COUNCIL ASSESSMENT REPORT

Panel Reference	2017SWC142
DA Number	DA 1946/2016/JP/A
LGA	THE HILLS SHIRE COUNCIL
Proposed Development	SECTION 4.55(2) MODIFICATION TO AN APPROVED RESIDENTIAL FLAT BUILDING DEVELOPMENT
Street Address	Lot 101 DP 1146629 AND LOT A DP 158531, NOS. 51-55 OLD CASTLE HILL ROAD, CASTLE HILL
Applicant	TOPLACE PTY LTD
Date of DA lodgement	07 December 2017
Number of Submissions	Four
Recommendation	Approval of the Modification Application.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	Section 4.55(2) Modification Application to a DA which Exceeded a CIV of $20 million
List of all relevant s4.15(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	21 June 2018

Summary of s4.15 matters Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?	Yes
Legislative clauses requiring consent authority satisfaction Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? *e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP*	Yes
Clause 4.6 Exceptions to development standards If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions Does the DA require Special Infrastructure Contributions conditions (S94EF)? *Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions*	N/A
Conditions Have draft conditions been provided to the applicant for comment?	Yes

EXECUTIVE SUMMARY

On 20 April 2017 the then Joint Regional Planning Panel (JRPP) approved Development Application 1946/2016/JP for the demolition of structures and the erection of five apartment buildings containing 923 units and basement parking for 1154 vehicles. The controls which are in place are the result of a site specific Planning Proposal for the target site which includes a DCP. Since the time of the approval of the original application, the applicant has acquired No. 55 Old Castle Hill Road (located to the north) and the proposed modifications are as a result of the inclusion of the additional property into the development site.

The approved development included a variation to LEP 2012 in regard to height. The LEP limits height to 54 metres, while the approved maximum height was 76.8m to Building B which represented a maximum 42.2% variation to the LEP standard. The form of development approved on the site was also quite different from that envisaged by the Planning Proposal in terms of height and the location and form of the buildings. However the approved built form outcome allowed the provision of more slender towers which were 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.

The Modification Application seeks to increase the number of units to 962 units and provide 1202 car spaces. Vehicle access to the basement parking remains from Gay Street and Old Castle Hill Road. The principal changes to the design are the expansion of Building E into No. 55 Old Castle Hill Road and the revised basement parking design.

As No. 55 Old Castle Hill Road was not part of the original subject site it is not included in the site specific planning controls which apply to the target site. Further, No. 55 Old Castle Hill Road is currently part of the Castle Hill North Planning Proposal which seeks to rezone land within the precinct area to higher density to allow for increased development potential in close proximity to existing and future public transport and the Castle Hill Town Centre.

The subject application includes a variation to LEP 2012 which limits the height of the development to 54 metres. Building E has an approved height of 54.5 metres and whilst are no changes to the overall height of the development, that part of Building E which encroaches over No. 55 Old Castle Hill Road will have a height of 54.5 metres. The height

limit under LEP 2012 is 9 metres and this represents a variation of 505% to the LEP standard.

The proposed height 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 development includes variations to the Apartment Design Guidelines in regard to building separation, additional setbacks at zone boundaries and deep soil zones, and to the DCP in regard to building footprint, parking, unit size and mix, private open space and deep soil zones. The proposed amended 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 notified to adjoining property owners and four submissions were received. The issues raised relate to traffic, parking, adequacy of services and infrastructure and character. 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 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 modification application is recommended for approval subject to amended conditions.

BACKGROUND			**MANDATORY REQUIREMENTS**
Owner:	51 Ochr Pty Ltd	1.	LEP 2012 – permissible with consent, variation to height proposed.
Zoning:	R4 High Density Residential and R3 Medium Density Residential	2.	SEPP State and Regional Development 2011 – Satisfactory.
Area:	14,797m^2	3.	SEPP 55 – Remediation of Land Satisfactory.
Existing Development:	Works under construction and a Dwelling	4.	SEPP 65 – Design Quality of Residential Apartment Development – Satisfactory.
		5.	SEPP Building Sustainability Index: BASIX 2004 – Satisfactory.
		6.	DCP Part D Section 2 – Pennant Street Target Site – Variations required, see report.
		7.	Section 79C (EP&A Act) – Satisfactory.
		8.	Section 94 Contribution – yes, currently $2,921,346.54

SUBMISSIONS		REASONS FOR REFERRAL TO SCCPP	
1. Exhibition:	Not required.	1.	S.4.55(2) Modification Application
2. Notice Adj Owners:	Yes, 14 days.		
3. Number Advised:	113		
4. Submissions Received:	Four		

HISTORY

On 20 April 2017 the then Joint Regional Planning Panel (JRPP) approved DA 1946/2016/JP for the demolition of structures and the erection of five apartment buildings containing 923 units and basement parking for 1154 vehicles.

The approved development included a variation to LEP 2012 in regard to height. The LEP limits height to 54 metres, while the maximum height permitted was 76.8m to Building B which represented a maximum 42.2% variation to the LEP standard. The proposal complied with the FSR limit which is 5.5:1. The form of development approved on the site was also quite different from that envisaged by the Planning Proposal in terms of height and the location and form of the buildings. However, the approved built form outcome allowed the provision of more slender towers which were 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.

Since the time of the approval of the original application, the applicant has acquired No. 55 Old Castle Hill Road (located to the north) and the proposed modifications are as a result of the inclusion of the additional property into the development site.

The subject Modification Application was lodged on 7 December 2017. A letter was sent to the applicant on 12 February 2018 requesting additional information regarding owner's consent, DCP and ADG compliance, drainage, acoustic impact and waste management. Additional information was submitted by the applicant on 17 April 2018.

PROPOSAL

On 20 April 2017 the then Joint Regional Planning Panel (JRPP) for the demolition of structures and the erection of five apartment buildings containing 923 units comprising:

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

The proposal also included basement parking for 1154 vehicles comprising 969 resident spaces and 185 visitor spaces.

Since the time of the approval of the original application, the applicant has acquired No. 55 Old Castle Hill Road (located to the north) and the proposed modifications are as a result of the inclusion of the additional property into the development site.

The proposed Section 96(2) modification seeks:

- The inclusion of No. 55 Old Castle Hill Road in the development site;
- Reconfiguration and expansion of the basement car parking levels and waste servicing areas to accommodate additional residential units. Parking will be increased from 1154 spaces to 1202 spaces;
- Relocation of the entry/exit driveway further to the north on No. 55 Old Castle Hill Road;

- An increase to the building envelope of Building E to the north due to the inclusion of No. 55 Old Castle Hill Road;
- To increase and modify the unit mix from 923 to 962 units; and
- An adjustment to the upper ground, level 1 and level 2 of Building D to reflect the changes to the driveway.

The proposed unit mix is:

- 203 x 1 bedroom units;
- 712 x 2 bedroom units; and
- 47 x 3 bedroom units.

The amended proposal will provided 1202 car spaces which comprises 1009 resident spaces and 193 visitor spaces.

The approved 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.

There is no change to the approved maximum height.

The following table provides a brief comparison between the approved and proposed development:

Criteria	Approved	Proposed
Unit Numbers	923 units	962 units
Car Spaces – resident	969 spaces	1009 spaces
Car Spaces – visitor	185 spaces	193 spaces
Total car spaces	1154 spaces	1202 spaces
Zoning	R4 High Density Residential	No. 55 Old Castle Hill Road is zoned R3 Medium Density Residential (permissible under Clause 5.3 of LEP 2012)
Height	Maximum 23 storey	No change to the maximum height
Floor space ratio	5.5:1	5.47:1
Lot size	14,160m^2	14,797m^2

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 7 of the Environmental Planning and Assessment Act, 1979 specifies the referral requirements to a Planning Panel:-

At the time of lodgement of the original application, the site was owned by The Hills Shire Council. As such the $5 million limit was applicable. The ownership of the site changed during the assessment of the original application and Council was no longer the owner.

Notwithstanding the change of site ownership during the assessment of the original application, the need for referral to the Planning Panel was also triggered by the following requirement:

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

The approved development had a Capital Investment Value of $257,297,435 thereby requiring referral to, and determination by, a Planning Panel.

Further to the above, regional panels are also responsible for determining applications to modify a consent for regionally significant development under Section 96(2) of the EP & A Act. As the proposed modification is under the provisions of Section 96(2) of the EP & A Act, the SCCPP is the determining body for the application.

2. Compliance with LEP 2012

a. Permissibility

The original site which contained the development was zoned R4 High Density Residential and the works were defined as a residential flat building development as follows:

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

A residential flat building development is a permissible use in the R4 High Density Residential zone.

The proposed modification seeks to include No. 55 Old Castle Hill Road to the site which is currently zoned R3 Medium Density Residential. A residential flat building development is a prohibited use in the R3 Medium Density Residential zone. The applicant seeks to use Clause 5.3 'Development near zone boundaries' to address permissibility of the use.

The LEP also requires that the minimum lot size for residential flat development is 4000m^2. The subject site has an area of 14,797m^2.

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 5.47:1 which complies with the LEP standard, however there is a variation if the Castle Hill North Planning Proposal is considered. The proposed height exceeds the LEP limitation. The proposed variations to both LEP height and FSR are addressed below.

The proposed works are satisfactory in regard to LEP 2012.

b. Use of Clause 5.3 of LEP 2012

Clause 5.3 states as follows:

5.3 Development near zone boundaries

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

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

(3) This clause does not apply to:

(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

Attachment 3 shows the LEP zoning plan and Attachment 8 shows the eastern elevation and the lot boundaries.

The applicant has submitted the following justification:

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

Land must be within 20 metres of any 2 zones. In granting consent the Consent Authority needs to be satisfied of the following:

- *the development is not inconsistent with the objectives for development in both zones, and*
- *the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.*

The land in question is within 20 metres of the R4 zone boundary.

The whole purpose for the inclusion of Clause 5.3 is to allow flexibility with the permissible land uses, often referred to as the 'elastic band' approach. Under separate cover, legal advice was provided to Council that addressed the requirement and application of Clause 5.3. The legal advice following consideration of the wording of the clause and relevant case law determined that 'the power of Clause 5.3 is available to the consent authority, to entertain an application for development on No 55 Old Castle Hill Road which replicates and extends the proposed use for the main site'.

The legal advice considered the requirements of the clause and the intent which is to allow the flexible extension of a land use. The flexible application is appropriate in this instance.

Clause 5.3 requires consideration of whether the development is inconsistent with the objectives of both zones. The legal advice considered the true application of this component of the clause and whether this reflected the intent of the clause which was to provide 'flexibility'.

The difference between the objectives of the R4 and R3 zones is the reference to High or Medium Density Housing. The remaining objectives are the same.

The objectives of the R4 zone are:

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

The modified development continues to satisfy the objectives of the R4 zone, as outlined below:

- *Residential housing is proposed within a high density environment.*

- *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 Castle Towers 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 Whitling Park. A residential development of this scale within such close proximity to existing and future public transport services will maximise public transport patronage.*

- *The overall 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 with a potential future bridge connecting the north side of Pennant Street directly to Castle Towers to the south.*

- *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.*

The question is whether the development is inconsistent with the objectives of the R3 zone. As noted above, the objectives of the zones are consistent with the exception to the reference to 'high density' v 'medium density'. The housing is proposed within a high density building; however the density of housing on 55 Old Castle Hill Road is more akin to medium density, proposing a FSR of 0.898:1. On this basis, one would conclude that the flexible application of the zoning through the use of Clause 5.3 is appropriate and the development is not at odds with the objectives of both zones.

Further, the carrying out of this development on 55 Old Castle Hill Road is compatible with the main site and represents the orderly and economic development of land, producing a better planning outcome for the reasons addressed in this report.

The proposed rezoning of 55 Old Castle Hill Road to R4 High Density Residential would permit the residential development. Accordingly the use of Clause 5.3 is appropriate in this instance.

Comment:

As shown in Attachment 6, the driveway entry to the development and part of Building E encroaches into the R3 Medium Density zone. As outlined above, an appropriate use may be carried out on land where the use does not encroach within a distance greater than 20 metres. No. 55 Old Castle Hill Road has a maximum width of 17.735 metres and therefore the entire site is within the 20 metre requirement under Clause 5.3.

The inclusion of No. 55 Old Castle Hill Road into the development allows for a more regular development site and ensures that the boundary is a more logical line for development. The original development application approved garbage truck egress movements to encroach across the residential driveway at No. 55 Old Castle Hill Road and the proposed inclusion of the property into the development site will delete the encroachment.

The key considerations of Clause 5.3, including the 20 metre criteria addressed above, are as follows:

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

The proposed encroachment is considered to be satisfactory having regard to (a) above as it satisfies the objectives of both zones. The proposal provides for housing needs of the community, contributes to the housing choice and variety in the area and supports the provision of higher density housing within an area which is well serviced. In this regard the site is located in close proximity to the existing Castle Hill town centre, the existing bus station and the future rail link (currently under construction). This site is also in close proximity to schools, a child care centre and other support services.

The land at No. 55 Old Castle Hill Road is also subject to the Castle Hill North Planning Proposal. The planning proposal seeks to rezone the adjoining site to R4 High Density Residential. The planning proposal, when in force, will result in the proposed development being a permissible use on the site.

Section 3 of the report provides further details of the Castle Hill North Planning Proposal.

The proposed use of the land for an apartment development is considered to be a 'logical and appropriate development' given the surrounding existing and proposed urban form. The encroachment is minor and is considered to be a satisfactory use of the site.

The proposed use is considered satisfactory having regard to the provisions of Clause 5.3 of LEP 2012.

c. LEP Height Standards

The LEP sets the following height standards:

Approved site - 54 metres.
No. 55 Old Castle Hill Road – 9 metres.
Proposed height limit under Castle Hill North Planning Proposal for No. 55 Old Castle Hill Road – no height limit.

Attachment 4 shows the LEP height plan.

The approved height of the development is as follows:

Building	**Proposed maximum height to top of roof**	**Proposed maximum height to top of lift over-run**	**Number of Storeys**
Building A	65.4m	69.5m	20 storeys
Building B	71.9m	76.8m	23 storeys
Building C	70.1m	74.3m	23 storeys
Building D	64.6m	65.7m	21 storeys
Building E	54.5m	56.9m	18 storeys

There are no changes to the overall height of the development however that part of Building E which encroaches over No. 55 Old Castle Hill Road will have a height of 54.5 metres. Building E has an approved height to the top of the roof of 54.5 metres and a maximum height of 56.9 metres to the top of the lift over-run.

It may be noted that the original approval allowed a variation to the LEP height limit. The approved maximum height for Building B was 76.8 metres which represented a variation of 22.8 metres or 42.2% to the LEP standard.

The applicant has submitted the following as justification:

The approved heights shown above remain as approved. The only change is that the minor northern tip of Building E will extend across the newly acquired site at 55 Old Castle Hill Road with the roof proposed at a height of 54.5 metres.

The current controls permit a height of 9 metres on 55 Old Castle Hill Road, however it is noted that the amendments to the LEP seek to permit high density housing on this site. The additional height beyond the numerical control of the current LEP achieves the objectives of the standard as outlined below:

(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 height of the minor portion of Building E on the extended site will be compatible with the desired future character of the Castle Hill Town Centre and be highly compatible with the already approved development on the adjoining site. This adjoining site is the first site within the Castle Hill North Precinct to be rezoned to High Density residential and the extended site is proposed to be rezoned in a similar manner under the Castle Hill North Precinct, as discussed above.

The height is compatible with the future character of this precinct. Hills Shire Council has 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.*

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

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 for higher density housing in 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'.

The maintained height of the approved buildings and minor extension into the adjoining site is compatible with the future character of the area is consistent with the height objectives and will continue to enhance the skyline as approved.

The space between the Building D and E will be increased and so will the setback to the northern boundary which will ensure the vistas through the site are increased and interface with adjoining properties improved.

The LEP permits a height of 9 metres across the acquired site. The proposed variation of height beyond this control, over a small portion of the southern side of 55 Old Castle Hill Road, will not detrimentally impact on adjoining properties and is consistent with Council's vision for the locality. The variation to the height control will not result in an adverse impact in relation to overshadowing, visual impact, and loss of privacy on adjoining properties and open space areas.

Based on the above, Council should support the height variation within this DA.

Comment:

The objectives of Clause 4.3 Height of Buildings 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 current height limit for No. 55 Old Castle Hill Road is 9 metres. The Castle Hill North Planning Proposal removes the height limits from the LEP for No. 55 Old Castle Hill Road. However, the density limits and built form controls will translate to equivalent heights of

4-8 storeys. The proposed height of 54.5 metres reflects a height of 18 storeys for Building E.

The proposed inclusion of No. 55 Old Castle Hill Road into the development site results in a regular site boundary and will result in a better built form outcome for future development to the north. The proposed height of Building E will not result in unreasonable streetscape outcomes, and given the relatively minor nature of the works within the development as a whole, will not result in further impacts to adjoining property owners.

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 reflects the desired future modern character of Castle Hill. The proposal incorporates a variety of finishes and colours and will result in an appropriate urban outcome. The consideration of the use of taller, slender structures resulting in an improved urban form is supported.

A high level of amenity is provided to the units within Building E 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.

The site is in an area which will be subject to redevelopment in the future and 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.

The proposed height is considered to be reflective of the desire for development of a modern urban character and is supported.

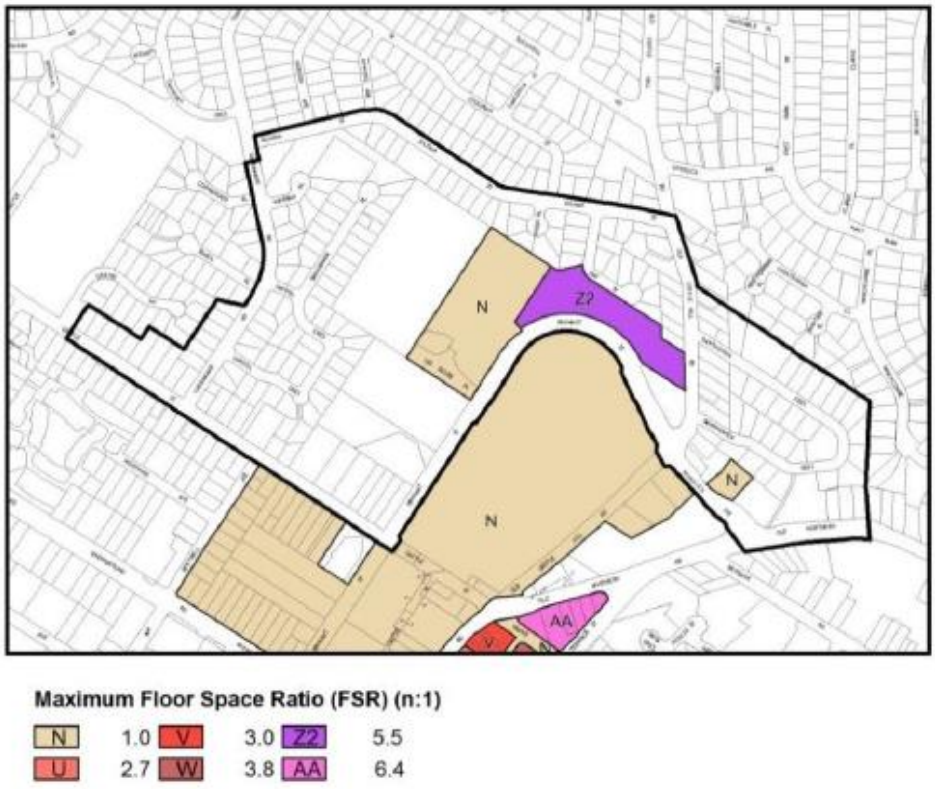
d. LEP Floor Space Ratio (FSR) Standards

i. LEP 2012 Standard

The LEP sets the following FSR standards:

Approved site – 5.5:1.
No. 55 Old Castle Hill Road – no FSR limit.
Proposed FSR limit under Castle Hill North Planning Proposal for No. 55 Old Castle Hill Road – 1:1 (with an incentivised FSR of 2.04:1 subject to meeting requirements in regard to apartment size, mix and parking)

The existing FSR map is as follows:



Maximum Floor Space Ratio (FSR) (n:1)

N	1.0	V	3.0	Z2	5.5
U	2.7	W	3.8	AA	6.4

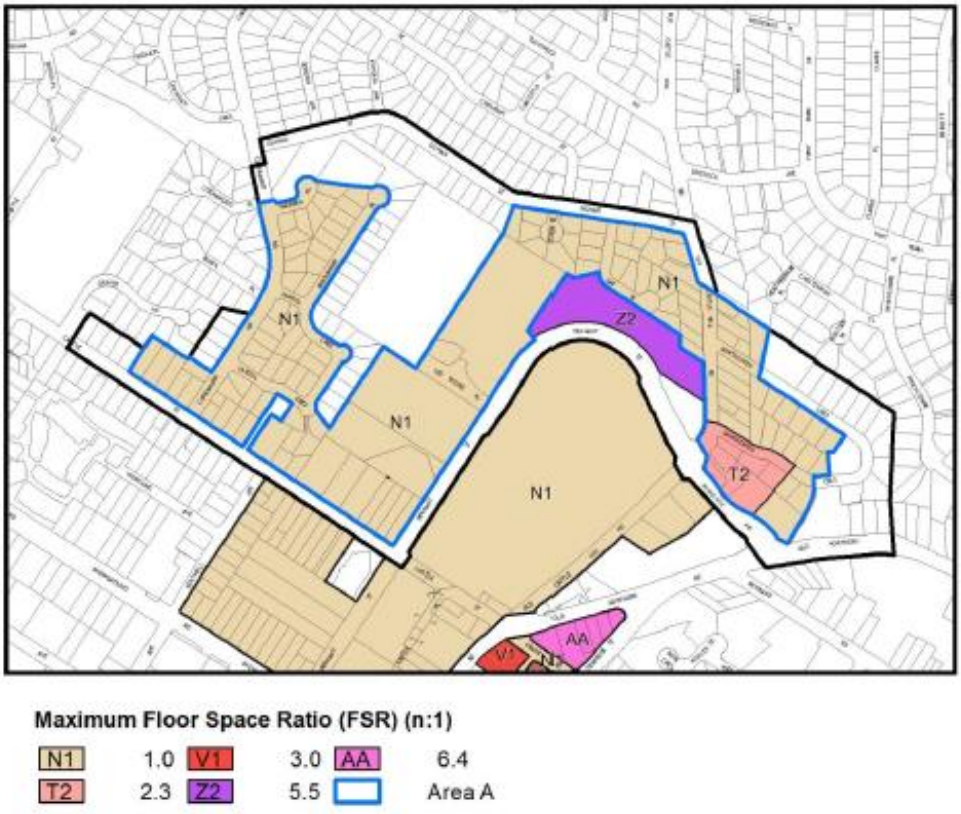
The approved FSR of the development is 5.5:1. The proposed FSR is 5.47:1.

As such the proposal complies with the current LEP standard.

ii. Draft LEP Standard under Castle Hill North Planning Proposal

The Castle Hill North Planning Proposal seeks to impose an FSR for No. 55 Old Castle Hill Road of 1:1 with an incentivised FSR of 2.04:1 subject to meeting requirements in regard to apartment size, mix and parking.

The proposed FSR map for Castle Hill North is as follows:



Maximum Floor Space Ratio (FSR) (n:1)

N1	1.0	V1	3.0	AA	6.4
T2	2.3	Z2	5.5		Area A

The applicant has submitted the following as justification for the proposed FSR:

Clause 4.4 of the LEP provides the objectives and maximum floor space ratio. The Joint Regional Planning Panel approved a maximum FSR of 5.5:1 across 51-53 Old Castle Hill Road. The site at 55 Old Castle Hill Rd does not have a FSR control under the current LEP.

This modified development proposes a total FSR of 5.47:1 across the entire site as follows:

Site	FSR Control	Approved	Proposed	Proposed Combined
51-53 Old Castle Hill Road	5.5:1	5.5:1	5.68:1	5.47:1
55 Old Castle Hill Road	N/A	Existing residential dwelling.	0.898:1	

Although the development results in an FSR increase beyond the 5.5:1 for the original development site, due to the site amalgamation with 55 Old Castle Hill Road the total floor space is less than 5.5:1 which is an appropriate outcome. The proposed FSR remains appropriate given the increased density targeted for the Castle Hill North precinct. In addition, as previously noted, the site at 55 Old Castle Hill Road is the missing piece of this development site and it is entirely appropriate that it form part of this development. It represents the orderly and efficient development of land.

The FSR objectives continue to be satisfied as shown below.

The objectives of Floor Space Ratio as follows:

- *to ensure development is compatible with the bulk, scale and character of existing and future surrounding development,*

- *to provide for a built form that is compatible with the role of town and major centres.*

The extended site will be 14,797m² in size and can therefore sustain a development of this density. The site has frontages to 3 roads and shares part of a common boundary with adjoining properties that front either Gay Street or Old Castle Hill Road.
The approved through-site link and generous landscaped surrounds that will integrate the buildings to the public domain will remain and continue to provide an appropriate transition from Castle Hill Towers shopping centre in the south to the increased density residential areas to the north targeted in Castle Hill North Planning Proposal.

The modified buildings are still consistent with approved form and scale. Overall the slim line and curvilinear nature of the approved residential towers and individual designs and layouts, ensures that the development contributes to the nearby Castle Hill town centre by providing identifiable high-rise buildings that will visually mark the approach to the town centre while ensuring high levels of residential amenity.

The residential towers will continue to be adequately separated to minimise overshadowing and overlooking between the towers and for surrounding development, particularly the residential dwellings located to the north along Gay Street and north-east along Old Castle Hill Road.

The vehicular driveway entry along Old Castle Hill Road will be repositioned towards the northern side of the extended site and will provide an appropriate buffer with the residential property at 57 Old castle Hill Road, to the north-east.

Buildings D and E will still result in high architectural quality design to achieve design excellence. Buildings A, B and C will remain as approved.

The site has the capability of achieving a greater density without significant impacts to surrounding developments given the amalgamation of the site with 55 Old Castle Hill Road. The development is generally consistent with the intention of the Pennant Street Target Site Precinct DCP and recent Castle Hill North Planning proposal.

It is therefore considered, that the minor FSR increase to the original site will maintain compliance with the objectives of the zone and achieves the density envisioned for this precinct and satisfying the FSR objectives.

In addition to the above, the applicant was requested to provide justification which specifically addressed proposed FSR for No. 55 Old Castle Hill Road under the Castle Hill North Planning Proposal. The applicant advised as follows:

Council have prepared the Castle Hill North Draft LEP that seeks to amend the planning controls relating the parts of Castle Hill including 55 Old Castle Hill Road. The LEP has been given gateway approval and has been publicly exhibited.

The Planning Proposal identified the following for 55 Castle Hill Road:

- *Zoning – R4 High Density Residential*
- *FSR – base 1.02:1*
- *FSR incentive – allows up to 2.04:1*
- *Height – not nominated in LEP.*
- *Lot size – 1800m²*

The application seeks a FSR of 0.9:1 across 55 Old Castle Hill Road site which complies with the proposed base FSR of 1.02:1 under the current Castle Hill North Planning Proposal.

Although the wider development will exceed the proposed LEP maximum for 51-53 Old Castle Hill Road the FSR of 0.9:1 on 55 Old Castle Hill Road is consistent with Council's strategic vision.

This application will continue to be consistent with the direction of the Draft LEP to permit high density development on this site. Due to the subdivision pattern, the amalgamation of 55 Castle Hill Road into the larger site makes good planning sense, creating a more regular shaped development site.

It should be noted that the Planning Proposal also seeks to increase the minimum allotment size from 700m² to 1800m². Based on the future lot size requirements it would be anticipated that the site would require amalgamation to enable a high density redevelopment. In this case it will be amalgamated with 51-53 Old Castle Hill Road, Castle Hill and will ensure consistency with the strategic vision of the area.
A variation to the proposed FSR across 51-53 Old Castle Hill Road (5.68:1) has been justified in the SEE that accompanied this Section 96 application and when combined with 55 Old Castle Hill Road will provide an acceptable and holistic approach to development of the site with consideration of Council's strategic vision for the locality.

The overall development will not unreasonably affect development to the north as the height and scale of the development is consistent with the wider approval and acceptable separation and solar access will still be provided and maintained.

Comment:

The objective of LEP 2012 in regard to FSR are:

(a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development

(b) to provide for a built form that is compatible with the role of town and major centres.

The original proposal complied with the FSR limit for the site of 5.5:1. The proposed FSR for both sites is 5.47:1. When considered as separate sites, the following FSRs apply:

No. 51-53 Old Castle Hill Road – 5.68:1
No. 55 Old Castle Hill Road – 0.898:1

Under the current LEP controls and given that No. 55 Old Castle Hill Road has no FSR limit, the proposed development complies with the FSR with a proposed FSR of 5.47:1.

The proposal is considered to be satisfactory in regard to the built form outcome. In this regard 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 use of taller, slender structures results in an improved urban form 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.

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.

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 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 proposed FSR is considered to be appropriate for the development site and will not result in adverse impacts in regard to the development of the land to the north under the Castle Hill North Planning Proposal.

The proposed FSR is considered to be satisfactory.

3. Castle Hill North Planning Proposal

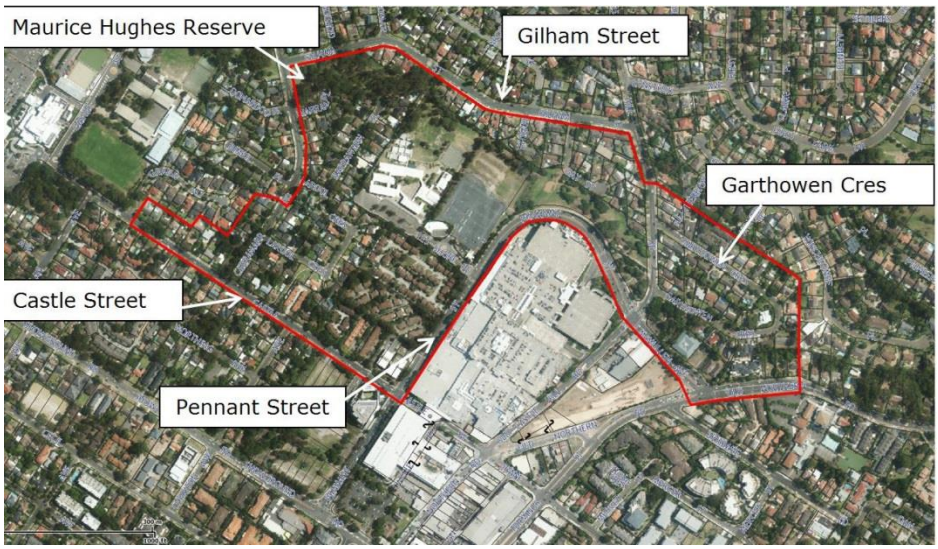
On 24 November 2015 Council resolved to forward a Planning Proposal applying to the Castle Hill North Precinct to the Department of Planning and Environment for a Gateway Determination.

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 has been placed on public exhibition.

A number of draft planning documents have been 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. The planning proposal has been publicly exhibited. The submissions are currently being considered and a report to Council on the matter is tentatively scheduled for late 2018.

The strategic planning framework anticipates high density residential development on 55 Old Castle Hill Road and the inclusion of this property within the development site creates a more logical boundary between developments than if the site were to amalgamate with the properties to the north.

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 1800m^2 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):

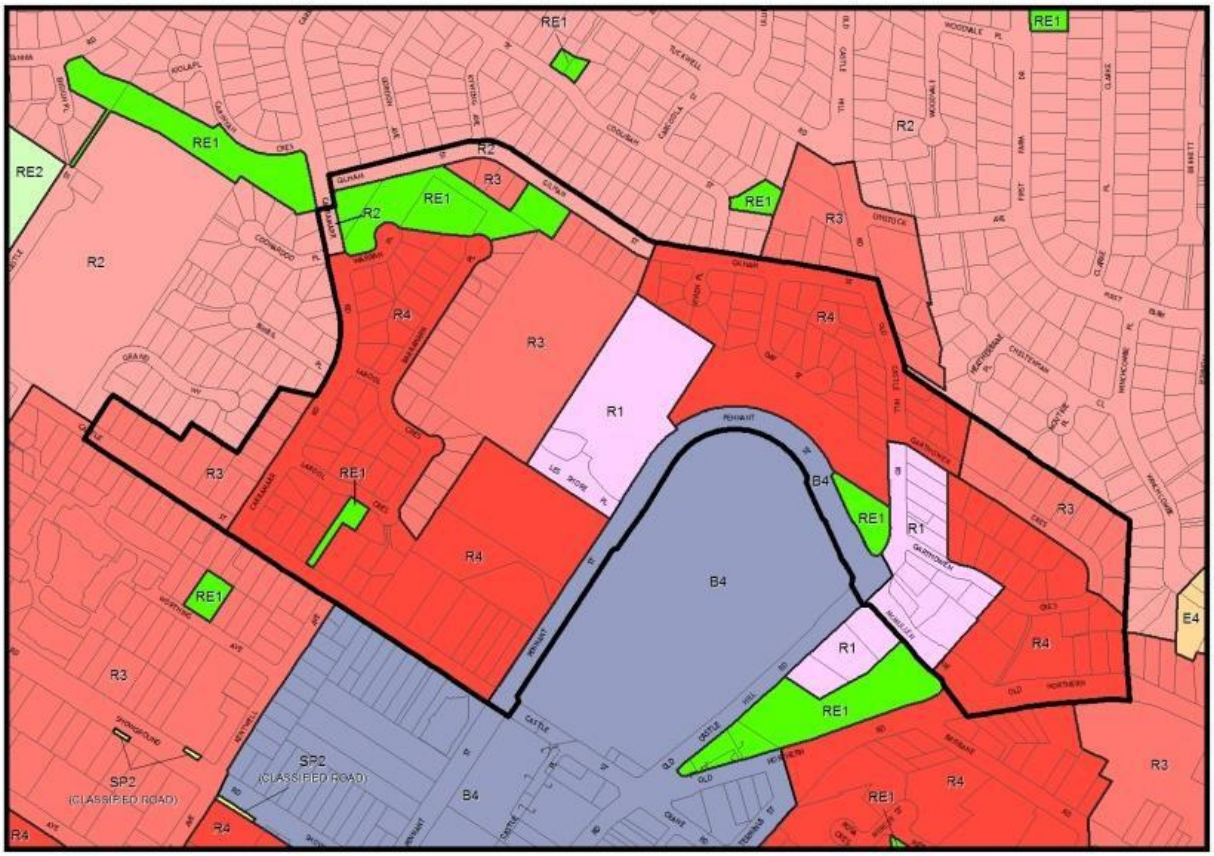
"(d) clause 7.12"

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.

10. 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.

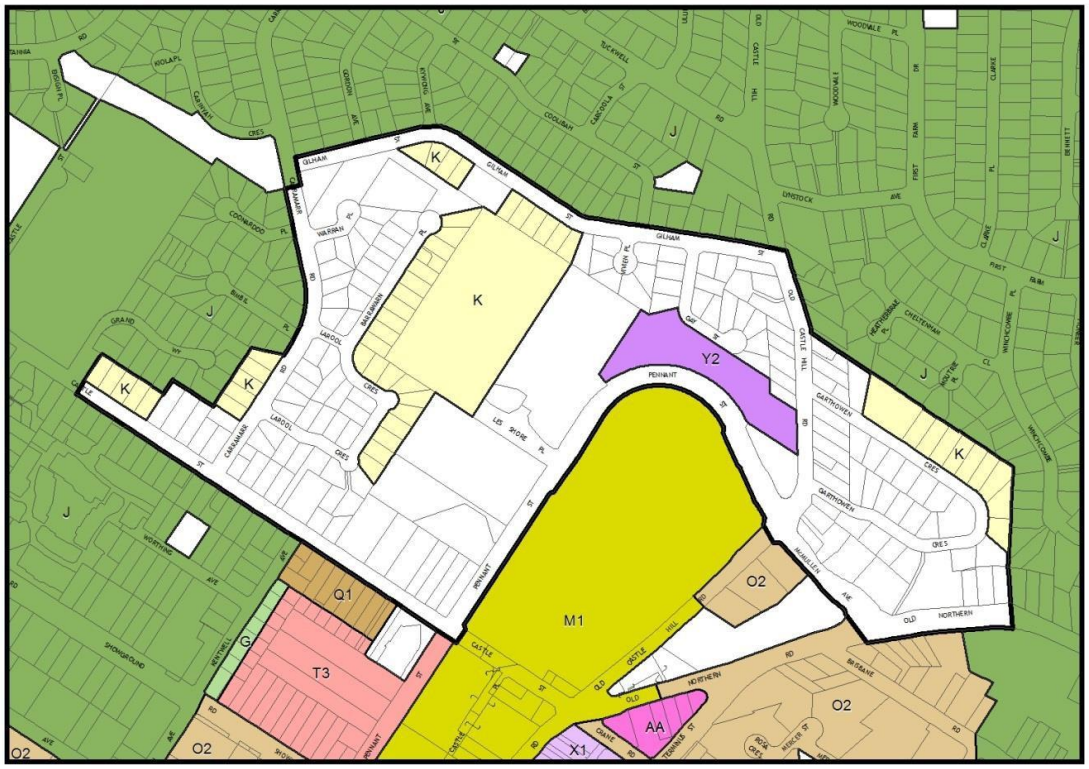
The proposed zoning is as follows:



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 remove 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.

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

DCP Part D Section 2 – Pennant Street Target Site is a site specific DCP which addresses the development of 51-53 Old Castle Hill Road only. The requirements within the DCP do not address the inclusion of no. 55 Old Castle Hill Road into the development site. Notwithstanding this, the DCP has been used to guide the form of the development.

The following table details compliance with the development controls where they are relevant to the modifications proposed within this application:

CLAUSE	REQUIRED	PROVIDED	SATISFACTORY
Site Planning	Development shall occur in three distinct development areas as identified in Figure 3.	The proposal provides five separate buildings rather than three.	Yes - this variation was considered with the original DA and was considered satisfactory.
	The maximum height of future development shall be 18 storeys/54 metres.	The proposed development exceeds the number of storeys and LEP height limit.	A variation was considered with the original DA and was considered satisfactory. See additional comments above in regard to LEP standards.
	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.	A variation was considered with the original DA and was considered satisfactory. See additional comments above in regard to LEP standards.
	Tower element shall be set back a minimum of eight (8) metres from all boundaries.	Building E has an approved setback to the northern boundary of 9m and a proposed setback of 12m.	Yes
	Development shall front all active edges of the site.	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 approved building footprint for the site is 81.3% and the proposed building footprint is 81.7%.	No – see comments below.
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
	Building setbacks shall be in accordance with Figure 4. Figure 4 requires a 3m setback to the boundary adjoining Old Castle Hill Road. As the DCP does not include No. 55 Old Castle Hill Road there is no specified setback to the northern boundary.	Building E had an approved setback of 4.8m to Old Castle Hill Road. This setback has been maintained. Building E has an approved setback to the northern boundary of 9m and a proposed setback of 12m.	Yes

	The DCP did not specify a setback for works from the original site to No. 55 Old Castle Hill Road.		
Building Height	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(c).
	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(c).
	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.	Yes - this variation was considered with the original DA and was considered satisfactory.
	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
	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(c).
Architectural Style and Character	Building facades should be well articulated with textures, materials, colours, windows and recessed elements to soften the visual bulk of the development (Figure 7).	The proposal provides a reasonable streetscape outcome and has adequate articulation. The towers have varying heights.	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
Car Parking and Vehicular Access	On-site parking is to be provided at the following rate:	Based on 203 x 1 bedroom units, 712 x 2 bedroom	No – see comments below.

	1 bed unit – 1 space 2 bed unit – 1.5 spaces 3 bed unit – 2 spaces Visitor – 2 spaces for every 5 dwellings	units, and 47 x 3 bedroom units, 1365 resident spaces are required. In addition, 385 (384.8) visitor spaces are required. Total required = 1750 Total provided =1202 (which comprises 1009 resident spaces and 193 visitor spaces)	
	Car parking shall generally be provided underground.	The parking is provided in a basement parking area.	Yes
	Driveway design shall provide safe and efficient access/egress to the site.	The proposed driveway design is satisfactory.	Yes
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 two additional 1 bedroom units which have a balcony area of $9m^2$.	No – see comments below.
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.
Landscape and Vegetation	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.	An area of $1933m^2$ which is 13% of the site is provided.	No – see comments below regarding ADG compliance.

a. Building Footprint

The DCP states that the maximum building footprints shall not exceed 80% of each building zone. The approved building footprint for the site is 81.3% and the proposed building footprint is 81.7%.

The applicant has submitted the following justification:

Section 3.2.2(o) of the Pennant Street DCP requires maximum building footprints of 80% for each building zone.

The objectives of Section 3.2 relate to site planning, which building coverage falls under. The objectives are outlined below:

(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 approved DA had a building footprint of 81.3%. As a result of the changes under this S96 application, the building footprint increases by 0.4%.

As a result, the building footprint proposed is 81.7%.

The minor variation of the approved DA was determined to be acceptable as the layout of buildings combined with improved connections between Gay Street and Pennant Street improved the street interface and resulted in a superior development. The minor increase sought under this application, as with the original approval still meets the objectives of the control as follows.

The development incorporates extensive landscaped areas above the basement footprint, which although this area contributes to 'building footprint' it provides quality and useable open spaces.

The layout of buildings combined with landscaping and directional signage will enable future residents and pedestrians/visitors to easily navigate the site.

The site will have improved connections with all street frontages including Old Castle Hill Road which will result in a landmark redevelopment of the site, consistent with the strategic direction of Council. The minor variation does not impact on achieving this.

The Eric Felton Reserve is located immediately to the south-east of the site and will provide future residents with nearby open space opportunities. The minor variation maintains landmark buildings that will contribute to the attractiveness of Castle Hill Centre.

The minor increase in site coverage from 81.3% (11,512.08m2 based on original site area) to 81.7% (12,089.14m² based on the new site area) will not have a noticeable change to the building form and layout.

Overall, the proposed site coverage satisfies the objectives of the DCP and the minor variation is appropriate.

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 increase to the variation to the building footprint is negligible and represents an increase of 0.4%.

The proposed building form is considered satisfactory and will result in a modern streetscape character. The design of the buildings allows for improved at-ground open space and landscape works which will reflect the open style nature of the design. The buildings all provide a legible entry point for residents and visitors.

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. Car Parking

The DCP requires 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 203 x 1 bedroom units, 712 x 2 bedroom units, and 47 x 3 bedroom units, 1365 resident spaces are required.

In addition, 385 (384.8) visitor spaces are required.

Total car spaces required = 1750

Total car spaces provided =1202 (which comprises 1009 resident spaces and 193 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 962 units the following spaces are required:
Residential = 1365
Visitor = 384.8
Total = 1750 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 962 units the following spaces are required:
Residential = 829
Visitor = 193
Total = 1022 spaces.

The development proposes a total of 1,202 spaces including:

- *1009 resident parking spaces*
- *193 visitor parking spaces.*

The basement car park layout and circulation complies with the Australian Standards with all vehicles/service vehicles able to enter and exit the site in a forward direction.

The proposed car parking remains generally consistent with the recent approval.

Comment:

The proposal requires the provision of 1365 resident parking spaces and 385 visitor parking spaces, being a total of 1750 spaces required. The proposal provides 1202 parking spaces comprising 1009 resident spaces and 193 visitor spaces.

The applicant has previously advised that all units will be provided with a minimum of one parking space and a condition of consent was imposed on the original consent to this effect (See Condition 2 of the original consent).

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.

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:

203 x 1 bedroom units @ 0.6 spaces per 1 bedroom unit = 121.8 spaces
712 x 2 bedroom units @ 0.9 spaces per 2 bedroom unit = 640.8 spaces
47 x 3 bedroom units @ 1.40 spaces per 3 bedroom unit = 65.8 spaces

Total of 829 (828.4) resident spaces required.

1 space per 5 units (visitor parking) @ 962 units = 192.4 spaces.

Total of 193 visitor spaces required.

The proposal provides 1202 spaces comprising 1009 resident spaces and 193 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.

On the basis of the location in proximity to the Town Centre and existing and future public transport, the reduced parking rate is considered satisfactory and is supported.

c. Private Open Space

The DCP requires that all balconies must have a minimum area of $10m^2$, with a minimum dimension of 2.5 metres. Of the revised units, two have a balcony area of $9m^2$.

The applicant has submitted the following as justification for the variation:

Units DO103 and DO203 are one bedroom apartments with an area of private open space of 9m2. Council's DCP under Clause 3.13 requires a minimum area of private open space of 10m2 per apartment. However, Clause 6A of SEPP 65 states:

6A Development control plans cannot be inconsistent with Apartment Design Guide
(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following:
(a) visual privacy,
(b) solar and daylight access,
(c) common circulation and spaces,
(d) apartment size and layout,
(e) ceiling heights,
(f) private open space and balconies,
(g) natural ventilation,
(h) storage.
(2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.
(3) This clause applies regardless of when the development control plan was made.

The apartment Design Guide requires a minimum area of 8m2 for one bedroom apartments. Council's DCP is beyond the requirements of the ADG and therefore the controls 'are of no effect'.

The objective of the Private Open Space provisions in the ADG is:

'Apartments provide appropriately sized private open space and balconies to enhance residential amenity'

Units DO103 and DO203 comply with the minimum area required under the ADG to 'enhance residential amenity'. Accordingly, it is considered that the subject units have appropriately sized private open space to ensure a high level of residential amenity.

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 $8m^2$ 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.

d. 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:

203 x 1 bedroom units;

712 x 2 bedroom units; and
47 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 203 x 1 bedroom units (21.1% of the total).

(The approved layout had 202 x 1 bedroom units which was 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 47 x 3 bedroom units (4.8% of the total).

(The approved layout had 46 x 3 bedroom units which was 4.9% of the total).

The proposed unit sizes are:

Unit Type	Size	No. of Units	Type
1 bed	50-64m2	202	1
	65-74m2	1	2
2 bed	70-89m2	691	1
	90-109m2	21	2
3 bed	95-119m2	47	1

The applicant has submitted the following justification:

Below is a table of the DA approved unit types and the proposed unit types:

Approved Development Application Unit Type Table

Unit Type	Size	No. of Units	Apartment Type
1 bed	50-64m²	201	1
	65-74m²	1	2
	75m² +	0	3
2 bed	70-89m²	652	1
	90-109m²	23	2
	109m² +	0	3
3 bed	95-119m²	46	1
	120-134m²	0	2
	135m² +	0	3
Total Units		923	

Proposed Unit Type Table

Unit Type	Size	No. of Units	Apartment Type
1 bed	50-64m²	202	1
	65-74m²	1	2
	75m² +	0	3
2 bed	70-89m²	691	1
	90-109m²	21	2
	109m² +	0	3
3 bed	95-119m²	47	1
	120-134m²	0	2
	135m² +	0	3
Total Units		962	

Part B Section 5 Section 3.11(d) of The Hills DCP 2012, requires a minimum internal floor area for each residential unit (excluding common passageways, car parking spaces and balconies) as follows:

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

Section 3.11(e), (f) and (g) restrict the type of units as follows:

(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 units have been modified as shown in the table above.

The approved development provide the following percentage of unit types:

- *Type 1 apartments = 97.4% (899 apartments);*
- *Type 2 apartments = 2.6% (24 apartments); and*
- *Type 3 apartments = 0%.*

The proposed development will provide the following percentage of unit types:

- *Type 1 apartments = 97.7% (940 apartments);*
- *Type 2 apartments = 2.3% (22 apartments); and*
- *Type 3 apartments = 0%.*

The increased number of units and modifications is generally consistent with the approved unit types. The amended units will achieve an appropriate mix of type 1, 2 and 3 unit layouts and will achieve the intent of this requirement. It is noted that the proposed amendment includes an increased ratio of two bedroom apartments that has been achieved generally at the expense of the number of one bedroom apartments. It is noted that the proposed amendment includes an increased ratio of two bedroom apartments that has been achieved generally at the expense of the number of 1 bedroom units. In addition, all units meet the minimum unit sizes required under the Apartment Design Guide.

Comment:

The objectives of 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 provide a mix of residential flat types and sizes to accommodate a range of household types and to facilitate housing diversity.
(iv) Address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.
(v) To ensure designs utilise passive solar efficient layouts and maximise natural ventilation.

As outlined above, the proposal includes variations to both the unit type and mix. However the variations are minor and do not result in an unreasonable built form.

The proposal meets the objectives of the DCP in that it provides units which have a suitable size to meet resident needs, have a satisfactory level of amenity and provide housing choice and diversity. The proposal provides a range of unit sizes to cater for a variety of future residents.

The units are also considered to have a high level of amenity in regard to the location adjacent to the Town Centre, with a high level of access to retail, commercial and leisure activities.

The proposed units have been designed to have regard to the views across the Castle Hill area and as such have adequate window openings. The design also takes advantage of the site location in regard to the surrounding open spaces. In this regard the site is immediately beside Council's park which is located at the corner of Old Castle Hill Road and Pennant Street.

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

a. ADG Compliance

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.	35% of the site contains common open space. Appropriate solar access is provided.
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.	13% of the site area is provided as deep soil planting. The original approval provided 15% which was 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.	Appropriate separation is provided between all buildings. The separation between buildings D and E is 20m at the closest point. It is noted that the original approval included a separation distance between Building D and E of 19m at its closest point. The setback to the boundary does not provide an additional setback of 3m to the northern boundary where the zone changes to a lower density zone. The original approval had a 9m setback to the northern boundary and this has been increased to 12m.
Visual privacy	Between habitable rooms and balconies,	Building E has a

	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.	setback to the northern boundary of 12 metres. 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. See comments below.
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.	77.9% 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.	6.4% 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.	71.9% 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 30^0 minimum ceiling slope.	The ceiling heights are compliant with the required heights.

	If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	
Apartment size	Apartments are required to have the following internal size: 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 areas by 5m^2 each. A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m^2 each.	All units comply with the required sizes.
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 – 4m^2 with no minimum depth 1 bedroom – 8m^2 with a minimum depth of 2m 2 bedroom – 10m^2 with a minimum depth of 2m 3 bedroom – 12m^2 with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m^2 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 – 4m^3 1 bedroom – 6m^3 2 bedroom – 8m^3 3+ bedrooms – 10m^3 At least 50% of the required storage is to be located within the apartment.	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. Deep Soil Zone

The ADG requires that 7% of site area be provided as deep soil zones. 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.

The DCP also requires that 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 proposal provides 13% of the site area as deep soil planting. The original consent provided 15% which was 2123m^2.

The applicant has submitted the following as justification:

In response to a condition of development consent, the OSD tank was required to be increased. As a result of complying with the condition of consent, the area of deep soil has been impacted. The increase in the OSD is not a result of the changes that form part of this application. As amended, the area of deep soil zone comprises:

- *1933m^2 – 13% true deep soil; and*
- *3229m^2 – 22% deep soil on slab*

The ADG design criteria require 7% of the site area as deep soil. The ADG also provides guidance that on larger sites it may be possible to achieve 15% deep soil. The development complies with the design criteria. As a result of complying with the condition of consent a minor variation to the design guidance which suggests 15% is sought.

Notwithstanding this, 35% of the site area is available for landscaping. This meets the objective of the deep soil provisions of the ADG which states:

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote the management of water and air quality.

The development as amended still achieves this. The substantial area available for landscaping will ensure a variety of landscaping opportunities which will improve the residential amenity of the development.

In addition Clause 3.11.2(k) of Part D Section 2 (Pennant Street Target Site) under The Hills DCP 2012, states 'a minimum of 20% of the shared open space on ground level must be suitable for deep planting'.

The development provides 1933m² (13%) of the site area as deep soil landscaping and an additional 3229m^2 (22%) of the site as deep soil landscaping over slab. In addition, 1013m2 (22%) of the communal open space is true deep soil and a further 1423m^2 (31%) of the communal open space contains deep soil above the basement structure.

The provision of landscaped area and deep soil zones will achieve an excellent landscape outcome and meet the objectives of the DCP.

Comment:

The objective of the ADG is:

Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality.

The objectives of the DCP are:

(i) To maximise landscaping opportunities that contribute to the establishment of a garden setting through the provision of high quality and appropriate landscaping.

(ii) To achieve a landscape design that is well integrated into the design of the development.

(iii) To ensure that landscape design contributes to the safety and security of the development and its' surrounding areas.

As outlined by the applicant, the proposed OSD tank will impact on the originally approved deep soil planting. The deep soil zone will be reduced from 15% to 13% which is considered minor given the scale of the development. A deep soil zone will continue to be provided around the majority of the perimeter of the site which will provide for the planting of larger trees on the site, in addition to the embellishment of street tree planting. The proposal will continue to provide large common space areas both at ground and on the roof-tops of buildings A, B and C.

A detailed landscape plan has been provide which will result in a satisfactory level of planting on ground to provide an attractive streetscape.

The proposed variation is considered satisfactory and can be supported.

b. Separation and Setback to the Northern Boundary

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 20m at its closest point, which increases to 24 metres.

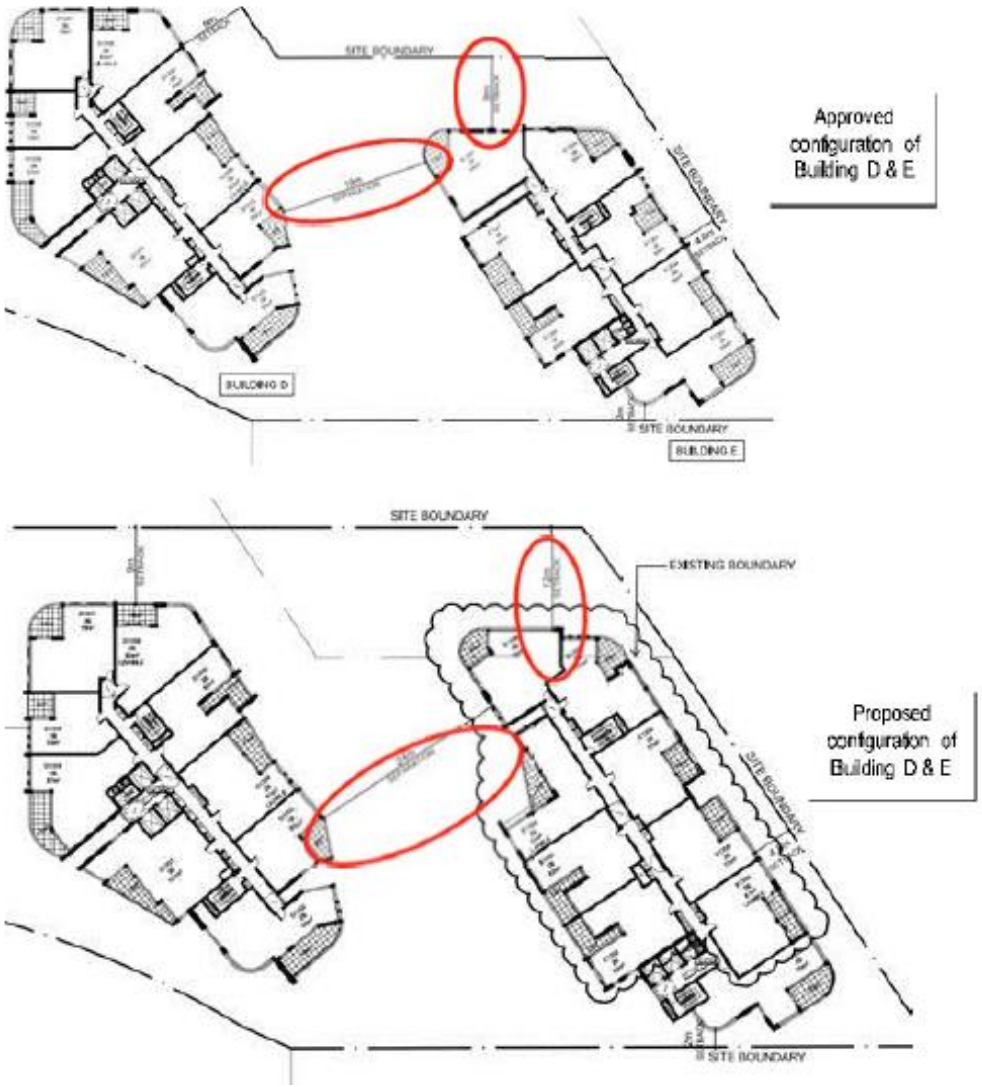
In addition, the setback to the boundary does not provide an additional 3 metre setback to the northern boundary where the zone changes to a zone to a lower density zone. In this instance the property to the north of the site are zoned R2 Low Density Residential and R3 Medium Density Residential. The development of a residential flat building is not permitted within either zone. It is noted that the ADG setback requirement of 9 metres is however achieved.

The applicant has submitted the following justification:

Separation between Buildings:

As approved, the buildings contained a reduced separation of 19 metres, the reduced separation was considered acceptable due to the orientation of the units and use of fixed privacy louvres and highlight windows.

The changes to Building E enables the primary separation between the buildings to be increased to remove the reliance on privacy screens and highlight windows, this also improves the spatial separation between the buildings as shown below:



There is a minor pinch point at the southern end of Building E & D where the separation proposed is 20m, which is an increase from the approved 19 metres and is to a considerably lesser extent of the façade compared with the approved DA.

The relationship at this point is considered reasonable due to the primary orientation of the units which are slightly offset and the overlap only occurs for a distance of a few metres. The remainder of the separation is fully compliant with the ADG. It is therefore considered that the modification to Building E as a result of this application results in a better relationship between the buildings with increased physical separation.

Setback to the Northern Boundary:

The ADG provides design guidance that where a site adjoins a site with a lower density the development is required to provide an additional 3m setback.

55 Old Castle Hill Road, has been proposed to be incorporated into the approved development site at 51-53 Old Castle Hill Road.

The site to the north is currently zoned R3 Medium Density and therefore a lower density. However the Draft LEP seeks to amend the zoning to R4 high density, the Draft LEP has been exhibited and is therefore a matter for consideration. Following gazettal of the Draft LEP, the site will not adjoin a lower density zone.

It is appropriate that the proposed zoning of the adjacent land is considered and as a result an additional 3 metre setback would not be required. It is also noted that the approved DA did not include the additional 3 metre setback due to the proposed rezoning of the Castle Hill North Precinct.

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, the property to the north of the site is zoned R3 Medium Density Residential. The development of a residential flat building is not permitted within the zone. The Castle Hill North Planning Proposal (see comments in Section 3) seeks to amend the zoning of the land to the north of the site 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. Design Quality Principles

(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 3).

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 49 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.

7. Submissions

The proposal was notified to adjoining property owners and those who made a submission to the original proposal. Four submissions were received and the following concerns were raised:

Issue	**Comment**
Question of why a neighbour received notification of the modification but the objector did not. Comment that as the notification period is over the Christmas/New Year holidays that less submissions will be received. The application is difficult to find on the Council web site.	The objector is located out of the area to which notification letters were sent however had been advised of the application by a neighbour. The neighbour had received a notification letter as they had lodged a submission to the original application. The modification had an extended period for notification given the Christmas period in accordance with Council's DCP and the information was available on Council's website for viewing.
The Castle Towers parking restrictions have created a 'mess' with parking in the local area. Residents have difficulty getting out of driveways due to cars parked on either side of the street. This will be worse when construction starts, let alone parking for the units. The streets have been reduced to one traffic lane due to parking on both sides of local roads.	Parking is permitted on public roads subject to compliance with any specified time limits and road rules. The proposal provides adequate resident and visitor parking in accordance with the ADG. The proposed parking rate is addressed in Section 5 above.
The additional units will result in more traffic and the cars that won't fit in the parking areas will park in nearby streets.	The additional units will generate an additional 8 peak hour trips. The proposal provides adequate resident and visitor parking in accordance with the ADG. The proposed parking rate is addressed in Section 5 above.
The additional units will mean more children attending the crowded local schools. Children will have to walk to school as the road traffic will be gridlocked.	However, the Department of Education are aware of increased densities within the Shire and will need to plan accordingly.
The planned development of the Castle Hill North Precinct will stretch local infrastructure to breaking point, especially roads and schools.	Council staff have considered existing and future infrastructure demands as part of the Planning Proposal and have consulted with all relevant stakeholders.
A resident previously advised Council staff that No. 55 Old Castle Hill Road should be included in the development site. The subsequent sale of the property to the developer has resulted in a 'huge windfall' as the property was purchased at a 'non-development price. Council should consider	The planning for the subject site commenced in 1997 and was based on a site in Council ownership at the time. Investigations into the potential development of Castle Hill North commenced in 2014 following the commitment to the rail link and desire for

their own role as planner/developers and consider probity issues. We strongly oppose the increased density on moral grounds.	higher forms of development around transport hubs. The purchase price for No. 55 Old Castle Hill Road is not a matter for consideration with the application. The ownership of the site by Council was addressed within the original report to the then, JRPP, who determined the application partly on this basis.
Increased traffic in Old Castle Hill Road and Gay Street.	The additional units will generate an additional 8 peak hour trips. The proposed traffic generation from the development is considered satisfactory.
The developer is better informed about the Castle Hill North Planning Proposal than residents are.	The Council reports on the Planning Proposal are public documents and any resident can contact Council staff for an update on the Planning Proposal.
The plans indicate that the end of Gay Street is now a turning bay for the developer.	Gay Street is a public road and may be used for vehicle access.
The development and Castle Hill North Precinct area have not adequately assessed the impact on local residents and the environment. The area already experiences traffic and people congestion, noise, air and water pollution.	The proposal is unlikely to result in any significant environmental, noise or air pollution when completed. It is acknowledged that some impacts may occur during the construction period, however a number of conditions were imposed on the original consent in regard to hours for construction and rock breaking, dust suppression, acoustic limits and similar to minimise the potential for impacts (See Attachment 9, Conditions 50, 76, 83 and 86).
The proposal will not maintain the 'Garden Shire' character.	The proposal is considered satisfactory in regard to the desired future character of the area. The area can be described as one which will undergo significant change in the coming years.
The expansion of this area will result in 'destructive expansion' and it is not clear what the benefit will be. The proposal will result in a development of poor income neighbourhoods, health problems from lack of privacy, green space pollution, high unemployment and crime statistics.	The proposal is 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.
Most development in the Shire and Sydney generally has been well established for as being predominantly for investors than for Australian residents.	The sale of the apartment is not a matter for consideration with the application.
Australia does not have the resources, particularly water resources, to cater for large population expansions.	The development will be required to be provided with all services, including water services. Conditions were imposed on the original consent requiring the applicant to obtain a section 73 certificate from Sydney Water (See Attachment 9, Conditions 48 and 62).
Transport routes are not appropriate places for people to live in high numbers. The buses travelling along Old Castle Hill Road 'sound like planes passing by…and many	Conditions were imposed on the original consent regarding acoustic impact which included internal noise levels and impacts from road traffic noise (See Attachment 9,

more are planned'. Residents will have to keep doors and windows shut permanently to manage noise.	Conditions 44, 49 and 108).

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

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

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

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

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

Implementation and monitoring of the Plan and the potential indicators are as follows:

Direction 4: Housing the City: Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney's growing population. Housing affordability is also a challenge that can affect job and lifestyle choices.

Direction 5: A City of Great Places: The creation and renewal of great places for people, together with better local accessibility through walking and cycling, will achieve local liveability that attracts and retains residents and workers. Great places exhibit design excellence and start with a focus on open spaces and a people-friendly realm.

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

- The proposal will provide a range of units types which will assist in meeting housing demands;

- The site is located in an area serviced by existing and future public transport and is in close proximity to the Castle Hill town centre; and

- The proposed will result in an appropriate built form outcome which responds to the desired future modern character of the area;

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

9. RMS Comments

The original development Application was referred to RMS for review 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 advised that the proposal would have an adverse impact on the operation of the Pennant Street/Old Castle Hill Road/ McMullen

Avenue intersection and requested that the applicant provide additional modelling for the intersection and pay contributions for the upgrading of the signalised intersection. This request was reviewed by Council's Manager Infrastructure and Transport Planning who has advised that modelling had been previously undertaken in the area and that no further modelling was required. On this basis the application was determined and did not include any RMS conditions.

The current modification was referred to the RMS who have requested the imposition of a condition which included a request for the submission of design drawings and documents, details of any impacts on RMS drainage systems, advising of the applicant's responsibilities for any utility adjustment/relocation.

An additional condition has been imposed which states the RMS requirements however the condition also acknowledges that construction has already commenced on the site. The applicant is required to liaise with the RMS within 30 days of the approval date of this modification application with regard to the submission of information to satisfy RMS requirements (See additional Condition 29a).

SUBDIVISION ENGINEERING COMMENTS
No objection raised to the proposed modification.

TRAFFIC MANAGEMENT COMMENTS
The proposal requests an increase in the apartment yield by 39 units from the previously approved 923 units, to 962 units. Based on the accepted RMS trip generation rate of 0.15 - 0.19 peak hour trips/unit, the additional units will only generate an additional around 8 peak hour trips. This additional traffic will have negligible impact on the surrounding road network, therefore no objections are raised. It is also noted that the Old Castle Hill Road access has significantly improved since the acquisition of the property immediately to the north, reducing the need for the splayed driveway.

TREE MANAGEMENT COMMENTS
No objection raised to the proposed modification.

HEALTH & ENVIRONMENTAL PROTECTION COMMENTS
No objection raised to the proposed modification.

WASTE MANAGEMENT COMMENTS
No objection raised to the proposed modification.

FORWARD PLANNING COMMENTS
No objection raised to the proposed modification.

CONCLUSION

The proposal has been assessed having regard to the provisions of Sections 4.15 and 4.55 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 and additional setbacks near zone boundaries, and the variations to the DCP in respect to building footprint, 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 modification application 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 Modification Application be approved subject to the following conditions.

1. Condition 1 be deleted and replaced with:

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 1946/2016/JP

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	Landscape Plan	01.02.2017 Issue G

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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

REFERENCED PLANS AND DOCUMENTS 1946/2016/JP/A

DRAWING NO.	DESCRIPTION	DATE
A(2)00	Title Sheet, Location Plan & Site Analysis	16/11/17 Issue H
A(2)01	Site Plan	16/11/17 Issue F
A(2)02	Basement 3 Plan	26/10/17 Issue P
A(2)03	Basement 2 Plan	26/10/17 Issue P
A(2)04	Basement 1 Plan	26/10/17 Issue R
A(2)05	Lower Ground Plan	26/10/17 Issue R
A(2)06	Upper Ground Plan	27/10/17 Issue V
A(2)07	Level 1 Plan	27/10/17 Issue R
A(2)08	Level 2 Gay Street Plan	27/10/17 Issue R
A(2)11	Roof Plan	16/11/2017 Issue L
A(2)12	North and South Elevations	26/10/2017 Issue K
A(2)13	East, West & Through Site Link Elevations	23/03/2018 Issue L
A(2)14	Sections	16/11/2017 Issue K
A(2)15	Shadow Diagrams Summer	16/11/2017 Issue F
A(2)16	Shadow Diagrams Equinox	16/11/2017 Issue F
A(2)17	Shadow Diagrams Winter	16/11/2017 Issue F
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)30	Building A Lower & Upper 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 7 23 Plans	08/02/17 Issue K
A(2)43	Building B Roof Plan	08/02/17 Issue K
A(2)50	Building C Upper 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	26/10/17 Issue M
A(2)61	Building D Level 2 7 Typical Levels 3-10 Plans	26/20/17 Issue L
A(2)62	Building D Typical Levels 11-20 & Roof Plans	26/10/17 Issue L
A(2)70	Building E Upper Ground Floor, Level 1 & 2 Plans	26/10/17 Issue M
A(2)71	Building E Typical Levels 3-10 Plans, Typical Levels 11-13 Plans	26/10/17 Issue L
A(2)72	Building E Level 14, Typical Levels 15-17 & Roof Plans	26/10/17 Issue L
A(2)80	Basement Details	08/02/17 Issue D
8269/15	Plan showing Details and Levels Sheets 1-17	7/10/15
SS16-3247 100	Landscape Masterplan	27.11.2017 Issue J
SS16-3247 101	Landscape Plan	27.11.2017 Issue J
SS16-3247 102	Landscape Plan	27.11.2017 Issue J
SS16-3247 103	Landscape Plan	27.11.2017 Issue J
SS16-3247 104	Landscape Plan	27.11.2017 Issue J
SS16-3247 105	Landscape Plan - Rooftop	27.10.2017 Issue D
SS16-3247 201	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 202	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 203	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 204	Landscape Planting Plan	27.11.2017 Issue J
SS16-3247 205	Planting Plan – Rooftop	22.10.2017 Issue C
SS16-3247 501	Landscape Details	22.10.2018 Issue I

SS16-3247 502	Specification & Plant Schedule	22.10.2017 Issue I
SS16-3247 503	Plant Schedule	22.10.2017 Issue I
SK 160704-3-Rev D	Landscape Area Diagram	10 Nov 2017
SK 160704-4A-Rev E	Communal Open Space Area Diagram - Podium	10 Nov 2017
SK 160704-4B-Rev E	Communal Open Space Area Diagram – Roof Top	10 Nov 2017
SK 160928-COS-01-Rev D	Principal Usable Communal Open Space	10 Nov 2017
SK 160704-5-Rev F	Deep Soil Area Diagram	29 May 2018
SK 180327-1	Deep Soil area/Communal Open Space Diagram	29 May 2018
0916	GFA Summary	17 November 2017 Issue J
SK 160706-1D-1-Rev E	GFA Diagram Building D Upper Ground Level Sheet 1/5	10 Nov 2017
SK 160706-1D-2-Rev E	GFA Diagram Building D Level 1 Sheet 2/5	10 Nov 2017
SK 160706-1E-1-Rev E	GFA Diagram Building E Upper Ground Level Sheet 1/7	10 Nov 2017
SK 160706-1E-2-Rev E	GFA Diagram Building E Level 1 Sheet 2/7	10 Nov 2017
SK 160706-1E-3-Rev E	GFA Diagram Building E Level 2 Sheet 3/7	10 Nov 2017
SK 160706-1E-4-Rev E	GFA Diagram Building E Level 3-10 Sheet 4/7	10 Nov 2017
SK 160706-1E-5-Rev E	GFA Diagram Building E Level 11-13 Sheet 5/7	10 Nov 2017
SK 160706-1E-6-Rev E	GFA Diagram Building E Level 14 Sheet 6/7	10 Nov 2017
SK 160706-1E-7-Rev E	GFA Diagram Building E Level 15-17 Sheet 7/7	10 Nov 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. Condition 2 be deleted and replaced with:

2. Parking and Bicycle Spaces

The provision and maintenance of a total of 1202 parking spaces comprising:

Resident spaces: 1009

Visitor spaces: 193

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 962 bicycles.

Motorcycle Parking: 24 spaces

3. Condition 23 be deleted and replaced with:

23. Property Numbering

The responsibility for property numbering is vested solely in Council.

The property/street address for this development is:

55 Old Castle Hill Road Castle Hill

Approved unit numbering:

Level	Building A	Building B	Building C	Building D	Building E
LG	1-6	N/A	N/A	N/A	N/A
G	10-17	18	19-21	22-29	30-34
1	101-110	111-119	120-124	125-132	133-139
2	201-210	211-219	220-223	224-232	233-240
3	301-310	311-320	321-324	325-333	334-342
4	401-410	411-420	421-429	430-438	439-447
5	501-510	511-520	521-529	530-538	539-547
6	601-610	611-620	621-629	630-638	639-647
7	701-710	711-720	721-729	730-738	739-747
8	801-810	811-820	821-829	830-838	839-847
9	901-910	911-920	921-929	930-938	939-947
10	1001-1010	1011-1020	1021-1029	1030-1038	1039-1047
11	1101-1110	1111-1120	1121-1129	1130-1138	1139-1147
12	1201-1210	1211-1220	1221-1229	1230-1238	1239-1247
13	1301-1310	1311-1320	1321-1329	1330-1338	1339-1347
14	1401-1410	1411-1420	1421-1429	1430-1438	1439-1447
15	1501-1510	1511-1520	1521-1529	1530-1538	1539-1547
16	1601-1610	1611-1620	1621-1629	1630-1638	1639-1647
17	1701-1710	1711-1720	1721-1729	1730-1738	1739-1747
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.

4. Condition 25 be deleted and replaced with:

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, the Technical Memo dated November 24 2016 and the Pedestrian Wind Statement Memo date November 8, 2017 are to be incorporated into the design of the development.

5. Condition 26 be deleted and replaced with:

26. Tree Removal

Approval is granted for the removal of Trees numbered 1-78, 81-102 and 115-138, in Arboricultural Development Impact Assessment Report Revision C, prepared by Birds Tree Consultancy dated 28 November 2017.

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.

6. The additional of Condition 29a as follows:

29a. RMS Requirements

Compliance with the following requirements of the Roads and Maritime Service. In imposing this condition it is acknowledged that construction has already commenced on the site. The applicant is required to liaise with the RMS within 30 days of the approval date of this modification application with regard to the submission of information to satisfy RMS requirements.

a. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.

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

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

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

b. Detailed design plans and hydraulic calculations of any changes to the Roads and Maritime's stormwater drain age system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

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

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 88492766

c. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.

d. A construction zone will not be permitted on Pennant Street.

e. A Road Occupancy Licence should be obtained from Transport Management Centre for any works that may impact on traffic flows on Pennant Street during construction activities.

f. All vehicles are to enter and exit the site in a forward direction. Provision for vehicles to turn around must be provided within the property boundary.

g. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

7. Condition 30 be deleted and replaced with:

30. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 (previously 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: 203*	*No. of 2 bedroom units: 712*	*No. of 3 bedroom units: 47*	*Sum of Units*	*No. of Credits: 1*	*Total S94*
Roads & Traffic - Land	$ 4.52	$ 6.26	$ 9.40	$ 12.18	$ 917.56	$ 4,457.12	$ 441.80	$ 5,816.48	$ 12.18	**$ 5,804.30**
Roads & Traffic - Capital	$ 174.44	$ 241.56	$ 362.35	$ 469.70	$ 35,411.69	$ 171,988.40	$ 17,030.23	$ 224,430.32	$ 469.70	**$ 223,960.62**
Open Space - Land	$ 1,133.28	$ 1,569.16	$ 2,353.75	$ 3,051.15	$ 230,055.84	$ 1,117,241.92	$ 110,626.25	$ 1,457,924.01	$ 3,051.15	**$ 1,454,872.86**
Open Space - Capital	$ 302.81	$ 419.33	$ 629.00	$ 815.35	$ 61,469.70	$ 298,561.78	$ 29,563.13	$ 389,594.60	$ 815.35	**$ 388,779.25**
Community Facilities - Land	$ 20.75	$ 28.73	$ 43.09	$ 55.86	$ 4,212.25	$ 20,455.76	$ 2,025.23	$ 26,693.24	$ 55.86	**$ 26,637.38**
Community Facilities - Capital	$ 639.81	$ 885.79	$ 1,328.70	$ 1,722.30	$ 129,880.75	$ 630,684.56	$ 62,449.12	$ 823,014.43	$ 1,722.30	**$ 821,292.13**
Total	**$ 2,275.60**	**$ 3,150.83**	**$ 4,726.29**	**$ 6,126.54**	**$ 461,947.78**	**$ 2,243,389.54**	**$ 222,135.75**	**$ 2,927,473.08**	**$ 6,126.54**	**$ 2,921,346.54**

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.

8. Condition 32 be deleted.

9. Condition 36 be deleted.

10. Condition 37 be deleted and replaced with:

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 is 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	160155 SW001	F	6/03/2018
Site Stormwater Drainage Details Sheet 2	160155 SW082	C	04/12/2017

(Plan and Design Summary of OSD 1)			
Site Stormwater Drainage Details Sheet 3 (Plan and Design Summary of OSD 2)	160155 SW083	F	6/03/2018

The detailed design must incorporate the following necessary changes:

- Design levels of the OSD storages 1 & 2 must confirm that the discharge from the OSDs to the flood storage to be gravitational.
- All drainage pits including the Discharge Control Pit must be provided mass concrete benching to the invert of orifice plate and to the outlet pipe/(s).

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 the Concept Site Stormwater Drainage Details Sheet 4 Drawing 160155 SW084 Revision C dated 4/12/2017 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.

11. Condition 40 be deleted and replaced with:

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 $248,000.00 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 174m 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.

12. Condition 42 be deleted and replaced with:

42. Engineering Works and Design (Amended)

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 (Amended)

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 wide to facilitate the left turning movement of a Heavy Rigid Vehicle in and out of Old Castle Hill Road from the development.

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 (Amended)

The proposed diversion of existing drainage pipe (375mm diameter) that traverses the middle of the property with an amplified 600mm diameter pipe along the western boundary must be substantially carried out in accordance with the Site Stormwater Drainage Plan Job 160155 Drawing SW001 Revision F dated 6/03/2018. The diversion includes:

i. Installation of new 600mm diameter pipe on Pennant Street (60m long)

ii. Upgrading the existing 375mm diameter pipe on Pennant Street with a 600mm diameter pipe for 43m long (between pits 16/1 and 19/1) and with a 750mm diameter pipe for 23m long (between pits 19/1 and 11S0122)

iii. Construction of Flood Storage Basin of 510Cum volume in 200sqm underground tank and the outlet pipe from the flood storage limited to be a maximum of 375mm diameter in order to mitigate the downstream flood impact in the vicinity of residential dwellings/ properties caused by the above diversion and upgrade works.

iv. The flood storage tank must be set back atleast 800mm from the boundary as per the sections 2 & 3 shown on the drawing 160155 SW083 Revision F to facilitate the proposed landscape.

v. Removal of existing 450mm diameter pipe (Ex 123.3) connecting the pit Ex 124.1 (existing pit within the site) and the pit 16/01 on Pennant Street.

vi. Directing the external stormwater runoff from the diversion (pipe flow and overland flow), and the internal discharges from both OSD 1 & 2 to the flood storage.

vii. Constructing a suspended driveway with openings proposed as shown on the amended concept Site Stormwater Drainage Details Plan Job 160155 Drawing D085 Revision E dated 2/11/2017 to provide an unimpeded overland flow underneath the driveway. The design profile of the driveway must ensure the consistency of 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, and then the building plans need to be amended to reflect both.

A detailed design and associated construction documentation must be submitted to Council for approval at the Construction Certificate stage.

The revised DRAINS model that reviewed and underwent further adjustments has bene considered satisfactory subject to the adoption of the above items (i) to (vi).

The stormwater drainage works proposed in/ along Pennant Street must be completed to the requirements of the NSW RMS, hence to be approved by the RMS. A copy of the approved documents must be provided to Council.

g) Stormwater Drainage – Pipe Extension on Gay Street (Amended)

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.

Note: The Site Stormwater Drainage Plan Job 160155 Drawing SW001 Revision F dated 6/03/2018 must be amended to be reflective to this condition.

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

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.

Note: The Site Stormwater Drainage Plan Job 160155 Drawing SW001 Revision F dated 6/03/2018 must be amended to be reflective to this condition.

i) Easement/ Drainage Structures Maintenance Plan (Amended)

A maintenance plan for the emergency overland flow path, proposed bridge/ suspended driveway slab, flood storage tank and associated structures is required to 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 be based and 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

13. Condition 44 be deleted and replaced with:

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 S96 Application to Approved Residential Development 51-55 Old Castle Hill Road, Castle Hill prepared by Day Design Pty Ltd, report number 5988-3.2R and dated 16 March 2018 have been included in the construction plans of the development

14. Condition 49 be deleted and replaced with:

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 S96 Application to Approved Residential Development 51-55 Old Castle Hill Road, Castle Hill prepared by Day Design Pty Ltd, report number 5988-3.3R and dated 16 March 2018 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.

15. Condition 51 be deleted and replaced with:

51. Acoustic – Mechanical Ventilation
Prior to any Construction Certificate being issued a noise assessment is to be undertaken of the selected mechanical plant. The assessment is to confirm how the acoustic noise levels (condition of consent) will not be exceeded and provide recommendations for acoustic attenuation.

In addition, the final construction plans are to be updated to reflect the following recommendations of the Environmental Noise Impact Assessment S96 Application to Approved Residential Development 51-55 Old Castle Hill Road, Castle Hill prepared by Day Design Pty Ltd, report number 5988-3.1R and dated 16 March 2018: 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 noise assessment is to be submitted to Council's Manager – Environment and Health for review and if satisfactory written acceptance will be provided in support of a Construction Certificate being issued.

16. The addition of Condition 52(a) as follows:

52(a). Landscape Plan
A Landscape Planting Plan (to scale) for the landscaping of the site is to be prepared by a suitably qualified landscape architect or horticulturalist prior to the issue of a Construction Certificate for the residential flat building/s.

The plan must contain:

a) location and quantities of all proposed planting indicated on plan

b) a schedule of proposed planting, including botanical names, common names, pot sizes, and quantities.

17. Condition 53 be deleted and replaced with:

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 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.

18. Condition 79 be deleted and replaced with:

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_04 and 744459M_03 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.

19. The addition of Condition 113a as follows:

113a. Consolidation of Lots
All lots included in this consent must be consolidated before an Occupation Certificate is issued. A copy of the registered plan must be submitted to Council.

ATTACHMENTS
1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Plan
4. LEP Height Plan
5. Approved Site Plan
6. Proposed Site Plan
7. Approved Eastern Elevation
8. Proposed Eastern Elevation
9. Development Consent 1946/2016/JP

ATTACHMENT 1 – LOCALITY PLAN

SUBJECT SITE

PROPERTIES NOTIFIED

SUBMISSIONS RECEIVED

THE HILLS Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

ATTACHMENT 2 – AERIAL PHOTOGRAPH

THE HILLS Sydney's Garden Shire

The Hills Shire Council (THSC) does not give any guarantees concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided.
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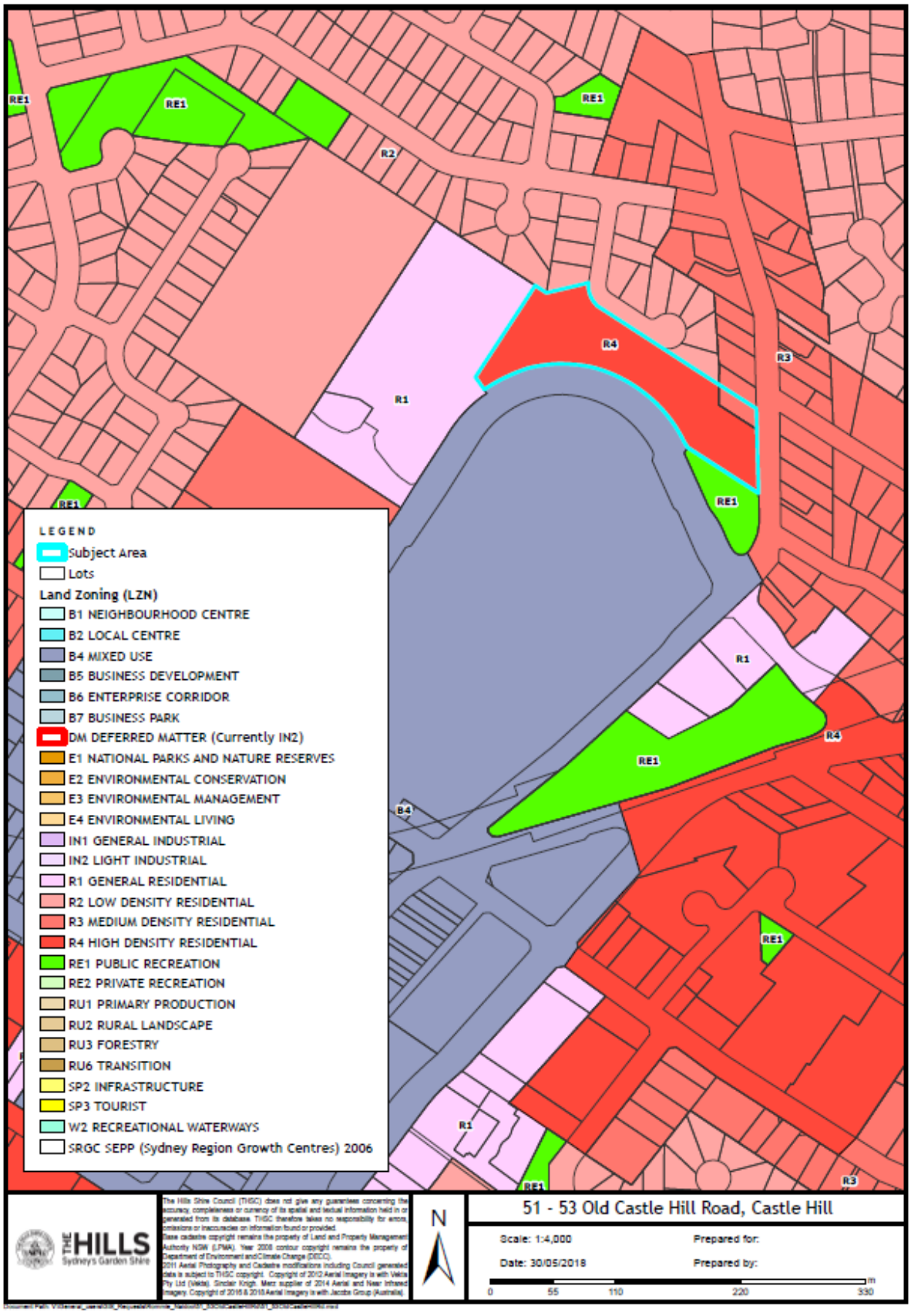
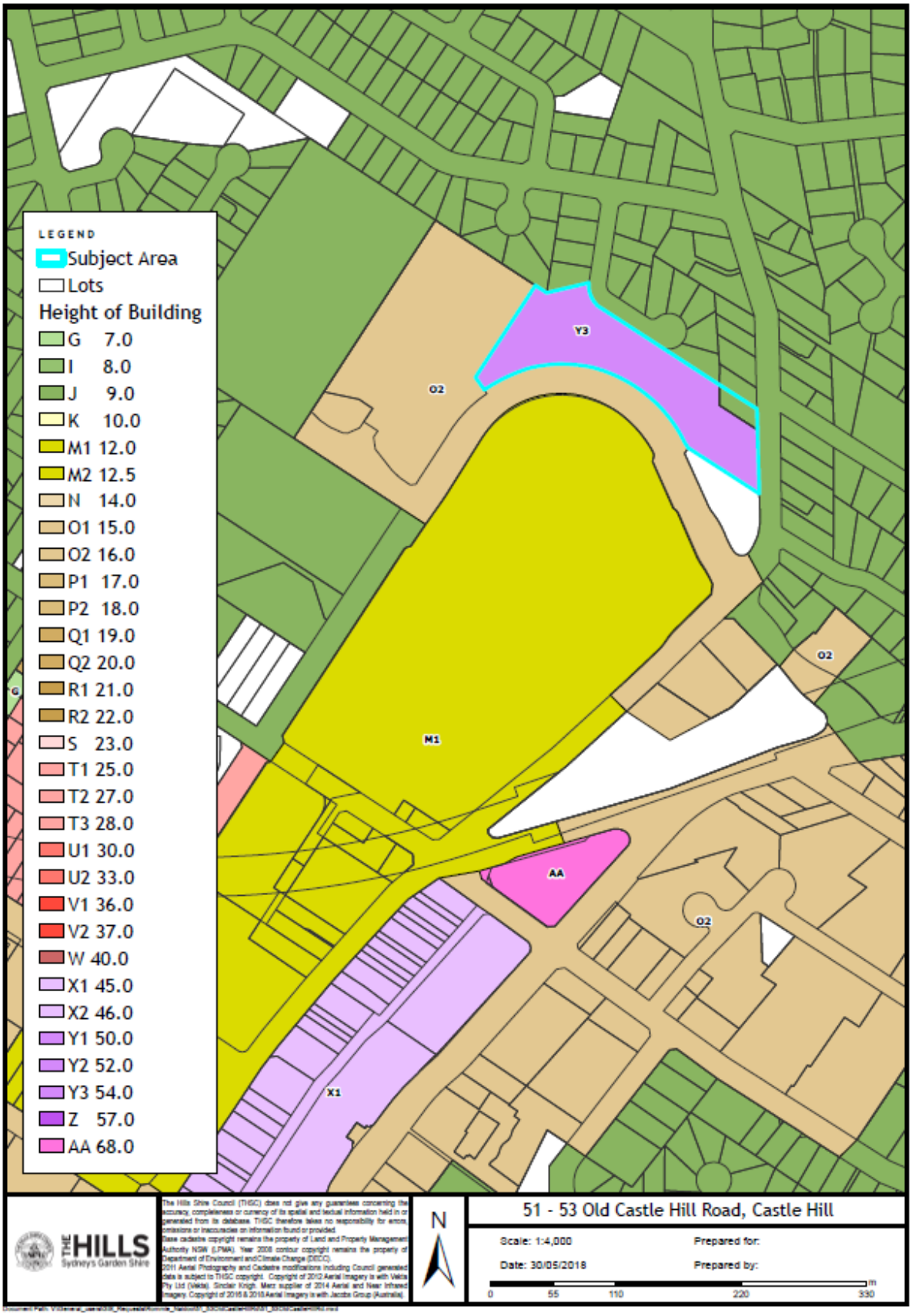
Scale (A4): 1:2628
Date: 30/05/2018
Prepared by: Rommie Naidoo

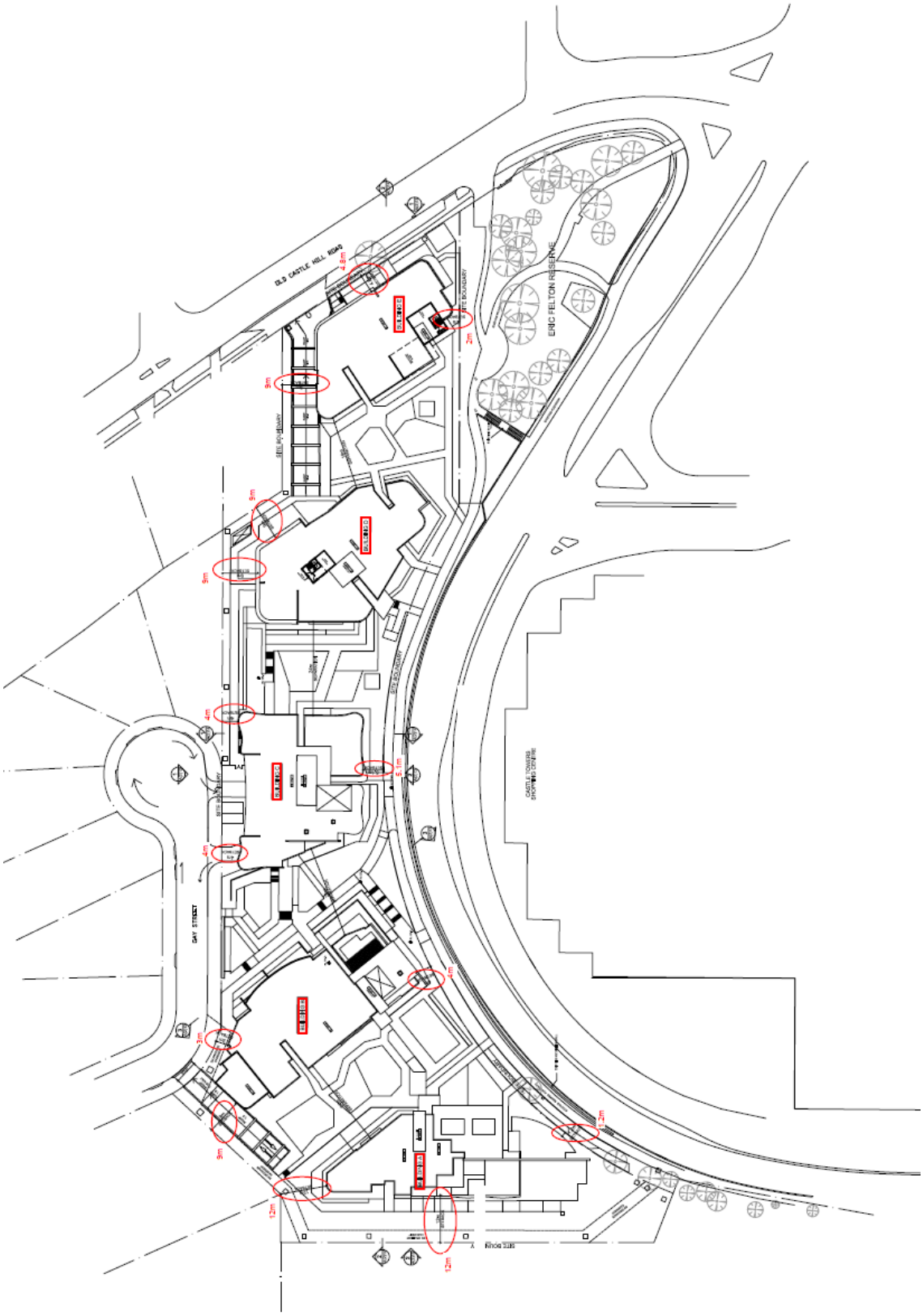
ATTACHMENT 3 – LEP ZONING PLAN

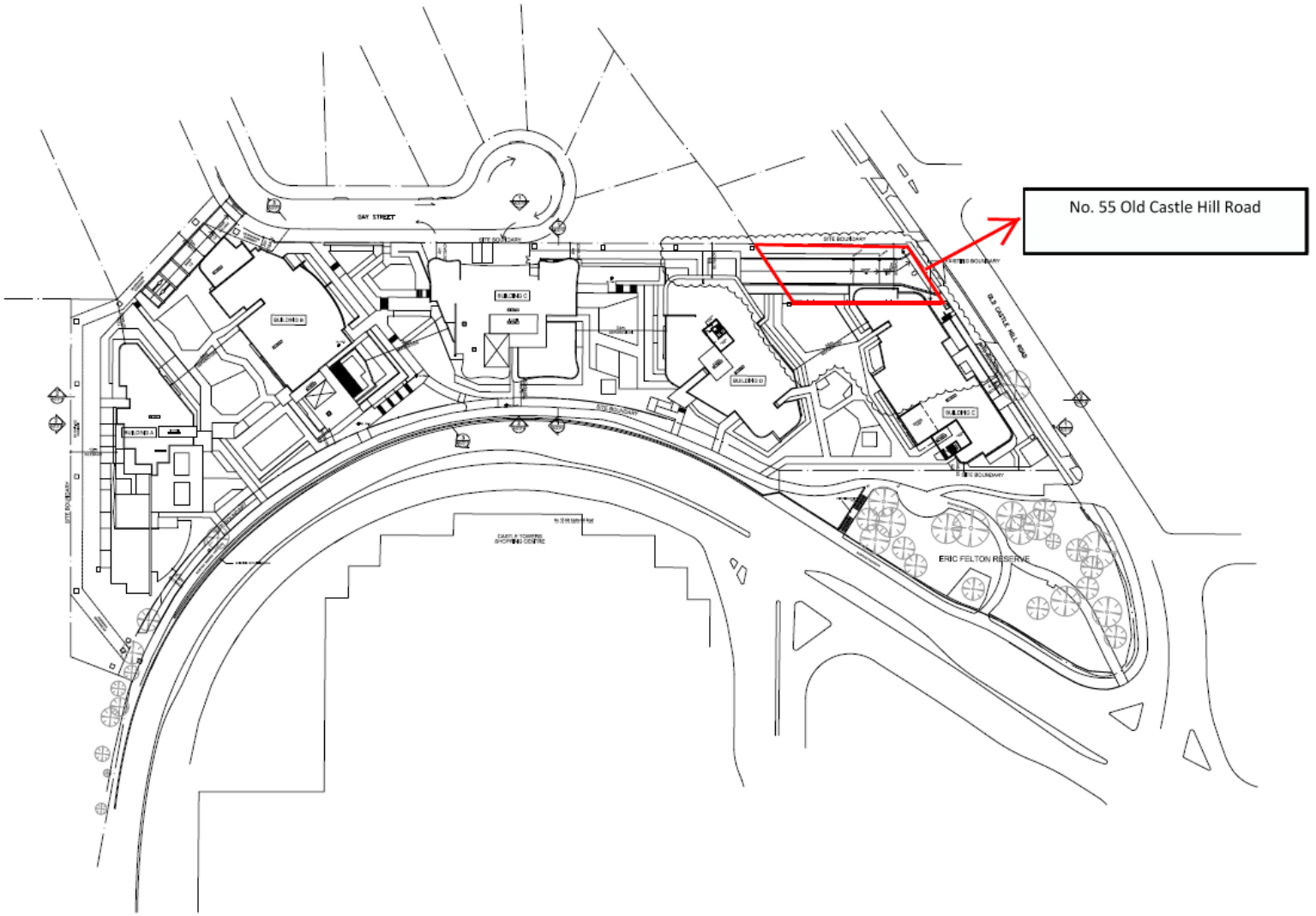


ATTACHMENT 4 – LEP HEIGHT PLAN



ATTACHMENT 5 – APPROVED SITE PLAN





RESIDENTIAL DEVELOPMENT

51-63 OLD CASTLE HILL ROAD,
CASTLE HILL, NSW 2154

SITE PLAN

SECTION 96

DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS ON SITE. REPORT ANY DISCREPANCIES TO THE SUPERINTENDENT BEFORE PROCEEDING WITH THE WORK.

PROPRIETOR
TOPLACE
121 Majors Bay Road
Concord NSW 2137

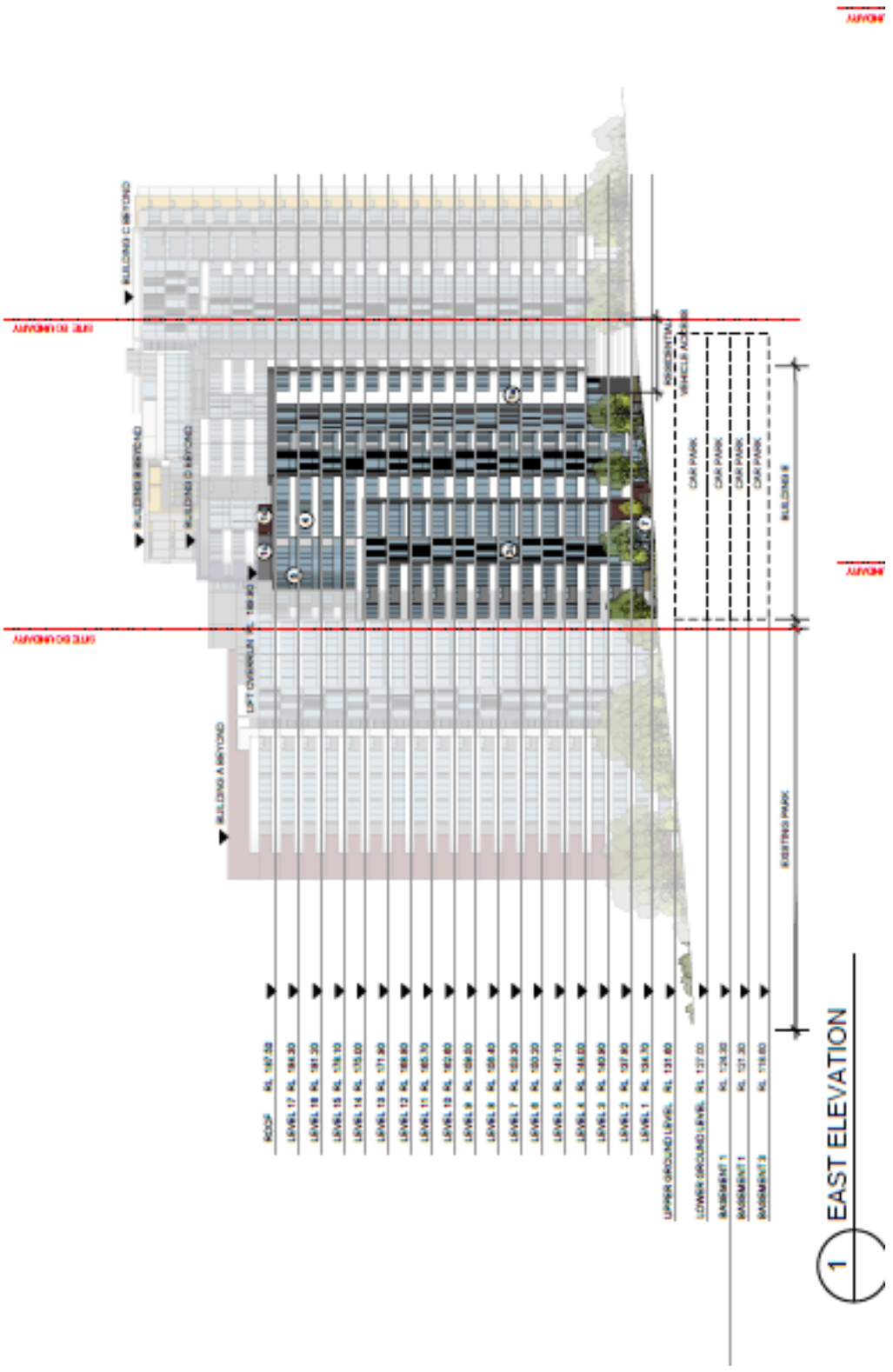
ARCHITECT
krikis tayler architects

DATE 16/11/17
SCALE 1:600@A1

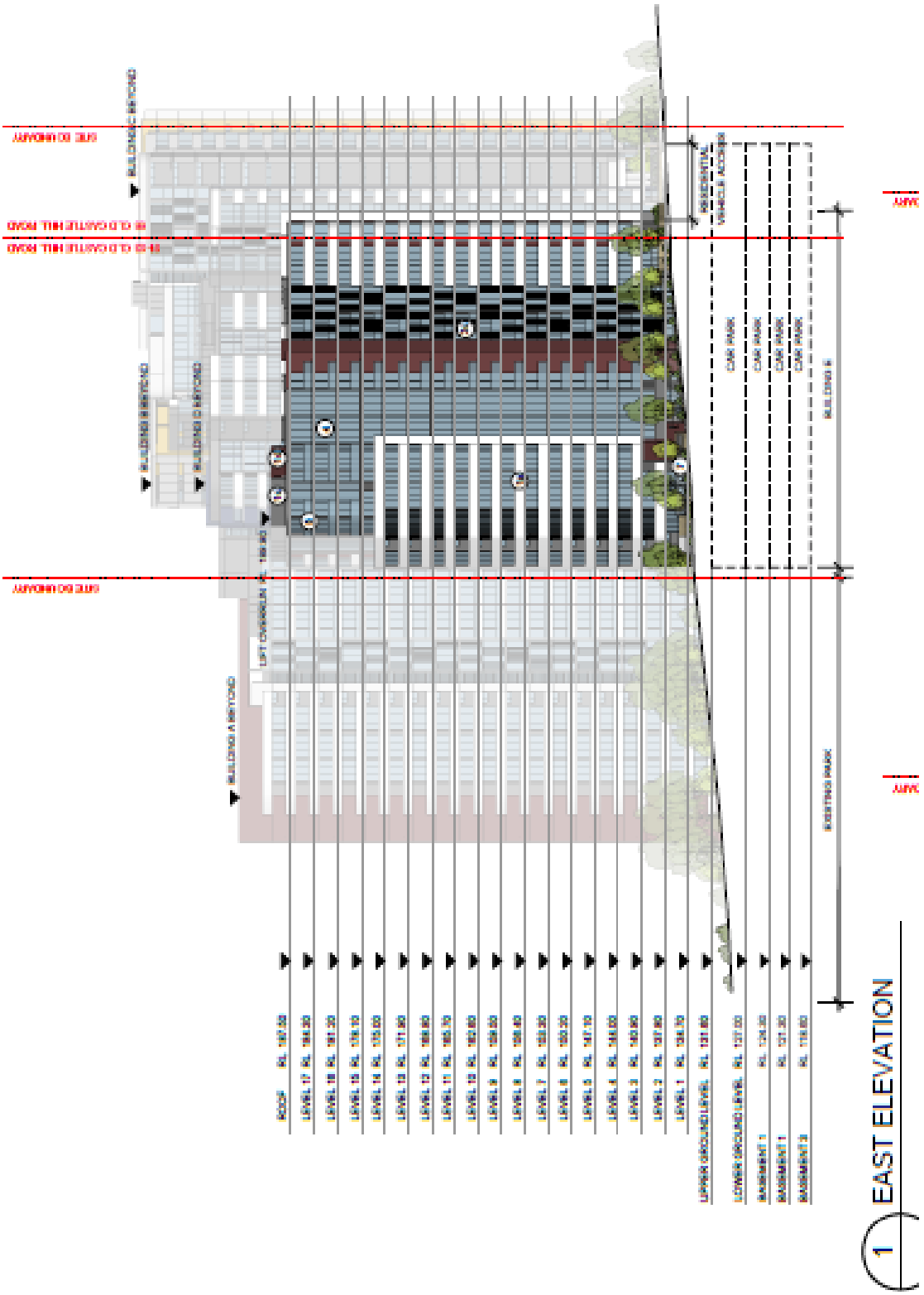
PROJECT NO.	DRAWING NO.	ISSUE
0916	A(2)01	F

ATTACHMENT 6 – PROPOSED SITE PLAN

ATTACHMENT 7 – APPROVED EASTERN ELEVATION



ATTACHMENT 8 – PROPOSED EASTERN ELEVATION



ATTACHMENT 9 – DEVELOPMENT CONSENT 1946/2016/JP/A

THE HILLS SHIRE COUNCIL
3 Columbia Court, Baulkham Hills NSW 2153
PO Box 7064, Baulkham Hills BC NSW 2153
Telephone +61 2 9843 0555
Facsimilie +61 2 9843 0409
Email council@thehills.nsw.gov.au
www.thehills.nsw.gov.au
DX 9966 Norwest
ABN No. 25 034 494 656

24 April 2017

Toplace Pty Ltd
121 Majors Bay Rd
CONCORD NSW 2137

Ref No.:1946/2016/JP
Joint Regional Planning Panel

Dear Sir/Madam

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979
NOTICE TO APPLICANT OF DETERMINATION OF A DEVELOPMENT APPLICATION

Pursuant to Section 81 of the Environmental Planning and Assessment Act, 1979, notice is hereby given of the determination by Sydney West Central Planning Panel of the Development Application referred to herein.

The Application has been determined by the granting of Consent subject to the conditions referred to in this Notice.

The conditions of the Consent referred to herein are deemed necessary by The Hills Shire Council, pursuant to Part 4, Division 2 of the Environmental Planning and Assessment Act, 1979.

This Consent shall become effective from the endorsed date of Consent.
This Consent shall lapse unless development, the subject of the Consent, is commenced within five (5) years from the endorsed date of Consent or as otherwise provided under Section 95 of the Environmental Planning and Assessment Act, 1979 which may vary the above date of the lapsing of the Consent.

Right of Appeal
Section 97 of the Environmental Planning and Assessment Act 1979 confers on the applicant who is dissatisfied with the determination of a consent authority, a right of appeal to the NSW Land and Environment Court exercisable within six (6) months after receipt of this notice. For development applications lodged before 28 February 2011, the statutory timeframe for appeal is twelve (12) months from the determination date.

APPLICANT	Toplace Pty Ltd
OWNER:	51 Ochr Pty Ltd
PROPERTY:	Lot 101 DP 1146629 51-53 Old Castle Hill Road, CASTLE HILL
DEVELOPMENT:	Demolition of Existing Structures and Construction of Five Residential Flat Buildings
ENDORSED DATE OF CONSENT:	20 April 2017

CONDITIONS OF CONSENT

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	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-	GFA Diagram Building B- Level 23	08 Feb 2017 Rev C

6		
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 manoeuver 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/m^2.

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

a. 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.

b. 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 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 be based and 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:

a) Allotment boundaries

b) Location of the adjoining roads

c) Contours

d) Existing vegetation

e) Existing site drainage

f) Critical natural areas

g) Location of stockpiles

h) Erosion control practices

i) Sediment control practices

j) Outline of a maintenance program for the erosion and sediment controls

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

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 additional 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.

ATTACHMENT: DEVELOPMENT ADVISORY NOTES

Pursuant to Section 80A of the Environmental Planning and Assessment Act 1979, the reasons for the conditions imposed on this application are as follows:-

1. To facilitate the orderly implementation of the objectives of the Environmental Planning and Assessment Act, 1979 and the aims and objectives of Council's planning instrument.

2. To ensure that the local amenity is maintained and is not adversely affected and that adequate safeguards are incorporated into the development.

3. To ensure the development does not hinder the proper and orderly development of the subject land and its surrounds.

4. To ensure the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 are maintained.

Should you require any further information please contact Kristine McKenzie on 9843 0319.

Yours faithfully

Paul Osborne
MANAGER-DEVELOPMENT ASSESSMENT

DEVELOPMENT ADVISORY NOTES

A. COMPLIANCE WITH BUILDING CODE OF AUSTRALIA AND INSURANCE REQUIREMENTS UNDER HOME BUILDING ACT 1989
(refer to Clause 98 of Environmental Planning & Assessment Regulation 2000)

(1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
   (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
   (b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

(2) This clause does not apply:
   (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
   (b) to the erection of a temporary building.

(3) In this clause, a reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

B. NOTIFICATION OF HOME BUILDING ACT 1989 REQUIREMENTS
(refer to Clause 98B Notification of Home Building Act 1989 requirements)

(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.

(2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:
   (a) in the case of work for which a principal contractor is required to be appointed:
      (i) the name and licence number of the principal contractor, and
      (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
   (b) in the case of work to be done by an owner-builder:
      (i) the name of the owner-builder, and
      (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.

C. EXCAVATIONS AND BACKFILLING

(1) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

(2) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

D. RETAINING WALLS AND DRAINAGE

If the soil conditions require it:

(1) Retaining walls associated with the erection or demolition of a building or other approved methods of preventing movement of the soil must be provided as indicated on the plans, and

(2) adequate provision must be made for drainage.

(3) A separate Development Application and Construction Certificate Application are required for the retaining walls that are not indicated on the approved plans where such works cannot be carried out under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Structural Engineer's details are required to be submitted to Council as part of the application if the amount to be retained is over 1 m in height.

E. SUPPORT FOR NEIGHBOURING STRUCTURES AND SHORING AND ADEQUACY OF ADJOINING PROPERTY

(1) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings and encroaches on the zones of influence of the footings of a building or retaining structure on an adjoining property (including any structure or work within a road or rail corridor), the person having the benefit of the development consent must at the persons own expense:
   (a) seek advice from a professional structural engineer, and
   (b) preserve and protect the building, work or retaining structure from damage, and
   (c) if necessary, must underpin and support the building or retaining structure in an approved manner, and
   (d) must, at least 7 days before excavating below the level of the base of the footings of a building or retaining structure on an adjoining property, give notice of intention to do so and furnish particulars of the excavation to the owner of the adjoining property.

(2) The owner of the adjoining property is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining property.

(3) In this clause, **adjoining property** includes a public road and any other public place.

(4) The condition referred to above does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

F. PROTECTION OF PUBLIC SPACES

(1) If the work involved in the erection or demolition of a building:
   (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
   (b) involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

(2) If necessary, a covered walkway is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

(3) The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

(4) Any such hoarding, fence or covered walkway is to be removed when the work has been completed.

(5) An application shall be lodged and approval is given by Council prior to the erection of any hoarding, fence, covered walkway or site shed on top of the covered walkway.

G. SIGNS TO BE ERECTED ON BUILDING AND DEMOLITION SITES

(1) For the purposes of section 80A (11) of the Act, the requirements of sub clauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.

(2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the work site is prohibited.

(3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 109R of the Act, to comply with the technical provisions of the State's building laws.
Note. Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of $1,100).

H. TOILET FACILITIES

(1) Toilet facilities are to be provided, at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

(2) Each toilet provided:
- (a) must be a standard flushing toilet, and
- (b) must be connected:
  - (i) to a public sewer, or
  - (ii) if connection to a public sewer is not practicable, to an accredited sewage management facility approved by the council, or
  - (iii) if connection to a public sewer or an accredited sewage management facility is not practicable, to some other sewage management facility approved by the council.

(3) The provision of toilet facilities in accordance with this clause must be completed before any other work is commenced.

I. DRIVEWAYS, FOOTPATHS ROAD AND OTHER PAVEMENT WORKS IN THE FOOTPATH VERGE

(1) The provision and maintenance of a vehicular access driveway from the property boundary to the kerb and gutter or the edge of road seal is the responsibility of the property owner. However, any work undertaken by private owners within the public road area or footpath verge requires written approval from Council. Where new or replacement driveways and gutter crossings are proposed, the submission of an application for gutter and footpath crossings, accompanied by the current applicable fee as prescribed in Council's Schedule of Fees and Charges, must be submitted to Council.

This process is necessary to ensure the work complies with Australian Standards and Council policies and that all road users, including pedestrians and cyclists are protected both during and after construction. Work in the road reservation without Council approval may be removed if deemed to be a public liability or safety risk.

A copy of the "Footpath Crossing Application" form and Council's specifications relating such works be obtained from Council's website at www.thehills.nsw.gov.au or from Council's Customer Service Centre.

(2) The removal of all disused driveways and gutter crossings and their replacement with full kerb and gutter together with the restoration and turfing of the adjacent footpath verge area is required.

(3) Council must be notified in the event of any existing damage to road, pavement, footpaving, kerbing and guttering and street trees prior to the commencement of the work. This notification should include photographic evidence of the existing damage. If Council does not receive notification it will be assumed that no damage existed prior to the work commencing.

Adequate protection must be provided for Council road pavement footpaving, kerbing and guttering and existing street trees prior to commencing and during building operations.

Upon completion of the work, any damage to road pavement, footpaving, kerbing and guttering and street trees not previously reported in accordance with (3) above shall be reported to Council and the cost of repair paid for in full prior to final certification of the works. A cost can be obtained from the Restorations Coordinator (ph. 9843 0234).

DRIVEWAY LOCATIONS & LEVELS

Owners and/or applicants are responsible to ensure that proper connection with the roadway can be made whilst maintaining safe levels across the footpath verge and along the driveway. Driveways must also be located a minimum of 6m from kerb returns and splayed corners and are sufficiently clear of street trees, service utility infrastructure such as power poles and drainage structures such as kerb inlet pits. Council's Engineer can be contacted on 9843 0374 to assist with these matters. Driveway gradients must conform to Council's specifications which can be obtained from Council's website at www.thehills.nsw.gov.au or from Council's Customer Service Centre. The level of the garage floor is to be checked prior to pouring of concrete to ensure compliance with Council's requirements.

ROAD OPENINGS

Obtain a Road Opening Permit and pay relevant service restoration fees and charges prior to excavations within the road reserve. The Road Opening permit must be kept on site at all times while work is being carried out in the Road Reserve and must be produced upon request from a Council Officer. If the Permit is not able to be produced to the Council Officer the Works in the public way may be stopped.

Upon completion of excavation works in the public way Council's Restoration Coordinator (ph. 9843 0234) must be advised and the full cost of the final restoration paid prior to final certification. of those works

J. STREET NUMBER

A street number is to be prominently displayed in a conspicuous position on completion of the building.

K. HOUSEHOLD SERVICES

The householder is required to notify Council upon occupancy that the garbage service, which is mandatory, is to be commenced and pay the necessary charges upon receipt of an account.

(1) No encroachment by any building or structure for private use will be permitted on a public reserve.

(2) Soil and building materials are not to be deposited on any road, footpath or public reserve.

(3) Building refuse or materials shall not be burnt on site.

(4) No vehicular traffic or any drainage work is permitted on any public reserve without the prior approval of Council.

(5) Council consent is required before the removal of any tree, except those approved by this consent, or that is exempt under the Tree & Bushland Management Provision.

(6) Applicants are advised to consult with Telstra and Australia Post regarding the installation of telephone conduits and letter boxes respectively.

(7) Unimpeded access must be available to the utilities supply authorities, during and after building, to the utilities metering equipment.

(8) A building plan approval must be obtained from Sydney Water Tap in to ensure that the approved development will not impact Sydney Water infrastructure. A copy of the building plan approval receipt from Sydney Water Tap in must be submitted to the Principal Certifying Authority upon request prior to works commencing.
Please refer to the web site http://www.sydneywater.com.au/tapin/index.htm- Sydney Water Tap in, or telephone 13 20 92.

(9) Persons with land holdings in areas of the Shire where no water reticulation system is available are to provide an adequate wholesome water supply and are encouraged to provide additional water storage for use during fire fighting operations, for fire fighting purposes. Further information regarding the provision of water storage for fire fighting purposes is available from the Rural Fire Service District Office on 9654 1244

(10) Roof water connection across footways shall be a 100mm diameter, sewer grade UPVC pipe(s). Connection to kerb shall be made with a rectangular, hot dip galvanised, mild steel weephole shaped to suit the kerb profile and with a capacity equal to a 100mm pipe. The pipe shall be connected to the weephole with a UPVC profile adaptor.

L. DIAL BEFORE YOU DIG

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact *Dial before You Dig* at www.1100.com.au or telephone on 1100 before excavating or erecting structures (This is the law in NSW).
If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig Service, an amendment to the development consent (or a new development application) may be necessary. *Individuals* owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets.

It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (*and its authorised contractors*) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's Infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact : Telstra's Network Integrity Team on Phone Number 18008 10443.

M. CONNECTION OF STORMWATER DRAINS

All roof stormwater drains connected to Council's kerb must comply with the levels advised at the street alignment, must cross the footpath at 90º to the kerb line and be connected to existing holes provided in the kerb. Any alternative arrangements must be approved by Council's engineer and must comply with Council's Standard Drawing SD.13 (Roofwater Outlet Connection) a copy of which can be obtained from Council's website at www.thehills.nsw.gov.au.

N. TREE MANAGEMENT PROVISIONS

Clause 5.9 (Preservation of trees or vegetation) of The Hills Local Environmental Plan 2012, requires the preservation of all trees and prohibits the ringbarking, cutting down, topping, lopping or wilful destruction of trees except with the prior approval of Council.

O. INSURANCE REQUIREMENTS

In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, such a contract must be in force.

THIS APPROVAL IN NO WAY VARIES COVENANTS, IF ANY, ATTACHING TO THE LAND NOR SHALL PREJUDICE ANY ACTION THAT MAY BE TAKEN BY ANY INTERESTED PARTY IN THIS REGARD.