

COUNCIL ASSESSMENT REPORT

Panel Reference	2018SWC098
DA Number	DA 320/2019/JP
LGA	The Hills Shire Council
Proposed Development	Demolition of existing structures and construction of a residential flat building containing 78 units and basement parking
Street Address	Lot 24 DP 255722, Lot 25 DP 255722, Lot 26 DP 255722 and Lot 27 DP 255722, 29-35 Dawes Avenue Castle Hill
Applicant/Owner	CBD Core Pty Ltd / Dawescastle Pty Ltd
Consultants	Ethos Urban Pty Ltd LFA (Pacific) Pty Limited Survey plus Cam Consulting Paul Scrivener Varga Traffic Arcadis CBD Core Pty Ltd Taylor Smith Consulting Acoustic Logic Vista Access Architects Redgum Horticultural Windtech JPQS Pty Ltd
Date of DA lodgement	22 August 2018
Number of Submissions	Two submissions received from one property owner
Recommendation	Approval
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$31,017,679)
List of all relevant s4.15(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development 2011) • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • The Hills Local Environmental Plan 2012 • Apartment Design Guide • DCP 2012 Part C Section 1 – Parking • DCP 2012 Part C Section 3 – Landscaping • DCP 2012 Part D Section 19 – Showground Precinct
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Submissions
Report prepared by	Cynthia Dugan

	Development Assessment Co-ordinator
Report date	30 July 2019

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? **Yes**
e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP

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? **Not Applicable**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S7.24)? **Not Applicable**
Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**
Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report

EXECUTIVE SUMMARY

The Development Application is for the construction of an eight storey residential flat building comprising 78 units with basement parking for 146 vehicles.

The site is within the Showground Station Precinct under The Hills Local Environmental Plan 2012 as amended by State Environmental Planning Policy Amendment (Showground Station Precinct) 2017 on Friday 15 December 2017. As part of the amendment, the subject site which consists of four existing residential lots was rezoned from R2 Low Density Residential to R4 High Density Residential with a maximum Floor Space Ratio (FSR) of 1.9:1 and maximum height of 27m.

The Development Application was original lodged for 85 units and exceeded the FSR by 7% (Gross Floor Area of 563m²). A request to vary Clause 4.4 Floor Space Ratio (FSR) of LEP 2012 under Clause 4.6 of the LEP was submitted with the application. Notwithstanding, the proposal has been amended to fully comply with FSR development standard, negating the need for a Clause 4.6 variation request. The proposal also complies with development standard under Clause 4.3 Height of Buildings LEP 2012.

The proposal complies with SEPP 65 and the Apartment Design Guide with the exception of building separation, solar and daylight access and apartment size and layout. The Apartment Design Guide requires that habitable rooms/balconies require a building separation of 12m for 4 storeys, 18m for 5-8 storeys and 24m for over 9 storeys. Variations occur to a number of balconies however these are point encroachments to corner units and full height privacy screens have been incorporated to balconies to offset direct overlooking. The Apartment Design Guide recommends a maximum of 15% of apartments in a building to receive no direct sunlight between 9am and 3pm at midwinter. The proposal results in 17% of apartments in the development receiving no direct sunlight during this time period. This variation is supported as the lot is constrained with an east west lot orientation and the majority of these units are dual aspect, provided with adequate amenity, maximising ventilation and outlook. The Apartment Design Guide recommends a maximum habitable room depth of 8m from a window. Variations occur to a number of north facing units,

however these units receive adequate solar access and are naturally cross ventilated and contain open plan layouts which are considered functional.

The proposal complies with DCP 2012 Part D Section 19 – Showground Precinct with the exception of upper floor and rear building setbacks, façade length, car parking location and access and adaptability controls. The DCP requires an upper floor setback of 4m from the front building line above the fourth floor. The proposal provides for a 1.5 – 4.9m upper floor setback above the second floor however this variation still provides for a design that establishes a fine grain and human scale which is keeping with the future desired character of the Showground Station Precinct. The DCP requires a rear setback of 8m however the proposal includes encroachments within corner unit balconies. These are considered minor in nature and privacy mitigation measures have been provided to these balconies. The DCP requires a maximum façade length of 40m for the site. The proposal results in a total façade length of 53m however the front facade is broken into two distinct forms which achieve a high quality design. The DCP requires parking to be underground and within the footprint of the building above. The proposal includes basement parking which encroaches within the building footprint however this only occurs to the rear and side property boundaries and is not visible from the public realm. Recently adopted DCP amendments include a provision that requires 10% of total units to be accessible/adaptable units. The proposal provides for 5% of total units which met the DCP controls at the time of lodgement. Notwithstanding, the proposal provides for 16 units that contain silver level universal design features which meet the intent of the control.

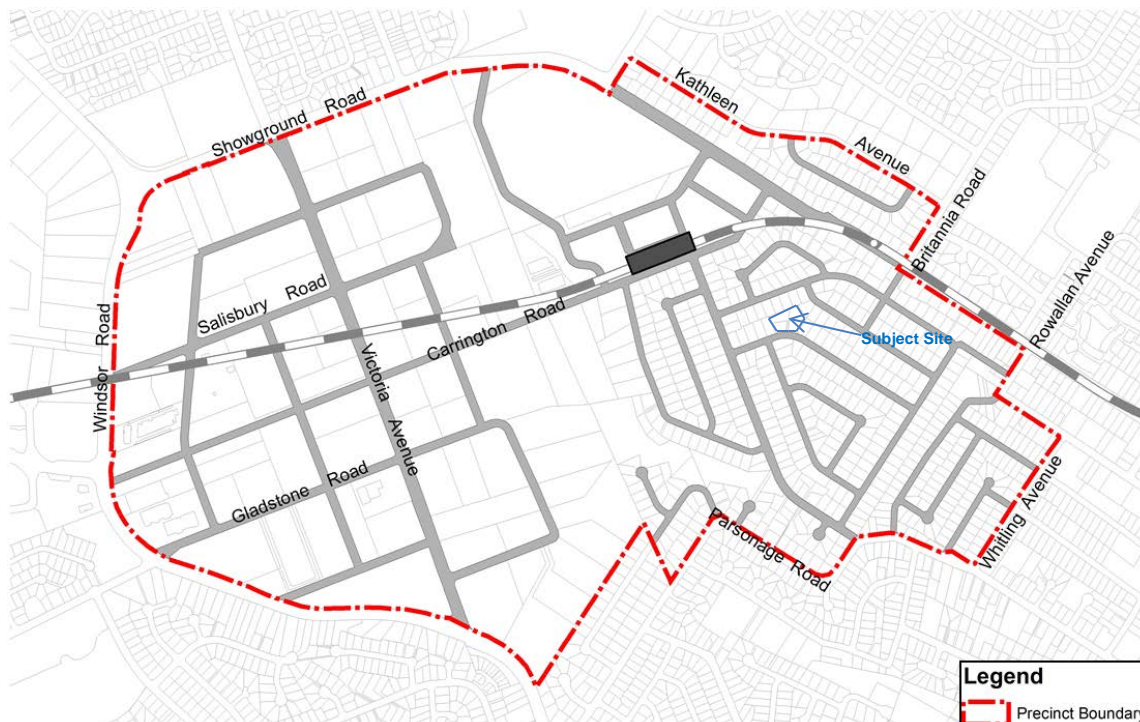
The application was notified for a period of 14 days on two occasions. Two submissions were received during the first notification period however one submission was subsequently withdrawn. One submission was received during the second notification period (from a previous objector). The key issues raised in the submission include overshadowing impact, loss of privacy and structural damage to adjoining neighbours, construction noise and traffic/road safety concerns. These matters are addressed in the report and do not warrant refusal of the application.

The Development Application is recommended for approval subject to conditions of consent.

BACKGROUND

The site is within the Showground Precinct which is one of four Precincts identified by the NSW Government to be planned as part of its 'Planned Precinct Program' along the Sydney Metro Northwest corridor.

On 15 December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. The Showground Station Precinct is confined to the following boundary:



The subject Development Application was lodged on 22 August 2018. The proposal was notified for 14 days and two submissions were received following the notification period. One submission was subsequently withdrawn. The original application proposed 85 units and was accompanied by a request to vary development standards for the Floor Space Ratio pursuant to Clause 4.6 of The Hills Local Environmental Plan 2012 (LEP).

A request for additional information was sent to the applicant on 19 October 2018 with regards to compliance with the building height and floor space ratio development standards under LEP 2012 and advised the proposal would be required to be reviewed by the Design Review Panel. Other planning concerns raised in the letter relate to SEPP 65/Apartment Design Guide including visual privacy, solar and daylight access, ceiling heights, balcony depths, apartment size and layout and storage, DCP 2012 concerns relating to site coverage, open space and landscaping, built form and design, unit mix, residential uses on ground and first floors, solar access, parking and cut and fill. Concerns were also raised with regards to Engineering and Waste Management.

A meeting was held between Council staff, the applicants and their consultants on 6 November 2018 to discuss the outstanding issues. Amended plans were received on 30 November 2018 and 5 December 2018. The amendments resulted in a reduction of the total units proposed from 85 units to 82 units.

The proposal was reviewed by the Design Review Panel on 17 January 2019. The Panel concluded the following:

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. If the DA officer is satisfied that the applicant has addressed the concerns of the panel, the project need not return to the panel for further consideration.

Further amended plans and associated documentation were received on 17 March 2019. The amendments have addressed the concerns raised by the Design Review Panel and included a further reduction of three units, resulting in a total of 78 units, an overall reduction

in gross floor area (7,963m² to 7,951m²), relocation of the pool to an unenclosed undercroft space on the ground floor level, removal of gym and reduction in maximum roof height from RL 133.79 to 131.93.

On 6 May 2019 and 3 June 2019, emails were sent to the Applicant requesting Unit 708 be amended to comply with the minimum unit size required under the Apartment Design Guide, further justification for variations to the ADG (apartment layout), variations to DCP (site coverage, upper floor setbacks, solar access, parking not within the footprint above and bicycle spaces) and the submission of a BASIX Certificate.

Further amended plans were received on 17 May 2019 and 11 June 2019 addressing further concerns by Council officers regarding compliance with apartment mix and landscape requirements under the DCP.

DETAILS AND SUBMISSIONS

Owner:	Dawescastle Pty Ltd
Zoning:	R4 High Density Residential
Area:	4,190.6m ²
Existing Development:	Existing detached dwelling houses
Section 7.11 Contribution:	\$969,815.30
Exhibition:	N/A
Notice Adj Owners:	Yes, 14 days
Number Advised:	12
Submissions Received:	One submission received

PROPOSAL

The proposed development seeks consent for demolition of existing structures, site consolidation and construction of an eight storey residential flat building containing a total of 78 units, comprising 8 x 1 bedroom units, 54 x 2 bedroom units and 16 x 3 bedroom units.

A basement car park comprising two levels with a total of 145 car parking spaces are provided. 128 resident spaces (including 41 stacked spaces) and 17 visitor spaces are proposed.

Vehicular access will be provided to the basement car park via a single driveway and ramp off Dawes Avenue.

Communal open space is provided at the northern rear of the development and includes a swimming pool within an unenclosed undercroft space on the ground floor level.

2m wide land dedication required for road purposes is provided along Dawes Avenue.

STRATEGIC CONTEXT

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan, *A Metropolis of Three Cities* has been prepared by the NSW State Government to set a 40 year vision and established a 20 year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The Plan sets a new strategy and actions to land use and transport patterns to boost Greater Sydney's liveability, productivity and sustainability by spreading the benefits of growth. The Plan seeks to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located

and supported by public transport (Objective 14). The subject site is located within 400m walking distance of the Showground Station which opened on 26 May 2019.

A key objective within the Greater Sydney Region Plan which is relevant to the subject Development Application is 'Objective 10 Greater housing supply'. The Greater Sydney Region Plan highlights that 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. The Plan also notes that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. To achieve this objective, planning authorities will need to ensure that a consistent supply of housing is delivered to meet the forecast demand created by the growing population.

The proposed development is considered to be consistent with this objective as it will assist in maximising housing supply within a Precinct which will have direct access to high frequency public transport services.

Central City District Plan

The Plan is a guide for implementing the Sydney Region Plan at a district level and is a bridge between regional and local planning. The plan requires integration of land use planning and transport to facilitate walkable 30-minute cities amongst the 34 strategic centres identified.

The relevant Planning Priority of the Central City District Plan is Priority C5 which seeks to provide housing supply, choice and affordability and ensure access to jobs, services and public transport. The proposed development will assist in increasing housing supply in a location which will have access to high frequency public transport services. The development proposal is considered to be consistent with the Central City District Plan.

ISSUES FOR CONSIDERATION

1. Compliance with SEPP (State and Regional Development) 2011

Schedule 7 of SEPP (State and Regional Development) 2011 specifies the referral requirements to a Planning Panel:

Development that has a capital investment value of more than \$30 million.

The proposed development has a Capital Investment Value of \$31,017,679 and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

2. Compliance with SEPP No. 55 – Remediation of Land

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

Clause 7 of the SEPP states:

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

it has considered whether the land is contaminated, and

if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and

if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

Council's Environmental Health Officer has reviewed the Preliminary Site Investigation prepared by Arcadis, report number 10023586RP01 and dated 7 August 2018. The investigation revealed that the four residential lots have a low risk of contamination. The report recommends that given the majority of soils are likely to be excavated for the proposed development, any materials proposed for offsite disposal should be classified in accordance with the NSW EPA(2014) Waste Classified Guidelines. In addition, the report recommends that surface soil sampling be conducted to determine if contaminants are present at concentrations that have the potential to pose and unacceptable risk to human health.

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

3. Compliance with SEPP No. 65 – Design Quality of Residential Apartment Development

The required Design Verification Statement was prepared by Steve Anders, registration number 5764 of LFA (Pacific) Pty Ltd.

a. Design Quality Principles

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

Principle 1: Context and neighbourhood character

The proposal is compatible with the desired context and neighbourhood character of the Showground Station precinct. The proposal seeks to respond to and contribute to the desired future character Showground Station precinct which is to become an attractive and well-connected neighbourhood that achieves housing targets, creates vibrant, safe and desirable places, reinforces the garden shire character and lifestyle, and is supported by necessary infrastructure. The subject development is located within a R4 High Density Residential zone. The future desired character for residential areas are to be green and walkable, providing a lifestyle alternative to the traditional suburban context, focused highly on an appropriate scale and an attractive environment for pedestrians. The proposal has addressed comments made by Council's Design Review Panel and it is considered that the amended proposal provides an attractive streetscape presentation, generous apartment sizes and a diverse unit mix within a highly landscaped setting which reinforces the garden shire character and lifestyle. In this regard, the proposal is compatible with the desired neighbourhood character of the Showground Station precinct.

Principle 2: Built form and scale

The proposal is consistent with the requirements of the Hills Council LEP, and is appropriately designed and articulated to minimise the perceived scale. The podium level setback and generous street setback of 9.5m provides an appealing scale to pedestrians. The variety of finishes along the elevations and layering of façade elements assist in creating an expressive street frontage which enhances the development's relationship with the public domain. In addition, generous rear setbacks to the future residential flat

development to the north of the development would provide for appropriate building separation and amenity between adjoining residential flat buildings.

Principle 3: Density

The subject proposal provides for 78 dwellings for the site. The applicant initially sought consent for 85 units however has reduced the dwelling yield to ensure full compliance with all development standards within LEP 2012 including floor space ratio and height. As the development site is less than 10,000m² in site area, the proposal does not seek to utilise an incentivised FSR provision under Clause 9.7 of LEP 2012. The density is consistent with the site's strategic location and the surrounding character of adjoining development as Council's strategic vision for the Showground Station Precinct is to locate highest density development closest to the station and local centre and reduce the densities further from the station. In this regard, the proposal is appropriate for the site and future Showground Station precinct.

Principle 4: Sustainability

The design achieves natural ventilation and solar access as required by the Apartment Design Guide. The incorporation of insulation will minimise the dependency on energy resources in heating and cooling. The achievement of these goals then contributes significantly to the reduction of energy consumption, resulting in a lower use of valuable resources and the reduction of costs.

Principle 5: Landscape

The landscape plan indicates that all open spaces including ground floor areas 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.

Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The proposed units are designed with appropriate room dimensions and layout to maximise amenity for future residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and acoustic privacy. All units incorporate balconies accessible from living areas and privacy has been achieved through appropriate design and orientation of balconies and living areas. Storage areas and laundries have been provided for each unit. The proposal would provide convenient and safe access to lifts connecting the basement and all other levels.

Principle 7: Safety

The development has been designed with safety and security concerns in mind. The common open spaces are within direct view of occupants to allow passive surveillance. Open spaces are designed to provide attractive areas for recreation and entertainment purposes. These open spaces are accessible to all residents and visitors whilst maintaining a degree of security. Private spaces are clearly defined and screened.

The NSW Police have reviewed the Development Application and outlined a number of CPTED recommendations. Compliance with NSW Police recommendations has been recommended as a condition of consent.

Principle 8: Housing diversity and social interaction

The location of this development provides dwellings within a precinct that will provide in the future, a range of support services. The development complies with the unit mix and internal floor areas as required under the Apartment Design Guide and The Hills DCP 2012. The application includes 8 x 1 bedroom units, 54 x 2 bedroom units and 16 x 3 bedroom units where 10% of the units are 1 bedroom units and 21% of the units are three bedroom units which would encourage appropriate housing diversity within the Showground Station precinct.

Principle 9: Aesthetics

The proposed building comprises a distinct base, middle and top and integrates a number of building recesses and projections into the facades of the structure to articulate the overall mass and form. The bulk of the overall building works and height is reduced by a recess and further setback at the middle of the building which provides the appearance of two distinct building elements with individual roof forms and architectural expression. The design is modern in style and appropriate for the area.

b. Apartment Design Guide

In accordance with Clause 30(2) of SEPP 65, a consent authority in determining a Development Application for a residential flat building is to take into consideration the Apartment Design Guide. The following table is an assessment of the proposal against the Design Criteria provided in the Apartment Design Guide.

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.	Yes. 42% of the development site area (1,776m ²). The principal communal open space area located to the northern rear of the site will receive at least 50% direct sunlight for 2 hours during midwinter. It is noted that a Development Application for an eight storey residential flat building has been lodged for the adjoining site to the north under DA 1392/2019/JP. Whilst it is inevitable that there would be some overshadowing as a result of the proposed development, this will be required to be assessed under DA 1392/2019/JP.
Deep Soil Zone	7% of site area. On some sites it may be possible to provide a larger deep soil zone, being 10% for sites with an area of 650-1500m ² and 15% for sites greater than 1500m ² .	Yes. Approximately 25% of the development site area is true deep soil zones as defined within the ADG.

Separation	For habitable rooms, 12m (6m to boundary) for 4 storeys, 18m (9m to boundary) for 5-8 storeys and 24m (12m to boundary) for 9+ storeys	<p>No. Variations to the western, eastern and northern boundaries for a number of balconies on Levels 5-7.</p> <p>Western 8m from balcony to boundary Levels 5 - 7 for Units 501, 601 & 701.</p> <p>Eastern 6.4m from balcony to boundary Levels 5-7 for Units 505, 605 & 705.</p> <p>8m from balcony to boundary Levels 5 – 7).</p> <p>Northern 8m from balcony to boundary Levels 5 – 7 for Units 510, 611 and 710.</p>
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	<p>Yes.</p> <p>The visual privacy of the development has been duly considered with the placement of windows and balconies. Screening devices set at oblique angles, full height privacy screens and louvres have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.</p>
Car parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway	<p>Yes.</p> <p>The site is located within 800m of the</p>

	<p>station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is:</p> <p>Metropolitan Sub-Regional Centres:</p> <p>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).</p>	<p>future Showground Station. 93 Spaces would be required utilising the RMS rate, 104 car spaces (non-stacked) are provided.</p>
Designing the Building		
Solar and daylight access	<p>1. 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.</p> <p>2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.</p>	<p>Yes. The proposed development will achieve two hours solar access for 77% (60 of 78) of apartments between 9am and 3.00pm.</p> <p>No. There are 17% (13 of 78) of apartments that will not receive any solar access between 9.00 am and 3.00 pm. Refer to discussion below.</p>
Natural ventilation	<p>1. 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.</p> <p>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.</p>	<p>Yes. A total of 60% (47 of 78) of units will meet the cross ventilation requirements or can be naturally ventilated.</p> <p>Yes. The maximum overall depth is 15 metres for a cross through apartment.</p>
Ceiling heights	<p>For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope.</p> <p>If located in a mixed use areas – 3.3m for</p>	<p>Yes. Floor to ceiling height approx. 2.7 metres for all apartments.</p> <p>NA</p>

	ground and first floor to promote future flexible use.	
Apartment size	<p>1. Apartments are required to have the following internal size:</p> <p>Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m²</p> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each.</p> <p>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.</p>	<p>Yes.</p> <p>1 bedroom 66 - 72m² 2 bedroom 79 - 98m² 3 bedroom 95 - 140m²</p> <p>Where additional bathrooms are proposed, an additional 5m² has been provided.</p> <p>No four bedroom units proposed.</p> <p>All habitable rooms have windows greater than 10% of the floor area of the dwelling.</p>
Apartment layout	<p>Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height.</p> <p>In open plan layouts the maximum habitable room depth is 8m from a window.</p> <p>The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.</p>	<p>No.</p> <p>The following units do not comply: 001, 104, 107, 108, 109, 110, 204, 207, 208, 209, 210, 304, 307, 308, 309, 310, 404, 407, 408, 409, 410, 504, 507, 508, 509, 510, 604, 605, 607, 608, 609, 610, 703, 706, 707 and 709.</p> <p>Yes.</p>
Balcony area	<p>The primary balcony is to be:</p> <p>Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m</p>	<p>Yes.</p> <p>All balcony sizes and depths comply.</p>

	For units at ground or podium levels, a private open space area of 15m ² with a minimum depth of 3m is required.	Yes.
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.	Yes. N/A.
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.	Yes. Each unit contains the minimum storage area.
Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	Yes. The apartment mix accords with the Hills DCP 2012 and is considered satisfactory.

i. Building Separation

The Apartment Design Guide requires that habitable rooms provide a 12m building separation (6m to property boundary) for 4 storeys, 18m (9m to property boundary) for 5-8 storeys and 24m (12m to property boundary) for over 9 storeys.

The proposal includes variations to the western, eastern and northern boundaries for a number of balconies to property boundaries on Levels 5-7. The minimum separation distance from the western property boundary is 8m from balcony to boundary on Levels 5 - 7 for Units 501, 601 & 701. The minimum separation distance from the eastern property boundary is 6.4m from balcony to boundary on Levels 5-7 for Units 505, 605 & 705. The minimum separation distance from the northern property boundary is 8m from balcony to boundary on Levels 5 - 7 for Units 510, 611 and 710.

The Apartment Design Guide provides the following objectives relating to building separation:

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

The applicant has submitted the following justification:

Given the nature of the irregular site, there are minor non-compliances against the western and eastern boundaries. Fixed screening has been introduced to address privacy issues.

Comment:

Whilst the separation distance between balconies to western, eastern and northern boundaries do not meet the separation distance as required by the Apartment Design Guide, the variations only occur to the corner of irregularly shaped balconies which amount to approximately 0.3% of the total building mass. Where balconies have the potential to face

habitable rooms on adjoining lots, full height fixed privacy screens have been incorporated to offset direct overlooking whilst capturing direct sunlight.

The visual acoustic privacy and amenity to adjoining developments and open space will not be unduly compromised.

The proposal still provides for a development that is consistent with the desired future character of the Showground precinct, assists in providing residential amenity including visual and acoustic privacy, natural ventilation and solar access and provides for suitable areas for communal open spaces, deep soil zones and landscaping.

In this regard, a variation to the guide can be supported.

ii. Solar Access

The ADG requires that 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 and a maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.

Whilst 70% of apartments would receive at least 2 hours solar access during the winter solstice, there are 17% (13 of 78) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.

The Apartment Design Guide provides the following objectives relating to solar and daylight access:

To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.

The applicant has provided the following justification for the variation:

Given the dominant east-west axis of the irregularly shaped subject site and the DCP requirement to provide a strong base to the building that addresses Dawes Ave, it has been difficult to secure 85% of apartments receiving direct sunlight between 9am and 3pm at mid-winter. As a consequence, there is a minor exceedance of the control with 17% (13 units) with no solar access mid-winter.

Comment:

The proposal results in a numerical variation of 2% of apartments or 2 units that will not receive any solar access between 9.00am and 3.00pm. The proposal on a whole provides for satisfactory energy efficiency and residential amenity. It is noted that at least 70% of apartments for the development would be provided with adequate solar access. In addition, the lot is constrained with an east west lot orientation and the majority of units that do not receive solar access are provided with adequate amenity as they are located at the corner of buildings, maximising ventilation and outlook.

In this regard, the variation to the guide can be supported.

iii. Apartment Layout

The ADG requires open plan apartment layouts to have a maximum habitable room depth of 8m from a window. A variation is proposed for habitable rooms in Units 001, 104, 107, 108, 109, 110, 204, 207, 208, 209, 210, 304, 307, 308, 309, 310, 404, 407, 408, 409, 410, 504,

507, 508, 509, 510, 604, 605, 607, 608, 609, 610, 703, 706, 707 and 709 where the open plan layouts include a kitchen depth of 8.5 metres from a window.

The applicant has provided the following justification for the variation:

The proposed floor layout includes habitable rooms exceeding a depth of 8 metres, predominately to the back of a kitchen. The majority of these units are north facing and receive adequate solar access and natural ventilation. Of the 36 units, 27 receive in excess of 2 hours solar access while 12 are naturally ventilated. Furthermore, the non-compliance is limited to a maximum exceedance of approximately 600mm which accounts for the back of kitchen, with the majority of the kitchen area including the island bench being within 8 metres of an opening.

Compliance in some of these instances could potentially be resolved by modifying the floor layout to include a storage area spanning 600mm deep behind the kitchen, however this approach is considered to be superfluous with respect to storage space will effectively lead to a poor design response solely to achieve arbitrary compliance. In this regard, achieving compliance would have a negligible effect on enhancing amenity of the floor layout and is considered to be unnecessary and unreasonable. It is also noted that 78% of units achieve in excess of 2 hours solar access and 60% of units are naturally ventilated, reflecting the overall high quality amenity of the development despite the relatively minor non-compliance.

Comment:

The proposed kitchens in 36 out of the 78 apartments result in a numerical variation of up to 1.5m to the maximum kitchen depth of 8m from a window. It is noted that the majority of these units (27 out of 36) are located on the northern side of the building, would receive at least 2 hours of solar access during the winter solstice and are naturally cross ventilated. The proposed open layouts are considered functional, well organised and provides maximum environmental performance.

In this regard, the variation to the guide can be supported.

4. Compliance with SEPP (Building Sustainability Index: BASIX) 2004

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

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

5. Compliance with LEP 2012

a. Permissibility

The subject site is zoned R4 High Density Residential under LEP 2012. The proposed residential flat building is permissible with consent. The proposal satisfies LEP 2012 in this regard.

b. Zone Objectives

The objectives of the R4 High Density Residential zone are:

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

The proposal is considered to be consistent with the stated objectives of the zone, in that the proposal will provide for housing needs of the community, and provide a variety of housing types within a high density residential environment. As such, the proposal is considered satisfactory in respect to the LEP 2012 objectives.

c. LEP 2012 – Development Standards

The following addresses the relevant principal development standards of the LEP:

CLAUSE	REQUIRED	PROVIDED	COMPLIES
4.3 Building Height	27 metres	26.5 metres	Yes
4.4 Floor Space Ratio	1.9:1 (7,962.9m ²)	1.89:1 (7,951m ²)	Yes
9.1 Minimum Lot Sizes for Residential Flat Buildings and Shop Top Housing	Residential flat building with a height of 11 metres of more – R4 High Density Residential – 3,600m ²	4,190.6m ²	Yes
9.2 Site Area of Proposed Development includes dedicated land	Road dedication included as part of the site area for the purpose of calculating FSR.	Land dedication area of 110m ² included in FSR calculation.	Yes
9.3 Minimum Building Setbacks	Front Building Setbacks to be equal to, or greater than, the distances shown for the land on the Building Setbacks Map – Dawes Ave requires a 7.5m setback.	Dawes Ave front setback is 9.5m (from existing property boundary).	Yes
9.5 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Design Review Panel and amended to address concerns raised by the Panel.	Yes, refer to discussion below.
9.8 Maximum Number of Dwellings	Development Consent must not be granted to development that results in more than 5,000 dwellings on land within the Showground	78 units proposed under the subject Development Application. This is the first residential flat building development application being	Yes

	Precinct	referred to SCCPP for determination within the Showground Station Precinct.	
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i. Clause 9.5 – Design Excellence

Clause 9.5 of LEP 2012 states the following:

(1) The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.

(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land within the Showground Station Precinct.

(3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,

(b) whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,

(c) whether the development detrimentally impacts on view corridors,

(d) whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to in clause 9.4,

(e) the requirements of the development control plan referred to in clause 9.4,

(f) how the development addresses the following matters:

(i) the suitability of the land for development,

(ii) existing and proposed uses and use mix,

(iii) heritage issues and streetscape constraints,

(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,

(v) bulk, massing and modulation of buildings,

(vi) street frontage heights,

(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,

(viii) the achievement of the principles of ecologically sustainable development,

(ix) pedestrian, cycle, vehicular and service access, circulation and requirements,

(x) the impact on, and any proposed improvements to, the public domain,

(xi) the impact on any special character area,

(xii) achieving appropriate interfaces at ground level between the building and the public domain,

(xiii) excellence and integration of landscape design.

(5) In addition, development consent must not be granted to development to which this clause applies unless:

(a) if the development is in respect of a building that is, or will be, higher than 21 metres or 6 storeys (or both) but not higher than 66 metres or 20 storeys (or both):

(i) a design review panel reviews the development, and

(ii) the consent authority takes into account the findings of the design review panel, or

(b) if the development is in respect of a building that is, or will be, higher than 66 metres or 20 storeys (or both):

(i) an architectural design competition is held in relation to the development, and

(ii) the consent authority takes into account the results of the architectural design competition.

(6) Subclause (5) (b) does not apply if:

(a) the NSW Government Architect certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development, and

(b) a design review panel reviews the development, and

(c) the consent authority takes into account the findings of the design review panel.

As the proposed residential flat building exceeds 21 metres and 6 storeys, but not higher than 66 metres or 20 storeys, the proposal is required to be reviewed by the design review panel, and the consent authority is required to take into account the findings of the design review panel.

Comment:

The design excellence of the proposal was considered at a Design Review Panel meeting held on 17 January 2019. The meeting minutes of the Design Review Panel are included at Attachment 13. The Panel concluded that the proposal did not meet design excellence and recommended the following:

“The Panel does not support the proposal in its current form as the proposal does not meet the requirement of design excellence. If the DA Officer is satisfied that the applicant has addressed the concerns of the panel, the project need not return to the panel for further consideration”.

The concerns raised by the Panel relate to the FSR exceedance, ADG variations, too many hard paved surfaces within the street frontage, front and upper floor setbacks, excessive building length, insufficient landscaping, lack of retention of existing trees, 2m street dedication not being detailed correctly and the building's presentation to the street is not of a fine-grained scale.

The recommendations made to the application in the meeting to ensure the proposal would achieve design excellence include the following:

- Provide compliant street setback and upper level building setbacks.
- Comply with FSR control.
- Break up the building mass as per DCP controls.
- Provide revised landscape plans demonstrating useable common open space suitable families and families.
- Provide a direct link to the common open outdoor space that can be used by children and does not require passage through the gym.

- Building services such as the fire hydrant and fire sprinkler booster valves, are to be integrated as part of the landscaping strategy or incorporated into the entryways to avoid any detractions from the streetscape.
- Superfluous pedestrian circulation is to be replaced with soft landscaping.
- Resolve all outstanding ADG non-compliances – to be agreed with Council staff.
- Provide Sun Eye 3D models at 1hourly intervals between the hours of 9am and 3pm on June 21st to clarify solar access to living rooms.
- Substantially reduce the driveway width to be more in keeping with standard development driveway entries.
- Consider access requirements for when lift maintenance and / or malfunction occurs.
- Provide correct FSR calculations and inclusions of site area to Council approval.
- Landscape plan is to demonstrate road dedication public domain works as per the Public Domain Plan.
- Existing significant and/or well established trees are to be retained.
- Conflicts with proposed services and existing trees require the re-location of the services provision.
- Increase deep soil and large tree plantings
- Find an alternative location of the OSD tank.

Significant design changes have been made to address the concerns raised by the Design Review Panel. The recommendations have been implemented in the proposal and addressed as follows:

- All street setbacks are in excess of the required 7.5m setback from Dawes Avenue. Whilst the upper level setback does not strictly comply with the DCP control, a variation from the second storey and above is considered suitable as the amended design establishes a fine grain and human scale which is keeping with the future desired character of the Showground Station Precinct (refer to Section 6 of this report).
- Significant design changes have been proposed including the deletion of the mezzanine level resulting in a reduction of the number of units from 85 to 78 which now achieves full compliance with the 1:9:1 FSR development standard.
- The building has been provided with two distinct built forms and prominent top, middle and bottom segments which break up the building mass. To reinforce the fine-grained scale and character to the street, the building has been amended through the placement of openings and fenestration, intentional placement of vertical and horizontal architectural elements with the incorporation of a variety of materials and colours that further break up the building mass. Sandstone frames are proposed adjacent to the entries which break up the form. The roof has been setback on the southern side and broken up into four distinct elements and comprises dark, recessive colours which further reduce the bulk and scale of the building.
- Revised landscape plans have been provided indicating that the gym has been deleted and the pool has been relocated to an unenclosed under croft area on the ground floor to allow for more useable communal open space which is provided to the north of the building envelope.
- Direct access to the communal open space area is now provided from the lobby.
- Building services are appropriately screened to mitigate detractions from the streetscape.
- Landscape plans have been received to demonstrate that where possible, all significant trees would be retained. In particular, tree No. 2 is retained and the proposal provides for deep soil to 25% of the site.
- Pedestrian pathways along the western property boundary and to along the north of the building envelope have been replaced by soft landscaping.

- ADG compliance is addressed in Section 3b above.
- Sun eye 3D models submitted which demonstrates that over 70% of units achieve compliance with solar access required to living rooms during the winter solstice.
- Driveway width reduced to 6.7m and pedestrian entry width to 4.5m.
- An amended access report has been provided indicating that the proposal complies with Access related requirements of BCA and Disability (Access to Premises – Building) Standards 2010 (APS) including compliance with BCA Part E3 – Lift installations.
- Correct FSR calculations and inclusions of site area provided to Council officers. The amended proposal complies with the FSR development standard and site coverage requirements of the DCP.
- Landscape plan has been updated to demonstrate road dedication public domain works as per the Public Domain Plan and a condition of consent has been recommended to ensure proposal meets Council's Engineering specifications (refer condition No. 36).
- Fire hydrant booster and OSD has been relocated or redesigned to allow for the retention of trees and provision of additional landscaping.
- Deep soil has been increased to allow for large tree plantings, particularly within the front setback.
- Whilst the OSD has been retained in the same location, the driveway and OSD has been redesigned to allow for the retention of Tree No. 2 (Tallwood Gum).

The other matters raised by the panel have been addressed in this report. It is considered that the proposal exhibits design excellence and satisfies Clause 9.5 of the LEP.

6. Compliance with DCP 2012

The proposed development has been assessed against the relevant development controls under Part D Section 19 Showground Station Precinct of The Hills Development Control Plan 2012 and Part B Section 5 Residential Flat Buildings.

The proposed development achieves compliance with the relevant requirements of the development controls with the exception of the following:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
Building Setbacks	Storeys above the fourth storey shall be setback a minimum of 4 metres behind the front building line.	Storeys above level 2 comprise setbacks from 1.5m to 4.9m front the front building line to Dawes Ave.	No, however upper levels are setback and articulated to break down the bulk and scale of the building. Refer to discussion below.
	Rear setbacks are to be 8m or comply with SEPP 65 whichever is the greater. Balconies shall not protrude into the setback areas.	5m setback provided for balcony serving unit 111. 6.4m setback provided for balcony serving Units 106, 206, 306, 406, 506, 606 and 706.	No, however balcony encroachments are considered negligible for 8 corner units. Refer to discussion below.
Façade length	On road reserves less than 20m in	Dawes Ave has a road reserve of 17m	No, however the building is on an

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	width, the length of the façade shall not exceed 40m.	in width. The total façade length is 53m.	irregularly shaped lot and the design of the building has been assessed as exhibiting design excellence in accordance with Clause 9.5 of the LEP.
Parking location	Parking is to be underground and within the footprint of the building above.	Parking exceeds the building footprint.	No, however the basement is setback from the rear and side setbacks by a minimum distance of 6m which provides adequate deep soil. Refer to discussion below.
Adaptable Housing	For more than 30 dwellings, 10% of all dwellings units are to be adaptable or accessible. For 78 dwellings, 8 adaptable or accessible dwellings required.	4 adaptable dwellings provided.	No, however proposal complies with the 5% requirement that applied when the Development Application was lodged.

a. Setbacks

i. Upper Level Building Setbacks

The DCP requires that storeys above the fourth storey shall be setback a minimum of 4 metres behind the front building line.

The proposal includes variations to the front and side boundaries with a setback ranging between 1.5m and 4.9m from the front building line to Dawes Avenue and 8m from the side boundaries above level 2.

The DCP provides the following objectives relating to the Building Setbacks control:

- *To provide strong definition to the public domain and create a consistent streetscape.*
- *To set taller building elements back from the street to reduce building scale and bulk and enable adequate sunlight access to the public domain.*
- *To provide articulation zones to complement building mass and emphasise key design elements such as entrance points and respond to environmental conditions including solar access, noise, privacy and views.*
- *To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.*

The applicant has submitted the following justification:

Whilst the upper level setbacks above the second storey do not fully comply with the 4m upper level setback requirement from the front building line, the partial encroachments are considered to be relatively minor for the following reasons:

- The front setback of the lower podium levels significantly exceeds the minimum front setback requirement of 7.5m and range between 10m to 15.1m. This has the effect of enhancing the upper level setback when measured from the street boundary rather than the building line of the podium levels below. For example, the minimum upper level setback of 1.5m behind the building line occurs at a point of the building where the actual upper level setback from the street is 12.4m. This substantially exceeds the combined upper level setback requirement of 11.5m (if the scheme adopted a compliant 7.5m at the podium levels and a 4m upper level setback). Therefore, whilst the upper level setbacks do not strictly comply when measured from the building line, they would exceed the numerical setback distance if measured from the street boundary.*
- The upper level setback above the second storey, when measured from the street boundary, ranges between 12.4m and 18.5m thereby providing a building that has significant depth and articulation at the mid and upper level sections of the building.*
- The proposed building adopts a two-storey podium which is setback between 10m and 15.1m. The podium level defines the base of the building and substantially exceeds the street setback requirement of 7.5m. Furthermore, Figure 46 of the DCP foreshadows a two storey terrace style typology despite none of the numerical DCP controls reflecting this form for the building base. The proposed design philosophy is consistent with Figure 46 of the DCP and has been supported by the Design Review Panel.*

Showground Precinct Development Control Plan



Figure 46 Street façade articulation

Source: THSC

- Therefore, a compliant scheme which adopts the minimum street and upper level setback requirement, would result in an upper level setback that would actually be closer to the street boundary and would result in a bulkier building form at the base of the building.*

The control is intended to ensure that upper level components of buildings are recessed to minimise bulk and scale however the control does not consider sites that have unique lot geometry and an arc site frontage. The lot geometry has resulted in a built form that has adopted a quadrant building footprint which reflects two distinct building forms from the street. Therefore, it would be extremely impractical to adopt a 4m upper level setback from the front building line when the building podium has substantial articulation and depth given its response to the lot boundaries. The articulation and depth of the building is replicated in the upper component of the building.

It is further noted that objective (b) of Section 6.2 of the DCP provides an objective 'To set taller building elements back from the street to reduce building scale and bulk and enable adequate sunlight access to the public domain'. It is noted that this objective clearly acknowledges the intent of achieving this from the street rather than the building line. Therefore, the proposed building form achieves the objectives of the control by adopting upper level setbacks which assist in reducing the bulk and scale of the building when perceived from the street and provides for a clear definition of building elements.

In this respect, the proposal complies with the required building setbacks with the exception of minor encroachments which will not result in undue environmental impact.

Comment:

Due to the irregular shape of the site, the proposed building incorporates a front setback of between 9.5m to 18.5m which exceeds the 7.5m control. The building comprises a two-storey podium design that is further setback from the front building line, resulting in a setback of between 12.4m to 18.5m from the front property boundary. This substantially exceeds the front setback controls.

Whilst the upper level setback occurs at the second storey rather than the fourth storey and is setback from the front building line less than the required 4m, the two storey podium defines the base of the building, utilises high quality architectural elements including balconies, canopies and face brick and appears as a two storey terrace style typology. This is consistent with the street façade articulation diagrams in the DCP which represent two storey terrace style typologies.

The intent of the upper level setback control is to set taller elements back from the street to reduce bulk and scale and enable adequate solar access to the public domain. The design of the building provides two distinct built forms set back on top of a podium which has substantial articulation and high quality architectural features. The variation does not result in detrimental amenity impacts compared to that of a fully complaint scheme. The variation still provides for a design that establishes a fine grain and human scale which is keeping with the future desired character of the Showground Station Precinct.

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

ii. Rear Setbacks

The DCP requires that rear setbacks are to be 8m or comply with SEPP 65 whichever is the greater and balconies are not to protrude into the setback areas.

The proposal includes balcony encroachments of up to 1.6m within the rear setback for 8 corner units (units 101, 106, 206, 306, 406, 506, 606 and 706).

The DCP provides the following objective relating to the control:

- To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.

Comment:

The variations to the rear setback control only occur to 8 corner units which equate to 10% of the total number of dwellings. The variation is only for approximately 1m² of balcony area for each of these units which is considered negligible as adequate privacy mitigation measures in the form of full height aluminium copper colour fixed shades have been provided to balconies. The proposal generally complies with the SEPP 65 ADG requirements with regards to building separation. It is considered that minimal detrimental amenity impacts would result from the proposal compared to a design that was fully compliant with the rear setback control.

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

b. Façade Length

The DCP requires that on road reserves of less than 20m in width, the length of the facade shall not exceed 40m. Dawes Avenue is a local road with a road reserve of 17m. The proposal includes a total building facade length of 53m which does not comply with the control.

The DCP provides the following objective relating to the control:

- To ensure development creates a positive streetscape and achieves a high quality architectural design.

The applicant has provided the following justification for the variation:

The DCP specifies a maximum building length of 40 metres. However, the DCP also states that where a building has a length greater than 40 metres, it shall have the appearance of two distinct building elements with individual architectural expression and features. The proposed design is split into two distinct forms which effectively responds to the arc geometry of the site. This has been achieved by staggering the building footprint with a podium setback ranging between 9.5 to 18.5 metres and an upper level setback ranging between 11.5 to 19.1 metres. The extensive range in the setback demonstrates the substantial depth and articulation of the façade. Further, the entry of the building is clearly defined with an architectural expression reinforced on all levels of the building, providing the appearance of a physical break between both building elements. Given the site conditions and the design of the building, the proposed building length is considered to respond effectively to the desired streetscape character...to further reinforce a fine-grained scale and character to the street, the following measures have been incorporated:

The symmetric pattern between both building elements has been moderated through carefully considered openings and fenestration, sensitive patterning of horizontal and vertical components and the incorporation of a material and colour palette that has variety and helps break down the mass of the building.

- *The treatment of the base of the building has been revised to include a sandstone frames adjacent to the entry of the building to break down the horizontal mass.*
- *The visual bulk on the west elevation of the building has been softened by opening the southern end of the building to an unenclosed space to accommodate the pool*

and by incorporating fixed shades to the basement loading area to minimise the extent of solid finishes.

- *The roof level is setback on the southern side and incorporates dark colours and materials to reinforce the recessed nature of the upper levels. Further, the roof form is diverse, recessive and separated into four distinct elements which help diminish the perceived height and bulk of the building.*

Comment:

Whilst the overall facade length proposed is 53m, the front facade is broken into two distinct building elements with the prominent western face of the front elevation measuring 25m and the recessed eastern face of the front elevation measuring 22m. The indentation in the middle of the building incorporates a vertical emphasis which further breaks up the building mass into two distinct building elements, each with its own individual roof form. The site is irregularly shaped with the amalgamated lot width of 53m at the front curvature of the site and a lot width of 93m towards the rear third of the site. The front façade has been setback from the front property boundary by 9.5m to 18.5m which is in excess of the minimum 7.5m front setback control.

The proposal has been reviewed by Council's Design Review Panel. Recommendations made by the Panel to enhance the variation in the expression and materiality presented to the street have been incorporated into the design including the intentional placement of vertical and horizontal architectural elements and the incorporation of a variety of materials and colours that further break up the building mass. To break up the horizontal mass of the base of the building, sandstone frames are proposed adjacent to the entries which contrast with the face brickwork frames of the lower floor units. As suggested by the Panel, the roof has been further setback on the southern side and broken up into four distinct elements, comprising dark, recessive colours which further reduce the bulk and scale of the building. The proposal has been amended substantially to provide a fine-grained scale and character to the street.

The proposal has been amended to exhibit design excellence and achieves a high quality design (refer Section 5). In this regard, the proposal meets the intent of the control and the variation is considered satisfactory.

c. Parking Location

The DCP requires that for residential flat buildings, parking is to be underground and within the footprint of the building above.

The proposal includes basement car parking that exceeds the building footprint.

The DCP provides the following objective relating to the Parking control:

- *To ensure that car parking is appropriately located and visual impacts of access and parking facilities on the public realm are minimised.*

The applicant has submitted the following justification:

Parts of the basement structure encroach beyond the building footprint however the basement is set back from the rear and side boundaries by a minimum distance of 6 metres which provides a platform for deep soil and canopy tree landscaping along the periphery of the boundaries. Furthermore, a large part of the predominate basement encroachment will be used as the principle communal open space area accommodating a BBQ area and seating adjacent to the undercroft pool. The area will be turfed and will accommodate a

large area for recreational space. The basement encroachment will therefore not undermine the predominate intended function for communal open space. The variation in this instance is considered to be justified given compliance with landscaping, communal open space, site coverage and deep soil area requirements for the site.

Comment:

Whilst portions of the basement encroach beyond the building footprint, this only occurs to the rear and side property boundaries and is not visible from the public realm. Despite this variation, the basement is still setback at least 6m from all side and rear property boundaries which would allow for adequate deep soil planting for large canopy trees. In this regard, the underground parking is considered to be appropriately located and visual impacts of parking facilities on the public realm are minimised.

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

d. Adaptable Housing

The DCP requires that for residential flat buildings with more than 30 dwellings, 10 adaptable or accessible dwellings are to be provided.

The proposal provides four adaptable dwellings which does not comply with this control.

The DCP provides the following objectives relating to Access and Adaptability:

- *To ensure that developments provide appropriate and improved access and facilities for all persons (consistent with the provisions of Australian Standard AS1428.1).*
- *To encourage designers/developers to consider the needs of people who are mobility impaired and to provide greater than minimum requirements for access and road safety.*
- *To ensure that building design does not prevent access by people with disabilities.*
- *Incorporate design measures that are appropriate to people with disabilities. To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.*

The applicant has submitted the following justification:

At the time of DA lodgement in August 2018, DCP 2012 Part B Section 5 – Residential Flat Buildings required 5% of units to be adaptable. The proposal complied with this requirement at the time of lodgement and the amended proposal maintains this compliance.

To retrospectively amend the floor layout to include additional adaptable units would result in significant implications on the design scheme. This would generate significant changes to the internal design planning of units and would have implications on the common corridors and vertical circulation cores. Complying with the new DCP control would either result in a marginal exceedance to FSR if the same compliant FSR yield were to be maintained or result in a reduction of units over multiple floorplates. Either option would materially change the form of the external appearance of the building, as endorsed by the Design Review Panel.

The proposal achieves a high level of residential amenity and incorporates units that are 20% larger (on average) than ADG requirements. Generous communal facilities in the form of a pool, BBQ area and north facing communal open space area are provided and designed to be accessible.

The proposal has been endorsed by the Hills Design Review Panel as exhibiting design excellence.

Comment:

Section 6.8 Adaptable Housing of Part D Section 19 Showground Precinct DCP requires the following:

1. *Residential flat buildings and multi dwelling housing are to meet the requirements for adaptable housing within Part B Section 5 Residential Flat Buildings of The Hills DCP 2012.*

DCP amendments to Access and Adaptability controls came into force on 21 May 2019 following Council resolution on 30 April 2019 to adopt the draft amendments as a response to requirements of The Hills Disability Inclusion Action Plan. The amendments include an increase in the percentage of adaptable/accessible housing from 5% to 10% under Part B Section 5 Residential Flat Buildings.

The proposal was lodged prior to the newly adopted DCP controls for Access and Adaptability coming into force. The proposal includes the reduction of seven dwellings from the original plans and several design changes. Full compliance with the new control may result in a variation to the FSR development standard and further amenity impacts to the proposal. Whilst there is a shortfall of 4 adaptable/accessible units to the newly adopted control, the proposal provides for 20% of the total apartments (16 units) which incorporate the Livable Housing Guideline's silver level universal design features. Whilst these are not governed by AS 4299-1005 Adaptable Housing, the universal design principles in the apartment designs allow for a diverse range of lifestyle needs and future changes in use. In this regard, the proposal meets the intent of the Access and Adaptability control which is to provide for the needs of disabled people and the aging population by incorporating design measures that improve accessibility.

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

7. Issues Raised in Submissions

The application was notified for 14 days on two occasions. Two submissions were received during the initial notification period, however one submission was subsequently withdrawn. One submission was received during the second notification period (from a previous objector). The issues raised in the submission are summarised below:

ISSUE/OBJECTION	COMMENT
The proposed development overshadows and overlooks the majority of the adjoining eastern neighbour's living spaces, including most of the bedrooms and bathrooms. With these room windows directly facing towards the east side of the proposed development, concern is raised regarding overlooking and loss of privacy, which we would only be able to prevented by shutting all the windows and blinds at all times, not only during the construction period but also after its completion. This will have an extensive impact on access to natural light, utility	Shadow diagrams were submitted with the Development Application which indicates that all adjoining properties would receive at least 4 hours of solar access to the landscaped open space of adjoining properties. Whilst it is acknowledged that some overshadowing and overlooking will occur to the existing dwelling to the east of the adjoining the site, the adjoining eastern lot is subject to a development application for a residential flat building development which is currently under assessment by Council staff at 17-27 Dawes Ave and 16-26

ISSUE/OBJECTION	COMMENT
energy efficiency and privacy for the eastern neighbour.	Chapman Avenue under DA 192/2019/JP.
Being right next to the construction site, we also have grave concerns about excessive noise levels and extended working hours beyond designated times, which are often the causes of conflict due to frequent violations. Effective management strategies such as the installation of acoustic monitoring systems and prior consultations with affected neighbours should be pro-actively provided to avoid possible conflicts with the surrounding community.	Standard conditions of consent are recommended to be imposed in respect to hours of work during construction. Concerns are to be directed to the Principal Certifying Authority or reported to Council's Development Monitoring Team.
Structural damage to our property is another matter of high concern. Strong vibrations from ground- or heavy-duty work will be inevitable and potentially cause cracks on walls, ceilings, concrete patios, slab floors, door or window frames and in the corner of every living space of our house.	A Dilapidation Report will be required prior to works commencing on the site and prior to the issue of an occupation certificate (refer Condition No. 72 and 86).
The lack of 1. Multiple vehicle crossings and 2. Insufficient kerb side street parking and access will reduce the available road width, to the detriment of road safety during and post the construction period.	<p>To ensure road safety during the construction period, conditions have been recommended in the consent requiring the submission of a Construction Management Plan (refer Condition No. 45). The construction management plan must be submitted prior to the issue of a Construction Certificate, demonstrating how the potential for conflict between resident and construction traffic is to be minimised and managed.</p> <p>With regard to point 1, the development provides for a singular vehicular access which has been reduced from 11.7m to 6.7m in width. This would increase the area available for street parking during the construction period.</p> <p>With regard to point 2, the site is subject to a 2m land dedication for road widening purposes as required under DCP 2012. This has been incorporated into the design of the development and a condition of consent has been recommended that this road widening is to be constructed and dedicated at no cost to Council (refer to condition Nos. 28 and 36). The road widening will allow for a 2.5m wide parking bay, whilst retaining the existing 7.5m road width.</p>
Proper neighbourhood traffic management and interventions should be implemented for adequate parking, loading and turning to accommodate construction	Conditions have been recommended in the consent requiring the submission of a Construction Management Plan (refer Condition No. 45) and Traffic Control Plan

ISSUE/OBJECTION	COMMENT
vehicles and heavy equipment.	(refer Condition No. 64) prior to the issue of a Construction Certificate. The construction management plan must demonstrate how the potential for conflict between resident and construction traffic is to be minimised and managed.

8. External Referrals

The application was referred to the following external authorities:

NSW POLICE COMMENTS

The proposal was referred to the NSW Police. No objections were raised to the proposal. A number of Crime Prevention Through Environmental Design (CPTED) conditions of consent have been recommended to ensure that the site is appropriately protected (refer Condition No. 5).

ENDEAVOUR ENERGY COMMENTS

The proposal was referred to Endeavour Energy. No objections were raised to the proposal. Endeavour Energy's recommendations have been incorporated into conditions of consent (refer Condition No. 6).

SYDNEY WATER COMMENTS

The proposal was referred to Sydney Water. No objections were raised to the proposal. Standard conditions have been imposed (refer Condition Nos. 44, 51 and 87).

9. Internal Referrals

The application was referred to the following sections of Council:

SUBDIVISION ENGINEERING COMMENTS

No objections to the proposal subject to conditions.

ENVIRONMENTAL HEALTH COMMENTS

No objection is raised to the proposal subject to conditions.

RESOURCE RECOVERY COMMENTS

No objections to the proposal subject to conditions.

TRAFFIC COMMENTS

No objection is raised to the proposal.

TREE MANAGEMENT COMMENTS

No objections to the proposal subject to conditions.

FORWARD PLANNING (SECTION 7.11 CONTRIBUTIONS) COMMENTS

No objection is raised to the proposal subject to conditions.

LAND INFORMATION SYSTEMS COMMENTS

No objection is raised to the proposal subject to conditions.

CONCLUSION

The proposal has been assessed having regard to the provisions of Section 4.15 of the Environmental Planning and Assessment Act, 1979, SEPP 65, SEPP 55, LEP 2012 and The Hills Development Control Plan and is considered satisfactory.

The issues raised in the submissions have been addressed in the report. Further amendment or refusal of the application is not warranted.

Accordingly approval subject to conditions is recommended.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The proposed development is consistent with the planning principles, vision and objectives outlined within "Hills 2026 – Looking Towards the Future" as the proposed development provides for satisfactory urban growth without adverse environmental or social amenity impacts and ensures a consistent built form is provided with respect to the streetscape and general locality.

RECOMMENDATION

The Development Application be approved subject to the following conditions.

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
DA004	Site Plan	-	F	15/03/2019
DA100	Basement 2 Plan	-	F	15/03/2019
DA101	Basement 1 Plan	-	F	15/03/2019
DA102	Ground Floor Plan	-	F	15/03/2019
DA103	Level 1	-	F	15/03/2019
DA104	Level 2	-	F	15/03/2019
DA105	Level 3	-	F	15/03/2019
DA106	Level 4	-	F	15/03/2019
DA107	Level 5	-	F	15/03/2019
DA108	Level 6	-	F	15/03/2019
DA109	Level 7	-	H	3/06/2019

DA112	Roof Plan	-	B	15/03/2019
DA200	North Elevation	-	F	15/03/2019
DA201	South Elevation	-	F	15/03/2019
DA202	East and West Elevations	-	F	15/03/2019
DA300	Section AA	-	F	15/03/2019
DA301	Section BB	-	F	15/03/2019
DA302	Section CC	-	F	15/03/2019
DA500	Colour Schedule	-	F	15/03/2019
DA502	3D Perspective	-	E	15/03/2019
-	Landscape Site Plan	1 of 5	G	16/05/2019
-	Planting Plan	2 of 5	G	16/05/2019
-	Landscape Plan of 1 st , 2 nd and 7 th Floor	3 of 5	G	16/05/2019
-	Sections (Landscape)	4 of 5	G	16/05/2019
-	Sections (Landscape)	5 of 5	G	16/05/2019

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

2. External Finishes

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

3. 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.

4. Construction Certificate

Before any works are carried out a Construction Certificate must be obtained and a Principal Certifying Authority appointed. The plans and accompanying information submitted with the Construction Certificate must comply with the conditions included with this consent.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifying Authority for subdivision works.

5. Compliance with NSW Police Requirements

The following is required or as otherwise agreed by NSW Police and Council in writing:

Surveillance:

- Installation of a security intercom system is required to access the basement car park and main lobbies. Each unit is to contain an intercom system to enable access for visitors to the basement car park and lobby. Security access is to be utilised at the entrance of the basement.
- CCTV coverage is required to be installed to monitor all common areas and entry/exits points. Use of height indicator stickers on entrance/exit doors is required on entry/exit doors.
- Vegetation to be kept trimmed at all times.

Lighting:

- Lighting is to meet minimum Australian Standards. Special attention is to be made to lighting at entry/exit points from the building, the car park and driveways.

Territorial Reinforcement:

- All public access points are to be well marked.

Environmental Maintenance:

- Use of anti-graffiti building materials.

Access Control:

- Warning signs should be strategically posted around the building to warn intruders of what security treatments have been implemented to reduce opportunities for crime e.g. "Warning, trespasser will be prosecuted" or "Warning, these premises are under electronic surveillance". This should be visible from all restricted areas (not open to the public).
- Ensure improved strength and better quality locking mechanism to security roller shutters/garage doors.
- Fire doors are to be alarmed and a magnetic strip is required so that the door will shut closed.
- Caged storage units are to be built up to the ceiling with a door with better quality locking mechanisms to be used.
- Ensure there are no outer ledges capable of supporting hands/feet and balustrades cannot provide anchor points for ropes.
- Any fencing proposed is to be placed vertically. If spacing is left between each paling, it should be at a width that limits physical access.
- High quality letter boxes that meet AS ISO9001:2008 are required. The letterboxes are to be under CCTV surveillance.
- Park smarter signage to be installed around the car park.
- Signage to be installed in the car park warning residents to watch those who come in the entry/exit door behind them.

6. Compliance with Endeavour Energy requirements

• Network Capacity / Connection

The submission of documentary evidence from Endeavour Energy confirming that satisfactory arrangements have been made for the connection of electricity and the design requirements for the substation, prior to the release of the Construction Certificate / commencement of works.

The applicant will need to submit an application for connection of load via Endeavour Energy's Network Connections Branch to carry out the final load assessment and the method of supply will be determined. Depending on the outcome of the assessment, any required indoor / chamber or padmount substation/s will need to be located within the property (in a suitable and accessible location) and be protected (including any associated cabling) by an easement and associated restrictions benefiting and gifted to Endeavour Energy. Please refer to Endeavour Energy's Mains Design Instruction MDI 0044 'Easements and Property Tenure Rights'. Further details are available by contacting Endeavour Energy's Network Connections Branch via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or on Endeavour Energy's website under 'Home > Residential and business > Connecting to our network' via the following link:

<http://www.endeavourenergy.com.au/>

Advice on the electricity infrastructure required to facilitate the proposed development can be obtained by submitting a Technical Review Request to Endeavour Energy's Network Connections Branch. Alternatively the applicant should engage a Level 3 ASP approved to design distribution network assets, including underground or overhead. The

ASP scheme is administered by NSW Planning & Environment and details are available on their website via the following link or telephone 13 77 88:

<https://www.energy.nsw.gov.au/energy-supply-industry/pipelines-electricity-gas-networks/network-connections/contestable-works>

- **Location of Electricity Easements / Prudent Avoidance**

Whenever reasonably possible, easements are to be entirely incorporated into public reserves and not burden private lots (except where they are remnant lots or not subject to development). Where easements are incorporated into private lots Endeavour Energy's preference is to have access by the most direct and practicable route with the easement area kept to a minimum eg. padmount substations are located at the front boundary to avoid the need to have the associated cables extend into the property which then also require an easement.

The location of electricity infrastructure should also avoid the creation of easements or restrictions on the adjoining site.

- **Vegetation Management**

The planting of large trees in the vicinity of electricity infrastructure is not supported by Endeavour Energy. Suitable planting needs to be undertaken in proximity of electricity infrastructure. Larger trees should be planted well away from electricity infrastructure and even with underground cables, be installed with a root barrier around the root ball of the plant. Landscaping that interferes with electricity infrastructure could become a potential safety risk, restrict access, reduce light levels from streetlights or result in the interruption of supply may become subject to Endeavour Energy's Vegetation Management program and/or the provisions of the Electricity Supply Act 1995 (NSW) Section 48 'Interference with electricity works by trees' by which under certain circumstances the cost of carrying out such work may be recovered.

- **Dial Before You Dig**

Before commencing any underground activity the applicant is required to obtain advice from the **Dial Before You Dig 1100** service in accordance with the requirements of the Electricity Supply Act 1995 (NSW) and associated Regulations. This should be obtained by the applicant not only to identify the location of any underground electrical and other utility infrastructure across the site, but also to identify them as a hazard and to properly assess the risk.

- **Asbestos**

Endeavour Energy's G/Net master facility model indicates that the site is in a location identified or suspected of having asbestos or asbestos containing materials (ACM) present in the electricity network. Whilst Endeavour Energy's underground detail is not complete within G/Net in some areas, in older communities, cement piping was regularly used for the electricity distribution system and in some instances containing asbestos to strengthen the pipe; for insulation; lightness and cost saving.

When undertaking works on or in the vicinity of Endeavour Energy's electricity network, asbestos or ACM must be identified by a competent person employed by or contracted to the applicant and an asbestos management plan, including its proper disposal, is required whenever construction works has the potential to impact asbestos or ACM.

The company's potential locations of asbestos to which construction / electricity workers could be exposed include:

- customer meter boards;
- conduits in ground;
- padmount substation culvert end panels; and
- joint connection boxes and connection pits.

Further details are available by contacting Endeavour Energy's Health, Safety & Environment via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm.

- **Demolition**

Demolition work is to be carried out in accordance with Australian Standard AS2601: The demolition of structures (AS 2601). All electric cables or apparatus which are liable to be a source of danger, other than a cable or apparatus used for the demolition works shall be disconnected ie. the existing customer service lines will need to be isolated and/or removed during demolition. Appropriate care must be taken to not otherwise interfere with any electrical infrastructure on or in the vicinity of the site eg. street light columns, power poles, overhead and underground cables etc.

- **Public Safety**

Workers involved in work near electricity infrastructure run the risk of receiving an electric shock and causing substantial damage to plant and equipment. I have attached Endeavour Energy's public safety training resources, which were developed to help general public / workers to understand why you may be at risk and what you can do to work safely. The public safety training resources are also available via Endeavour Energy's website via the following link:

<http://www.endeavourenergy.com.au/wps/wcm/connect/ee/nsw/nsw+homepage/communitynav/safety/safety+brochures>

If the applicant has any concerns over the proposed works in proximity of the electricity infrastructure, as part of a public safety initiative Endeavour Energy has set up an email account that is accessible by a range of multiple stakeholders across the company in order to provide more effective lines of communication with the general public who may be undertaking construction activities in proximity of electricity infrastructure such as builders, construction industry workers etc. The email address is:

Construction.Works@endeavourenergy.com.au .

- **Emergency Contact**

In case of an emergency relating to Endeavour Energy's electrical network, the applicant should note the Emergencies Telephone is 131 003 which can be contacted 24 hours/7 days.

7. Property Numbering for Residential Flat Buildings

The responsibility for property numbering is vested solely in Council.

The approved property address for this development is: -

33 Dawes Avenue Castle Hill.

The previous property numbers 29, 31 & 35 are not to be used for this development.

Approved unit numbering is as per plans marked up within consent documentation; and as follows:

Level	Lift 1	Lift 2
Ground	G01	G02 – G07
One	101 – 107	108 – 113
Two	201 – 206	207 – 211
Three	301 – 306	307 – 311
Four	401 – 406	407 – 411
Five	501 – 506	507 – 511
Six	601 – 606	607 – 611
Seven	701 – 705	706 – 710

These addresses shall be used for all correspondence and property transactions.

Under no circumstances can level or unit numbering be repeated or skipped throughout the development.

Approved numbers, unless otherwise approved by Council in writing, are to be displayed clearly on all door entrances including stairwells, lift and lobby entry doors.

External directional signage is to be erected on site at driveway entry points and on buildings to ensure that all numbering signage throughout the complex is clear to assist emergency service providers locate a destination easily & quickly.

The number of mail boxes to be provided is to be equal to the number of units plus one (1) for the proprietors of the development and be as per Australia Post size requirements.

8. Management of Construction and/or Demolition Waste

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

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

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

9. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on

site. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

10. 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.

11. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council. The service is to be arranged no earlier than one week prior to occupancy and no later than two days post occupancy. All requirements of Council's domestic waste collection service must be complied with at all times. Contact Council's Resource Recovery Team to commence the waste service.

12. Construction of Bin Room

All work involving construction of the bin room must comply with the requirements below. Minimum storage facility must be provided for 10 x 1100 litre garbage bins and 10 x 1100 litre recycling bins.

1. The layout of the bin room must ensure that each bin is easily accessible and manoeuvrable in and out of the bin room with minimal or no manual handling of other bins.
2. The walls of the bin room must be constructed of brickwork.
3. The floor of the bin room must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer.
4. The bin room must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors.
5. The bin room must have a separate resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors.

6. All doors of the bin room, when fully opened, must be flush with the outside wall and must not block or obstruct passageways. All doors must be able to be fixed in position when fully opened.
7. The bin room must be adequately ventilated (mechanically). The ventilation system should not be the same as the one connected to the residential units.
8. The bin room 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 bin room, it is not to conflict with the space designated for the placement of bins.
9. The bin room must be provided with an internal light (artificial) such as an automatic sensor light.
10. The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance are these grades to be exceeded. They are to allow safe manoeuvring and servicing of the full bins by waste collection operators.
11. The bin room must have appropriate signage (refer to Condition: Provision of Signage for Bin Room), 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 bin room are to complement the design of the development.

1100 litre Bin Measurements: (mm) 1245 (d) 1370 (w) 1470 (h)

13. Construction of Residential Bulky Goods Room

The bulky goods room must be designed and constructed in accordance with the requirements below. A minimum floor area of 7m² must be provided.

1. The walls of the room must be constructed of brickwork.
2. The floor must be level and constructed of concrete with a smooth non-slip finish.
3. The room must have a door with a minimum clear floor width of 2m. The door must be located to allow the most direct access to the room by collection contractors. Acceptable doors are single or double swinging doors.
4. The door, when fully opened, must be flush with the outside wall and must not block or obstruct footways. All doors must be able to be fixed in position when fully opened.
5. The room must be adequately ventilated. Note ventilated rooms should not be connected to the same ventilation system supplying air to the units.
6. The room must be provided with an internal light (automatic sensor lights are recommended).
7. The room must have appropriate signage (artwork and specifications provided by Council), mounted in a visible location on an internal wall and is to be maintained by the Owners Corporation.
8. Finishes and colours of the rooms are to complement the design of the development.

14. 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 8.8m long Medium Rigid Vehicle, with the exception that the minimum clear vertical clearance is 3.5m. 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 manoeuvre into the designated service bay (known as truck loading bay on Development Application plans). The loading area must have appropriate signage such as no parking at any time.
4. All manoeuvring areas for waste collection vehicles must have minimum clear headroom of 3.5m.
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. Remote access is preferred.

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. Tree Removal

Approval is granted for the removal of Tree 1, 9, 10, and 13 as numbered in Arboricultural Impact Assessment prepared by Redgum Horticultural reference 3780.1 dated 25 March 2019.

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.

17. Planting Requirements

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

18. Retention of Trees

All trees not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arborist report prepared by Redgum Horticultural, Report No 3780.1 dated 25 March 2019 and the requirements under Part B Tree Protection Plan including Clause 14, in particular:

- The section of the basement or OSD within the TPZ of Trees 2, 14 and 15 is to be constructed using tree sensitive excavation and construction techniques such as vertical cut with shotcrete and contiguous pilings to reduce any impact on stability of Tree 2, 14 and 15
- Where associated infrastructure (pipeworks) are to be installed within the Tree Protection Zone of any retained specimen, they are to be installed by hand with non-motorised machinery. If structural roots are found within the trench, they are to be

left intact and dug around retaining this specimens structural integrity. Works are to be undertaken in consultation with the project arborist.

19. Street Trees

Street trees must be provided for the section of Dawes Avenue fronting the development site. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes the Showground Precinct Public Domain Plan. Details demonstrating compliance with the above must be submitted for approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid.

20. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

21. 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.

22. 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.

23. Protection of Public Infrastructure

Adequate protection must be provided prior to work commencing and maintained during building operations so that no damage is caused to public infrastructure as a result of the works. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site. The certifier is responsible for inspecting the public infrastructure for compliance with this condition before an Occupation Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

24. Structures Adjacent to Piped Drainage Easements

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

25. Requirements for Council Drainage Easements

No works are permitted within existing or 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.

This condition is advisory only, at this stage. The development proposed to the west at 27 Dawes Avenue includes a Council/ public easement within that adjoining site but adjacent to the boundary.

26. 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.

The following additional requirements apply:

- The width of parking aisle fronting spaces 42 to 44 on basement level two must be increased to 6.1m (minimum) if the obstruction (storage area) opposite is higher than 150mm as per the Standard.
- The width of parking aisle fronting space 25 on basement level two must be increased to 6.1m (minimum) because of the obstruction (lift) opposite as per the Standard.
- The width of parking aisle fronting spaces 25 and 26 on basement level one must be increased to 6.1m (minimum) if the obstruction (storage area) opposite is higher than 150mm as per the Standard.
- The width of parking aisle fronting space 17 on basement level one must be increased to 6.1m (minimum) because of the obstruction (lift) opposite as per the Standard.
- The ramp transitions between basement levels must be dimensioned/ 2m long (minimum) as per the Standard.

27. Vehicular Crossing Request

Each driveway requires the lodgement of a separate vehicular crossing request accompanied by the applicable fee as per Council's Schedule of Fees and Charges. The vehicular crossing request must be lodged before an Occupation Certificate is issued. The vehicular crossing request must nominate a contractor and be accompanied by a copy of their current public liability insurance policy. Do not lodge the vehicular crossing request until the contractor is known and the driveway is going to be constructed.

28. Minor Engineering Works

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

Works on existing public roads or any other land under the care and control of Council must be approved and inspected by Council in accordance with the Roads Act 1993 or the Local Government Act 1993. A separate minor engineering works application and inspection fee is payable as per Council's Schedule of Fees and Charges.

a) Driveway Requirements

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

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

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

b) Site Stormwater Drainage

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

29. Liquid Storage - Pool Chemicals

All liquids onsite are to be stored within bunded areas so as to prevent water pollution. All secondary and site containment mechanisms are to be implemented as per Appendix 2: Technical Considerations within the Storing and Handling Liquids: Environmental Protection – Participants Manual prepared by the Department of Environment and Climate Change NSW dated May 2007.

30. Provision of Parking Spaces

The development is required to be provided with 145 off-street car parking spaces (including 41 stacked spaces). These car parking spaces shall be available for off street parking at all times.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

31. 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 SEPP65.

32. Section 7.11 Contribution

The following monetary contributions must be paid to Council in accordance with Section 7.11 of the Environmental Planning and Assessment Act, 1979, to provide for the increased demand for public amenities and services resulting from the development.

Payments comprise of the following:-

	Purpose: 1 bedroom unit	Purpose: 2 bedroom unit	Purpose: 3 bedroom unit	Purpose: Credit	No. of 1 Bedroom Units: 8	No. of 2 Bedroom Units: 54	No. of 3 Bedroom Units: 16	Sum of Units	No. of Credits: 4	Total \$7.11
Open Space - Land	\$4,180.59	\$5,852.81	\$7,246.34	\$8,867.05	\$ 33,444.72	\$ 316,051.74	\$ 115,941.44	\$ 465,437.90	\$ 35,468.20	\$ 429,969.70
Open Space - Capital	\$2,113.14	\$2,958.40	\$3,662.78	\$4,482.00	\$ 16,905.12	\$ 159,753.60	\$ 58,604.48	\$ 235,263.20	\$ 17,928.00	\$ 217,335.20
Transport Facilities - Land	\$1,039.74	\$1,455.63	\$1,802.21	\$2,205.29	\$ 8,317.92	\$ 78,604.02	\$ 28,835.36	\$ 115,757.30	\$ 8,821.16	\$ 106,936.14
Transport Facilities - Capital	\$1,617.97	\$2,265.16	\$2,804.48	\$3,431.73	\$ 12,943.76	\$ 122,318.64	\$ 44,871.68	\$ 180,134.08	\$ 13,726.92	\$ 166,407.16
Water Management - Capital	\$422.44	\$591.42	\$732.24	\$896.01	\$ 3,379.52	\$ 31,936.68	\$ 11,715.84	\$ 47,032.04	\$ 3,584.04	\$ 43,448.00
Administration	\$55.60	\$77.85	\$96.38	\$117.92	\$ 444.80	\$ 4,203.90	\$ 1,542.08	\$ 6,190.78	\$ 471.68	\$ 5,719.10
Total	\$9,429.48	\$13,201.27	\$16,344.43	\$20,000.00	\$ 75,435.84	\$ 712,868.58	\$ 261,510.88	\$ 1,049,815.30	\$ 80,000.00	\$ 969,815.30

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 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 19.

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.

33. Erosion & Sediment Control Plan

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

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

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

34. Acoustic – Mechanical Plant

As per the acoustic impact statement for 29-35 Dawes Road, Castle Hill, prepared by Acoustic Logic, referenced as 20180923.1/1107A/R0/YK and dated 11 July 2018, prior to the

issue of a construction certificate a detailed review of the mechanical plant (carpark ventilation systems, air conditioning condensers and pool plant / equipment) is to be undertaken. The review is to detail any required acoustic attenuation measures to ensure that the noise generated is not more than 5 dB above the background noise level when measured at the boundary of any adjoining premises or at the window or balcony of any unit within the site. The review is to be submitted to the Principal Certifying Authority to ensure any recommendations are included on the construction plans.

35. 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.

36. 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". Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively.

The following engineering works are required:

a) Dawes Avenue – Indented Parking Bays/ Road Widening

The entire site frontage to Dawes Avenue must be reconstructed including footpath paving and other ancillary work to make this construction effective.

The existing 3.5m wide footpath verge measured from the face of kerb must be widened by 2m to 5.5m (and this road widening dedicated to the public as road at no cost to Council as conditioned separately). Within this widened verge the required formation is as follows, generally in accordance with Council's Showground Precinct Public Domain Plan (PDP), the above documents and Council's standard drawings/ details relating to these works:

- Pedestrian Pavement:
- Type 3 (Showground Precinct PBP)
- Street Lighting
- Category P3 (Showground Precinct PBP)
- Width/ Formation
- 2.5m parking bay (separated from the existing roadway by a dish crossing aligned with the existing kerb and gutter on either side)/ 0.15m kerb and tray/ 1.5m footpath/ 1.350m verge (landscaped) (5.5m)

The parking bays are to be no longer than two spaces/ 12.6m long generally as shown on the approved landscape plans by Paul Scrivener Revision G creating two 12.6m bays and one 6.3m long bay providing for five on-street parking spaces in total. The civil works plans by CAM Revision A and the stormwater plan by CAM Revision G must both be amended to match the above.

With respect to the civil works plans by CAM Revision A and the stormwater plan by CAM Revision G specifically:

- The existing street drainage in Dawes Avenue will need to be adjusted to match. The existing kerb inlet pit fronting 29 Dawes Avenue must be removed and replaced with a

butterfly grated pit lid within the dish crossing associated with the parking bay at this location.

- The stormwater calculations provided with the detailed design must demonstrate that the amended pit has sufficient inlet capacity according to the above documents, which may require additional (or larger) pits.
- The pipework on either side needs to be surveyed and replaced as necessary to connect to this new pit.
- The proposed easement/ common line adjacent to the eastern site boundary in favour of 28 Chapman Avenue must connect to a second additional pit/ butterfly grated pit lid in the dish crossing associated with the single parking bay in the bottom corner of the site fronting 29 Dawes Avenue. The angled connection across the footpath verge via a planned 300mm diameter PVC pipe shown on the stormwater plan by CAM Revision G is not supported.
- Similarly, the outlet from the OSD tank (and the proposed easement/ common line adjacent to the western site boundary in favour of 11 Fishburn Crescent) requires a conventional kerb inlet pit in the kerb and gutter 1m clear of the proposed driveway in front of 35 Dawes Avenue. This will require the reconstruction/ realignment of the existing street drainage on either side extending to the existing kerb inlet pit fronting 39 Dawes Avenue.
- No blind/ junction pits under the road carriageway will be supported.
- The grading, trimming, topsoiling and turfing of the widened footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.
- The driveway long-section must be amended to match.

b) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37.

c) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided along Dawes Avenue fronting the development site in accordance with the DCP and the above documents. This includes Council's Showground Precinct Public Domain Plan:

- Pedestrian Pavement:

- Type 3 (Showground Precinct PBP)
- Street Lighting:
- Category P3 (Showground Precinct PBP)

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) Inter-allotment Stormwater Drainage

The proposal includes two proposed easements/ common lines adjacent to the eastern site boundary in favour of 28 Chapman Avenue and adjacent to the western site boundary in favour of 11 Fishburn Crescent as above.

As Onsite Stormwater Detention is required as part of the planned/ future development of those upstream properties, a minimum level difference of 800mm measured between the surface level and the invert of the outlet pipe must be provided.

37. Stormwater Management Requirements

Onsite Stormwater Detention (OSD) is required in accordance with Council's adopted policy for the Hawkesbury River catchment area, the Upper Parramatta River Catchment Trust OSD Handbook, with amended parameters for the site storage requirement and permissible site discharge.

The stormwater concept plan prepared by CAM Revision G is for development application purposes only and is not to be used for construction. The detailed design must reflect the approved concept plan and the following necessary changes:

- a) The requirements listed under the Engineering Works and Design condition above.
- b) The top water level in the tank must be a minimum of 0.5m below the basement ramp crest level to protect the basement from flooding.
- c) The access pits for both the OSD tank and the storm filter (or an approved equivalent) tank must be relocated (or additional pits added) to the edge of the driveway on both or both sides, so that the driveway does not need to be blocked/ closed in order for either tank to be accessed for maintenance purposes.
- d) No enviropods (or an approved equivalent) are to be installed along the street drainage or common/ inter-allotment drainage lines.

Water sensitive urban design elements, consisting of storm filter cartridges (or an approved equivalent) within a tank annexed to the OSD tank and enviropods on internal pits, are to be located generally in accordance with the plans and information submitted with the application.

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.

The design and construction of the OSD system must be approved by either Council or an accredited certifier. A Compliance Certificate certifying the detailed design of the OSD system can be issued by Council. The following must be included with the documentation approved as part of any Construction Certificate:

- Design/ construction plans prepared by an accredited OSD designer.
- 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.

38. 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.

39. Erosion and Sediment Control/ Soil and Water Management Plan

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

- Sediment fencing.
- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An ESCP is required for this development.

40. 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.

This condition relates to the proposed easement/ common line adjacent to the eastern site boundary in favour of 28 Chapman Avenue and the proposed easement/ common line adjacent to the western site boundary in favour of 11 Fishburn Crescent.

41. Security Bond – Road Pavement and Public Asset Protection

In accordance with Section 4.17(6) of the Environmental Planning and Assessment Act 1979, a security bond of \$99,000.00 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 \$88.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (150m) multiplied by the width of the road (7.5m).

The bond must be lodged with Council before a Construction Certificate is issued for the building works.

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.

42. Security Bond – External Works

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

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

43. Stormwater Pump/ Basement Car Park Requirements

The stormwater pump-out system must be designed and constructed in accordance with AS/ NZS 3500.3:2015 - Plumbing and Drainage - Stormwater drainage. The system must be connected to 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.

44. Notice of Requirements

The submission of documentary evidence to the Certifying Authority, including a Notice of Requirements, from Sydney Water Corporation confirming that satisfactory arrangements have been made for the provision of water and sewerage facilities.

45. Construction Management Plan

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

PRIOR TO WORK COMMENCING ON THE SITE

46. Details and Signage - Principal Contractor and Principal Certifying Authority

Details

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

No later than two days before work commences, Council is to have received written details of the PCA in accordance with Clause 103 of the Environmental Planning and Assessment Regulations 2000.

Signage

A sign is to be erected in accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000. The sign is to be erected in a prominent position and show –

- a) the name, address and phone number of the PCA for the work,
- b) the name and out of working hours contact phone number of the principal contractor/person responsible for the work.

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

47. Management of Building Sites

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

The erection of a sign, in a prominent position, stating that unauthorised entry to the site is not permitted and giving an after hours contact name and telephone number.

48. 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.

49. 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.

50. Stabilised Access Point

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

51. Sydney Water Building Plan Approval

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

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

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

52. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban*

Stormwater – Soils and Construction (Blue Book) produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

53. 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.

54. Notification of Asbestos Removal

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

55. 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 offsite 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 must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, 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.

56. Discontinuation of Domestic Waste Services

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.

57. 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 Council. The plan should be prepared in accordance with The Hills Development Control Plan 2012 Appendix A. The plan must comply with the waste minimisation requirements in the relevant Development Control Plan. All requirements of the approved plan must be implemented during the construction and demolition phases of the development.

58. Root Mapping

Project Arborist is to undertake root mapping to Tree 2 prior to excavation works commencing, in accordance with Part B tree Protection Plan clause 14. Arborist is to analyse report to establish impact of excavation and structural integrity of tree and provide recommendations.

59. 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. In order of precedence the location of fencing shall be a) As per Tree Protection Plan as per Arborist report Part B prepared by Redgum Horticultural for project or b) Tree Protection Zone (TPZ) as calculated under

AS4970 (2009) Protection of trees on development sites c) A minimum of 3m radius from trunk.

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.

60. 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.

61. 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.

62. Trenching and excavation within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services or excavation shall not occur within the Tree Protection Zone of trees identified for retention without supervision of a project arborist.

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

Retaining wall footings to be hand excavated within the vicinity of TPZ of existing trees to be retained under the supervision of the Project Arborist. Should large tree roots be encountered then pier and beam footing to engineers details and Arborist recommendations.

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. No roots larger than 40mm diameter to be cut without Arborist advice and supervision. All root pruning must be done in accordance with Section 9 of Australia Standard 4373-2007 Pruning of Amenity Trees.

63. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to The Hills Shire Council's Manager – Environment & Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

64. 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.

65. Contractors Details

The contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

66. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- The name, address and telephone number of the Principal Certifying Authority;
- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifying Authority for subdivision works.

67. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures 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.

68. Service Authority Consultation – Subdivision Works

Before subdivision works commence documentary evidence must be submitted confirming that satisfactory arrangements have been made for:

- The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.
- The provision of water and sewerage facilities.
- The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 1978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

69. Pavement Design

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a suitably qualified and experienced civil or geotechnical

engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

70. Separate OSD Detailed Design Approval

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

71. Property Condition Report – Public Assets

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

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

72. Dilapidation Survey

Prior to work commencing a practicing professional structural engineer shall carry out a dilapidation survey of the adjoining dwelling at No. 27 and 37 Dawes Avenue and submit a copy of the survey both to Council and the property owner.

DURING CONSTRUCTION

73. 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.

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. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

74. Survey Report and Site Sketch

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

75. Compliance with BASIX Certificate

Under clause 97A of the Environmental Planning and Assessment Regulation 2000, it is a condition of this Development Consent that all commitments listed in BASIX Certificate No. 944366M_05 is to be complied with. Any subsequent version of this BASIX Certificate will supersede all previous versions of the certificate. A Section 4.55 Application **may** be required should the subsequent version of this BASIX Certificate necessitate design

changes to the development. However, a Section 4.55 Application **will** be required for a BASIX Certificate with a new number.

76. Critical Stage Inspections and Inspections Nominated by the PCA

Section 6.5 of the Environmental Planning and Assessment Act 1979 requires critical stage inspections to be carried out for building work as prescribed by Clause 162A of the Environmental Planning and Assessment Regulation 2000. Prior to allowing building works to commence the PCA must give notice of these inspections pursuant to Clause 103A of the Environmental Planning and Assessment Regulation 2000.

An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspection or other inspection required by the PCA is not carried out. Inspections can only be carried out by the PCA unless agreed to by the PCA beforehand and subject to that person being an accredited certifier.

77. 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.

78. Construction Noise

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

79. 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.

80. 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.

81. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. A dust management plan is to be developed with a copy submitted to Council.

In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution;
- All exposed / disturbed areas which is not an active work area is to be sealed by way of hydro-seeding, hydro-mulching or other soil binding product or turfed; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

The dust management plan must be implemented until the site works are completed and the site is stable and covered in either vegetation or bonding agent. The dust management plan must be provided to any contractor involved in the demolition, excavation, provision of fill or any other dust generating activity.

82. 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 PCA within 14 days of completion of the works.

83. 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.

84. 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.

85. Critical Stage Inspections – Public 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.

86. Dilapidation Report

On completion of the excavation, the structural engineer shall carry out a further dilapidation survey at the properties referred to in condition 72 above and submit a copy of the survey both to Council and the property owner.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

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

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

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

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

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

88. Internal Pavement Construction

Prior to any Occupation Certificate being issued, a Certified Practicing Engineer (CPEng) must submit a letter to Council confirming that the internal pavement has been constructed

in accordance to the approved plans, and is suitable for use by the approved waste collection vehicle when fully laden.

89. Final Inspection of Bin Room

Prior to any Occupation Certificate being issued, a final inspection of the bin room and associated management facilities (loading dock) must be undertaken by Council's Coordinator Resource Recovery. This is to ensure compliance with Council's design specifications and that necessary arrangements are in place for domestic waste collection by Council. The time for the inspection should be arranged at least 48 hours prior to any suggested appointment time.

90. Provision of Signage for Bin Room

Prior to any Occupation Certificate being issued, five full sets of waste educational signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of the bin room. The signage must meet the minimum specifications below and must be designed in accordance with Council's approved artwork. Contact Council's Resource Recovery Education Officer to obtain artwork designs.

- Flat size: 330mm wide x 440mm high
- Finished size: 330mm wide x 440mm high. Round corners, portrait
- Material: Aluminium / polyethylene composite sheet 3.0mm, white (alupanel)
- Colours: Printed 4 colour process one side, UV ink
- Finishing: Over laminated gloss clear. Profile cut with radius corners and holes

91. Risk Assessment - Domestic Waste Collection

Prior to any Occupation Certificate being issued, an onsite risk assessment relating to waste collection from the site must be undertaken by Council and its contractor. The time for the assessment must be arranged with Council's Coordinator Resource Recovery when clear unobstructed circulation in and out of the loading dock is available for Council and its contractor to perform a mock collection run. Any reasonable recommendation for signage or convex mirrors must be provided by the developer.

92. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of any Occupation Certificate (within each stage if applicable). The Landscaping shall be either certified to be in accordance with the approved Landscape plans by an Accredited Landscape Architect or be to the satisfaction of Council's Manager Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C, Section 3 – Landscaping and the approved landscape plan.

93. Road Widening Dedication

An Occupation Certificate must not be issued until the proposed 2m of road widening across the Dawes Avenue site frontage has been dedicated to the public as road at no cost to Council in accordance with the undertaking submitted relating to dedication.

94. Registration of Drainage Easement

Two separate 1.5m wide drainage easements must be created over the subject site, prior to an Occupation Certificate being issued. This relates to the proposed easement/ common line adjacent to the eastern site boundary in favour of 28 Chapman Avenue and the proposed easement/ common line adjacent to the western site boundary in favour of 11 Fishburn Crescent shown on the stormwater plan by CAM Revision G.

The width of the drainage easement must comply with Council's Design Guidelines Subdivisions/ Developments and the terms must nominate each lot burdened and benefited. A copy of the registered easement plan and associated documents must be submitted to Council.

95. 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.

96. Property Condition Report – Public Assets

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

97. Subdivision Works – Submission Requirements

Once the subdivision works are complete the following documentation (where relevant/required) must be prepared in accordance with Council's Design Guidelines Subdivisions/Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results
- Structural Certification

The works as executed plans must be prepared by a suitably qualified engineer or registered surveyor.

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.

A template public asset creation summary is available on Council's website and must be used.

98. 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.

99. Confirmation of Pipe Locations

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

100. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA 1994 MGA94 Zone56).

101. Removal of Existing Easement

The existing easement relating to the common driveway for 31 and 33 Dawes Avenue must be removed.

102. Consolidation of Allotments

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

103. 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.

104. 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.

105. 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.

106. Creation of Restrictions/ Positive Covenants

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

a) Restriction – Bedroom Numbers

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

b) Restriction/ 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.

c) Restriction/ Positive Covenant – Water Sensitive Urban Design

The subject site must be burdened with a positive covenant that refers to the water sensitive urban design elements referred to earlier in this consent using the “water sensitive urban design elements” terms included in the standard recitals.

d) 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.

e) 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.

107. 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.

108. Filtration Motor

The swimming pool filter and pump shall be fully enclosed in a purpose built acoustic enclosure to attenuate noise emitted by the swimming pool equipment. The acoustic enclosure shall reduce the sound pressure level of the swimming pool filter and pump equipment to a level not greater than 5dB (A) above the background noise level in accordance with Protection of the Environmental Operations Act 1997.

109. Pool Discharge Water

Discharge and/or overflow pipe from the swimming pool and filtration unit to be connected to the sewer where available.

All backwash water from the filtration unit is to be similarly disposed, or alternatively, must be piped to an absorption trench.

The pool excavations not to conflict with the position of household drainage trenches or lines, the position of which must be ascertained before pool excavation commences

110. Swimming Pool Safety Fencing

All pools and safety barriers are to comply with the Swimming Pools Act 1992, the Swimming Pools Regulation 2008 and Australian Standard 1926.1-2012. A fact sheet titled *Swimming Pool Fencing Requirements* is available from www.thehills.nsw.gov.au.

111. Resuscitation Warning Notice

In accordance with the Swimming Pools Regulation 2008, a Warning Notice is to be displayed in a prominent position, in the immediate vicinity of the swimming pool. The notice is to contain a diagrammatic flow chart of resuscitation techniques, the words:

(i) "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL",

and

(ii) "POOL GATES MUST BE KEPT CLOSED AT ALL TIMES", and

(iii) "KEEP ARTICLES, OBJECTS AND STRUCTURES AT LEAST 900 MILLIMETRES CLEAR OF THE POOL FENCE AT ALL TIMES",

and all other details required by the Regulation.

112. Pool not to be Filled Until Occupation

The pool is not to be filled with water until the dwelling is occupied.

113. Temporary Fencing of Pools

This condition applies to unoccupied land.

On excavation and prior to installation of the pool shell or placement of the steel reinforcement, a fence is to be provided around the pool excavation, so as to isolate and prevent access to it.

The fence provided is to be 1.8m high and to no less a standard than correctly joined and secured, temporary fence panels or chainmesh. The fence is to remain in place until the site (dwelling) has been approved for occupation.

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 use of the premises, building services, equipment, machinery and ancillary fittings shall not give rise to "offensive noise" as defined under the provisions of the *Protection of the Environment Operation Act 1997*.

Ventilation systems, car park exhaust systems and pumps and filters associated with the swimming pool shall be treated to minimise noise so that the noise is not more than 5 dB above the background noise level when measured at the boundary of any adjoining premises or at the window or balcony of any unit within the site.

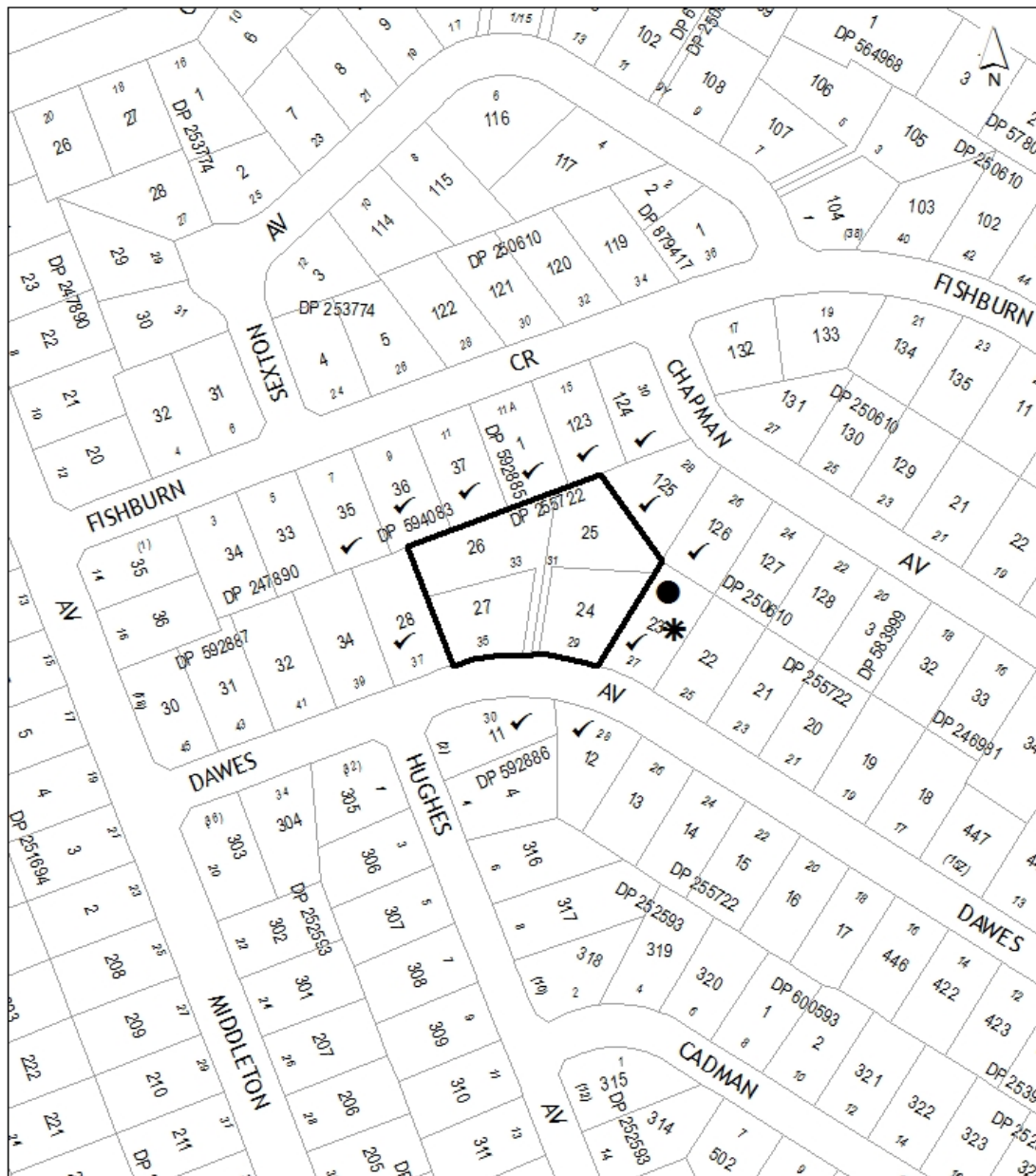
116. Waste and Recycling Management

A caretaker must be appointed by the Owners Corporation to undertake all instructions issued by Council to enable waste collection. Additionally, responsibilities for monitoring bins for contamination, and cleaning the bin room and bins on a regular basis must be established.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP Zoning Map
4. LEP Height Map
5. LEP Floor Space Ratio Map
6. Site Plan
7. Floor Plans
8. Elevations
9. Sections
10. Landscape Plan
11. Shadow Diagrams
12. Finishes Schedule
13. Perspectives
14. Design Review Panel Minutes

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

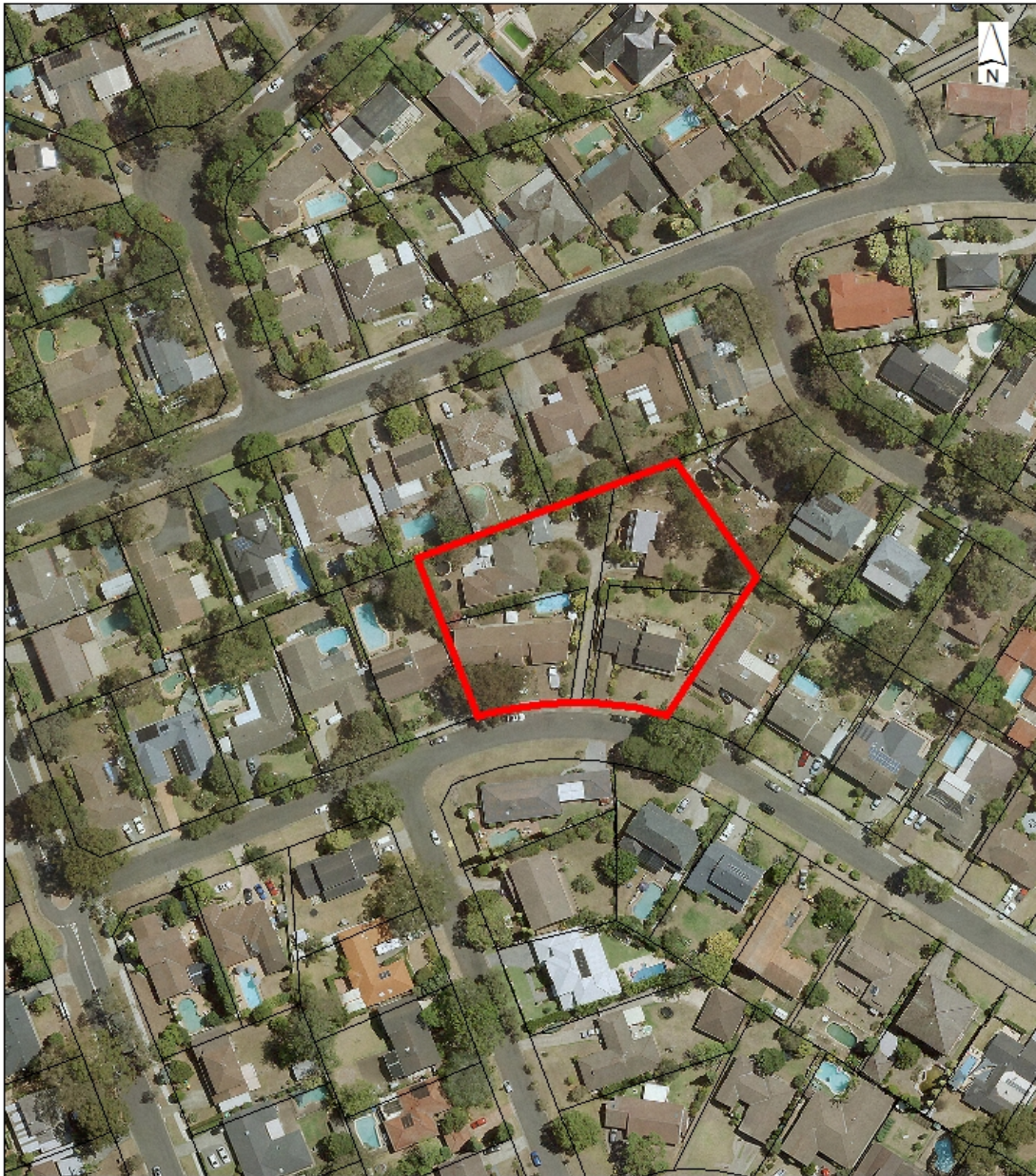
- 1ST NOTIFICATION - ONE SUBMISSION RECEIVED
- * 2ND NOTIFICATION - ONE SUBMISSION RECEIVED

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

THE HILLS SHIRE COUNCIL DOES NOT GIVE ANY GUARANTEES CONCERNING THE ACCURACY, COMPLETENESS OR CURRENCY OF THE TEXTUAL INFORMATION HELD IN OR GENERATED FROM ITS DATABASE
BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



SUBJECT SITE

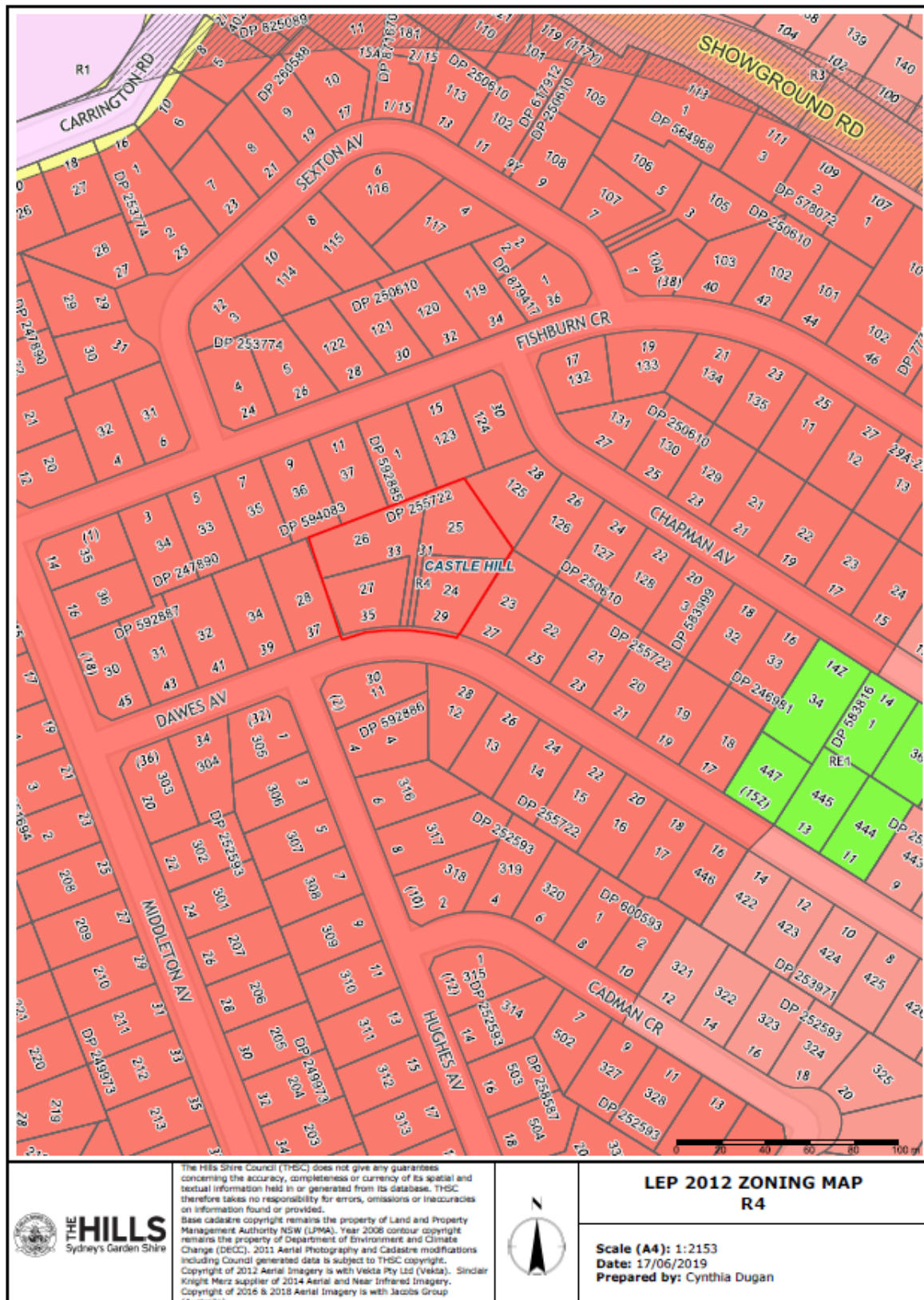
THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

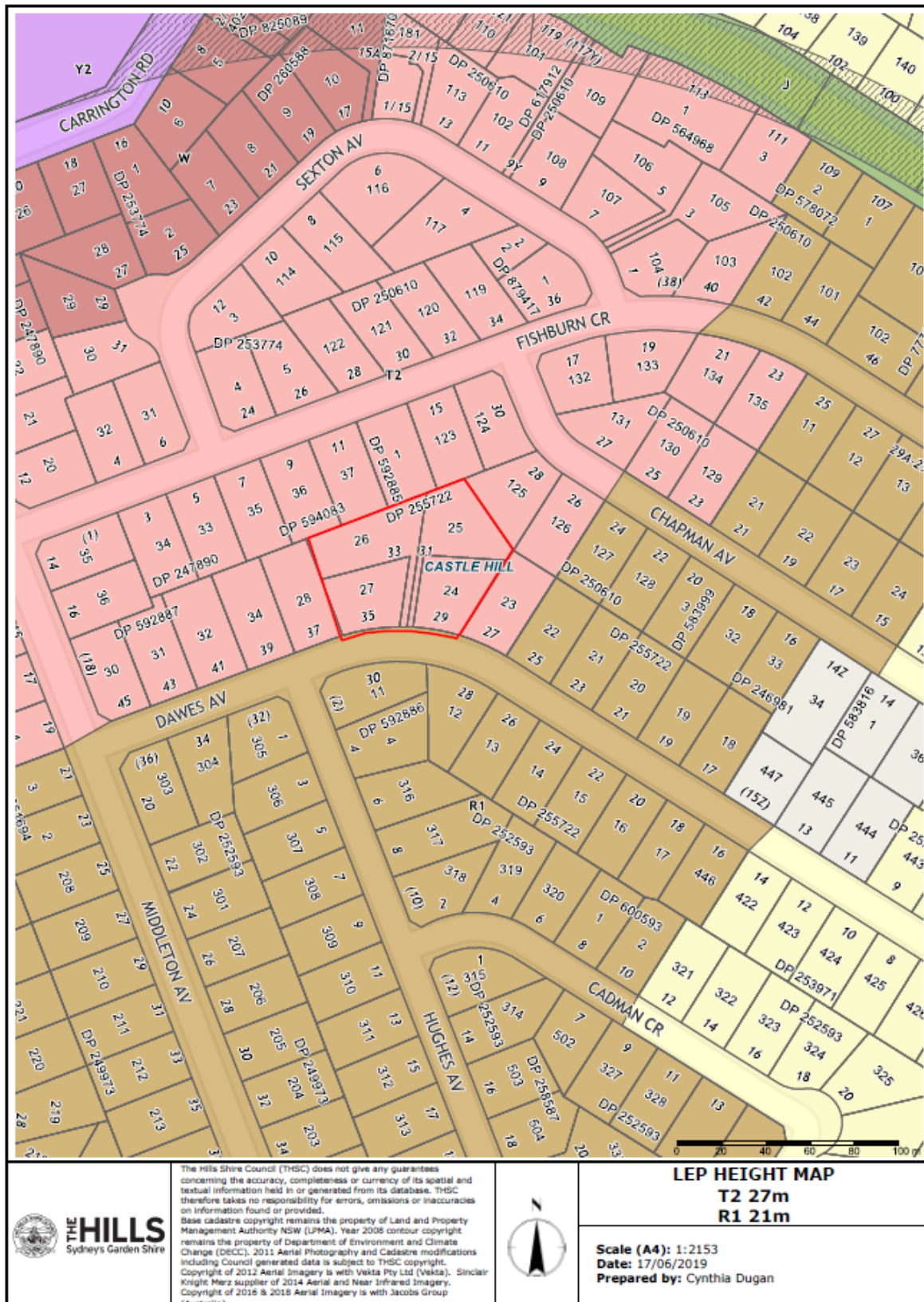
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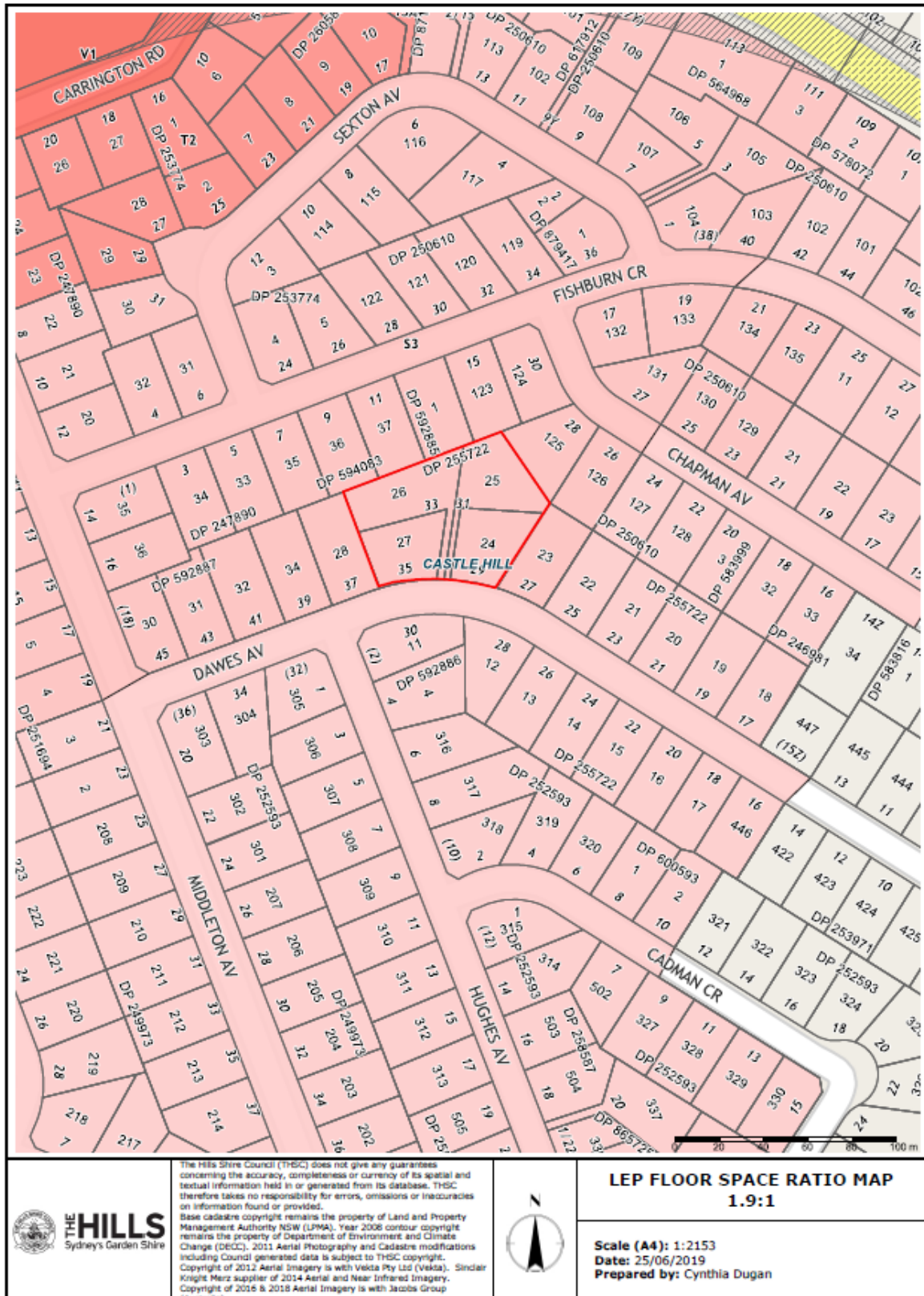
ATTACHMENT 3 – LEP ZONING MAP



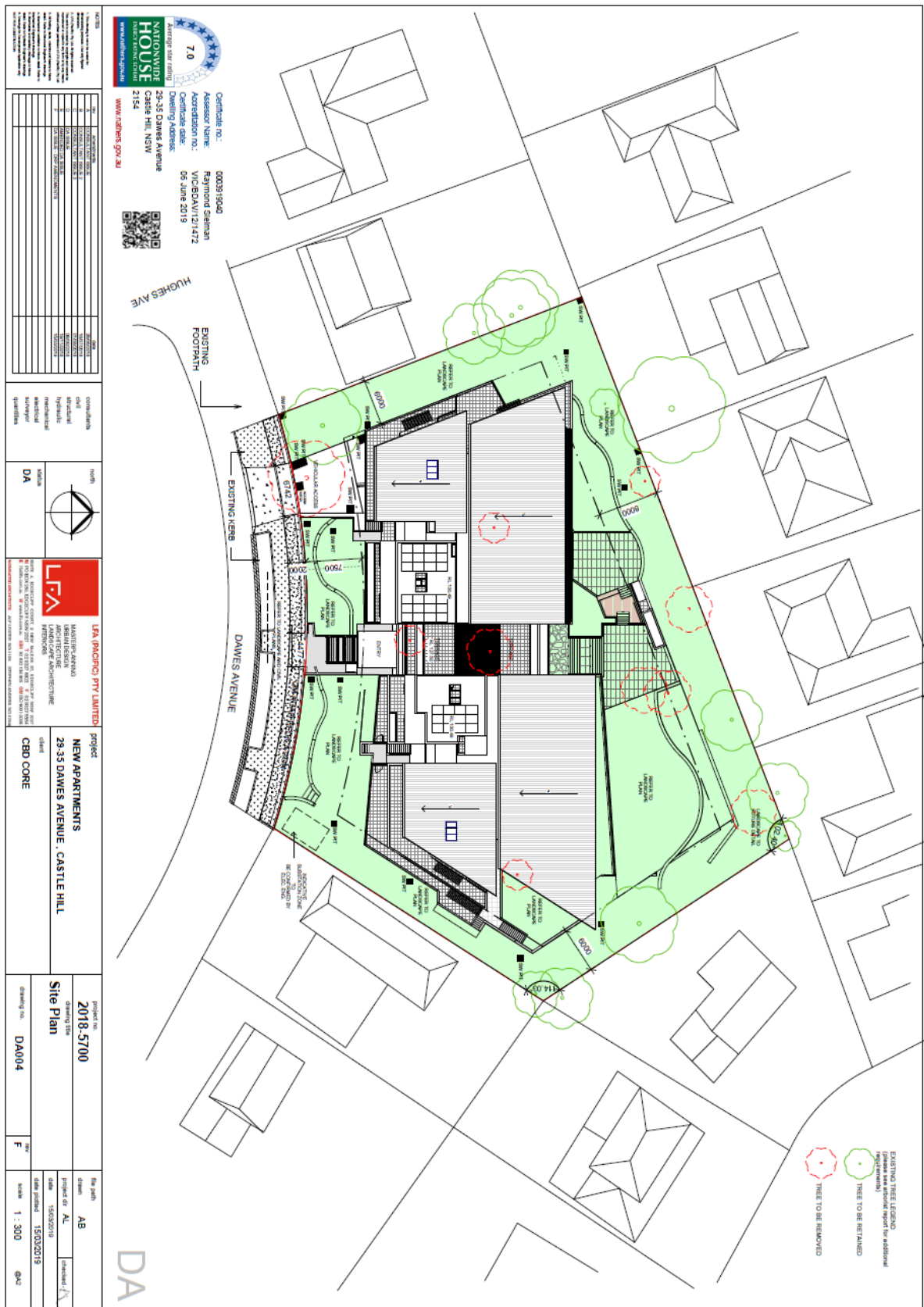
ATTACHMENT 4 – LEP HEIGHT MAP



ATTACHMENT 5 – FLOOR SPACE RATIO MAP



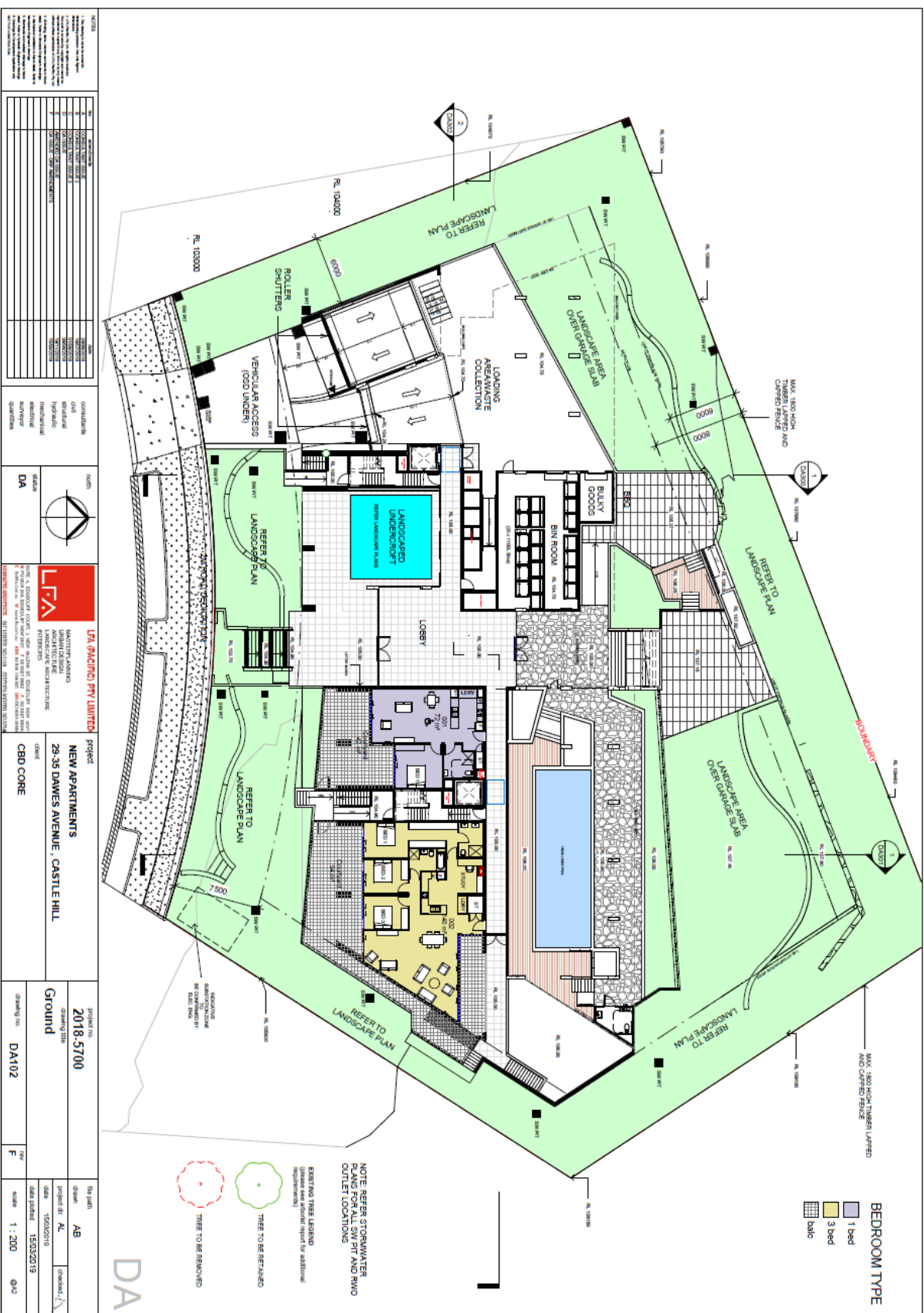
ATTACHMENT 6 –SITE PLAN

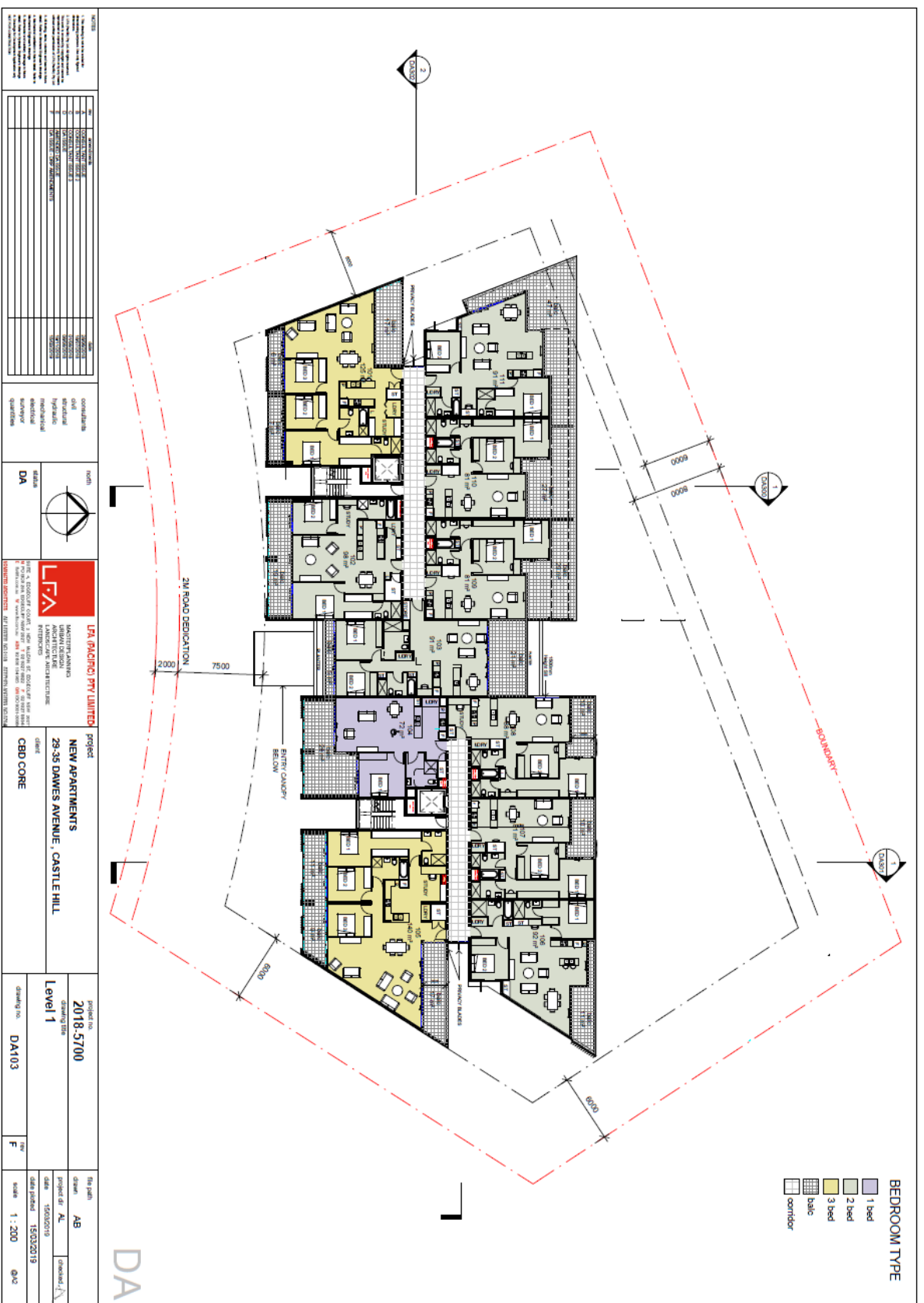


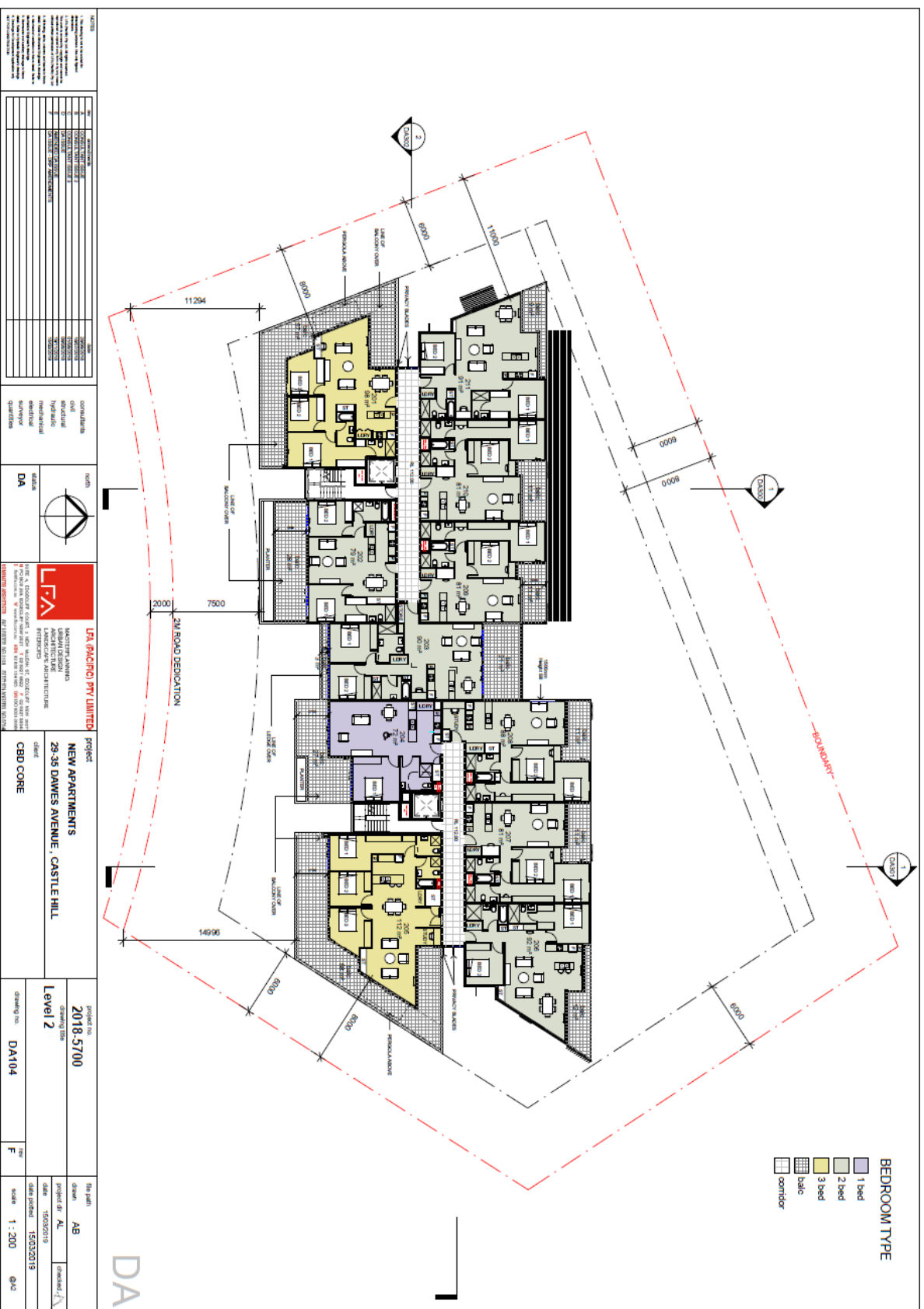
ATTACHMENT 7 – FLOOR PLANS

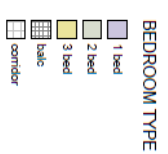






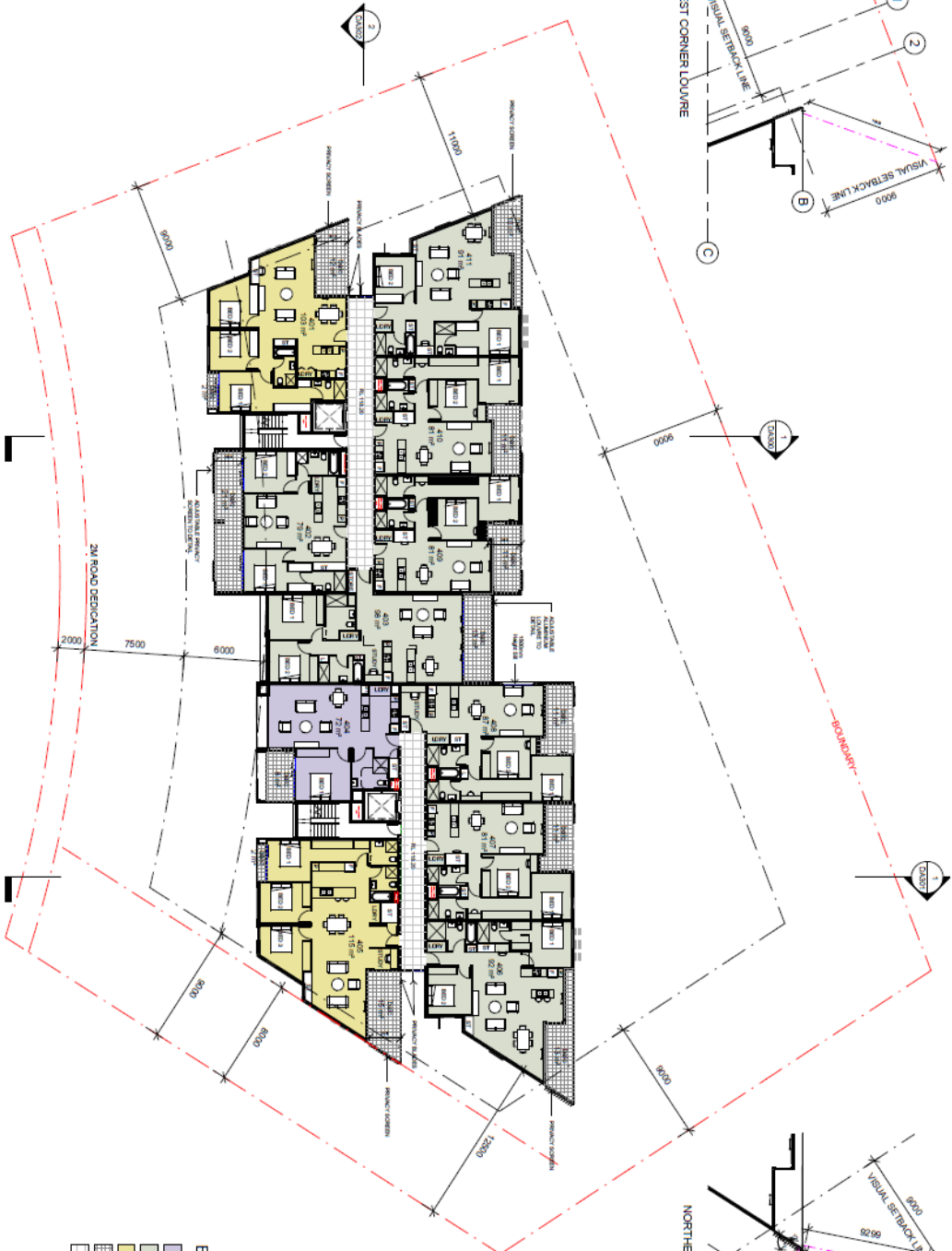
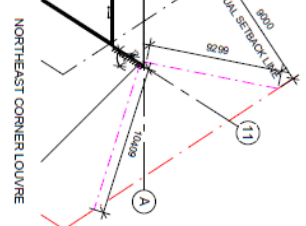






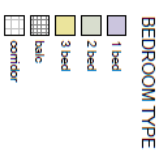
DA

[illegible]

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NOTES		PROJECT		PROJECT NO.		DATE		REV		SCALE	
1. This drawing is for the proposed development of the New Apartments at 29-35 Dawes Avenue, Castle Hill. It is not to be used for any other purpose without the written consent of the architect.		NEW APARTMENTS		2018.5700		15/03/2019		F		1:200	
2. The site is located at 29-35 Dawes Avenue, Castle Hill, NSW 2158. The site area is approximately 1.5 hectares. The proposed development is a multi-story apartment building with a total floor area of approximately 10,000 square meters.		29-35 DAWES AVENUE, CASTLE HILL		DA107		15/03/2019		AB		AB	
3. The proposed development is a multi-story apartment building with a total floor area of approximately 10,000 square meters. It is designed to provide high-quality accommodation for residents.		CBD CORE		DA107		15/03/2019		F		1:200	
4. The proposed development is a multi-story apartment building with a total floor area of approximately 10,000 square meters. It is designed to provide high-quality accommodation for residents.		CBD CORE		DA107		15/03/2019		F		1:200	
5. The proposed development is a multi-story apartment building with a total floor area of approximately 10,000 square meters. It is designed to provide high-quality accommodation for residents.		CBD CORE		DA107		15/03/2019		F		1:200	

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ATTACHMENT 8 – ELEVATIONS



LEGEND

BALUSTRADES (ALL TO BCA AND AUSTRALIAN STANDARDS):

- CG CLEAR GLAZING
- CG OPaque GLAZING
- BS SOLID BALUSTRADE (CONCRETE)
- MS METAL SLAT BALUSTRADE

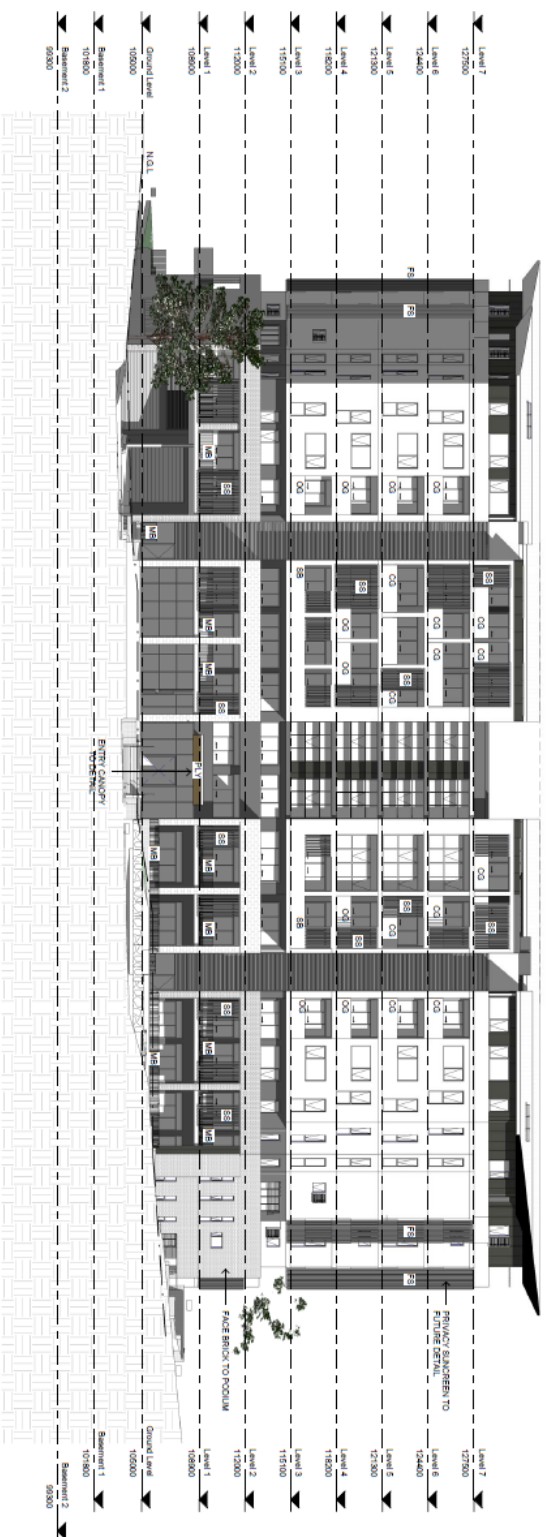
ADDITIONAL:

- FS FIXED SHAPES
- SS SLIDING SHAPES
- PLY PLYWOOD SCOFFIT

NOTE FOR ALL OTHER FINISHES REFER D6500

DA

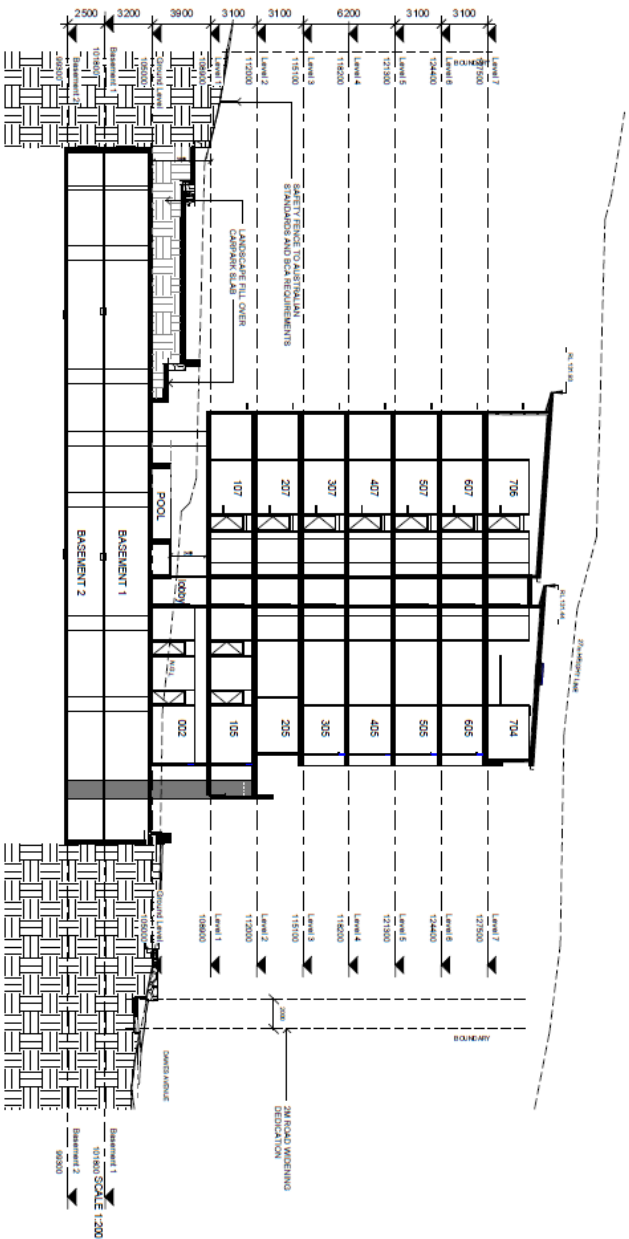
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- LEGEND**
- BALUSTRADES (ALL TO BCA AND AUSTRALIAN STANDARDS)**
- 00 CLEAR GLAZING
02 OPAL GLAZING
06 SOLID BALUSTRADE (CONCRETE)
08 METAL SLAT BALUSTRADE
- ADDITIONAL:**
- F6 FIXED SHADES
S8 SLIDING SHADES
PLY PLYWOOD SOFFIT
- NOTE FOR ALL OTHER FINISHES REFER DA500

<p>LA, PACIFIC PRY LIMITED</p> <p>MANAGER/ARCHITECT</p> <p>AMERICAN ARCHITECTURE</p>		<p>project</p> <p>NEW APARTMENTS</p> <p>29-35 DAWES AVENUE, CASTLE HILL</p>	
<p>client</p> <p>CBDC CORE</p>		<p>project no.</p> <p>2018-5700</p>	
<p>drawings to:</p> <p>DA201</p>		<p>city path:</p> <p>AB</p>	
<p>date issued</p> <p>15/02/2019</p>		<p>drawn by:</p> <p>AL</p>	
<p>scale</p> <p>1 : 200</p>		<p>checked by:</p> <p>AL</p>	
<p>scale</p> <p>@A2</p>		<p>date issued</p> <p>15/02/2019</p>	

<p>USA (PACIFIC) PVT LIMITED</p> <p>MAJESTIC ANAKA JALAN HATI-HATI 108 KUALA LUMPUR 50450 MALAYSIA TEL: 603-2619 8888 WWW.MAJESTICANAKA.COM</p>		<p>project no. 2018-5700</p> <p>author</p>	
<p>new apartments 29-35 DAWES AVENUE, CASTLE HILL</p>		<p>drawn by 1503/2019</p> <p>date issued 15/03/2019</p>	
<p>client CBD CORE</p>		<p>project ref AL</p> <p>checked [initials]</p>	
<p>drawing no. DA300</p>		<p>scale 1:200</p> <p>date 04/2</p>	
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<p>section CC</p>		<p>section DD</p>	
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<p>section GG</p>		<p>section HH</p>	
<p>section II</p>		<p>section JJ</p>	
<p>section KK</p>		<p>section LL</p>	



Certificate no.: 000319040
 Assessor name: Raymond Sieman
 Accreditation no.: VIC/BOA/121472
 Certificate date: 06 June 2019
 Dwelling address: 29-35 DAWES AVENUE
 CASTLE HILL, NSW
 2154
 www.rshires.gov.au



NSW GOVERNMENT DEPARTMENT OF COMMUNITIES AND HERITAGE NSW HERITAGE NSW HERITAGE ACT 1993 	
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NOTE:
INTERNAL CEILING HEIGHTS: MINIMUM
2.0 METRES ABOVE FINISHED FLOOR
ROOMS AND COMMON AREAS AND
MINIMUM 2400mm ABOVE FFL FOR NON-
HABITABLE ROOMS

DA

Certificate no.: 0003918040
 Assessor Name: Raymond Sieman
 Accreditation no.: VICBDAV121472
 Certificate date: 06 June 2019
 Drafting Address: 29-35 DAVES AVENUE
 CASTLE HILL, NSW
 2154
 www.nabers.gov.au

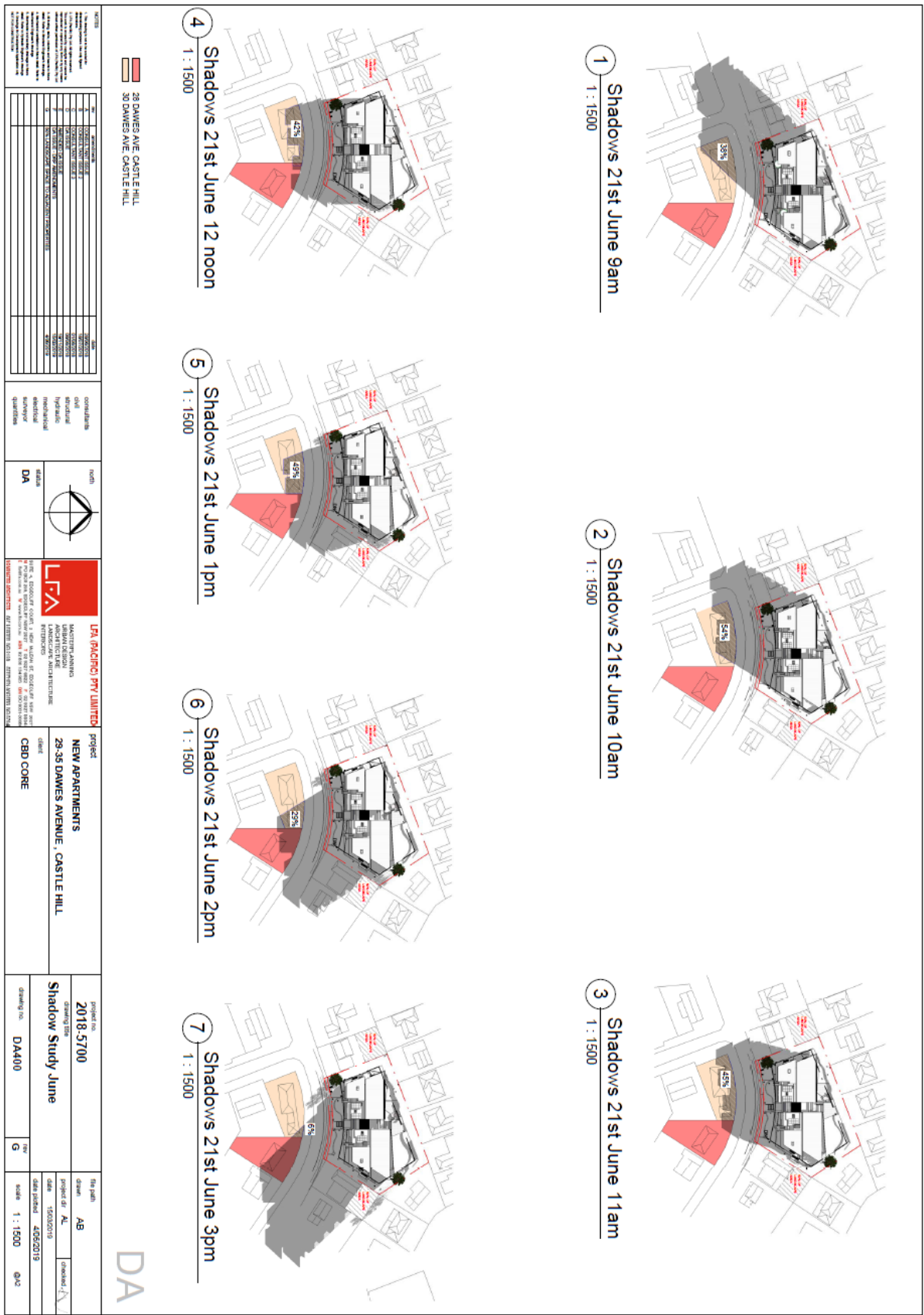


USA, PACIFIC PTY LIMITED		MAESTRO AVENUE 400-1000	
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ATTACHMENT 10 - LANDSCAPE PLAN



ATTACHMENT 11 – SHADOW DIAGRAMS



ATTACHMENT 13 – PERSPECTIVES





1 3D View North-East



2 3D View South-East

7.0

Average star rating

NATIONWIDE HOUSE

QUALITY TRADING CENTRE

www.nbhres.com.au

Certificate no.: 0003919040

Assessor Name: Raymond Slemman

Accreditation no.: VIC/BDV/21472

Certificate date: 06 June 2019

Dwelling Address: 29-35 DAVES AVENUE
CASTLE HILL, NSW
2154

QR CODE

6/1/2019		1. Aerial View North-East		2. Aerial View South-East	
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ATTACHMENT 14 – DESIGN REVIEW PANEL MINUTES



MEETING REPORT DESIGN REVIEW PANEL

Date:	17/01/19	Time:	1.20pm -2.30pm
Location of Meeting:	The Hills Shire Council , Community Rooms 1 +2		
Panel Members:	Chairperson - Tony Caro Panel Member - Audrey Thomas Panel Member – Steven Hammond Apologies -		
Councillors:	Non present		
Council Staff:	Cameron McKenzie, Paul Osborne, Hugh Halliwell, Justin Keen, Marika Hahn		
Guests:	Marwan Isaac – Client representative (CBD Core) James McBride – Planner (Ethos Urban) Alf Lester – Architect (LFA) Steve Anders – Architect (LFA)		

BUSINESS ITEM AND MEETING MINUTES

1. Welcome and Opening

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design.

The Hills Shire Design Review Panel (The Panel), is an Independent Advisory Panel approved by the Government Architect which provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in it's consideration for development application.

The Panel provides recommendations on the following:

- Any development which contains a building with a height of 21 metres or more; or 6 storeys (or both) but no higher than 66m or 20 storeys (or both).
- Any strategic planning matters for which design excellence is relevant.

The role of the Panel is to evaluate and critique design aspects of proposed development and provide recommendations on whether development exhibits "Design Excellence". The Design Review Panel is an independent panel, not a SEPP 65 Panel and the absence of comment with reference to matters pertaining to SEPP 65 does not mean that matters assessed under SEPP 65 have been satisfactorily addressed.


2. Declaration of interest

"Nil"

3. Confirmation of previous minutes

Confirmed

4 Presentations

Item 4.2	1.20pm -2.30pm
DA Number	DA 320/2019/JP
Property Address	29-35 Dawes Avenue, Castle Hill
Proposal	 <p>Construction of an 8 storey residential flat building with basement car parking comprising 85 apartments.</p>
Applicant representative address to the design review panel	<p>Steve Anders - Architect</p> <p>Architect registration number 5764</p>
Background	The site was inspected by the panel on Thursday 17/01/19 at 10.10am
Key Issues	<ul style="list-style-type: none"> • Landscape • Architectural scale to the street • ADG compliance • Bulk and scale

INTRODUCTION

The Panel thanks the applicant for the presentation of the development application. The development presented is located in the Showground Planned Station Precinct in Castle Hill, a low-density area about to undergo significant urban transformation to a higher density residential flat built form outcome.

The Panel acknowledges that the Showground Precinct has been subject to a protracted master plan process, which has resulted in the key development controls for height, density and setbacks. The Panel notes, and advised the applicant at the meeting, that it considers the maximum allowable FSR on this or any site in the precinct is only achievable on the proviso that other key controls that apply to the development are complied with. In particular the need to retain existing landscape and augment with new plantings to maintain the landscape character of the LGA is of particular concern to the Panel, for reasons including visual amenity, urban heat and mean temperature rise mitigation, substantial provision of shade within the public domain, carbon sequester and maintenance of fauna habitat.

The Panel also considers that due to the constraints of the existing road and sub-division pattern, relatively narrow street corridors and prescribed minimum DCP setbacks, all new developments must provide for substantial deep soil planting to a minimum of 15% of site area as referred to in the ADG.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct. The character of the area is that of a low-density garden suburb developed during the 1960's-1980's with a variety of large mature trees of both introduced species and those reflective of the original endemic vegetation. The precinct is located to the south west of Showground Road, a ridgeline arterial road, and the undulating topography falls away from Showground Road towards Cattai Creek. The subject site is located within a 500m walking radius of the New Showground Metro station, and is one of a group of Development Applications which present as the first development sites in the recently gazetted precinct.



Site location



Site layout - LFA

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings:

Amended Design Verification Statement, 19/11/18, by LFA signed Steve Anders

Architectural Drawings Rev E, 19/11/18, by LFA

The Hills Development Control Plan (DCP) Assessment Table, 22/08/18, by Ethos Urban

Statement of Environmental Effects, 22/08/18, by Ethos Urban

Response to Council Request for Information, 30/11/18, by Ethos Urban

Arboricultural Impact Assessment and Tree Management Plan, 19/11/18, by Redgum Horticultural

PANEL COMMENT

DA 320/2019/JP – 29-35 Dawes Avenue, Castle Hill

The architect presented a prepared A3 presentation that had not been submitted as part of the DA documentation package for the Panel. The design concept and site appreciation was explained using the 9 Principles of SEPP 65 as the basis for the presentation.

During the presentation, the Panel asked questions for clarification referencing the DA documentation which had been submitted to Design Excellence Panel for review:

1. A strong justification is required to support any increase in FSR beyond the DCP precinct uplift. The 559m² GFA exceedance is significant, equating to an additional 5 or 6 dwellings.
 - The FSR increase is not supported unless the applicant is able to demonstrate to Council a contextually sympathetic, high amenity development that satisfies the relevant controls applicable to the site.

2. The development struggles to reach ADG solar access compliance, being a consequence of the proposed floor plan and its orientation. The Panel recommends that the scheme be adjusted to achieve ADG compliance.
 - The southern wing end apartments could receive greater solar access. This could be achieved by adjusting the angles of the splayed walls at each end of the floor plan.
3. ADG building separation and boundary setbacks are not compliant at the eastern and western boundaries.
4. A significant proportion of the street frontage is taken up by hard paving surfaces (approximately 25%) and substation, which is not in keeping with the desired future character of the precinct.
 - The applicant stated it was impossible to reduce the driveway in width and that they were complying with Council regulations. The applicant should work with their engineer and Council to minimise the width of the driveway and cross-over.
 - It is noted that the adjacent development for 266 residents has a single 6m driveway entry which stands in contrast to a 12m driveway entry for 82 residents.
 - Additionally, retention of an existing tree adjacent to the driveway, at the western boundary, should be fully explored.
5. Confirm that the required street and building setbacks are achieved.
 - Providing the correct street setback would provide additional more useable landscape area to the rear of the site which has a northern aspect.
 - The 2m street dedication to provide on-street car parking has not been detailed correctly in accordance with the Public Domain Plan. Plans to be updated to show the future road layout of the widened street.
 - The Showground Precinct is in the initial stages of transformation from leafy, low-density suburbia to a high-density urban residential enclave. The DCP setbacks and landscape controls are essential to the success of this transformation. In respect to the built form the Panel notes that:
 - The required upper level setback has not been provided.
 - The building length is not in compliance with the intent of the DCP control.
6. The Panel considers that the building is substantial in its presentation to the street, and not necessarily reflective of the DCP controls that mandate a fine-grained scale and character to the street.
 - Although modulated to some degree, the development presents as a single building form of over 65m length. This is contrary to the DCP control of not exceeding 40m in length for a street corridor width less than 20m.
 - To break down its formality, the Panel suggested that the roughly symmetric plan layout be less expressed in the facades by erosion of the massing, and more variation in the expression and materiality as presented to the street.
 - The treatment of the base of the building with one material (dark coloured brick) emphasises the horizontal mass of the building which does not meet the objectives of reducing the length of the façade.
 - The visual bulk of the building on the west elevation has a poor impact on the streetscape.
 - The uppermost floor level, with the use of a different material to the façade treatment at lower levels to create the appearance of a setback upper level, is not setback from the street or side facades. It would be more aesthetically pleasing if the uppermost floor was setback from these facades.
7. The Panel recommends in principle that all existing, well established trees around the periphery of the site be protected and retained.
8. As such, removal of the significant tree in the corner of the site where the OSD was located is not supported. The retention of existing well established trees must take precedence over the convenient placement of access and services. It is recommended that an alternative solution be investigated.
9. The development does not present as being integrated with the landscape setting.

10. The Panel is not satisfied that adequate amenity for families had been provided and the access to the outdoor open space along the northern boundary via the gym is unsatisfactory for children and CPTED compliance. The height of the perimeter open space is up to 1.5m above the pool deck. The ADG guidance state that communal open space should have direct and equitable access from common circulation areas, entries and lobbies. The use of exercise equipment in the 6m setback zone accessed from the gym is a logical use of the area. The Panel recommends that detailed landscaped plans be provided.
11. It is noted that courtyards along the eastern boundary are sited approx. 3m below the surrounding natural ground level.
12. The Panel noted that Council disputed the method of measurement of landscaped area.
13. The Panel recommends Part 6.3 of the Showground DCP be followed to achieve the requisite high quality landscape setting for buildings.
14. The provision of a pool is supported in a rapidly warming western Sydney and is a useful amenity in itself, however it appears to impact more than necessary on the landscape open space provision.

SEPP 65 items to be clarified and or amended:

The project has ADG non-compliances that cumulatively suggest the FSR sought may exceed the site capacity to deliver design excellence. The following sections of the ADG should be reviewed to ensure that the ADG objectives are achieved to the satisfaction of Council:

- 3C Public Domain Interface
- 3E Deep Soil Zones, refer to figure 3E.2 and guidance notes. Minimum deep soil dimension is 6m for sites greater than 1,500m². Recommended deep soil on sites greater than 1500m² is 15%. Resubmit Deep Soil calculations to address the above.
- 4A Solar and daylight access
- 4B Natural (cross) ventilation
- 4O Landscape Design

SPECIFIC CLAUSE 8.6, 9.5 Part 4 Matters for Consideration

- a) *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,*
 - The applicant should further consider design character (scale, fine grain) and material selection as presented to the street) in accordance with the ADG Part 4X and the DCP, as well as length of the building to the street.
- b) *whether the form, arrangement and external appearance of the development will improve the quality and amenity of the public domain,*
 - The Panel notes that the precinct is in the early stages of transformation from leafy, low-density suburbia to a high-density urban residential enclave.
 - As presented the Panel considers that the bulk and scale of the built form is not consistent with the DCP, and the form and massing be reconsidered as noted above..
 - Whilst the 9th floor exceeds to max allowable, the built form does not exceed the height limit. The panel considers this acceptable as the ninth floor is a mezzanine to loft style apartments that provide some diversity in dwelling type
- c) *whether the development detrimentally impacts on view corridors,*

The development does not detrimentally impact on view corridors.
- d) *whether the development detrimentally impacts on any land protected by solar access controls established in the development control plan referred to clause 8.5, 9.4,*

- The applicant has stated that at least 50% of the landscaped open space of adjoining properties receives a minimum of 4 hours of sunlight between the hours of 9am and 3pm on 21 June. Council officer to confirm.

e) *the requirements of the development control plan referred to in clause 8.5, 9.4,*

The development does not comply with the following controls:

6.2 Setbacks (Building and Upper Level), Objectives a,e. Controls 1, 2,

6.3 Open Space and Landscaping, Objectives a,d,f Controls 1,17

6.4 Built Form Design, Objective c, Controls 4, 5, 7, 10

6.7 Solar Access and Overshadowing, Control 3

f) *How does the development address the following matters:*

- i. *the suitability of the land for development,*
 - The land is zoned R4 high-density residential, the proposed use is appropriate however the density sought is not supported.
- ii. *existing and proposed uses and use mix,*
 - Council Officer to review the proposed dwelling mix.
- iii. *heritage issues and streetscape constraints,*
 - There are no heritage concerns.
 - The streetscape is constrained by the narrow width of the streets.
 - The Panel strongly recommends that more substantial high canopy tree plantings be provided in the street and side boundary setbacks and existing significant and/or well established peripheral trees be retained.
 - 25% of the street frontage is hard paving. The Panel recommends that this be reduced. The streetscape as presented is an unsatisfactory urban design outcome.
- iv. *the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form,*
 - The development is required to comply with SEPP65 building separation and boundary setbacks.
- v. *bulk, massing and modulation of buildings,*
 - Although there is some variety in the roughly symmetrical plan, the development presents as a monolithic and continuous built form accentuated by the projecting overhangs of the roof.
- vi. *street frontage heights,*
 - The street frontage heights are incorrect and inconsistent with the streetscape character failing to contribute positively to the greater urban context. The frontage heights are required to be revised as per DCP controls, 6.2 Setbacks (Building and Upper Level), Objectives a,e. Controls 1, 2, and table 10.
- vii. *environmental impacts such as sustainable design, overshadowing, wind and reflectivity,*
 - Many of these matters were not discussed at the meeting. The Panel noted compliance with ADG 4A Solar Access.
- viii. *the achievement of the principles of ecologically sustainable development,*
 - Not discussed at the meeting. Subject to DA officer consideration.
- ix. *pedestrian, cycle, vehicular and service access, circulation and requirements*
 - The ramp provision in the front setback reduces the ability to provide substantial landscape planting and high canopy trees. Modification in design or an alternative solution to providing universal access should be investigated.
 - The pedestrian cross site link is to be resolved subject to discussion with the Council Officer.

- x. *the impact on, and any proposed improvements to, the public domain,*
 - The applicant is required to provide the road dedication public domain works as per the Public Domain Plan.
- xi. *the impact on any special character area,*
 - Not applicable
- xii. *achieving appropriate interfaces at ground level between the building and the public domain,*
 - Further design work is required to achieve appropriate interfaces between the building and public domain, including a stronger landscape presence, clear viewlines/wayfinding to entry points, visually discreet integration of utility services and high quality fencing and finishes.
- xiii. *excellence and integration of landscape design.*
 - Further design work is required to enable the development to fully integrate into its landscape setting and present a contextual response to the garden characteristics of the locality.
 - Existing significant and/or well established trees are to be retained.

Council officer to place DA conditions on:

- Screening of service provision from any existing and future public domain outlook. All services and service provision visible from the street, public domain and nearby taller buildings are required be carefully and substantially screened in a manner to match the aesthetic of the proposed development. Details are to be provided to the DA officer for review prior to DA approval. Details are to be shown in plan with services clearly notated. Provide detail elevations and sections details at a minimum scale of 1:50 on an A3 drawing sheet.

SUMMARY OF PANEL RECOMMENDATIONS

- Provide compliant street setback and upper level building setbacks.
- Comply with FSR control.
- Break up the building mass as per DCP controls.
- Provide revised landscape plans demonstrating useable common open space suitable families and families.
- Provide a direct link to the common open outdoor space that can be used by children and does not require passage through the gym.
- Building services such as the fire hydrant and fire sprinkler booster valves, are to be integrated as part of the landscaping strategy or incorporated into the entryways to avoid any detractions from the streetscape.
- Superfluous pedestrian circulation is to be replaced with soft landscaping.
- Resolve all outstanding ADG non-compliances – to be agreed with Council staff.
- Provide Sun Eye 3D models at 1hourly intervals between the hours of 9am and 3pm on June 21st to clarify solar access to living rooms.
- Substantially reduce the driveway width to be more in keeping with standard development driveway entries.
- Consider access requirements for when lift maintenance and / or malfunction occurs.
- Provide correct FSR calculations and inclusions of site area to Council approval.
- Landscape plan is to demonstrate road dedication public domain works as per the Public Domain Plan.
- Existing significant and/or well established trees are to be retained.
- Conflicts with proposed services and existing trees require the re-location of the services provision.
- Increase deep soil and large tree plantings
- Find an alternative location of the OSD tank.

Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. If the DA officer is satisfied that the applicant has addressed the concerns of the panel, the project need not return to the panel for further consideration.

5. Next Design Review Panel meeting to be held on February 27th, 9am - 5pm

6. Close