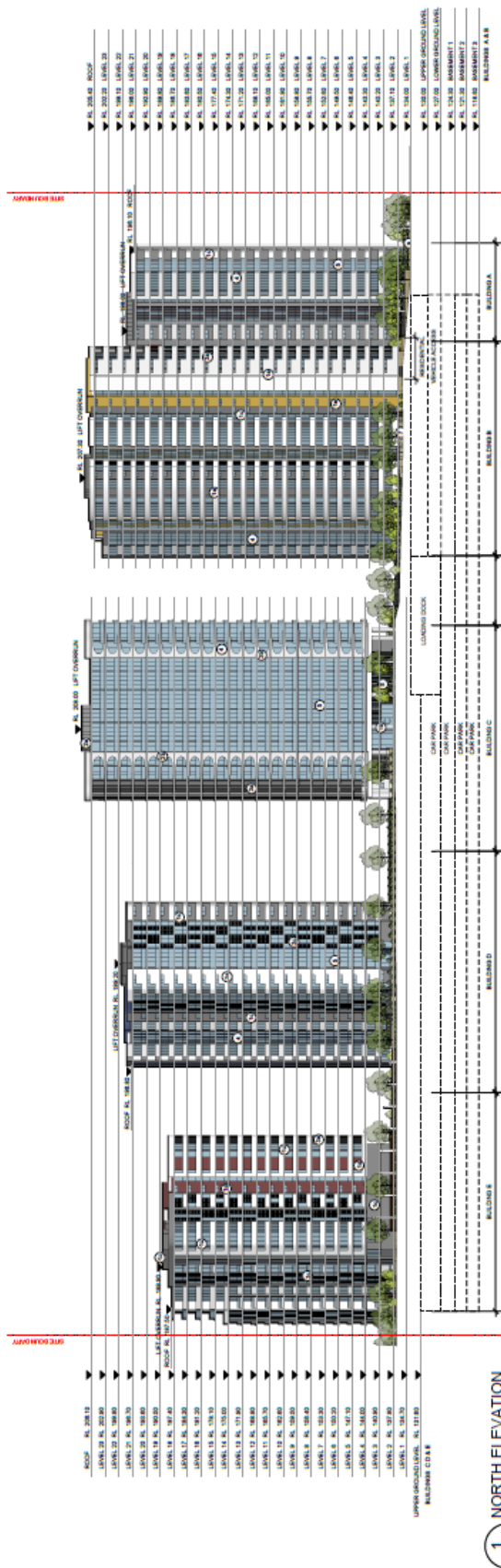
ATTACHMENT 4 – LEP HEIGHT PLAN

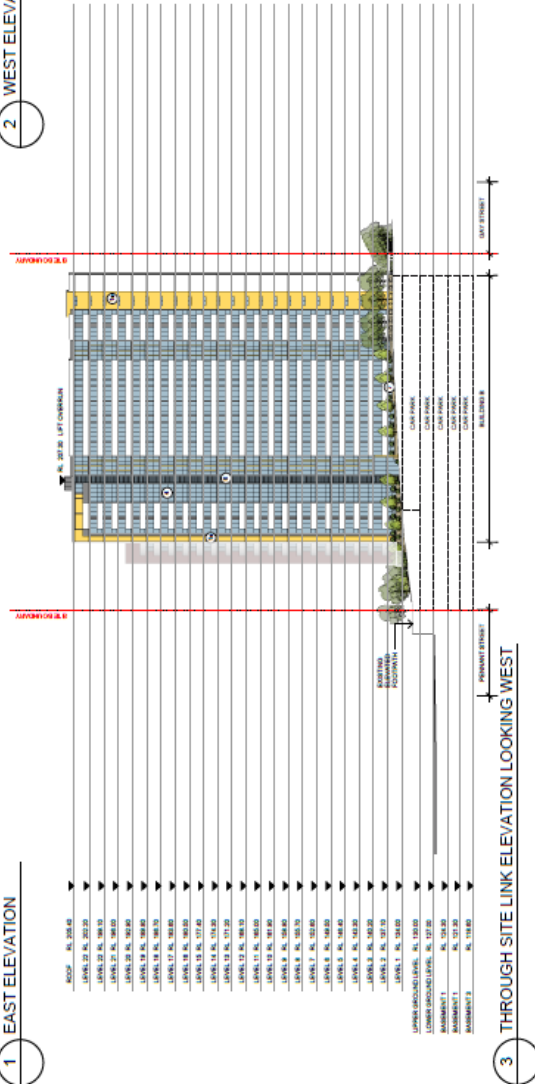
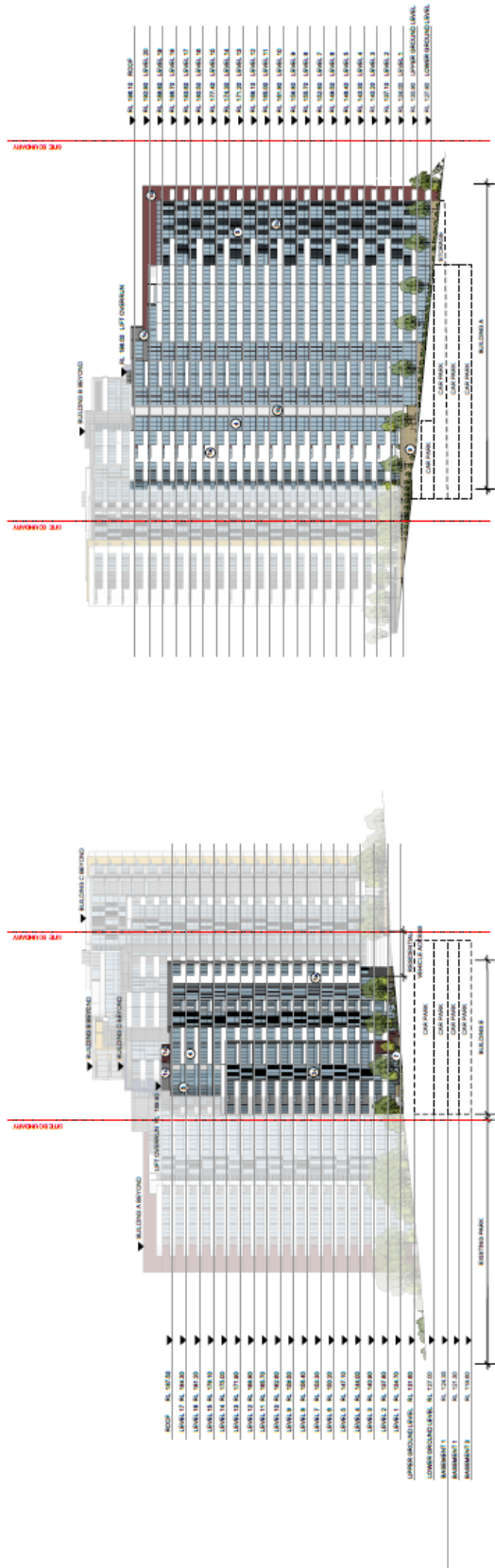


The site plan illustrates the layout of the Engineering School buildings and their relationship to the surrounding urban environment. Key features include:

- Streets:** Gay Street to the west, Rye Lane to the south, and Rye Lane to the east.
- Buildings:** Various building footprints are shown, with some labeled 'ENGINEERING SCHOOL'.
- Setbacks:** Numerous setbacks are indicated with red circles and lines, ranging from 1.2m to 12m.
- Other Features:** The plan also shows a 'CASTLE TOWARD SHOPPING CENTRE' area to the east and a 'RIVER' area to the south.

ATTACHMENT 6 – ELEVATIONS





- [illegible]

ATTACHMENT 7 – SHADOW DIAGRAMS



2 21 JUNE 12PM

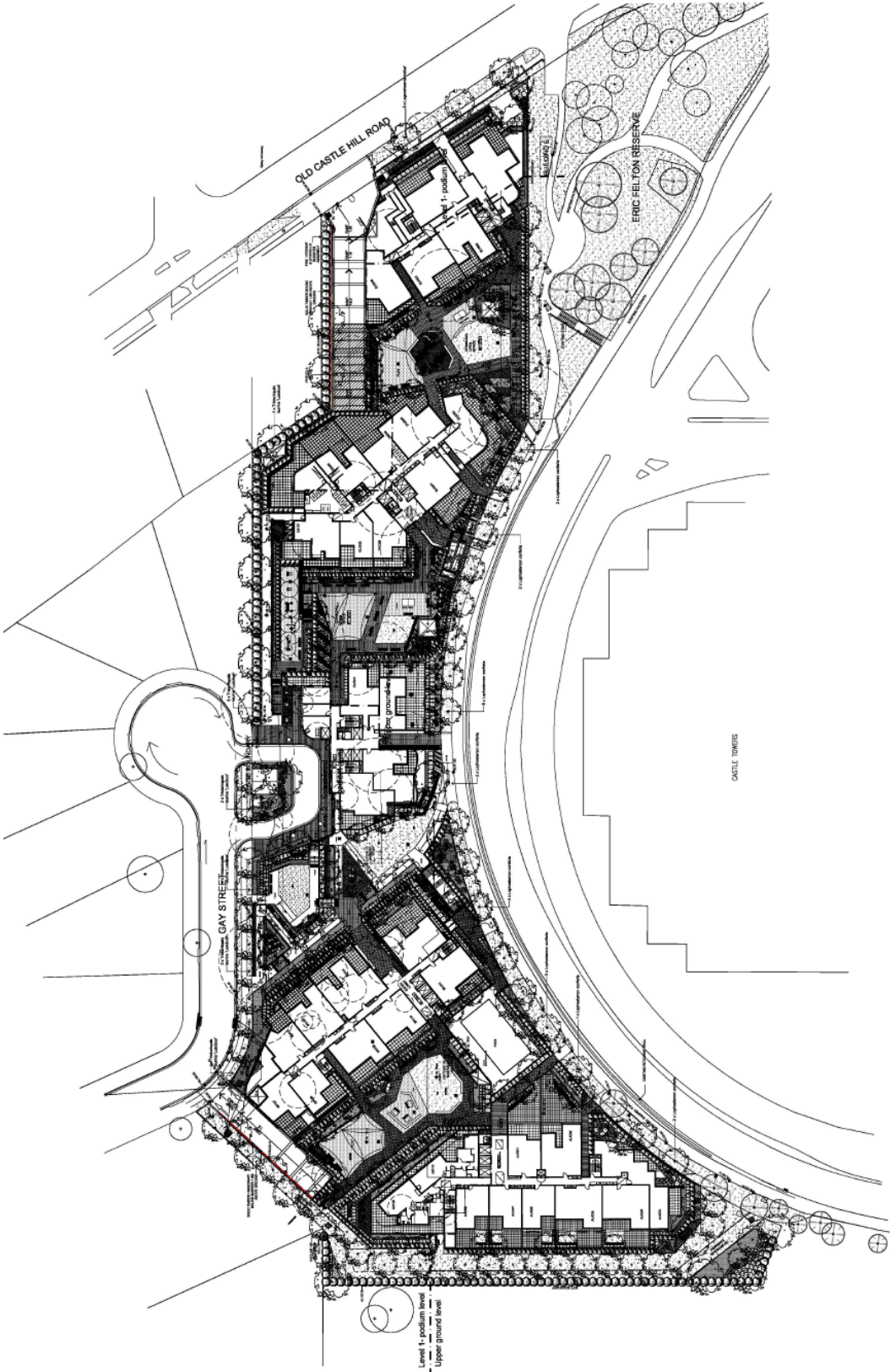


1 21 JUNE 9AM



3 21 JUNE 3PM

ATTACHMENT 8 – LANDSCAPE PLAN





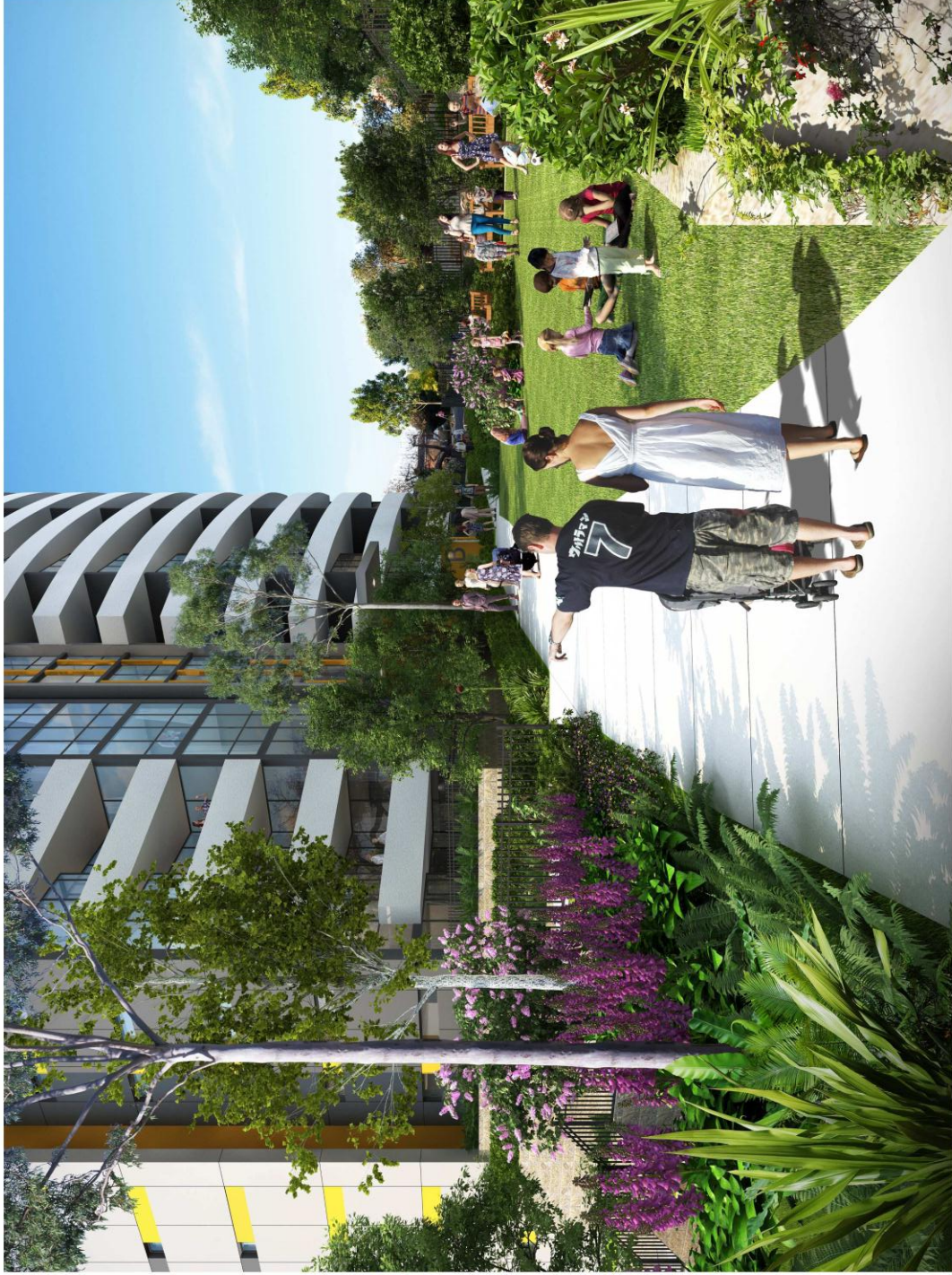
VIEW FROM GAY STREET LOOKING SOUTH

A(2)24 - PHOTOMONTAGE 1

51-53 OLD CASTLE HILL ROAD, CASTLE HILL, NSW 2154



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VIEW FROM THROUGH SITE LINK LOOKING NORTH

A(2)25 - PHOTOMONTAGE 2

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VIEW FROM GILHAM STREET LOOKING SOUTH

A(2)26 - PHOTOMONTAGE 3

51-53 OLD CASTLE HILL ROAD, CASTLE HILL, NSW 2154



kritikis taylor architects

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VIEW FROM PENNANT STREET LOOKING NORTH

A(2)28 - PHOTOMONTAGE 5

51-53 OLD CASTLE HILL ROAD, CASTLE HILL, NSW 2154



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CLAUSE 4.6 VARIATION REPORT

51-53 Old Castle Hill Rd
CASTLE HILL
‘TARGET SITE’

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9.2.17



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1.0 INTRODUCTION

- 1.1 The subject site is located at 51-53 Old Castle Hill Road, Castle Hill. The site is referred to as the Pennant Street Target Site.
- 1.2 This Clause 4.6 report accompanies a development application for the erection of 5 residential apartment buildings containing 923 apartments with basement car parking for 1,153 vehicles.
- 1.3 The LEP permits a maximum height of 54 metres and FSR of 5.5:1.
- 1.4 The development application provides a FSR of 5.5:1 consistent with the LEP. The development applications seeks to reconfigure the mass on the site and increase the building height as follows:

Building	Proposed max height to Top of Roof	Proposed max Height to Top of Lift Overrun
Block A	65.4m	69.5m
Block B	71.9m	76.8m (lift) 75.4m (plant)
Block C	70.1m	74.3m (lift) 72.1m (plant)
Block D	64.6m	65.7m (lift)
Block E	54.5m	56.9m (lift)

- 1.5 The development will exceed the maximum height permitted under the Hills Local Environmental Plan 2012.
- 1.6 Clause 4.6 allows for the contravention of a development standard with approval of the consent authority.
- 1.7 A development standard is defined under the Environmental Planning and Assessment Act, 1979 as:

"Provisions of an environmental planning instrument or the regulations in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development"

- 1.8 The objectives of Clause 4.6 'Exceptions to Development Standards' are as follows:

(a) To provide an appropriate degree of flexibility in applying certain development standards to particular development; and



(b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

1.9 Subclause (3) requires the consent authority to consider a written request from the applicant that demonstrates:

(a) That compliance with the development standard is unreasonable or unnecessary in the circumstances of the case; and

(b) That there are sufficient environmental planning grounds to justify contravening the development standard.

1.10 Subclause (4) requires the consent authority to be satisfied that:

(a) The applicants written request has adequately addressed the matters required to be demonstrated by subclause (3); and

(b) 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 the development is proposed to be carried out.

1.11 The proposed variation to the Height control is assessed with consideration to the principles established by the Land and Environment Court in *Whebe V Pittwater Council [2007] NSW LEC 82* and the principles established in *Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46* and tested in the judgement of *Four2Five Pty Ltd v Ashfield Council NSWLEC 90*.

1.12 This Clause 4.6 variation report has been prepared by LJB Urban Planning and accompanies the development application.

2.0 CLAUSE 4.6 VARIATION REPORT

Is the Requirement a Development Standard?

Height

- 2.1 Clause 4.3 of the Hills Local Environmental Plan 2012 contains a development standard that allows for a maximum height on the subject site. Clause 4.3 states:
- (1) *The objectives of this clause are as follows:*
- (a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*
 - (b) *to minimise the impact of overshadowing, visual privacy and loss of privacy on adjoining properties and open space areas.*
- (2) *The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.*
- 2.2 Clause 4.3 is a development standard, the accompanying LEP Height Map permits a maximum height of 54m.
- 2.3 A written justification for the proposed variation to the height development standard is required in accordance with Clause 4.6.

Variation to the Development Standards.

- 2.4 The development proposes the following building heights:

Building	Maximum height permitted	Proposed height to Top of Parapet	Variation to Top of Parapet	Proposed Height to Top of Lift Overrun / plant	Variation to Top of Lift Overrun / plant
Block A	54 metres	65.4m	11.4m	69.5m	15.5m
Block B	54 metres	71.9m	17.9m	76.8m (lift) 75.4m (plant)	22.8m 21.4m
Block C	54 metres	70.1m	16.1m	74.3m (lift) 72.1m (plant)	20.3m 18.1m
Block D	54 metres	64.6m	10.6m	65.7m (lift)	11.7m
Block E	54 metres	54.5m	0.5m	56.9m (lift)	2.9m

What is the Underlying Object or Purpose of the Standards?

2.5 The objectives of Clause 4.3 Height under Hills Local Environmental Plan are as follows:

(1) *The objectives of this clause are as follows:*

(a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*

(b) *to minimise the impact of overshadowing, visual privacy and loss of privacy on adjoining properties and open space areas.*

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

2.6 The proposed variation to the height control is assessed with consideration to the principles established by the Land and Environment Court in *Whebe v Pittwater Council [2007] NSW LEC 82*. His Honour Preston CJ set out 5 ways of establishing that compliance with the standard is unreasonable or unnecessary. The 5 parameters were further tested in *Four2Five Pty Ltd v Ashfield Council NSWLEC 90* where Justice Pain found that meeting the objectives of the standard was not sufficient to demonstrate that compliance was unreasonable or unnecessary.

2.7 Each of the 5 ways will be addressed in detail below:

(a) *The proposal meets the objectives of the development standard notwithstanding its non-compliance with the standard. In this instance one must determine the objectives of the standard and if not expressly stated in the LEP what are the inferred objectives?*

2.8 The proposed development will achieve compliance with the objectives of the development standard under Clause 4.3 of the LEP. A detailed assessment against each objective, relating to height is provided below:

(a) *to ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.*

2.9 The height of the development will be compatible with the desired future character of the Castle Hill Town Centre. This site is the first site within the Castle Hill North Precinct to be rezoned to High Density residential.

2.10 Hills Council have prepared a Planning Proposal for the Castle Hill North Precinct to allow medium and high density development in the area. The objectives of the Planning Proposal are:

- *To allow high and medium density development within the walkable catchment of the future Castle Hill train station;*

- To encourage future medium and high density development to meet the needs of future Hills Shire Residents;
- To achieve a high standard of quality for buildings;
- To create a pedestrian friendly public domain, including high quality footpath paving, street trees, street furniture and lighting, and
- To encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre.

2.11 The Planning Proposal followed the preparation by Council of the 'Precinct Plan for Castle Hill North' and the 'Hills Corridor Strategy'.

2.12 The 'Precinct Plan for Castle Hill North' recognised that there is a capacity within the precinct for higher density residential development. Accordingly the desired future character of this precinct is higher density housing is a range of building forms and heights. The Pennant Street Target Site has been identified in the Castle Hill North Precinct Plan as a 'landmark development site'. Increased height that is compatible with the future character of the area is consistent with the height objective and will enhance the skyline as demonstrated below:



2.13 The development site will provide a safe and attractive through-site link that will enable access between Gay Street and Pennant Street. The area to the north will be redevelopment in accordance with the Castle Hill North Planning Proposal and the through site link will improve the accessibility to public transport and key services for future residents. The through site link will also provide an open vista through the site as show in the following photomontage



(b) to minimise the impact of overshadowing, visual privacy and loss of privacy on adjoining properties and open space areas.

- 2.14 The form of buildings envisaged by the DCP were substantially longer block forms running almost parallel with Pennant Street. These forms will present as a substantial mass that would limit the opportunity to achieve solar access through the site. The re-configuration and increased building height enables the buildings to be oriented in a primarily north/south direction which enables solar access through the site.
- 2.15 The re-configuration and increased building height enables the buildings to be slender in form and be oriented in a primarily north/south direction which enables solar access through the site. Furthermore, the removal of the podium and creation of north/south towers reduces the visual impact of the mass of the buildings when viewed at street level as shown below:





- 2.16 From all vantage points, you will be able to appreciate the space between the building forms and achieve vistas through the site. The reduction in building footprint and increased height enables this to be achieved.
- 2.17 The LEP permits a height of 54 metres across the site. The proposed variation of height beyond this control does not result in increased shadowing of the public park. The break between the buildings enables solar penetration.

(b) The underlying objective or purpose is not relevant to the development;

- 2.18 The underlying objective of the height control is still relevant.

(c) The underlying objective or purpose would be defeated or thwarted if compliance was required with the standard;

- 2.19 The underlying objective or purpose of the height control would be thwarted if compliance was required. The variation sought to the height of the buildings results from a re-configuration of a compliant density of development controlled by the FSR control. The application successfully removes the hard edged podium design including large building mass in an east/west orientation with a series of 5 linear towers that are orientated in a north/south direction.
- 2.20 The tower footprints occupy less than 38% of the site compared with a compliant building height that would require building site coverage of in excess of 80%. A substantial reduction in building footprint enables a far superior urban design and public domain interface outcome by increased landscaping and visual permeability through the site.
- 2.21 The following 3D massing images outline the building form that would be required to enable the use of the permitted FSR and compliant height:



LEP compliant massing visible from Castle Towers carpark.



LEP compliant massing visible aerial view from the north.



LEP compliant massing visible along Pennant Street



LEP compliant massing visible from corner of Pennant & Old Castle Hill Rd.

2.22 By comparison, the smaller building footprints and increased building heights result in an improved environmental outcome.

2.23 Therefore the underlying objectives would be thwarted if compliance was required.

(d) The development standard has been virtually abandoned or destroyed by Council's own actions.

2.24 The Council has not abandoned the height control.

(e) The zoning of the land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable and unnecessary.

2.25 The zoning of the land is appropriate being R4 High Density Residential.

2.26 The proposed development maintains compliance with the objectives of the R4 High Density zone.

2.27 The objectives of the R4 High Density Zone under Hills LEP 2012 are as follows:

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

2.28 The proposed development satisfies the objectives of the R4 High Density zone, as outlined below:

- Residential uses are an appropriate type of development within the current zone and they are complimentary to the nearby residential and mixed use zones particularly given the proximity of the Castle Hill town centre and future railway station.
- The site is located immediately to the north of CastleTowers shopping centre and in close proximity to the existing bus interchange on Old Northern Road and the future Castle Hill railway station which will be constructed underneath Arthur Whitting Park. A residential development of this scale within such close proximity to existing and future public transport services will maximise public transport patronage.
- The development will enhance the public domain at the street/pedestrian level with the provision of a through-site link that will allow pedestrians/commuters to traverse the site from Gay Street to Pennant Street.
- The residential lobby entries are provided at the base of each tower. The design of the landscaped areas, surrounding each tower, will provide easy direction for future occupants and their visitors.
- The development will make a substantial contribution to the Castle Hill skyline and will enhance the unique character of the area given the quality architectural design. The development will provide housing choice at the northern end of the Castle Hill town centre.
- The additional residential development will support the existing and future services and facilities located within Castle Hill and each building will integrate appropriately into the civic place with an architecturally designed and landscaped through-site link.

2.29 The site is located within an area that has and is currently transitioning to provide higher density residential development. The provision of a further 923 residential dwellings will assist

The Hills Council in achieving their housing targets established under the Plan for Growing Sydney.

- 2.30 The ground level treatment will ensure activation of all street frontages and communal and public open space throughout the development and ensure that there is improved natural surveillance for pedestrians throughout the site.
- 2.31 It is therefore considered that the development notwithstanding the variation to the development standard, achieves the objectives of the R4 High Density zone.

Does the variation meet the 5 questions established in Winten Developments Pty Ltd v North Sydney Council ?

- 2.32 The variation to the standard is also considered in relation to the criteria established in Winten Developments Pty Ltd v North Sydney Council [2001] NSWLEC 46. The Commissioner identified a series of questions relevant to the consideration of a SEPP 1 Objection. The same questions are relevant to a Clause 4.6 variation and are addressed below:

1. Is the planning control in question a development standard?

- 2.33 The Planning Control at Clause 4.3 of Hills LEP 2012 is a development standard, as identified in Section 2.1 of this report.

2. What is the underlying object or purpose of the standard?

- 2.34 The objectives of the Height Standard have been addressed in detail above at Section 2.8 of this report. The assessment confirms that the development meets the objectives.

3. Is compliance with the development standard consistent with the aims of the Policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in section 5(a)(i) and (ii) of the EP&A Act?

- 2.35 The objectives of Clause 4.6 are:

To provide an appropriate degree of flexibility in applying certain development standards to particular development; and

To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

- 2.36 The objectives of the Clause seek to allow 'flexibility' in the application of the controls. This development is considered an appropriate form of development that warrants the flexible application of the Height control. The flexible application of the controls will achieve a better outcome on this site for the following reasons:

- The increased building height reduces the building footprint at ground level and increases the opportunity for deep soil landscaping, communal open space and landscaping across the site.

- The removal of the podium and creation of five towers orientated in a north/south direction enables visual permeability through the site and produces a better distribution of floor space across the site.
- The variation to the height control does not cause additional overshadowing to nearby residential properties or the public park compared with buildings compliant with the maximum height in the LEP. The creation of taller buildings enables the footprint of the buildings to be reduced which enhances solar penetration through the site.
- Adequate separation and setbacks between the buildings combined with building design and finishes ensures that privacy is maintained for future development sites as well as for future residents within the development.
- The massing diagrams provided at Section 2.21 of this report demonstrate the resultant bulk of buildings utilising the permitted FSR within the permitted height control. Compliance with the control is not a better environmental planning outcome and therefore the flexible application of the height control is appropriate.

2.37 It is therefore considered that the development meets the objectives of Clause 4.6.

2.38 The objects of the Act at 5(a)(i) and (ii) are:

(a) to encourage:

(i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*

(ii) *the promotion and co-ordination of the orderly and economic use and development of land,*

2.39 The non-compliance with the development standard does not hinder the attainment of the relevant objects for the following reasons:

- The variation to the Height control will not impact on the ability to achieve the proper management, development and conservation of natural and artificial resources. The increased height will have no increased impact on natural features and the ability to service the development.
- The variation to the height standard enables the orderly and economic use of the land. This report has demonstrated that the development meets the objectives of the R4 High Density zone and the height development standard. The report has also demonstrated that the outcome on this site is appropriate and will result in a better planning outcome.

2.40 It is therefore considered that the development meets the relevant objectives of the Act.

4. Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

2.41 Compliance with the Height development standard is unreasonable and unnecessary. The increase in building height will produce a better planning outcome and therefore compliance is unreasonable and unnecessary.

2.42 A better planning outcome is achieved from a re-configuration of a compliant density of development controlled by the FSR control. The application successfully removes the hard



edged podium design with large building mass in an east/west orientation with a series of 5 towers that are orientated in a north/south direction.

- 2.43 The tower footprints occupy less than 38% of the site compared with a compliant building height that would require building site coverage of in excess of 80%. A substantial reduction in building footprint enables a far superior urban design and public domain interface outcome by increased landscaping and visual permeability through the site.
- 2.44 The application does not seek to increase the density of development on the site; this is compliant with the maximum FSR established in the LEP.
- 2.45 Based on the above it is therefore considered that compliance with the standard is unreasonable and unnecessary.

5. Is the Objection well founded?

- 2.46 The Clause 4.6 variation report is well founded as it demonstrates as required by Clause 4.6 of the LEP that:
- Compliance with the development standard would be unreasonable and unnecessary in the circumstances of this development
 - There are sufficient environmental planning grounds to justify the contravention;
 - The development meets the objectives of the development standard and the R4 High Density zone, notwithstanding the proposed variation;
 - The proposed development is in the public interest and there is no public benefit in maintaining the standard; and
 - The contravention does not raise any matter of state or regional significance.
- 2.47 The variation is considered well founded.

Is the variation in the public interest?

- 2.48 The current zone allows for higher density development in the form of buildings to a height of 54 metres and a density of housing controlled by a FSR of 5.5:1. This application does not seek to achieve additional floor area or additional density beyond the floor space control.
- 2.49 The application seeks to re-distribute the permitted floor area into a series of 5 linear towers that exceed the permitted height control. Compliance with the height control could be achieved by reducing the height and providing larger building forms as envisaged by the DCP and demonstrated at Section 2.21 of this report. The increased height provides a number of improvements that are in the public interest. In summary these include:
- Substantially reduced building footprint compared with the configuration of buildings envisaged by the DCP and LEP.
 - Increased opportunity for communal open space and landscaping that will improve the visual amenity of the site and relationship with surrounding development sites.

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- Provision of a through site link 35.7 metres wide at the Gay Street end and 39.5 metres wide at the Pennant Street end which is flanked with residential towers to ensure passive surveillance and sense of safety and security for pedestrians using the link.
 - Break down of mass into 5 linear towers that include varying heights to punctuate the skyline.
 - Opportunity for visual permeability through the site which opens up the views across the site and will enhance the visual impact for future development to the north.

2.50 A variation to the height control is in the public interest.