

COUNCIL ASSESSMENT REPORT

Panel Reference	PPS-2019CCI024
DA Number	1392/2019/JP
LGA	The Hills Shire
Proposed Development	Demolition of the Existing Structures and Construction of an Apartment Building Development containing 94 Units and Associated Works
Street Address	11-15 Fishburn Crescent and 28-30 Chapman Avenue Castle Hill
Applicant	Fishburn Group Pty Ltd/
Owners	Mr P Venhuizen, Mrs J R Venhuizen, Mrs C Mancone, Mr M J J Mancone, Mr J M Kok, Mrs S S Kok, Mrs J A Speth, Mr M R Gillies and Mr R C Gillies
Consultant/s	Town Planner: Ethos Urban Pty Ltd Architect: Zhinar Architects Landscape Plans and Report – Paul Scrivener Aboriculture: Redgum Horticultural Engineers: CAM Consulting Surveyor: Survey Plus Acoustic: Acoustic Logic Traffic: Varga Traffic Quantity Surveyor: Construction Consultants Wind Assessment: Windtech BASIX: Taylor Smith Consulting Contamination: Arcadis Access: Vista Access Architects Waste: CBD Core
Date of DA lodgement	19 March 2019
Number of Submissions	Nil
Recommendation	Deferred commencement approval subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011	CIV exceeding \$30 million (\$31,626,963)
List of all relevant s4.15(1)(a) matters	EPIs: • 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 Draft EPIs: • Draft Environment SEPP

	Relevant Development Control Plan/Guidelines The following sections of The Hills DCP 2012: - The following sections of The Hills DCP 2012: - Part B Section 5 – Residential Flat Building - Part C Section 1 – Parking - Part C Section 3 – Landscaping - Part D Section 19 – Showground Precinct - Apartment Design Guide Any relevant planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4: s4.15(1)(a)(iia): - Nil Relevant regulations: - Demolition of buildings – <i>Environmental Planning and Assessment Regulation 2000</i> - Clause 92(1)(b)
List all documents submitted with this report for the Panel's consideration	- LEP Maps - Locality Plan - Architectural Plans - Design Review Panel Minutes
Report prepared by	Cynthia Dugan Development Assessment Co-ordinator
Report date	17 September 2020

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 key issues that need to be considered by the Panel in respect of this application are:

- The application was referred to Council's Design Review Panel. The Panel provided support of the proposal. The Applicant has addressed the concerns raised by the Design Review Panel to the satisfaction of Council officers. It is considered that the proposal exhibits design excellence in accordance with Clause 9.5 of The Hills Local Environmental Plan.
- Variations are proposed to the communal open space, solar access, building separation and apartment layout design criteria within the Apartment Design Guide. It is considered that subject to recommended conditions, the variations can be supported as adequate privacy mitigation measures have been implemented in the design to ensure negligible overlooking impacts occur to residents within the development and an acceptable level of residential amenity is provided to the development and each unit.
- Variations are proposed to a number of controls within the DCP. These relate to site specific controls within the Showground Precinct including the structure plan, setbacks, site coverage, landscape area, residential uses on ground and first floors, solar access adaptable housing and underground parking not being within the building footprint. It is considered that a number of these variations are attributed to the irregular shape and topography of the site. Despite these variations, the proposal provides for a high quality landscaping and design outcome for the site and meets the intent and desired future character for the Showground Station Precinct.
- The application was notified for a period of 14 days. No submissions were received during the notification period.
- As the site falls to the south, the stormwater plan relies on two stormwater easements being created over the adjoining southern property at 29-35 Dawes Avenue under Development Consent 320/2019/JP. The registration of these easements and approval and construction of these stormwater connections are required prior to issue of the development consent.

The application is recommended for approval by way of deferred commencement consent, subject to conditions.

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.

The subject Development Application was lodged on 19 March 2019 for a residential flat building comprising 94 units. The proposal was notified for 14 days between 29 March 2019 and 19 April 2019. No submissions were received during this period.

A request for additional information was sent to the applicant on 7 May 2019 with regards to compliance with the floor space ratio, building height development standards under LEP 2012 and SEPP 65/Apartment Design Guide including communal open space, solar and daylight access, private open space, vehicle access and storage. Information was also requested regarding non-compliances to DCP controls relating to setbacks, site coverage, open space and landscaping, apartment mix, vehicle access and landscaping. Concerns were also raised with regards to landscaping and waste management.

The proposal was reviewed by the Design Review Panel on 22 May 2019. The Panel raised a number of concerns with the design of the proposal and concluded that they did not support the proposal as it does not meet the requirements of design excellence.

Amended plans were received on 12 November 2019.

The amended plans were reviewed by the Design Review Panel on 22 January 2020. The Panel indicated all previous concerns had not been adequately addressed and the proposal still does not meet the requirements of design excellence.

The amended plans were reviewed by the Design Review Panel on 25 March 2020. The Panel concluded that subject to further refinement as identified in the report, the amended proposal achieves the requirements of design excellence.

Amended plans were received on 3 April 2020 however issues relating to outstanding landscaping issues and Design Review Panel requirements had not been addressed. A further request for additional information letter was sent on 23 April 2020.

Amended plans were received on 2 June 2020. A further request for outstanding information regarding landscaping issues was sent to the Applicant on 17 June 2020.

Further amended plans were received on 29 June 2020 and an arborist report was sent on 7 July 2020.

Further planning justification received from the Applicant on 28 July 2020 regarding variations to the DCP controls.

DETAILS AND SUBMISSIONS

Owner:	Mr P Venhuizen, Mrs J R Venhuizen, Mrs C Mancone, Mr M J J Mancone, Mr J M Kok, Mrs S S Kok, Mrs J A Speth, Mr M R Gillies and Mr R C Gillies
Zoning:	R4 High Density Residential
Area:	4,739.33m ²
Existing Development:	Dwelling houses and ancillary structures
Section 7.11 Contribution	\$1,179,804.31
Exhibition:	Not required
Notice Adj Owners:	14 days
Number Advised:	13 properties
Submissions Received:	Nil

PROPOSAL

The proposed development seeks consent for demolition of existing structures, site preparation works, excavation, tree removal the consolidation of all existing allotments and construction of an eight storey residential flat building development comprising a total of 94 units with a mix of 13 x 1 bedroom units, 60 x 2 bedroom units and 21 x 3 bedroom units.

The proposal comprises two residential flat buildings known as Block A and Block B ranging in height between 8 to 9 storeys. Communal open space is provided on ground level between the buildings and to the south eastern corner of the site. Roof top communal open space is also provided on levels 6 and 7 in Block A and the roof top in Block B.

A basement car park comprising two levels with a total of 143 car spaces are provided.

Vehicular access will be provided via a single driveway off Fishburn Crescent.

The proposed total floor area of 8,988m² results in a floor space ratio of 1.9:1.

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 310m 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 \$31,626,963 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 Asset Geotechnical Engineering Pty Ltd, report number 5217-R1, dated 5 September 2018. The investigation concludes that the site is considered low risk of contamination present onsite and the site is suitable for the proposed development however recommends that targeted soil assessment in accordance with the NSW OEH (2011) Guidelines for Consultants Reporting on Contaminated Sites and the NEPC (2013) NEPM is completed following demolition of the site structures to enable unrestricted access for visual inspection and targeting sampling of surface soils/fill.

Subject to conditions recommended by Council's Environmental Health section including ground conditions to be monitored for contamination (refer condition No. 66) and a limited surface soil assessment be completed following demolition of the site structures (refer condition No. 68), the site can be made suitable for its intended use.

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

The required Design Verification Statement was prepared by Andre Mulder, registration number 6294 of Zhinar Architects.

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 subject development is located within a R4 High Density Residential zone. The future desired character for residential areas are to be green and walkable, reinforcing the garden shire character and lifestyle, provide 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 within a landscaped setting which reinforces the garden shire character and lifestyle. 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 by modulation of the built form, generous front setbacks and stepping in scale to minimise the perceived scale and breaks between buildings. The interface between the development and the public domain has been duly considered with appropriate landscaping and façade treatments to ensure a high level of amenity is provided.

Principle 3: Density

The subject proposal provides for 94 dwellings for the site. The proposal complies with the FSR and height provisions under 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 proposal includes a BASIX certificate which provides the required targets for energy and water commitments. The commitments proposed will minimise the dependency on energy resources in heating and cooling. The achievement of these commitments would contribute significantly to the reduction of energy consumption, resulting in a lower use of valuable resources, the reduction of costs and thus a more sustainable development.

Principle 5: Landscape

The landscape plan indicates a comprehensive design for both private and public domains. The landscaping of the development has formed an integral element to the overall design of the development, providing 45% of the site area for communal open space areas which are located on the ground floor and on the roof top of Blocks A and B. The provision of a centrally located pool area and roof top common open space areas have been designed with sufficient solar access and high levels of amenity with the provision of BBQs, outdoor seating. The proposal provides for deep soil to 35% of the site area. Generous setbacks are provided with high quality landscaping along Fishburn Crescent and Chapman Avenue. It is considered the proposal results in a high quality landscape outcome for the site.

Principle 6: Amenity

The building design has been developed to provide for the amenity of the occupants as well as the public domain. The unit layouts and site planning ensures that adequate amenity is provided to future residents of the site. The centrally located pool area, common open space areas to the south east of the site and on the rooftop are well landscaped and provide for adequate amenity of residents. The proposal incorporates good design in terms of achieving natural ventilation, solar access and visual and acoustic privacy. All units are designed with appropriate room dimensions and 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 (refer condition No.4).

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.

Principle 9: Aesthetic

The proposed buildings provide a visually interesting and modern built form with a variety of buildings elements. Improvements to the design scheme have been incorporated into the final design as recommended by the Design Review Panel. These include removal of the second driveway, design changes to the building facades including shading devices, rationalisation of the design of the swimming pool area and adjacent spaces to allow direct sunlight from the north.

The upper level setbacks and façade treatments provide a fine-grained design response to the street frontages. The deep recesses and provision of individual lobbies define the building block on each frontage. The variation in heights of the building, modulation of the street wall and articulation of the different building blocks will provide for a varied and interesting street edge, reinforcing pedestrian scale and residential nature of the precinct. In this regard, the aesthetics of the proposal is appropriate for the site.

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 50% of the principal common open space achieving a minimum of 50% direct sunlight for 2 hours midwinter.	Yes. 45% of the development site area (2,143m²). No. Due to the lot orientation, the communal open space has been allocated to two main areas on ground level and two additional areas on the rooftop (Levels 6 and 7). The principal communal open space area on the south eastern corner at ground level will only achieve an average of 19% of solar access during midwinter. However the centrally located pool area comprises 275m² common open space area and 337m² roof top common open space areas are provided on Level 6, 7. These areas would be provided with at least 50% direct solar access during midwinter. Refer to further discussion below.
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 35% 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	No. Refer to discussion below. <u>Variation to External Building Separation</u> Variation to the roof terrace for Building B: 8.4m provided to western property boundary (9m required). <u>Variation to Internal Building Separation</u> Variation to third level – sixth level (5th to 8th storey): 12m provided for habitable room/balcony in A504 to B404, A505 to B403, A604 and A605 to B502, A704 and A705 to B602, A801 and A802 to B702 (18m required). Variation to the roof terrace (8th to 9th storey): 13m provided for balcony to habitable room window in A802 and B802 (18m - 24m required).
Visual privacy	Visual privacy is to be provided through use of setbacks, window placements, screening and similar.	Yes. The visual privacy of the development has been considered with the placement of windows and balconies. Screening devices, highlight windows and planters 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.
Car parking	Car parking to be provided based on proximity to public transport in metropolitan Sydney. For sites within 800m of a railway station or light rail stop, the parking is required to be in accordance with the RMS Guide to Traffic Generating Development which is: Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 7.8 0.9 spaces per 2 bedroom unit. 54 1.40 spaces per 3 bedroom unit. 29.4 1 space per 5 units (visitor parking). 18.8	Yes. The site is located within 310m of the future Showground Station. 110 spaces would be required in accordance with the RMS rate. 138 spaces provided.
Designing the Building		
Solar and daylight access	1. Living and private open spaces of at least 70% of apartments are to receive a minimum of 2 hours direct	Yes for the proposed development. The proposed development will achieve two hours solar access for 70.2% (66 of 94) of apartments between 9am and 3.00pm.

	sunlight between 9am and 3pm midwinter. 2. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.	No for the adjoining southern development. Refer to discussion below. No. There are 23% (22 of 94) of apartments that will not receive any solar access between 9.00 am and 3.00 pm.
Natural ventilation	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. 2. Overall depth of a cross - over or cross-through apartment does not exceed 18m, measured glass line to glass line.	Yes. A total of 60% (58 of 94) of units will meet the cross ventilation requirements or can be naturally ventilated. Yes. The maximum overall depth does not exceed 18 metres for a cross through apartment, measured glass line to glass line.
Ceiling heights	For habitable rooms – 2.7m. For non-habitable rooms – 2.4m. For two storey apartments – 2.7m for the main living floor and 2.4m for the second floor, where it's area does not exceed 50% of the apartment area. For attic spaces – 1/8m at the edge of the room with a 30° minimum ceiling slope. If located in a mixed use areas – 3.3m for ground and first floor to promote future flexible use.	Yes. Floor to ceiling height 2.7 metres for all apartments. Yes. NA. NA.
Apartment size	1. Apartments are required to have the following internal size: Studio – 35m² 1 bedroom – 50m² 2 bedroom – 70m² 3 bedroom – 90m² The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal areas by 5m² each.	Yes. 1 bedroom 53 - 69m² 2 bedroom 75 - 96m² 3 bedroom 95 - 133m² Where additional bathrooms are proposed, an additional 5m² has been provided.

	A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each. 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.	No four bedroom units proposed. All habitable rooms have windows greater than 10% of the floor area of the dwelling.
Apartment layout	Habitable rooms are limited to a maximum depth of 2.5 x the ceiling height. In open plan layouts the maximum habitable room depth is 8m from a window. The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow layouts.	Yes. No, Units A102, A202, A207, A302, A307, A406, have maximum depths of up to 9.4m from a window. Refer to discussion below. Yes.
Balcony area	The primary balcony is to be: Studio – 4m² with no minimum depth 1 bedroom – 8m² with a minimum depth of 2m 2 bedroom – 10m² with a minimum depth of 2m 3 bedroom – 12m² with a minimum depth of 2.4m For units at ground or podium levels, a private open space area of 15m² with a minimum depth of 3m is required.	All balcony sizes comply. Yes.
Common Circulation and Spaces	The maximum number of apartments off a circulation core on a single level is eight. However, where the design criteria is not achieved, no more than 12 apartments should be provided off a circulation core on a single level. For buildings of 10 storeys and over, the maximum number of apartments	Yes. Maximum of 8 units provided off a circulation core. NA.

	sharing a single lift is 40.	
Storage	Storage is to be provided as follows: Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³ At least 50% of the required storage is to be located within the apartment.	Yes. Unit schedule and plans indicate all units are provided with the minimum storage volume required. Each unit contains 50% of the required storage within the apartment.
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.

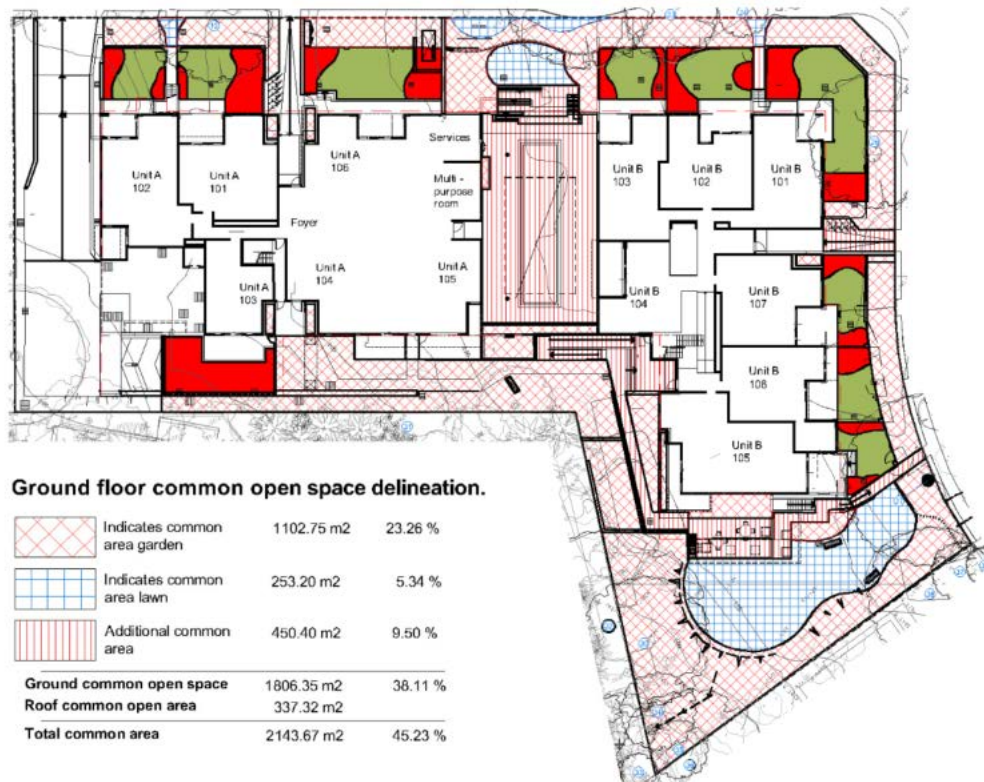
i. Solar Access

The Apartment Design Guide requires that communal open space has a minimum area equal to 25% of the site and developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm in midwinter.

The proposal provides for 45% of the development site area (2,143m²) which complies with the minimum 25% design criteria however, the ground level south eastern common open space area would not achieve the recommended 2 hours direct solar access to 50% of the principal useable part of the space.

The Applicant has provides the following justification for the variation:

The communal open spaces of the development receive high quality solar access through the provision of a central pool area and rooftop communal open space areas...the proposed design amendments have led to significant improvement to the provision of Common Open Space. Given the deletion of the access ramp from Chapman Avenue, a significant area of COS has been provided on the south-east corner of the site...a rooftop COS area has been provided on Block A which comprises an area of 244m². The rooftop area will provide a gathering area with access to sunlight and district views. The rooftop area will also comprise a shelter space, BBQ area, seating, a water feature, canopy trees and shrub planting. Additionally, a rooftop COS area will also be provided on Block B comprising an area of 99.96m². The pool area located between buildings will also be retained which will achieve a high level of solar access due to its northerly orientation.



The Apartment Design Guide provides the following objective relating to communal open space:

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

Comment:

The proposal provides a total communal open space area of 2,143m² which is 45% of the site area and complies with the design criteria. However, due to the irregular shape of the site, the communal open space is allocated in two separate areas on the ground level with the pool space comprising an area of 275m² and south eastern common open space comprising an area of approximately 560m². In addition, two roof top communal open space areas on Blocks A and B (Levels 6 and 7) are provided with a total area of 337m². The shadow diagrams submitted indicate that given the lot orientation, the ground level south eastern common open space area would not achieve the recommended 2 hours direct solar access to 50% of the principal useable part of the space.

It is considered that the communal open space areas have been designed to provide for quality landscaping outcomes and the pool and rooftop communal open space areas would achieve the required 50% direct solar access for 2 hours during midwinter. As the rooftop areas include the provision of BBQ areas and the pool would provide for active recreational needs, it is considered that an adequate area of communal open space is provided to enhance residential amenity.

In this regard, a variation to the guide is supported.

ii. 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 results in a variation to external and internal building separation requirements as follows:

External Building Separation

The proposal results in an 8.4m building separation between the roof terrace (8th storey) of Building B to the western property boundary. This does not meet the 9m required under the Apartment Design Guide.

Internal Building Separation

The proposal results in a 12m building separation on levels three to six (5th to 8th storey) from the balcony/habitable room windows of A504 to B404, A505 to B403, A604 and A605 to B502, A704 and A705 to B602, A801 and A802 to B702. This does not meet the 18m building separation required under the Apartment Design Guide.

The proposal results in a 13m building separation on the roof terrace of Building A to habitable room windows in Building B (8th to 9th storey) which does not meet the 18 – 24m building separation required under the Apartment Design Guide.

The Applicant has provided the following justification for the variation:

The proposed apartment layout and orientation has been carefully arranged within the parameters set by the DCP to ensure appropriate privacy is achieved within the site and between existing surrounding buildings.

The separation distance to the southern boundary is considered acceptable for the following reasons:

- The development to the south has been approved and is under construction for a residential flat building that substantially exceeds the separation distance to the mutual boundary. Therefore the separation distance between buildings will comply with the ADG.*
- The departure relates to a bedroom, bathroom ensuite and small area of balcony which protrudes from the main floorplate. The bedroom will be treated with highlight windows and the depth of the balcony is limited to ensure no adverse overlooking. Further, the living areas of the respective apartments achieve the separation requirement.*

The separation distance to the south-west corner is considered acceptable for the following reasons:

- The measured distance of 8.4m relates to the building edge and not the trafficable floor area of the roof terrace. The roof terrace is setback from the edge of the building and complies with the ADG separation distance requirement of 9m.*
- The development to the south has been approved and is under construction for a residential flat building that substantially exceeds the separation distance to the mutual boundary. Therefore the separation distance between buildings will comply with the ADG.*

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.

Comment:

External Building Separation

The proposal complies with the external building separation design criteria of the Apartment Design Guide with the exception of the separation distance between Units A504, A604 and A704 in Building A to the southern property boundary (see figure 1) and the roof terrace on the eight storey of Building B to the western property boundary (see figure 2). The Guide recommends 9m building separation to the property boundaries for the 5th to 8th storeys.



Figure 1

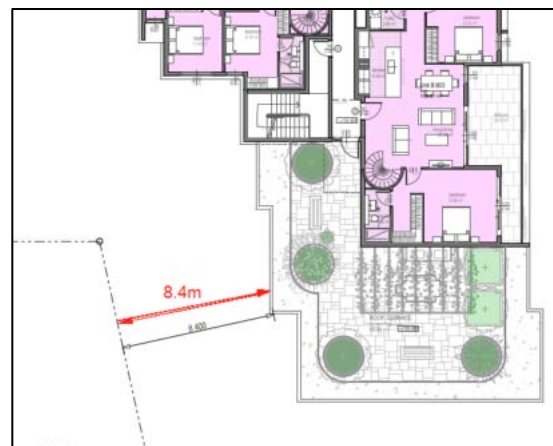


Figure 2

It is considered that the encroachments are minor in nature as the habitable rooms windows are highlight windows, balconies are screened by privacy louvres and the roof terrace has been fenced to restrict access so that trafficable areas are at least 10m from the western property boundary. It is noted that the adjoining development to the south is currently under construction and was approved with generous rear setbacks under 320/2019/JP (refer figure 5). The developments would substantially exceed the ADG separation requirements of 18m for up to 4 storeys and 18m for 5 - 8 storeys. Minimal overlooking impacts would occur as a result of the variation and it is considered the proposal affords a reasonable level of visual amenity to adjoining properties.

Internal Building Separation

The proposal complies with the internal building separation design criteria of the Apartment Design Guide with the exception of the separation distance between Buildings A and B on the third to seventh levels (5th to 9th storeys). An 18m separation for the fifth to eight storey and 24m separation for the ninth storey is recommended by the ADG. 12m has been provided between habitable room windows/balconies on the third to sixth levels (5th to 8th storeys) and 13m has been provided between the roof terrace in Building A and habitable room windows/balconies on the seventh level (8th storey) of Building B. Refer to figures 3 and 4.



Figure 3



Figure 4

The proposal is located on an irregular shaped corner lot. The proposal achieves full compliance with the front setback and side and rear setback controls as required by The Hills DCP. Building B has been designed with highlight windows for all habitable room windows facing Building A and all balconies are screened by walls and privacy screens. In this regard, minimal overlooking impacts would occur as a result of the variation.

The proposed development is considered to afford a reasonable degree of privacy for future residents and the visual privacy and amenity to adjoining developments will not be unduly compromised. The variation to the building separation is considered suitable for the development given the lot configuration. The proposal still provides for a development that is consistent with the desired future character of the Showground precinct, assists in providing residential amenity, 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 is supported.

iii. Solar and Daylight 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 in the proposed development would receive at least 2 hours solar access during the winter solstice, there are 23% (22 of 94) of apartments that will not receive any solar access between 9.00 am and 3.00 pm. The proposal would also result in only 68% of apartments on the adjoining southern property receiving the required solar access.

The applicant has provided the following justification for the variation:

A Solar Access Assessment has been prepared by SLR which assesses the solar access performance of the development. The assessment reveals that the proposed development will achieve a minimum of 2 hours solar access to 70% of apartments between 9am and 3pm on 21 June in accordance with the ADG.

The internal planning of the development has sought to maximise the amenity of south facing apartments by ensuring that the majority of south facing apartments are dual aspect to facilitate natural cross ventilation and maximise outlook.

We also note that the Solar Access Assessment has also considered the shadow cast to the adjoining approved development to the south known as 29-35 Dawes Avenue. The assessment has informed the redesign of the building to redistribute the massing from Block A to Block B with the aim of enhancing solar access to the south. The assessment of the amended design reveals that 67.9% of apartments will receive 2 hours solar access during winter with the majority of apartments affected, being located on the ground floor and level 1 of the approved building. Apartments above level 2 exceed 70% solar access to living areas and balconies. While the proposed development will marginally reduce the performance of the approved building in achieving ADG compliant solar access by 2.1% (which equates to two apartments), we content that a variation is reasonable and justified for the following reasons:

- Each building is compliant with the built form controls that govern the bulk of the development and ultimately the degree of overshadowing including the height controls of both the LEP and DCP; the LEP FSR development standard; and the setback requirements nominated by the DCP.*
- The design has sought to maximise solar access to the greatest extent possible by reducing the overall massing of the development by delivering two buildings. Building separation combined with the modulation of the floorplate of Block B further assist in reducing the amount of overshadowing to the property at 29-35 Dawes Avenue.*
- The site is orientated to the north and east so as to align with the street frontages and maximise solar access. The east-west axis of the building generates an inevitable shadow which cannot be avoided. This is also exacerbated due to the falling topography of the land towards the south.*
- Extensive design testing has been carried out based on solar access and overshadowing advice provided by SLR. The advice has informed the redesign of the proposed scheme to redistribute building mass from Block A to Block B. Notwithstanding the redesign, the building form and massing permitted by the planning controls will inevitably cast a shadow which impacts the lower portion of the approved building to the south. Furthermore, enhancing the separation distance between both buildings will not significantly reduce the shadow cast given the orientation of the site relative to the footprint of the approved development and the parts of the proposed building that generate a shadow cast.*

It is noted that the sites immediately to the east, west and south are envisaged for high density development under the LEP. Given the permissible density for the locality, it is considered that some degree of overshadowing is inevitable. Furthermore, the proposal is largely compliant with the key standards/controls that govern the massing of either building. As such, it is considered that the proposal does not generate additional overshadowing beyond what is permitted by Council's controls and in addition to this, that the design and siting of the building has been duly considered to minimise the extent of the shadow cast.

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.

Comment:

The site is an irregular corner lot and is constrained with an east west lot orientation. Whilst the proposal results in a numerical variation of 8.5% of apartments (8 additional 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. The development has been designed to ensure that the majority of units within the development that do not receive solar access are dual aspect units which would be provided with adequate amenity maximising ventilation and outlook.

The proposal also results in 68% of the living areas on the adjoining southern property achieving the required 2 hours of solar access during midwinter which does not comply with the ADG design criteria as 2 units on the adjoining development fall short of achieving the required 70%. The adjoining development approved under 320/2019/JP is currently under construction. The rear setback provided to the approved development is generally between 9m – 25.5m and the subject proposal provides a minimum building setback of 8m from the rear boundary which results in a building separation of 18m – 33m. This exceeds the 12m (up to 4 storeys) and 18m (5- 8 storey) building separation as required by the ADG. Refer figure 5 below.

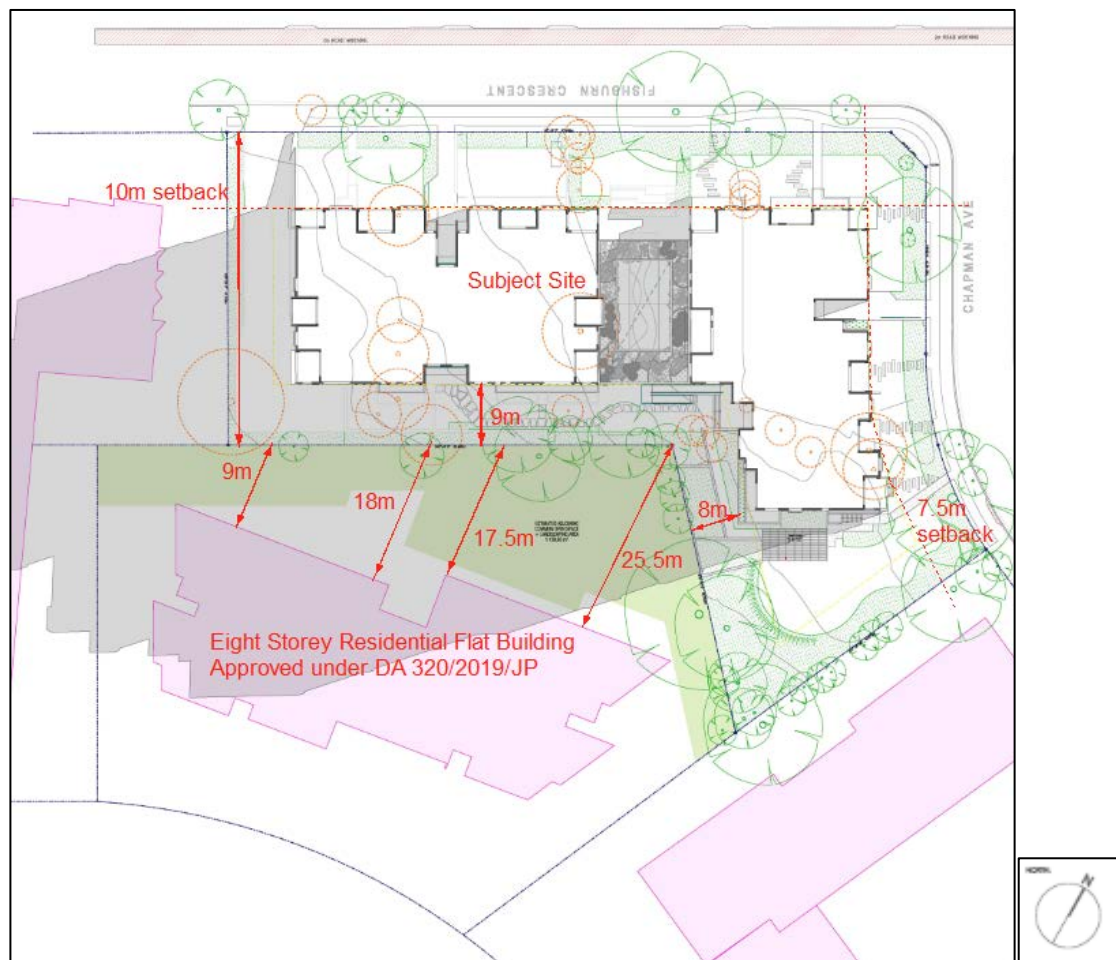


Figure 5

As well as achieving building separation distances in excess of the Apartment Design Guide, the proposal also achieves full compliance with the height development standard, FSR and setbacks required under the LEP and front, side and rear setbacks required under Council's DCP. The solar access report submitted with the application demonstrates that a further rear

setback to the already compliant scheme would result in negligible impacts to the lower north facing units on the adjoining approved residential flat building.

It is considered that given the irregular shape of the land, the east west orientation of the consolidated site, the modest design of utilising a base FSR, compliant height standard and generous rear setbacks and building separation provided, the approval of the subject residential flat buildings would still result in a development outcome which would be appropriate for the site. Despite the numerical non-compliances of units not achieving the required solar access, the subject development and approved development to the south provides for a high level of residential amenity with expansive common open space areas and a good landscaping outcome. In addition, due to the irregular shape of the sites, it is considered approval of this development would not set an undesirable precedent for future residential flat developments in the Precinct.

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

iv. 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 A102, A202, A207, A302, A307 and A406 where the open plan layouts include a depth of up to 9.4 metres from a window.

The proposed kitchens in 6 out of the 94 apartments (6%) result in a numerical variation of up to 1.4m to the maximum depth of 8m from a window. It is noted these units are corner units within Building A. These units 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

a. Permissibility

The Hills Local Environmental Plan 2019 came into force on 6 December 2019. Notwithstanding, Clause 1.8A 'Savings provision relating to development applications' states as follows:

1.8A Savings provision relating to development applications

- (1) If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had not commenced.*

As the Development Application was lodged before the commencement of THLEP 2019, the application must be determined as if this Plan had not commenced. In this regard, the Development Application is determined under The Hills LEP 2012 (LEP 2012).

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 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 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	Block A – 27m (RL 136.55) Block B - 27m (RL 138.95)	Yes
4.4 Floor Space Ratio	1.9:1 Maximum GFA permitted: 9,004.72m ²	1.9:1 Maximum GFA proposed: 8,998m ²	Yes
9.1 Minimum Lot Sizes for Residential Flat Buildings	Residential flat building with a height of 11 metres or more – R4 High Density Residential – 3,600m ²	4,739.33m 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.	No land dedication required.	N/A
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.	10m front setback to Fishburn Crescent.	Yes
9.5 Design	Development consent	Proposal referred to	Yes, refer to

Excellence	must not be granted unless the development exhibits design excellence	Design Review Panel. The proposal has addressed concerns raised by the Panel.	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 Precinct	94 units proposed under the subject Development Application. If this development application is approved, the total number of dwellings approved within the Showground Precinct would be 1,226 units.	Yes

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 Review Panel reviewed the proposal on three occasions (22 May 2019, 22 January 2020 and 25 March 2020). The meeting minutes of the Design Review Panel are included at Attachment 13.

At the final meeting, the Panel provided support of the proposal as *“the proposal can achieve the requirements of design excellence with further refinement as identified in the report”*.

The following is a summary of recommendations made by the Panel:

- a) *Avoid subterranean units and sunken terraces.*
- b) *Retain tree number 27.*
- c) *Provide Sun Eye 3D models at 1 hourly intervals between the hours of 9am and 3pm on June 21st to clarify solar access to living rooms.*
- d) *Ensure common facilities and related spaces are appropriate to the size of the development.*
- e) *Provide rooftop garden areas to provide complaint area with sufficient residential amenity and solar access provision.*
- f) *Provide articulation and diversity of architectural expression between lower and upper levels and between development blocks.*
- g) *Provide external solar shading to exposed windows.*
- h) *Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.*

- i) *Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.*
- j) *Vehicular access to be consolidated and wholly contained within the building footprint.*
- k) *Re-plan ground level around the pool and gym area, minimising level changes and reducing the extent of circulation elements,*
- l) *Provide suitable locations and integration of children's play areas.*
- m) *Engage experienced interior designer to review and improve apartment planning.*
- n) *Provide additional solar access to the pool area with a reduction in the extent of the northern portion of the pool roof.*
- o) *Consider additional means by which solar access could be introduced to the pool area so that the gym/yoga rooms receive some solar access.*
- p) *Rotate substation 90 degrees so that the short side of the substation faces the street frontage. Note: substation should occur in setback area to Unit A106 in lieu of removing area from communal open space landscaped area.*
- q) *Review the layout of the southern area of communal open space to allow for consolidated level areas for children's free play and reduce the impact of OSD pit lids.*

The recommendations have been implemented in the proposal and addressed as follows:

- a) Ground floor apartments and courtyards with street frontages are generally at-grade with the level of footpath. Due to the topography, a small number of units are partially located either below ground level however are still provide of a high level of residential amenity. This is further addressed under a variation to the DCP controls under Section 6 below.
- b) A revised Arborist Report was submitted with the application which confirms tree number 27 can be retained as the driveway has been relocated.
- c) Sun Eye 3D models at one hourly intervals between the hours of 9am and 3pm on June 21st have been submitted. The models confirm that solar access to living rooms comply with ADG criteria.
- d) Improvements have been made to common facilities. The deletion of the access from Chapman Avenue has resulted in an additional communal open space area to the south eastern corner of the site. The proposal now includes 45% of the site as communal open space area.
- e) Rooftop gardens with a combined area of 337m² and sufficient residential amenity and solar access have been provided on Level 6 and 7.
- f) The base and podium of the building has been defined with the use of brickwork and the upper floors have been setback and a lighter render finish has been applied to reduce the overall bulk and scale of the building and to provide a fine-grained architectural expression. Refer to figures below regarding the different design of the facades.



Figure 6 Original Design



Figure 7: Amended Design

- g) Shading devices have been provided to west and north-western facing windows.
- h) A Pedestrian Wind Environment Statement has been prepared by Windtech and submitted with the application. Wind conditions are considered appropriate to outdoor spaces and meet wind consultant recommendations.
- i) Amended landscape plans have been submitted that provide a larger number of large canopy trees along the edges of the site. 35% deep soil has been provided to the development.
- j) The vehicle access via Chapman Avenue has been deleted. Vehicular access is only provide via Fishburn Crescent and contained wholly within the building footprint.
- k) The ground level around the pool and gym area has been reconfigured, minimising level changes and reducing the extent of circulation elements.
- l) Children's play areas are provided on ground level including a swimming pool and a lawn area at the south-western corner of the site.
- m) Inside Touch Interiors were engaged to review the plans submitted and improve apartment planning. Amendments have been incorporated to the floor plans to introduce more natural light, ventilation, sight line to outside from entry of the units, passive surveillance, additional storage space and improve overall functionality.
- n) Additional solar access provided to the pool area with a reduction in the extent of the northern portion of the pool roof.
- o) The opening of the green roof above the pool has been redesigned to allow direct sunlight from the north. The pool area will receive direct sunlight between 10am to 3pm during mid-winter. The adjoining gym and yoga rooms would receive partial solar access as a result of this amended design.
- p) The substation has been rotated 90 degrees so that the short side of the substation faces the street frontage and is located within the setback area to Unit A106.
- q) The layout of the southern area of communal open space has been amended to allow for consolidated level areas and a more functional ground plan that is unencumbered and by OSD pit lids and capable to serve the recreational needs of children's free play.

A comparison of the design schemes are The other matters required to be addressed under Clause 9.5 have been assessed as satisfactory by the Design Review Panel or addressed in other sections of this report. It is considered that the proposal 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
Structure Plan	The structure plan indicates the subject site is for residential development up to 8 storeys in height.	9 storeys in height.	No, refer to discussion below.
Setbacks	Front Setback to Fishburn Crescent is at least 10m Front setback to Chapman Crescent is at least 7.5m Storeys above 4th storey shall be setback a minimum of 4m behind the front building line. Balconies shall not encroach into setback areas.	10m 7m Fishburn Crescent: Building A - Units A401, A505 and A506 Building B - Units B501 and B502 Chapman Crescent: Building B – Units B504, B604, B704 and B803.	Yes No, balconies encroach within the upper level setbacks. Refer to discussion below. No, balconies encroach within the upper level setbacks. Refer to discussion below.
Site Coverage	The site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose). Note: The Determination of site cover includes driveways, footpaths and other impervious surfaces	58% (2,768m ²)	No, refer to discussion below.
Landscaping	A minimum of 50% site area (excluding building footprint, roads, access driveways and parking) shall be landscaped.	43% (2,059m ²)	No, refer to discussion below.
Residential Uses on Ground and First Floors	Ground floor apartments to be elevated a minimum of 300mm and a maximum of 600mm from street level.	Ground floor units A106, B102 and B103 and B106 are lower than street level.	No. Refer to discussion below.
Solar Access and Overshadowing	Development is to ensure 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	An average of 19% landscaped open space of adjoining southern property approved under 320/2019/JP receives 4 hours of sunlight	No. Refer to discussion below.

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED DEVELOPMENT	COMPLIANCE
	3pm on 21 June.	during midwinter.	
Adaptable Housing	For more than 30 dwellings, 10% of all dwellings units are to be adaptable or accessible. For 94 dwellings, 10 adaptable or accessible dwellings required	5.3% of units (5 units) adaptable units provided.	No, however proposal complies with the 5% requirement that applied when the Development Application was lodged. Refer to discussion below.
Parking Design	Parking is to be underground and within the footprint of the building above.	Basement parking encroaches beyond the building footprint (in between Buildings A and B).	No. Refer to discussion below.

a. Showground Precinct Structure Plan

The DCP requires development to comply with the Showground Precinct Structure Plan which indicates residential development of up to 6-8 storeys for the subject site.

The proposal includes residential development of up to 9 storeys for the subject site.

The DCP provides the following objectives relating to the control:

- *To ensure that development occurs in a coordinated manner consistent with the Precinct vision and the development principles of housing diversity, employment opportunities, transit oriented development, quality infrastructure and open space and place making.*
- *To provide a mix of housing, retail, employment and services in appropriate and logical locations within the Precinct.*
- *To local higher scale residential apartments and commercial use closest to the station, the Castle Hill Showground and Cattai Creek corridor to optimise access to station facilities as well as outlook and natural amenity.*

Comment:

The Showground Station Structure Plan is indicative only. The proposed development complies with the height standard of 27m. The development has been designed to respond to this gradient, ensuring both Fishburn Crescent and Chapman Crescent street edges are appropriately addressed. The proposal is commensurate with residential flat building developments approved on adjoining properties.

In this regard, the variation to the structure plan is considered satisfactory.

b. Front and Upper Level Setback

The DCP requires that the front setback on Fishburn Crescent is at least 10m, the front setback on Chapman Avenue is 7.5m and the storeys above 4th storey shall be setback a minimum of 4m behind the front building line. Balconies are not permitted to encroach into setback areas.

Units A401, A505 and A506 and Units B501 and B502 include balconies which encroach within the upper level setback required from Fishburn Crescent. Units B504, B604, B704 and

B803 include balconies which encroach within the front and upper level setback required from Chapman Crescent.

The Applicant has provided the following justification for the variation:

The proposal incorporates upper level setbacks that comply with the 4m setback requirement above the 4th storey. Notwithstanding, balconies for A401, A506, B501, B502, B504, B506, B704 and B804 extend into the setback area. While we are of the opinion that the balconies do not form part of the front building line for the purposes of the DCP control, we understand the LEP defines balconies as being included in the front building line. For abundant caution, the following justification is provided:

- The respective balconies do not contribute to building mass and are not visually obtrusive to the streetscape. The building form of the upper portion of the building is well defined and consistent with the built form objectives of the DCP to define a strong building base and to minimise bulk and scale.*
- The setback area has been strategically used to facilitate larger balconies to enhance the amenity of the respective apartments. The use of the setback as private open space is an efficient use of the area and will enable passive surveillance to the street and will optimise the northerly orientation of the balconies to maximise solar access.*
- The design has been endorsed by the Design Review Panel which reinforces that the proposal adopts a building form and aesthetic which exhibits design excellence.*

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.*

Comment:

The building facades comply with the front building and upper floor setbacks control. The variation relates to balconies which encroach within these setback controls.

The intent of the front setbacks control is to provide a strong definition to the public domain, create a consistent streetscape and 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 buildings provides a distinct base and upper element which has substantial articulation and high quality architectural features. The building comprises a four-storey podium design that is further set back from the front building line. Due to the topography of the site, the buildings “step up” toward Chapman Crescent, resulting in transitioning of building and podium heights and distinction to the facades when viewed from Fishburn Crescent. Only Building B fronts Chapman Crescent and the dark, brick face podium provides a clearly defined base with the upper floor building façade being further setback and treated with a lighter rendered finish from the fourth storey. The architectural treatment results in a reduction in the overall bulk and scale of the building and provides a fine-grained architectural expression. The Design Review Panel reviewed this proposal on three occasions and considers the proposal exhibits design excellence.

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.

c. Site Coverage

The DCP requires site coverage should not exceed 50% of the site area (excluding land to be dedicated or acquired for a public purpose) and notes that determination of site cover includes driveways, footpaths and other impervious surfaces. In accordance with this definition, the proposal provides for 58% site coverage of the site area.

The Applicant has provided the following justification for the variation:

The amended landscape plans include a revised site coverage calculation within Drawing No. DA405 which indicates a maximum site coverage of 38.6%. The proposed calculation of site coverage is based on the LEP definition for site coverage as depicted below:

Site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,*
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,*
- (c) any eaves*
- (d) unenclosed balconies, decks, pergolas and the like.*

We highlight a significant discrepancy in the definition of site coverage between the LEP and DCP with the latter failing to incorporate a clear definition within the Glossary of the DCP. Rather the DCP provides a supplementary note, as part of the prescribed control, that the determination of site coverage includes driveways, footpaths and other impervious areas. Considering this, we highlight the provisions of Section 3.42(1) and (5) of the EP&A Act 1979 which relates to the purpose and status of Development Control Plans as follows:

- (1) The principal purpose of a development control plan is to provide guidance on the following matters to the persons proposing to carry out development to which this part applies and to the consent authority for any such development:*
 - a. Giving effect to the aims of any environmental planning instrument that applies to the development,*
 - b. Facilitating development that is permissible under any such instrument,*
 - c. Achieving the objectives of land zones under any such instrument.*

The provisions of a development control plan made for that purpose are not statutory requirements.

(5) A provision of a development control plan (whenever made) has no effect to the extent that:

- (a) it is the same or substantially the same as a provision of an environmental planning instrument applying to the same land, or*
- (b) it is inconsistent or incompatible with a provision of any such instrument.*

(Emphasis added)

In this respect, we consider that the imposition of a site coverage control that is undefined in the glossary of the DCP and that is supported with a supplementary note on the determination of site coverage is inconsistent with the site coverage definition of the LEP and is therefore contrary to the provisions of the Act. In this regard, it is our view that the site coverage control

should be defined strictly in accordance with the LEP being the prevailing environmental planning instrument, in which case, numerical compliance with the DCP is achieved.

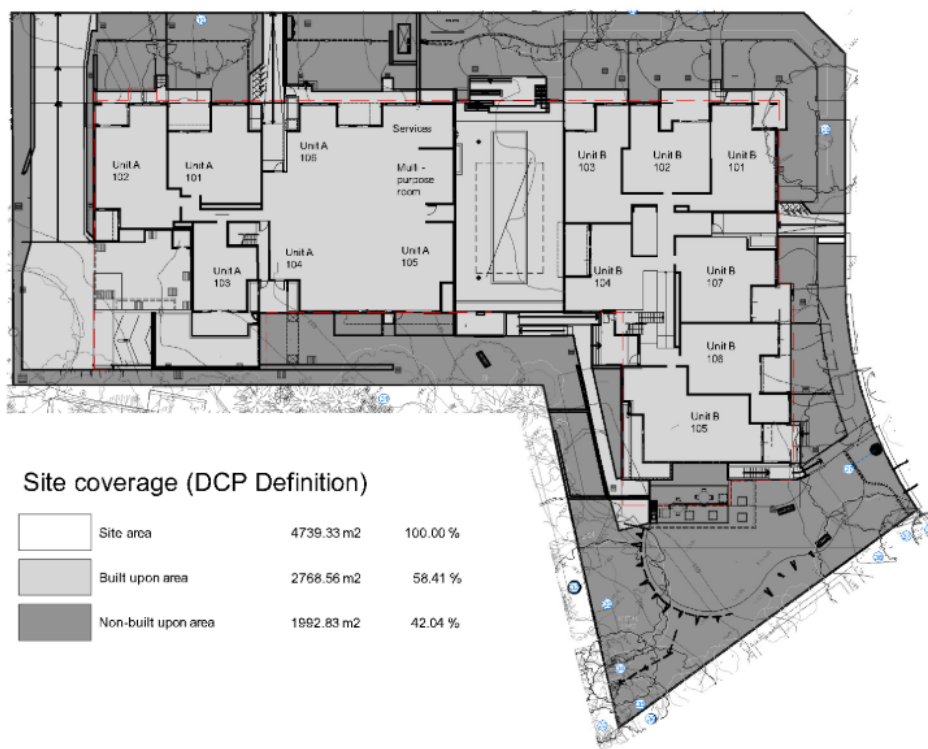
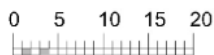
Notwithstanding the above, the proposal would achieve a site coverage of 58% if calculated in accordance with the DCP, noting that this includes the area of all impervious communal open space areas including the footprint of the swimming pool and landscaping features within the building footprint. To achieve 50% site coverage pursuant to the determination of the DCP would require the removal of the driveway, the pool area and the basement below which would significantly undermine the viability of the proposed development.

Furthermore, we note that compliance with the DCP control is intended is considered to be highlight unreasonable when considered in combination with the prescribed building envelope permitted for the site and in combination with the landscaping control of 50%. In this respect, we are of the opinion that the site coverage control and the landscaping control as prescribed by the DCP cannot be achieved concurrently given that no redundancy has been afforded between both controls and this should form part of any consideration to support a variation to the intended control of the DCP.

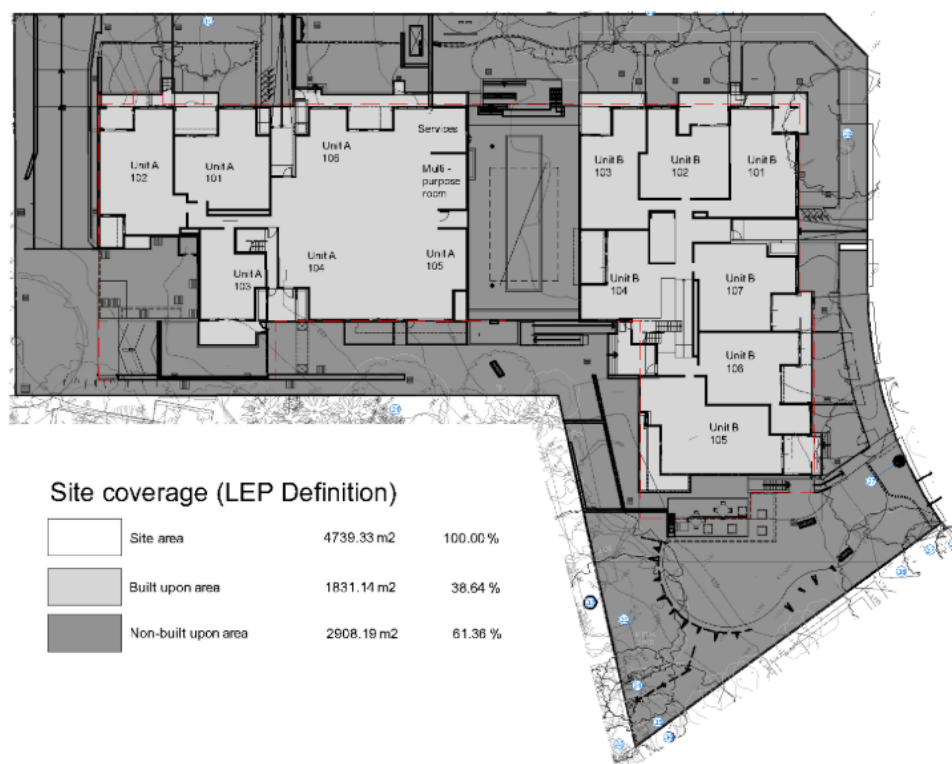
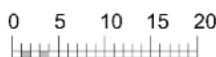
Notwithstanding the above and for abundant caution, we note that variation to the DCP site coverage, if calculated in accordance with the 'note' that supplements the prescribed control, is satisfactory for the following reasons:

- The site has an L shaped geometry which restricts the depth of the site, limiting the ability to enhance areas outside of a complaint building envelope for landscaped purposes when considering basement design and building footprints.*
- The proposed envelope is predominately consistent with the prescribed development standards and development controls applying to the site.*
- The proposed development provides for 35% deep soil areas and 45% of communal open space, substantially exceeding the requirements of the ADG.*
- The proposed building incorporates rooftop common open space areas which are landscaped and provides enhanced residential amenity above the ground plane.*
- The driveway footprint has been refined to enhance landscaping opportunities however the footprint is bound by the requirement to accommodate all vehicle movements including service vehicles.*
- The ground plane landscaping treatment is of a high quality providing for a range of planting, recreational features and open space for the enjoyment of residents.*
- The pool and associated pool area contribute to site coverage however provides a significant communal facility which will enhance the amenity of residents.*

Site coverage plan 1:400 @ A1
(DCP Definition)



Site coverage plan 1:400 @ A1
(LEP Definition)



The DCP provides the following objectives relating to the control:

- To provide sufficient space for landscaping that will complement the building form and enhance the landscape character of the street.
- Development sites have sufficient area to provide adequate access, parking, landscaping and building separation.

Comment:

The DCP requires driveways, footpaths and other impervious surfaces to be included in the site coverage calculation. If the hard paved areas including footpaths were not included in the calculation, the proposal would comply with the control.

The proposal provides for a high quality landscape outcome for the site with 35% deep soil landscaping which is 28% more than the design criteria of the Apartment Design Guide. In addition, the amount and quality of soft landscaping has increased as recommended by the Design Review Panel with the retention of additional trees on site and the provision of an additional communal open space area to the south eastern corner of the site.

It is considered that the proposal provides sufficient space for landscaping that will complement the built form, enhance the character of the street frontages.

To ensure sufficient landscaping is maintained for areas designated as deep soil, a condition is recommended that all paths above deep soil zones are to be of pervious material (refer condition No. 12).

In this regard, the variation to the site coverage control is considered satisfactory.

d. Landscaping

The DCP requires a minimum of 50% of the site area shall be landscaped. The proposal provides for 43% of the site area (2,059m²).

The Applicant has provided the following justification for the variation:

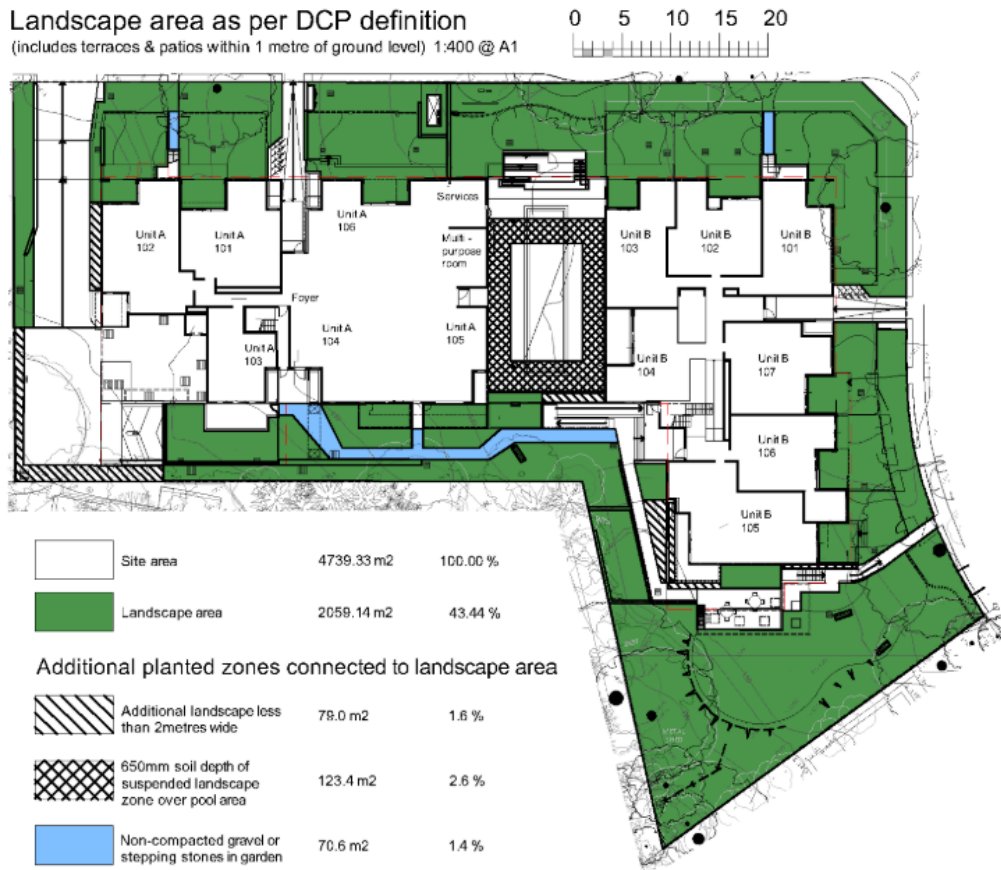
The proposal has been amended to include 2,059m² (43%) of landscaping area which is a marginal shortfall to the landscaped area control of 50%. This has been depicted on Sheet No. 4 of the amended landscaped plans and does not include 337.32m² of communal open space provided on the rooftops of Block A and B nor the entire pool area. These areas are considered to contribute to the landscaping qualities of the development. Notwithstanding the non-compliance, it is critical to note that the proposal significantly exceeds the required deep soil zone of 7% and provides 41% of deep soil zone areas.

We also refer to the DRP response dated 2 June 2020 which contained justification seeking a variation to the landscaped area control as reproduced below.

The proposed landscaped area has been recalculated in accordance with the comments provided by Council's Landscape Assessment officer. The proposal will achieve a landscaped area of 43.4% which excludes areas of the building and basement footprint, driveway and paved areas. The proposal has been amended to further refine hardstand areas in order to increase the landscaped area on the site. While the increase in landscaped area is marginal, the shortfall is considered to be acceptable for the following reasons:

- *The L-shaped geometry of the site precludes a standard rectangular building footprint which makes it difficult it to provide singular large areas of expansive landscaped and communal open space.*
- *The proposed building form is wholly within the prescribed building envelope permitted for the site.*
- *The requirement to provide on-site waste collection and the levels of the site require a relatively large driveway area to accommodate Council's waste vehicle requirements.*
- *The network of pedestrian footpaths to service the development has been refined to be as efficient as possible to minimise their footprint.*

- The proposal provides an array of varying landscaped communal open space areas to enhance the amenity of visitors and residents. These areas include the south-east corner which enables passive and active recreation at the ground-plane, the pool and associated green roof which provides 650mm of soil depth for planting and two roof top areas which will be appropriately landscaped. Further, the front setback is generous and will be landscaped in accordance with Council requirements to soften the built form at the streetscape.



The DCP provides the following objectives relating to the control:

- To maximise opportunities for landscaping, including the retention and/or planting of trees within deep soil areas to ensure a high level of amenity.
- To assist with the management of water quality.
- To provide communal open space areas for the enjoyment of residents.
- To ensure development sites have sufficient space for landscaping that will complement the building form and enhance the landscape character of the street.

Comment:

The DCP requires that a minimum of 50% of the site (excluding building footprint, roads, access driveways and parking) shall be landscaped. Terraces and patios within 1m of natural ground level shall be included in the calculation of landscaped open space.

Whilst the proposal results in a 7% shortfall to the landscape area control, the development provides for a high quality landscape outcome with 35% deep soil provided for the development. In accordance with the Design Review Panel's recommendations, a comprehensive landscape design has been submitted which indicates that more existing trees are retained, more street trees are provided as required under the public domain plan, larger

canopy trees are provided around the edges of the site, services have been screened and integrated to the landscaping and an additional landscaped common open space has been provided at the south eastern corner of the site for the enjoyment of residents.

It is considered that the proposal provides sufficient space for landscaping that will complement the building form and enhance the landscape character of the street. To ensure sufficient landscaping is maintained for areas designated as deep soil, a condition is recommended that all paths above deep soil zones are to be of pervious material (refer condition No. 12).

e. Residential Uses on Ground and First Floors

The DCP requires ground floor residential apartments be elevated from the street level by a minimum of 300mm and a maximum of 600mm. Ground floor units A106, B102 and B103 front Fishburn Crescent and are up to 900mm below street level. Unit B106 fronts Chapman Crescent and is located at street level.

The Applicant has provided the following justification for the variation:

Apartments along Fishburn Crescent and Chapman Avenue are accessed via the building's internal lobby but also incorporate pedestrian paths that provide a connection to the street frontage. Accordingly, ground level apartments will contribute to the activation of the street frontage.

The DCP requires that ground floor residential apartments be elevated from the street level by a minimum of 300mm and a maximum of 600mm. Due to the topography, a small quantity of ground floor apartments (A106, B102, B103 and B106) are partially located either below natural ground or are not elevated a minimum of 300mm above the street level. Notwithstanding, these apartments will continue to receive a high level of residential amenity for occupants. Courtyards are located in the areas partially located below natural ground level although a large proportion of the courtyard area is either flush or above street level. These courtyards will assist in providing sunlight and cross ventilation to the habitable space areas within these apartments which consist of bedrooms and living rooms. Further, the apartments will also assist in the passive surveillance of the streetscape.

The relevant objective of the control is:

- *To provide residential activation to streets.*
- *To provide for residential identity and legibility.*
- *To introduce a fine grain-built form and architectural diversity within a street block and/or building development.*

Comment:

The variation to the control requiring finished floor levels to be elevated between 300mm and 600mm above street level is supported due to the topography of the site which falls away from Chapman Avenue. The majority of units are at street level, with the exception of Unit A106 which is up to 900mm below the footpath due to the cross fall of Chapman Avenue and the adjoining pool podium.

Ground floor units A106, B102, B103 and B106 all comprise large private courtyards with open space areas between 37m² to 105m². These courtyards are predominantly located at street level, have been integrated to the front landscaped setback, designed with high quality landscaping and individual gates to the street. A reasonable level of amenity has been provided to these north facing courtyards with sufficient solar access and ventilation being provided to these units.

It is considered that notwithstanding the variations to the ground and first floor units, the proposal still provides for fine grain built form and architectural diversity and residential identity and legibility. In this regard, the variation to the control is considered satisfactory.

f. Solar Access to adjoining properties

The DCP requires that development is to ensure 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. The adjoining southern property approved under 320/2019/JP would receive 4 hours of sunlight during midwinter to an average of 19% landscaped open space.

The Applicant has provided the following justification for the variation:

Extensive design testing has been carried out based on solar access and overshadowing advice provided by SLR. The advice has informed a redesign of the proposed scheme to redistribute building mass from Block A to Block B. Notwithstanding the redesign, the building form and massing permitted by the planning controls will inevitably cast a shadow which impacts the lower portion of the approved building to the south. Furthermore, enhancing the separation distance between both buildings will not significantly reduce the shadow cast given the orientation of the site relative to the footprint of the approved development and the parts of the proposed building that generate a shadow cast...it is noted that the sites immediate to the east, west and south are envisaged for high density development under the LEP. Given the permissible density for the locality, it is considered that some degree of overshadowing is inevitable. Furthermore, the proposal is largely compliant with the key standards/controls that govern the massing of either building. As such, it is considered that the proposal does not generate additional overshadowing beyond what is permitted by Council's controls and in addition to this, that the design and siting of the building has been duly considered to minimise the extent of the shadow cast.

The relevant objectives of the control are:

- *To ensure that overshadowing from new development does not result in significant loss of sunlight and diminish the enjoyment of public and private open spaces.*
- *To protect, and where possible, increase the level of sunlight to public and private open spaces during the times of the year when outdoor spaces are most commonly used.*
- *To facilitate the equitable sharing of future impacts of new development on the public domain.*

Comment:

Similar to the discussion under Section 3b of this report, the variation to the landscaped open space of the adjoining southern property is a result of the irregular shape of the site and the east west orientation of the consolidated site.

A Solar Access report prepared by SLR was submitted as recommended by Council's Design Review Panel. This report has informed the redesign of the massing of the proposal and the design has been substantially amended from the plans lodged at pre-lodgement stage. The proposal seeks to maximise solar access by the redistribution of building massing in Blocks A and B.



Figure 8 Massing of DA as lodged

Due to the site's east west orientation with a 5m fall to the south, a fully compliant building envelope will inevitably cast a shadow to the landscaped open space and lower portion of the building approved to the adjoining southern property. In contrast to a single building mass as approved under the adjoining southern site, the two blocks with a 12m building separation would allow for improved solar access. The solar access report has indicated that increasing the building separation to the south beyond what is required under the ADG recommendations and DCP controls will not significantly reduce the shadow cast given the lot orientation.

The proposal complies with the height and FSR development standards prescribed under the LEP. The proposal also provides for compliant rear setbacks and results in a building separation that exceeds the requirements of the Apartment Design Guide. Despite the numerical non-compliance of landscaped open space not achieving the required solar access, the subject development and approved development to the south provides for expansive common open space areas and a good landscaping outcome. It is considered that a high level of residential amenity with would be provided for future occupants of the adjoining development at 29 – 35 Dawes Avenue.

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

g. Parking Design

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 Applicant has provided the following justification for the variation:

The DCP requires car parking to be underground and within the footprint of the building above. A minor departure to the control is sought for car parking located below the pool area. A variation is considered to be satisfactory given that the car park is situated below a communal open space used for a pool and will not compromise areas of landscaping and deep soil. Further, adopting a single basement design across two buildings will preclude the requirement to provide a separate vehicular entry point.

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.*

Comment:

Whilst portions of the basement encroach beyond the building footprint, this occurs internally within the site between Blocks A and B and a point encroachment to the western rear boundary at the south eastern corner of the site. Notwithstanding these encroachments, the basement is not visible from the public realm and provides adequate setbacks along the front, side and rear property boundaries and would provide for 35% 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.

h. 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 5 adaptable dwellings (5.3%) 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.*

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. Whilst there is a shortfall of 5 adaptable/accessible units to the newly adopted control, 17% of the total apartments (16 units) have been designed following 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. Referrals

a. External Agencies

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. 4).

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. 5).

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. 39, 58 and 85).

b. Internal Referrals

The application was referred to the following sections of Council:

SUBDIVISION ENGINEERING COMMENTS

The subject development drains to the south and would require connection to the proposed easement on the adjoining lot approved under development consent 320/2019/JP at Nos. 29 – 35 Dawes Avenue. A deferred commencement condition is recommended requiring the registration of two separate 1.5m wide drainage easements over the downstream properties and approval and construction of the actual inter-allotment drainage easement through these properties. Subject to this deferred commencement condition; no objection is raised to the proposal. Conditions regarding engineering works (condition Nos. 17 and 36, 74), the design and construction of the Onsite Detention System (condition Nos. 32, 77), creation of restriction/positive covenants (condition No. 78) and water sensitive urban design (refer condition No. 79) are also recommended in the development consent.

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 variations to SEPP 65 Apartment Design Guide with respect to communal open space, solar access, building separation and apartment layout design criteria and the variations to the DCP with respect to the structure plan, setbacks, site coverage, landscape area, residential uses on ground and first floors, solar access adaptable housing and underground parking not being within the building footprint have been assessed on merit and are considered worthy of support.

It is considered that the proposal exhibits design excellence, is consistent with the desired future character of the Showground Station Precinct, follows transit oriented development principles, provides for a high quality architectural design incorporating transitions in heights and substantial landscaping within the frontages and provides appropriate residential amenity for future occupants of the site and adjoining properties.

No submissions were received objecting to the proposed development.

Deferred commencement is recommended subject to conditions.

IMPACTS:

Financial

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

The Hills Future - Community Strategic Plan

The 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.

The Hills Local Strategic Planning Statement

The Hills Future 2036 Local Strategic Planning Statement was made on 6 March 2020. The proposal has been considered against the outcomes planned within the Local Planning Strategic Planning Statement and Implementation Plan. In particular, Planning Priority 8 seeks to plan for a diversity of housing with access to jobs and services. It is envisaged that the Showground Station Precinct would provide approximately 9,000 additional dwellings by 2036. The proposal provides for housing diversity with only 14% of the total number of dwellings being 1 bedroom units and 22% of units being 3 bedroom units. The development would provide for an additional 94 dwellings to the emerging precinct. In this regard, the proposal is considered to be consistent with the outcomes planned under The Hills Local Strategic Planning Statement.

RECOMMENDATION

The Development Application be approved subject to the following:

DEFERRED COMMENCEMENT

Pursuant to Section 4.16(3) of the Environmental Planning and Assessment Act 1979 deferred commencement consent is granted subject to:

A. Registration of Easement

1. The registration of two separate 1.5m wide drainage easements over the downstream properties; Lots 24, 25, 26 and 27 DP 255722, 29-35 Dawes Avenue.
2. Approval (under the Local Government Act 1993 or the Environmental Planning Assessment Act 1949 as per Development Consent 320/2019/JP) and construction of the actual inter-allotment drainage through the above properties.

B. The applicant must provide Council with written evidence demonstrating that the matters listed under Part A1 and A2 above have been satisfactorily addressed no later than four weeks before the notice of expiry date.

C. Upon compliance with the requirements of Part A1 and A2, a full consent will be issued subject to the following conditions:

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

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

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	REVISION	DATE
DA-39	Demolition Plan	F	23/07/2020
DA-03	Site Plan	F	23/07/2020
DA-04	Basement 03	F	23/07/2020
DA-05	Basement 2	F	23/07/2020
DA-06	Lower Ground Level	F	23/07/2020
DA-07	Ground Level	F	23/07/2020
DA-08	First Level Plan	C	27/02/2020
DA-09	Second Level Plan	C	27/02/2020
DA-10	Third Level Plan	C	27/02/2020
DA-11	Fourth Level Plan	C	27/02/2020
DA-12	Fifth Level Plan	C	27/02/2020
DA-13	Sixth Level Plan	C	27/02/2020
DA-14	Seventh Level	C	27/02/2020
DA-15	Roof Level	C	27/02/2020
DA-16	North and East Elevations	C	27/02/2020
DA-17	South and West Elevations	C	27/02/2020

DA-18	Section A	C	27/02/2020
DA-19	Section C	C	27/02/2020
DA-20	Section E, E1 Elevation	C	27/02/2020
DA-21	Sections B, D, E2 Elevation	C	27/02/2020
-	Landscape Site Plan	H	22/06/2020
-	Detail Plan – Lower Ground Floor	H	22/06/2020
-	Detail Plan - Ground Floor	H	22/06/2020
-	Planting Plan – Lower Ground Floor	H	22/06/2020
-	Planting Plan – Ground Floor	H	22/06/2020
-	Landscape Plan Level 2, 3 & 4	H	22/06/2020
-	Landscape Plan Level 6 & 7 Terraces	H	22/6/2020
-	Details & Roof Terrace Planter Types	H	22/6/2020
-	Sections	H	22/06/2020
-	Detail Plan – Suspended Planter Over Pool Slab	H	22/06/2020
DA-32	External Materials	D	6/05/2020
-	Photomontage 1	-	Received on 2/6/2020
-	Photomontage 2	-	Received on 2/6/2020

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. Construction Certificate

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

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. 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.
- 3-5m of cleared space to be located either side of residential pathways and bicycle routes.

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.

5. 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. Note the Design Brief issued by Endeavour Energy on 25 January 2019 (EE Ref: UML8670 – 2018/00567/001) is only valid for three (3) months from the date of issue.

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>

- **Urban Network Design**

The proposal is to comply with Endeavour Energy's Company Policy 9.2.5 'Network Asset Design' and requirements for electricity connections to new urban subdivision/development under Section 5.11 Reticulation Policy.

- **Street lighting**

With the significant increase in both vehicular and pedestrian traffic, given the existing street lighting is designed for a non-urban environment, the street lighting for the proposed development should be reviewed and if necessary upgraded to comply with the series of standards applying to the lighting of roads and public spaces set out in with Australian/New Zealand Standard AS/NZS 1158: 2010 'Lighting for roads and public spaces' as updated from time to time.

Whilst the determination of the appropriate lighting rests with the road controlling authority, Endeavour Energy as a Public Lighting Service Provider is responsible for operating and maintaining the streetlights on behalf of local councils, Roads and Maritime Services and other utilities in accordance with the NSW Public Lighting Code, January 2006 (Code). Endeavour Energy recognises that well designed, maintained and managed Public Lighting offers a safe, secure and attractive visual environment for pedestrians and drivers during times of inadequate natural light.

For any Code implementation and administration / technical matters please contact Endeavour Energy's Substation Mains Assets Section via Head Office enquiries on telephone: 133 718 or (02) 9853 6666 from 8am - 5:30pm or email mainsenquiry@endeavourenergy.com.au.

- **Earthing**

The construction of any building or structure (including fencing, signage, flag poles, hoardings etc.) whether temporary or permanent that is connected to or in close proximity to Endeavour Energy's electrical network is required to comply with Australian/New Zealand Standard AS/NZS 3000:2018 'Electrical installations' as updated from time to time. This Standard sets out requirements for the design, construction and verification of electrical installations, including ensuring there is adequate connection to the earth. Inadequate connection to the earth to allow a leaking/fault current to flow into the grounding system and be properly dissipated places persons, equipment connected to the network and the electricity network itself at risk from electric shock, fire and physical injury.

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

The electricity industry has adopted a policy of prudent avoidance by doing what can be done without undue inconvenience and at modest expense to avert the possible risk to health from exposure to emissions from electricity infrastructure such as electric and magnetic fields (EMF) and noise which generally increase the higher the voltage ie. Endeavour Energy's network ranges from low voltage (normally not exceeding 1,000 volts) to high voltage (normally exceeding 1,000 volts but not exceeding 132,000 volts / 132 kV). In practical terms this means that when designing new transmission and

distribution facilities, consideration is given to reducing exposure and increasing separation distances to more sensitive uses such as residential or schools, pre-schools, day care centres or where potentially a greater number of people are regularly exposed for extended periods of time.

These emissions are usually not an issue but with Council's permitting or encouraging development with higher density, reduced setbacks and increased building heights, but as the electricity network operates 24/7/365 (all day, every day of the year), the level of exposure can increase.

Applicants (and Council) should also adopt a policy of prudent avoidance by the siting of more sensitive uses eg. the office component of an industrial building, away from and less susceptible uses such as garages, non-habitable or rooms not regularly occupied eg. storage areas in a commercial building, towards any electricity infrastructure – including any possible future electricity infrastructure required to facilitate the proposed development.

Where development is proposed near electricity infrastructure, Endeavour Energy is not responsible for any amelioration measures for such emissions that may impact on the nearby proposed development. The proposal is to copy of Energy Networks Association's 'Electric & Magnetic Fields – What We Know' which can also be accessed via their website at <https://www.energynetworks.com.au/electric-and-magnetic-fields>

- **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.

6. External Finishes

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

7. Tree Removal

Approval is granted for the removal of twenty-five (25) trees located in Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural dated 06/07/20 numbered 1-5, 7, 11, 12, 14, 15, 16^{x4}, 17, 19, 20, 22^{x3}, 28, 29, 40, 41 & 42.

All other trees are to remain and are to be protected during all works.

8. Planting Requirements

All trees planted as part of the approved landscape plan prepared by Paul Scrivener Issue H dated 22/06/20 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. All ornamental grasses planted as part of the approved landscape plan are to be minimum 150mm pot size.

For all planting on slab and planter boxes allow the following minimum soil depths:

- 1.2m for large trees or 800mm for small trees;
- 650mm for shrubs;
- 300-450mm for groundcover; and
- 200mm for turf.

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

9. Irrigation

An automatic watering system is to be installed as a minimum to all common areas. Details including backflow prevention device, location of irrigation lines and sprinklers, and control details are to be communicated to Council or Private Certifier prior to issue of the construction certificate.

10. 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 dated 06/07/20 including, but not limited to the following recommendations outlined in the report:

- Tree 6 – The section of the driveway within the Tree Protection Zone (TPZ) of the tree is to be constructed using tree sensitive excavation and construction techniques.
- Tree 26 – The section of the development within the TPZ of the tree is to be constructed using tree sensitive excavation and construction techniques.
- Tree 27 – The section of pathway within the TPZ of the tree is to be constructed using tree sensitive excavation and construction techniques.
- Trees 10, 26, 30 - 36 & 38 – Where stormwater (pipes &/or pits) and associated infrastructure are to be installed with the TPZ, they are to be installed by hand with non-motorised machinery. Works are to be undertaken under supervision by the project arborist.
- Trees 33, 34, 35 & 36 – Where stormwater pipes are to be installed within the Structural Root Zone (SRZ), thrust boring is to be undertaken to a minimum depth of 600mm below the centre of the trunks, with works undertaken under supervision by the project arborist.

11. Tree Removal on Public Land

Approval is granted for the removal of three (3) trees numbered 7, 40, and 41 in Arboricultural Impact Assessment and Tree Management Report prepared by Redgum Horticultural dated 06/07/20 located on the Council nature strip that will be impacted by works associated with the development.

All tree works must be undertaken by the owner/applicant at their cost. Prior to any works commencing on site, the owner/applicant must provide the following details to The Hills Shire Council's Manager – Environment & Health:

- Time and date of when the tree works will occur;

- Full details of the contractor who will be undertaking tree works (Minimum AQF level 3 Arborist);
- Current copy of the contractors Public Liability Insurance (Minimum \$10,000,000).

Note: The owner/applicant is to keep a photographic record pre and post tree removal works of the tree and surrounding Council infrastructure (e.g. concrete footpath, kerb & gutter) and provide these to Council upon request. The grass verge must be reinstated with any holes filled to existing natural ground level.

12. Permeable paving

Permeable paving is to be used for paths and paved areas within deep soil zones within proposed landscaping.

13. Property Numbering and Cluster Mail Boxes for Integrated Housing, Multi Unit Housing, Commercial Developments and Industrial Developments

The responsibility for property numbering is vested solely in Council.

The overall property address for this development is: -

11 Fishburn Crescent Castle Hill

Building A property address is **11 Fishburn Crescent Castle Hill**

Building B property address is **28 Chapman Avenue Castle Hill**

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

Level	Building A	Building B
Ground	G01 – G07	G08 – G14
One	101 – 108	109 – 115
Two	201 – 208	209 – 215
Three	301 – 307	308 – 314
Four	401 – 406	407 – 410
Five	501 – 506	507 – 510
Six	601 – 606	607 – 610
Seven	701 – 703	704 - 706

These addresses shall be used for all correspondence, legal property transactions and shown on the final registered Deposited Plan/Strata Plan lodged with Land Registry Services NSW as required.

Under no circumstances can unit numbering be repeated or skipped throughout the development regardless of the building name or number.

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.

Mail Boxes

One Cluster mail box for each Building is to be located at each pedestrian entry fronting the public footpath boundary within easy reach from a public road for the postal delivery officer.

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. The

proprietor's additional mail box is to be located within the cluster located at Building A, 11 Fishburn Crescent Castle Hill.

Strata Developments

All approved developments that require subdivision under a Strata Plan, must submit a copy of the final strata plan to Council's Land Information Section before it is registered for the approval and allocation of final property and unit numbering. This applies regardless of whether the PCA is Council or not.

It is required that Lot numbers within the proposed strata plan all run sequentially within the same level, commencing from the lowest level upwards to the highest level within the development.

Please call 9843 0555 or email a copy of the final strata plan before it is registered to council@thehills.nsw.gov.au for the allocation of final Property and Unit numbering required to be included within the registered Strata Administration sheet.

14. 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 or Subdivision Certificate is issued. Any damage must be made good in accordance with the requirements of Council and to the satisfaction of Council.

15. 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 (namely, the Medium Rigid Vehicle for waste collection/ access to the loading dock).
- All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.
- The driveway long-section needs to be amended on the plans included with the Construction Certificate so that it extends to the centreline of Fishburn Crescent demonstrating compliant grades through the footpath verge/ at the front boundary.

16. 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.

17. 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.

The driveway must be maximum 7.4m wide at the boundary splayed to maximum 9.4m wide at the kerb.

b) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with kerb and gutter together with the restoration and turfing of the adjoining footpath verge area. Specifically, this includes the removal of any existing laybacks, regardless of whether they were in use beforehand or not.

c) Concrete Footpath Paving

A 1.5 wide concrete footpath paving, including access ramps at all intersections, must be provided across the street frontage of the development site transitioning into the existing footpath/verge adjacent in accordance with the above documents.

d) Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

e) Site Stormwater Drainage

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

f) Inter-allotment Stormwater Drainage

Piped inter-allotment stormwater drainage catering for the entire area of each lot must be provided. Each lot must be uniformly graded to its lowest point where a grated surface inlet pit must be provided. All collected stormwater is to be piped to an approved constructed public drainage system.

Where Onsite Stormwater Detention is required, a minimum level difference of 800mm measured between the surface level and the invert of the outlet pipe must be provided.

g) Earthworks/ Site Regrading

Earthworks are limited to that shown on the approved plans. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

h) Service Conduits

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

18. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. 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.

19. 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.

20. 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.

21. Commencement of Domestic Waste Service

A domestic waste service must be commenced with Council and its Contractor. The service must be arranged no earlier than two days prior to occupancy and no later than seven days after occupancy of the development. All requirements of Council's domestic waste

management service must be complied with at all times. Contact Council's Resource Recovery Team on (02) 9843 0310 to commence a domestic waste service.

22. 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: 13	No. of 2 Bedroom Units: 60	No. of 3 Bedroom Units: 21	Sum of Units	No. of Credits: 5	Total \$7.11
Open Space - Land	\$ 4,285.10	\$ 5,999.13	\$ 7,427.50	\$ 9,712.55	\$ 55,706.36	\$ 359,947.82	\$ 155,977.47	\$ 571,631.65	\$ 49,562.76	\$ 523,068.89
Open Space - Capital	\$ 2,165.97	\$ 3,032.36	\$ 3,754.35	\$ 4,909.37	\$ 28,157.59	\$ 181,941.60	\$ 78,841.34	\$ 288,940.53	\$ 24,546.85	\$ 264,393.68
Transport Facilities - Land	\$ 1,065.73	\$ 1,492.02	\$ 1,847.27	\$ 2,415.58	\$ 13,854.54	\$ 89,521.25	\$ 38,792.57	\$ 142,168.35	\$ 12,077.89	\$ 130,090.47
Transport Facilities - Capital	\$ 1,658.42	\$ 2,321.79	\$ 2,874.59	\$ 3,758.95	\$ 21,559.45	\$ 139,307.34	\$ 60,366.43	\$ 221,233.22	\$ 18,794.76	\$ 202,438.46
Water Management - Capital	\$ 433.00	\$ 606.21	\$ 750.55	\$ 981.45	\$ 5,629.01	\$ 36,372.33	\$ 15,761.47	\$ 57,762.81	\$ 4,907.24	\$ 52,855.57
Administration	\$ 56.98	\$ 79.80	\$ 98.79	\$ 129.17	\$ 740.74	\$ 4,787.78	\$ 2,074.58	\$ 7,603.09	\$ 645.85	\$ 6,957.24
Total	\$ 9,665.21	\$ 13,531.30	\$ 16,753.04	\$ 21,907.07	\$ 125,647.69	\$ 811,878.11	\$ 351,813.86	\$ 1,289,339.65	\$ 109,535.34	\$ 1,179,804.31

In accordance with the Environmental Planning and Assessment (Local Infrastructure Contributions – Timing of Payments) Direction 2020, the contribution is to be paid before the issue of the first Occupation Certificate in respect of any building work to which this consent relates. However, if no Construction Certificate in respect of the erection of a building to which the consent relates has been issued on or before 25 September 2022, the contribution is to be paid before the issue of the first Construction Certificate after that date for any such building.

The contributions above are applicable at the time this consent was issued. Please be aware that Section 7.11 contributions are updated at the time of the actual payment in accordance with the provisions of the applicable plan.

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.

23. Provision of Kitchen Waste Storage Cupboard

Waste storage facility must be provided in each unit/dwelling to enable source separation of recyclable material from residual garbage. Each unit/dwelling must have a waste storage cupboard provided in the kitchen with at least 2 removable indoor bins with a minimum capacity of 15 litres each. The bins provided should allow convenient transportation of waste from the kitchen to the main household bins or waste disposal point. The Principal Certifying Authority must visually confirm in person, or receive photographic evidence validating this requirement, prior to the issue of any Occupation Certificate.

24. Installation of Wall Mounted Key Safe for Waste Collection Room

A wall mounted combination key safe must be installed on the outside wall of the waste collection room. This is so a key to open the waste servicing door can be permanently stored within the key safe for access purposes by collection contractors. The combination code to open the key safe must be set to a four digit code provided by Council's Resource Recovery Project Officer. The key to the waste room should not have access to any other areas of the development.

25. Construction of Waste Storage Area(s)

The waste storage area(s) must be designed and constructed in accordance with the following requirements. The area(s) must provide minimum storage facility for 11 x 1100 litre garbage bins and 11 x 1100 litre recycling bins.

- The waste storage area(s) must be of adequate size to comfortably store and manoeuvre the total minimum required number of bins and associated waste infrastructure as specified above.

- The layout of the waste storage area(s) must ensure that each bin is easily accessible and manoeuvrable in and out of the areas with no manual handling of other bins. All internal walkways must be at least 1.5m wide.
- The walls of the waste storage area(s) must be constructed of brickwork.
- The floor of the waste storage area(s) must be constructed of concrete with a smooth non-slip finish, graded and drained to sewer. The rooms must not contain ramps and must be roofed (if located external to the building).
- The waste storage area(s) must have a waste servicing door, with a minimum clear floor width of 1.5m. The door must be located to allow the most direct access to the bins by collection contractors. Acceptable waste servicing doors are single or double swinging doors and roller doors (preferred). The waste servicing door must be able to be closed and locked (lock and key). The key should not have access to any other areas of the development.
- The waste storage area(s) must have a resident access door, which allows wheelchair access for adaptable sites. Suitable resident access doors are single or double swinging doors. The resident access door can double up as the waste servicing door provided the clear floor width is at least 1.5m and not a roller door.
- All doors of the waste storage area(s), when fully opened, must be flush with the outside wall(s) and must not block or obstruct car park aisles or footways. All doors must be able to be fixed in position when fully opened.
- The waste storage area(s) must be adequately ventilated (mechanically if located within the building footprint). Vented waste storage areas should not be connected to the same ventilation system supplying air to the units.
- The waste storage area(s) must be provided with a hose tap (hot and cold mixer), connected to a water supply. If the tap is located inside the waste storage area(s), it is not to conflict with the space designated for the placement of bins.
- The waste storage area(s) must be provided with internal lighting such as automatic sensor lights.
- The maximum grade acceptable for moving bins for collection purposes is 5%. Under no circumstance is this grade to be exceeded. It is to allow the safe and efficient servicing of bins.
- The waste storage area(s) must have appropriate signage (Council approved designs), mounted in a visible location on internal walls and are to be permanently maintained by the Owners Corporation.
- Finishes and colours of the waste storage area(s) are to complement the design of the development.

Example Bin Measurements (mm)

240L: 735 (d) 580 (w) 1080 (h) 660L: 850 (d) 1370 (w) 1250 (h) 1100L: 1245 (d) 1370 (w) 1470 (h)

26. Access and Loading for Waste Collection

Minimum vehicle access and loading facilities must be designed and provided on site in accordance with Australian Standard 2890.2:2018 for the standard 8.8m long Medium Rigid Vehicle (minimum 3.5m clear vertical clearance exception). The following requirements must also be satisfied.

- All manoeuvring areas for waste collection vehicles must have a minimum clear vertical clearance of 3.5m. Any nearby areas where the clear headroom is less than 3.5m must have flexible striker bars and warning signs as per Australian Standard 2890.1 to warn waste collection contractors of the low headroom area.

- 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.
- 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.
- The requirement for reversing on site must be limited to a single reverse entry into the designated waste service bay (typical three point turn).
- The designated waste service bay must allow additional space servicing of bins (wheeling bulk bins to the back of the waste collection vehicle for rear load collection).
- The loading area must have a sufficient level of lighting and have appropriate signage such as “waste collection loading zone”, “keep clear at all times” and “no parking at any time”.
- Access to restricted loading areas (i.e. via roller shutter doors, boom gates or similar) must be via scanning from the cab of medium rigid vehicles, remote access or alternative solution which ensures there is no requirement for waste collection contractors to exit the cab. Copies of scan cards or remotes must be provided to Council upon the commencement of waste services.

27. 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.

28. Parking Spaces

The development is required to be provided with 143 off-street car parking spaces. These car parking spaces shall be available for off street parking at all times.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

29. Erosion & Sediment Control Plan

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

- a) Allotment boundaries
- b) Location of the adjoining roads
- c) Contours
- d) Existing vegetation
- e) Existing site drainage
- f) Critical natural areas
- g) Location of stockpiles
- h) Erosion control practices
- i) Sediment control practices
- j) Outline of a maintenance program for the erosion and sediment controls

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

30. Acoustic – Mechanical Plant

As per the acoustic impact statement for 11-15 Fishburn Cres & 28-30 Chapman Ave, Castle Hill, prepared by Acoustic Logic, referenced as 20181613.1/0612A?R0/GW dated 6 Dec 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.

31. 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.

32. Onsite Stormwater Detention – Hawkesbury River Catchment Area

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 Consulting Drawings SW100, SW101, SW200, SW201, SW202, SW203 and SW204 Revision G dated 15/03/2019 is for development application purposes only and is not to be used for construction.

- The access pits for OSD Tank 2 need to consider the architectural, landscaping and useability outcomes relating to this space covered by the approved plans referred to in Condition 1.

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.

33. 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 or Subdivision Works Certificate is issued.

34. 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 \$208,026.00 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 \$91.00 per square metre based on the road frontage of the subject site plus an additional 50m on either side (154m) multiplied by the width of the road (8m).

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.

35. 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 bond amount must be confirmed with Council prior to payment. The tendered value of the work must be provided for checking so the bond amount can be confirmed.

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

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

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) Concrete Footpath

A 1.5m wide concrete footpath, including access ramps at all intersections, must be provided on one side of Fishburn Crescent and Chapman Avenue fronting the site in accordance with the DCP and the above documents.

b) Water Sensitive Urban Design Elements

Water sensitive urban design elements, consisting of OceanGuards and Psorbs, 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.

37. Internal Pavement and Turntable Structural Design Certification

Prior to a Construction Certificate being issued, a Certified Practising Engineer (CPEng) must submit a letter to Council confirming the structural adequacy of the internal pavement design. The pavement design must be adequate to withstand the loads imposed by a loaded 8.8m long medium rigid waste collection vehicle from the boundary to the waste collection point including any manoeuvring areas.

38. 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.

39. 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.

40. 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

41. Protection of Existing Trees

The trees that are to be retained are to be protected during all works strictly in accordance with AS4970 - 2009 Protection of Trees on Development Sites and the Arboricultural Impact Assessment and Tree Management Plan prepared by Redgum Horticultural dated 06/07/20.

Tree protection fencing is to be in place prior to works commencing to restrict the following occurring:

- Stockpiling of materials within the root protection zone,
- Placement of fill within the root protection zone,
- Parking of vehicles within the root protection zone,
- Compaction of soil within the root protection zone.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

42. Trenching within Tree Protection Zone

Any trenching for installation of drainage, sewerage, irrigation or any other services occurring within the Tree Protection Zone of trees identified for retention is to be undertaken with the supervision of the project arborist.

Certification of supervision must be provided to the Certifying Authority within 14 days of completion of trenching works that they have been undertaken in accordance with the approved Arborist Report.

43. 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.

44. 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.

45. 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.

46. 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.

47. 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.

48. 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.

49. 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.

50. 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.

51. 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.

52. 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.

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

Details

Prior to work commencing, submit to the Principal Certifier 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.

54. 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.

55. 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.

56. 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.

57. 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).

58. 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.

59. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on 26 Chapman Avenue and 9 Fishburn Crescent and 33 Dawes Avenue, Castle Hill within the likely zone of influence from any excavation, dewatering or construction induced vibration.

DURING CONSTRUCTION

60. Working Hours

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct 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.

61. 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.

62. 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. 983 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.

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. Further contamination assessment

A limited surface soil assessment is to be completed following demolition of the site structures and any other areas that were inaccessible at the time of the initial contamination assessment. If any contaminants are identified, Council are to be notified and appropriate remediation and validation are to be undertaken in accordance with SEPP 55 – Remediation of Land.

69. Dust Control

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

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

70. 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.

71. 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)*.

72. 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.

PRIOR TO ISSUE OF AN OCCUPATION AND/OR SUBDIVISION CERTIFICATE

73. Landscaping Prior to Issue of any Occupation Certificate

Landscaping of the site shall be carried out prior to issue of an Occupation Certificate. The Landscaping shall be either certified to be in accordance with the approved plan 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.

74. 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.

75. 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.

76. 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.

77. Stormwater Management Certification

The stormwater management system must be completed to the satisfaction of the Principal Certifier prior to the issuing of an Occupation Certificate. The following documentation is required to be submitted upon completion of the stormwater management system and prior to a final inspection:

- Works as executed plans prepared on a copy of the approved plans;

- For Onsite Stormwater Detention (OSD) systems, a certificate of hydraulic compliance (Form B.11) from a hydraulic engineer verifying that the constructed OSD system will function hydraulically;
- For OSD systems, a certificate of structural adequacy from a 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;
- Records of inspections; and
- An approved operations and maintenance plan.

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

78. 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/ 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.

b) 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.

c) 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.

d) 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.

79. 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.

80. 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 a 8.8m long medium rigid waste collection vehicle when fully laden.

81. Final Inspection of Waste Storage Area(s)

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

82. Provision of Signage for Waste Storage Areas

Prior to any Occupation Certificate being issued, 3 x full sets of waste educational signage (English and Traditional Chinese) must be purchased and installed in visible locations on internal walls of all waste storage areas. 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

83. Domestic Waste Collection Risk Assessment

Prior to any Occupation Certificate being issued, a risk assessment must be undertaken on site by Council's Coordinator Resource Recovery. The time for the assessment must be arranged when clear unobstructed circulation in and out of the site is available for Council's Domestic Waste Contractor to perform a mock collection run at the site.

84. Clearance Certificate

On completion of the asbestos removal works a Clearance Certificate in accordance with Clause 474 of the Work Health and Safety Regulation 2017 shall be provided to the Principal Certifier.

85. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

Sydney Water's guidelines provide for assumed concurrence for the strata subdivision of a development approved by an earlier consent covered by a compliance certificate.

The only other exception to this is for services other than potable water supply, in which case the requirements of Flow Systems/ Box Hill Water as a network operator under the Water Industry Competition Act 2006 would apply. A separate certificate of compliance would need to be issued for those works.

86. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

87. Provision of Telecommunication Services

The developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.

88. 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.

89. Property Condition Report – Private Assets

A property condition report must be prepared and submitted by a structural engineer recording the condition of any dwelling or ancillary structures on 26 Chapman Avenue and 9 Fishburn Crescent and 33 Dawes Avenue, Castle Hill within the likely zone of influence from any excavation, dewatering or construction induced vibration.

THE USE OF THE SITE

90. 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*.

91. Offensive Noise - Acoustic Report

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

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

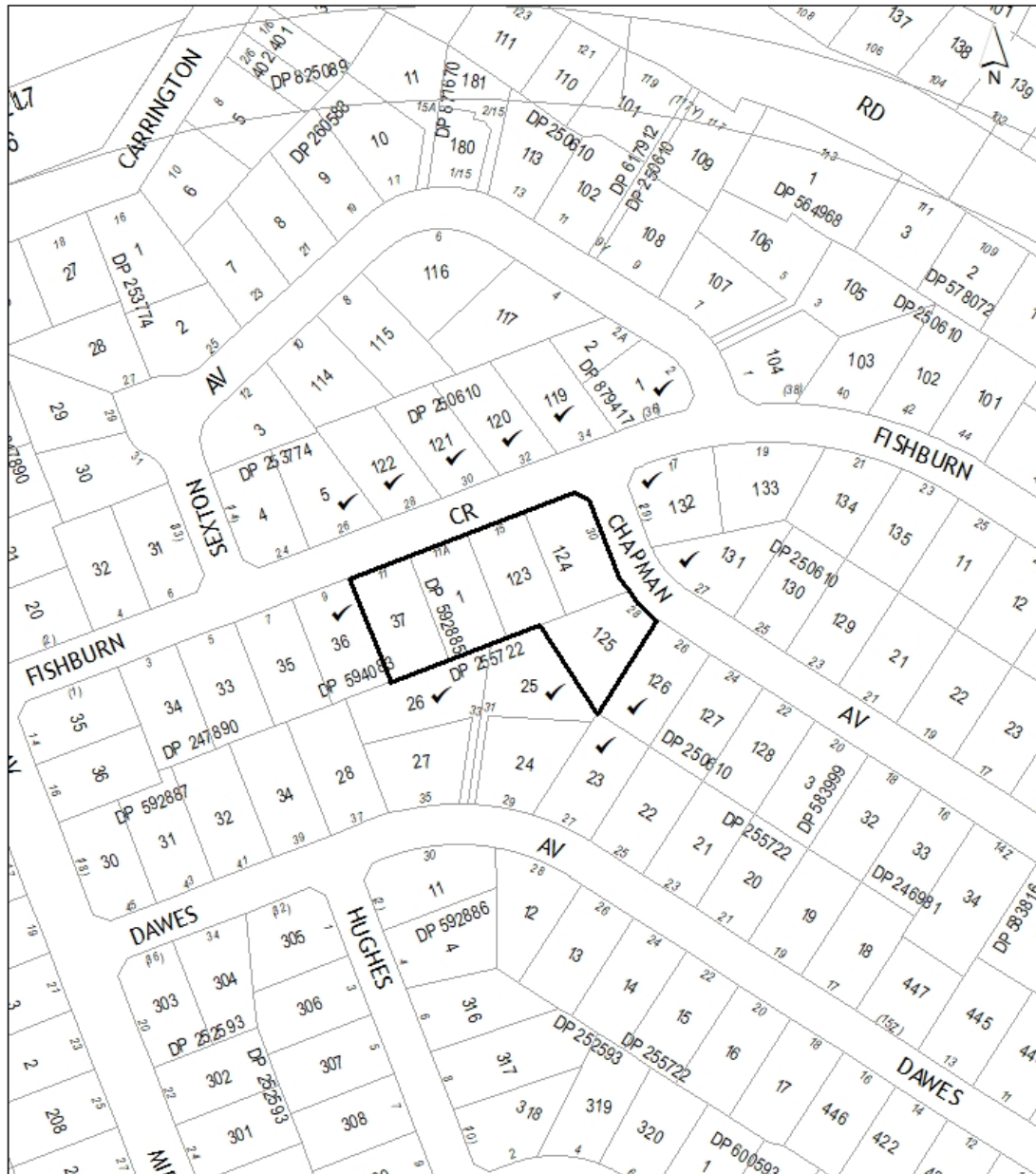
92. Waste and Recycling Management

To ensure the adequate storage and collection of waste from the occupation of the premises, all garbage and recyclable materials emanating from the premises must be stored in the designated waste storage area(s), which must include provision for the storage of all waste generated on the premises between collections. Arrangement must be in place in all areas of the development for the separation of recyclable materials from garbage. All waste storage areas must be screened from view from any adjoining residential property or public place. A caretaker must be appointed to manage waste operations on site including undertaking all instructions issued by Council to enable waste collection. Waste storage area(s) must be kept clean and tidy, bins must be washed regularly, and contaminants must be removed from bins prior to any collection.

ATTACHMENTS

1. Locality Plan
2. Aerial Map
3. LEP Zoning Map
4. LEP Height of Buildings Map
5. LEP FSR Map
6. Site Plan
7. Floor Plans
8. Elevations
9. Sections
10. Landscape Plan
11. Shadow Diagrams
12. Perspectives
13. Design Review Panel Minutes

ATTACHMENT 1 – LOCALITY PLAN



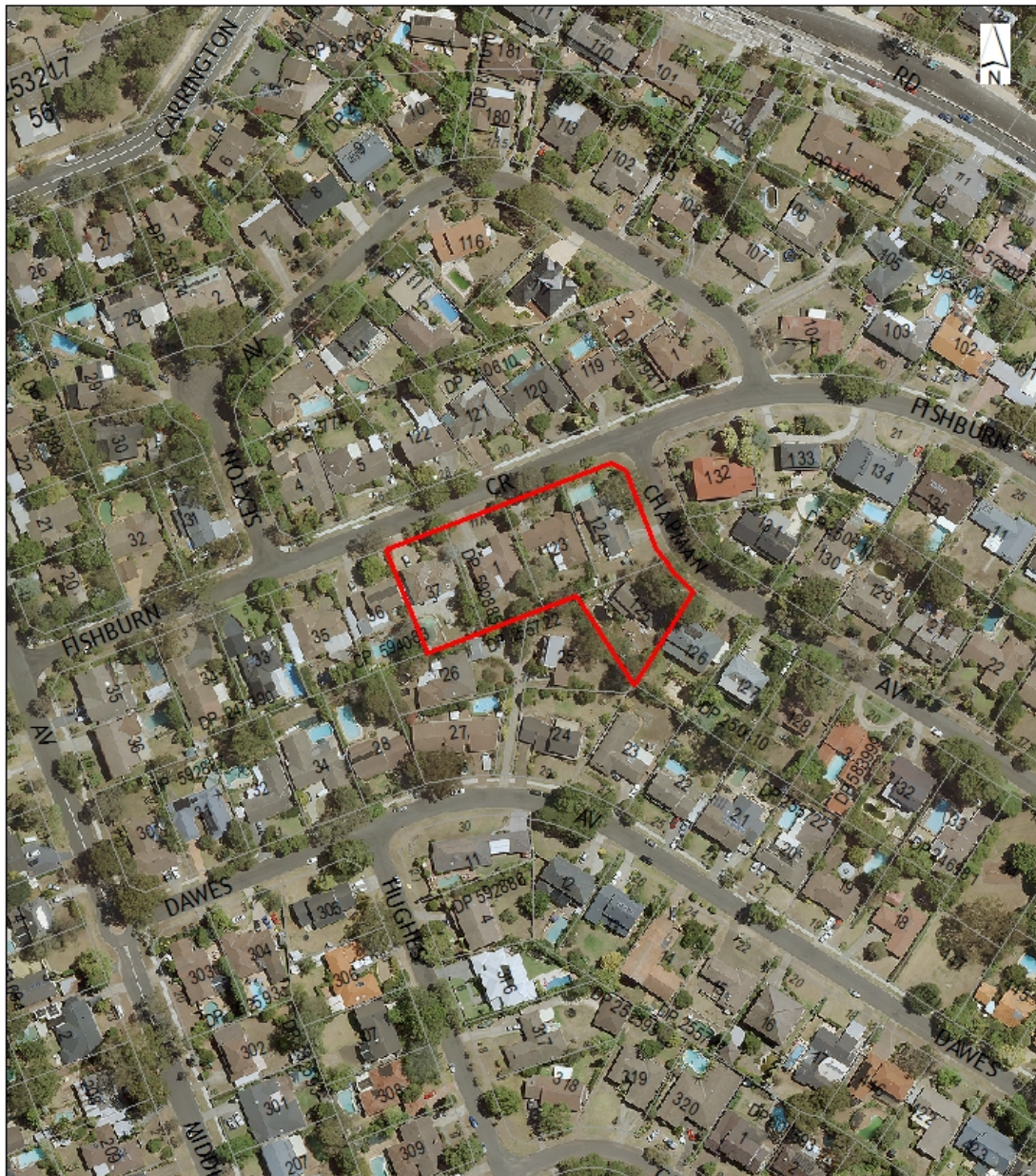
- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

THE HILLS
Sydney's Garden Shire

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ATTACHMENT 2 – AERIAL MAP



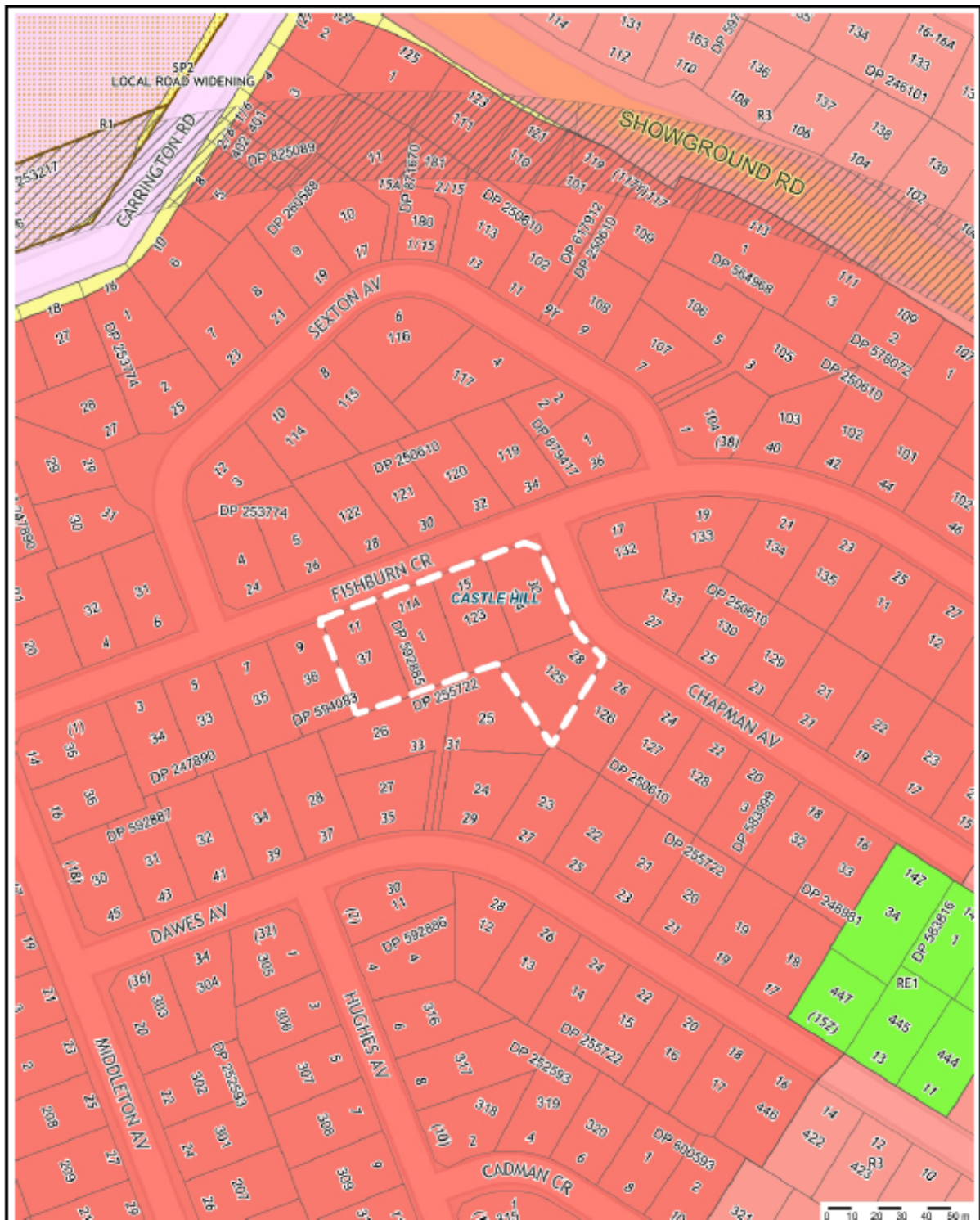
 SUBJECT SITE

THE HILLS
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ATTACHMENT 3 – LEP ZONING MAP



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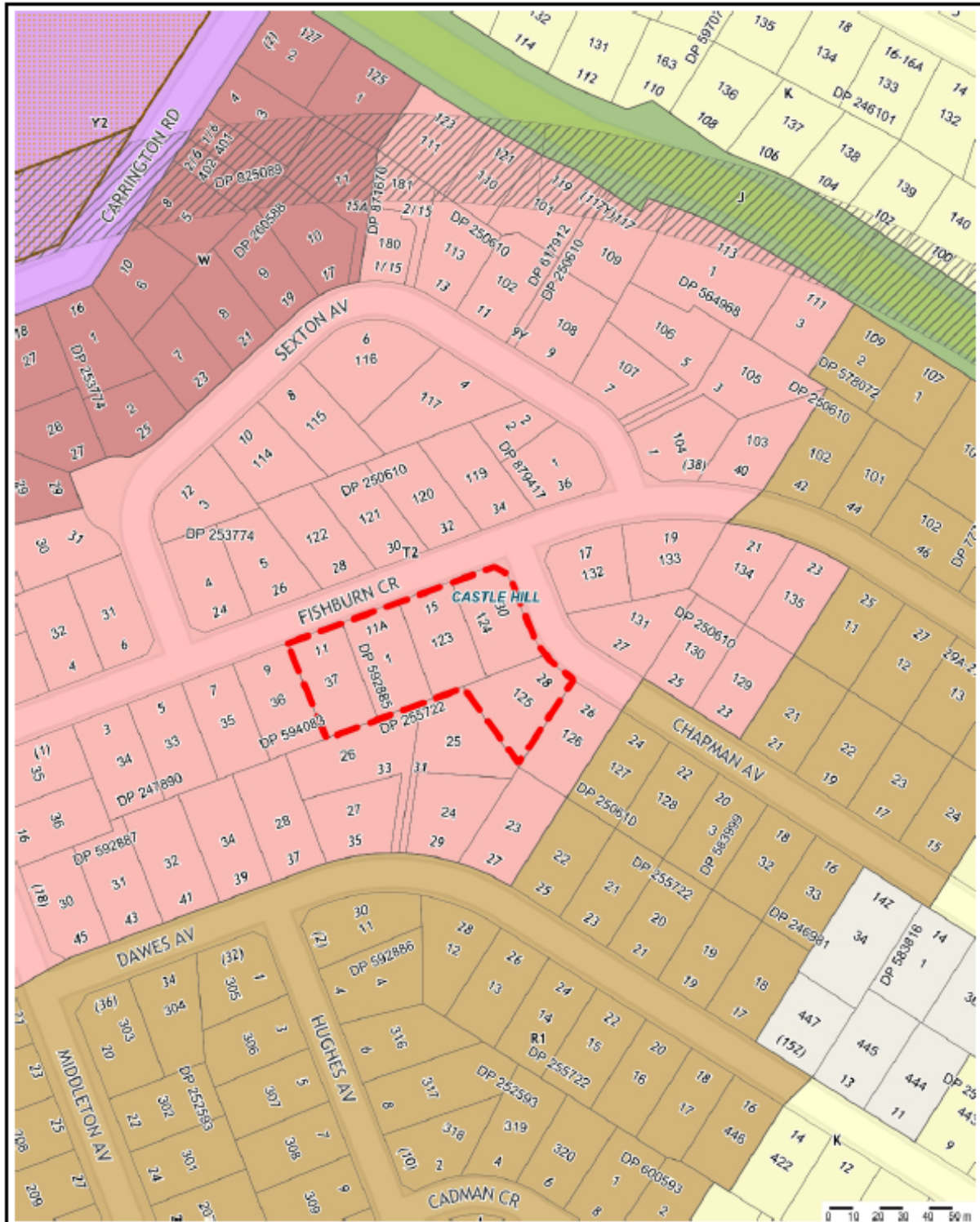
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LEP 2012 Zoning Map

Scale (A4): 1:2024
Date: 27/09/2019
Prepared by: Hugh Halliwell

ATTACHMENT 4 – LEP HEIGHT OF BUILDINGS MAP



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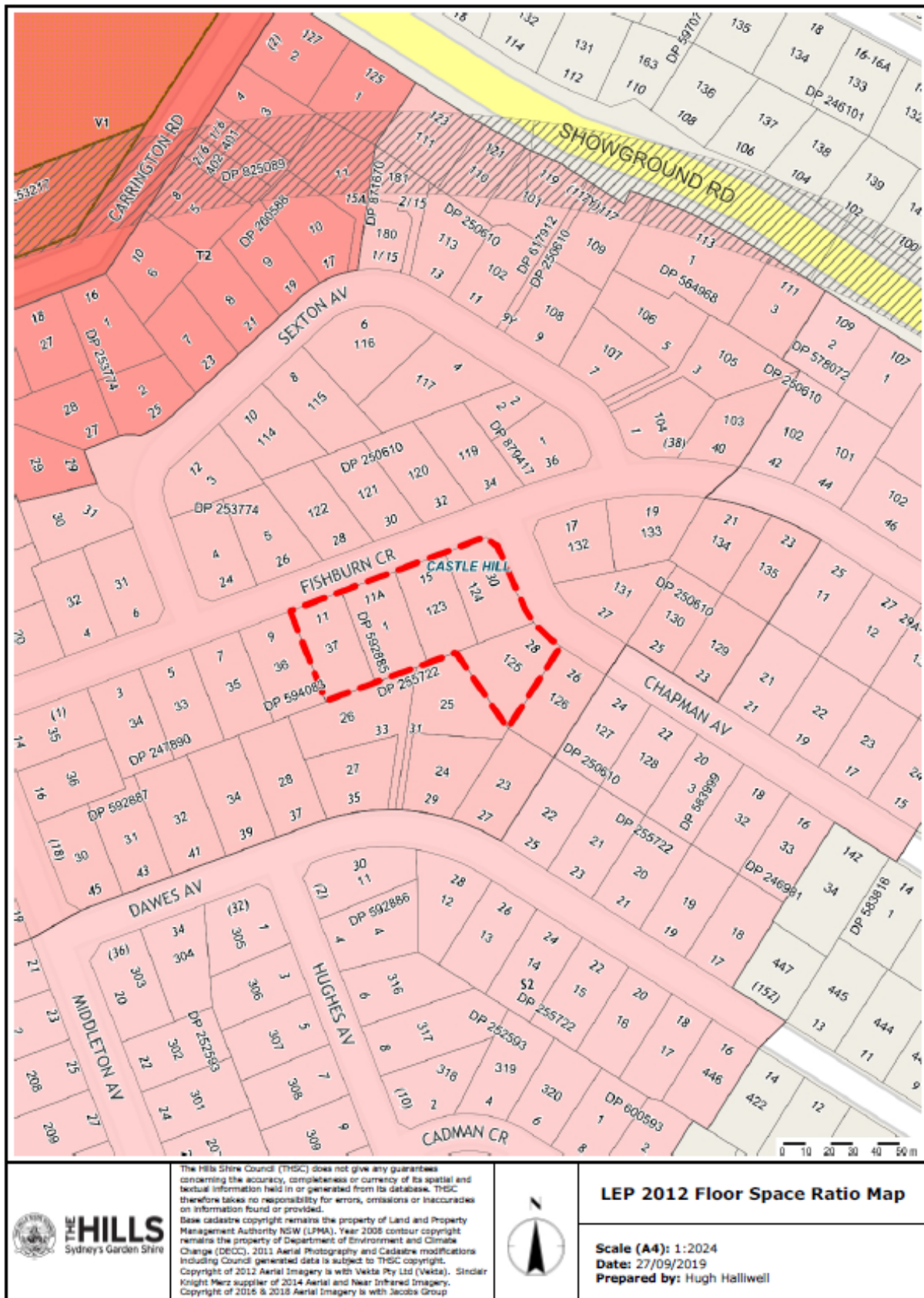
LEP 2012 Height of Buildings Map

Scale (A4): 1:2024

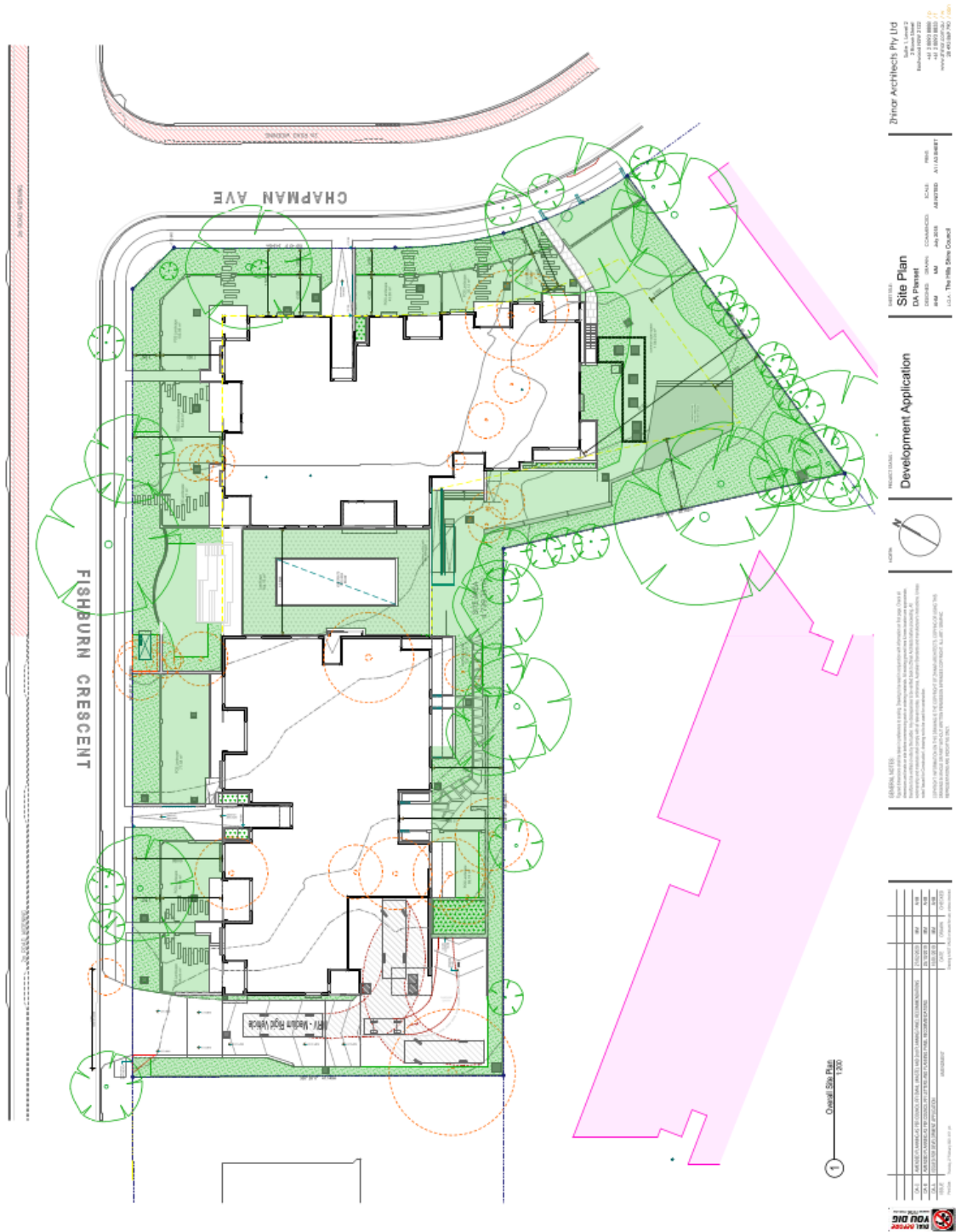
Date: 27/09/2019

Prepared by: Hugh Halliwell

ATTACHMENT 5 – LEP FSR MAP



ATTACHMENT 6 - SITE PLAN

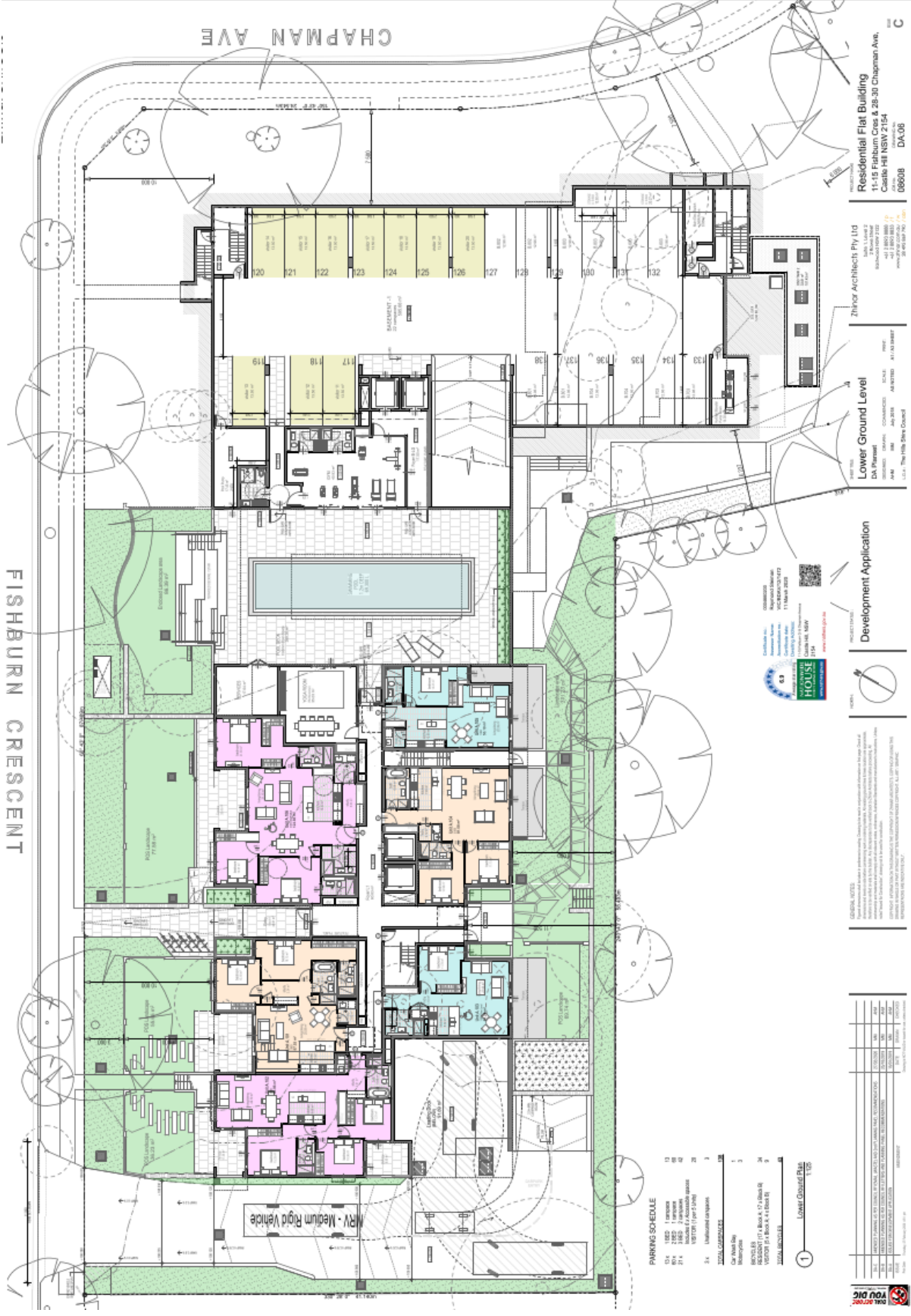


ATTACHMENT 7 – FLOOR PLANS



FISHBURN CRESCENT

CHAPMAN AVE



PARKING SCHEDULE

120	1000	1000
121	1000	1000
122	1000	1000
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199	1000	1000
200	1000	1000

Lower Ground Plan 1:100



NO.	REVISION	DATE	BY	CHECKED	APPROVED
1	ISSUED FOR TENDERS	11/03/2023	...	...	...
2	FOR INFORMATION	11/03/2023	...	...	...
3	FOR INFORMATION	11/03/2023	...	...	...
4	FOR INFORMATION	11/03/2023	...	...	...
5	FOR INFORMATION	11/03/2023	...	...	...
6	FOR INFORMATION	11/03/2023	...	...	...
7	FOR INFORMATION	11/03/2023	...	...	...
8	FOR INFORMATION	11/03/2023	...	...	...
9	FOR INFORMATION	11/03/2023	...	...	...
10	FOR INFORMATION	11/03/2023	...	...	...

GENERAL NOTES:
1. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
2. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
3. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
4. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
5. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
6. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
7. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
8. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
9. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.
10. The Architect's design is based on the information provided by the client. The client is responsible for ensuring that the information is accurate and complete.

Development Application
DA 10000000
11/03/2023

Lower Ground Level
DA 10000000
11/03/2023

Residential Flat Building
11-15 Fishburn Cres & 28-30 Chapman Ave
Castle Hill NSW 2154
0800 080008
0800 080008

CHAPMAN AVE

1 Ground Level Plan
1/125

[illegible][illegible]

Development Application

3457 TEL

Ground Level

BA Planview

DESIGNED:	DRAWN:	COORDINATED:	SCALE:	PROJECT:
AMJ	BM	July 2016	AS NOTED	AT/AD 09488

L.C.: The Hills Shire Council

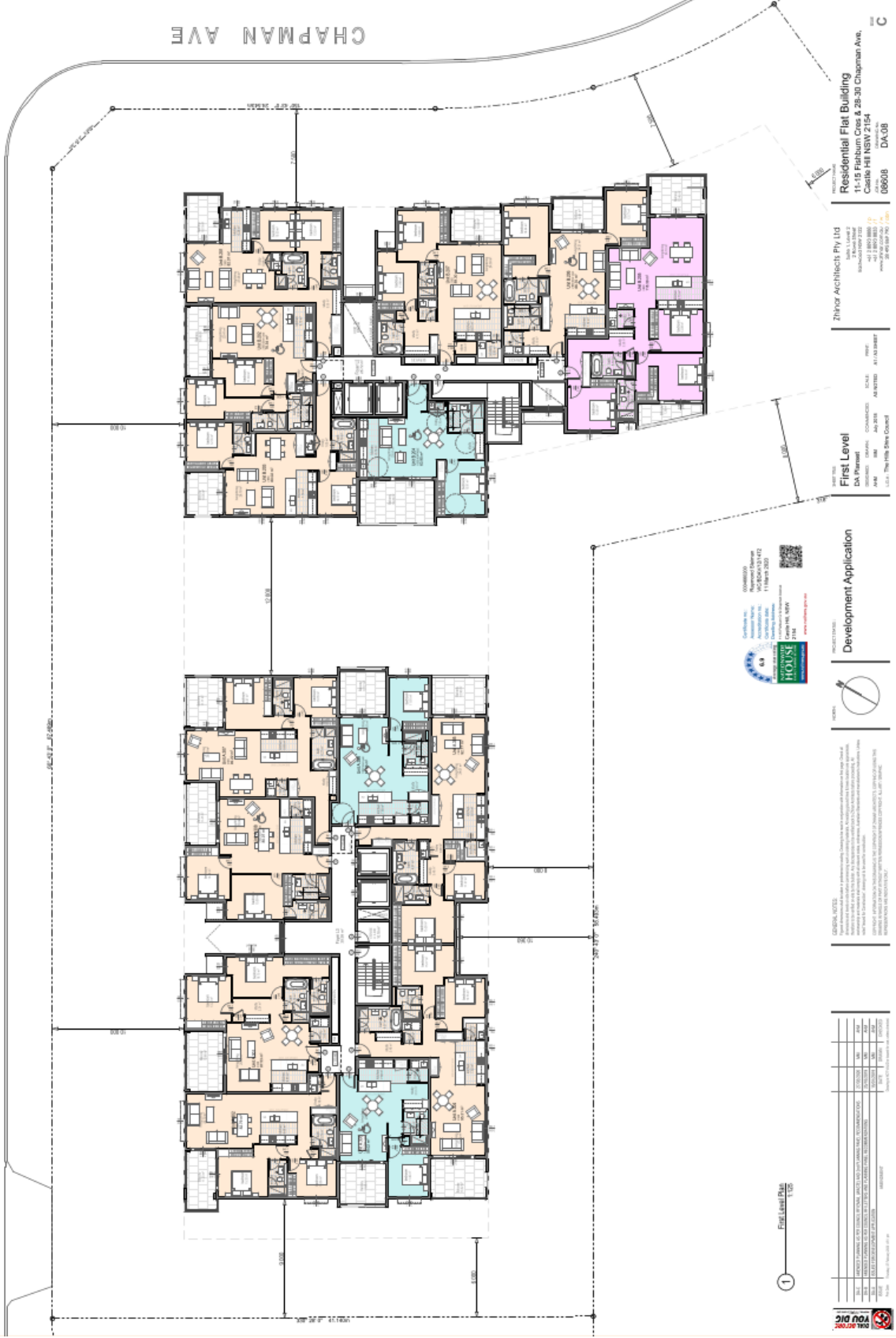
Zhinor Architects Pty Ltd
 Suite 1, Level 2
 2 Rivers Street
 Macquarie Park NSW 2122
 +61 2 8952 8880
 +61 2 8952 8815
 www.zhinor.com.au
 20 495 548 790

Residential Flat Building
11-15 Fishburn Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
Jill Ho
086808 DA-07

FISHBURN CRESCENT

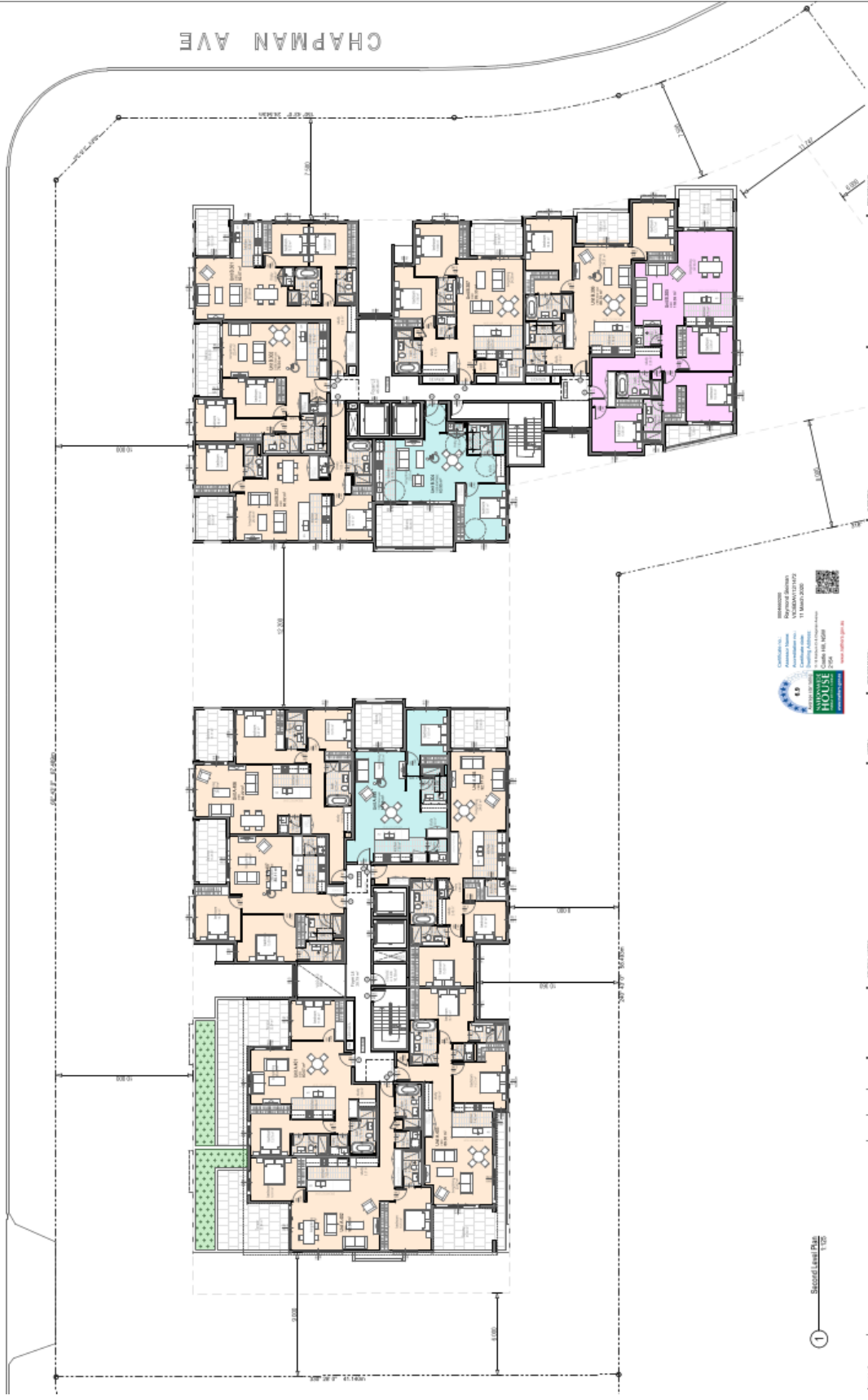
FISHBURN CRESCENT

CHAPMAN AVE



FISHBURN CRESCENT

CHAPMAN AVE



Second Level
DA Plan
Scale: 1:100
Date: 11 March 2020

Development Application

General Notes:

- 1. The development is proposed to be used as a residential building.
- 2. The development is proposed to be used as a residential building.
- 3. The development is proposed to be used as a residential building.
- 4. The development is proposed to be used as a residential building.
- 5. The development is proposed to be used as a residential building.
- 6. The development is proposed to be used as a residential building.
- 7. The development is proposed to be used as a residential building.
- 8. The development is proposed to be used as a residential building.
- 9. The development is proposed to be used as a residential building.
- 10. The development is proposed to be used as a residential building.

Project Information:

Project Name: Residential Flat Building
Address: 11-15 Fishburn Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
DA Number: DA0008
DA Date: 11 March 2020

Architect: Zhivir Architects Pty Ltd
Architect's Address: 11-15 Fishburn Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
Architect's Phone: 02 9638 1888
Architect's Email: zhivir@zhivir.com.au
Architect's Website: www.zhivir.com.au

Client: The Fishburn Council

Scale: 1:100
Date: 11 March 2020

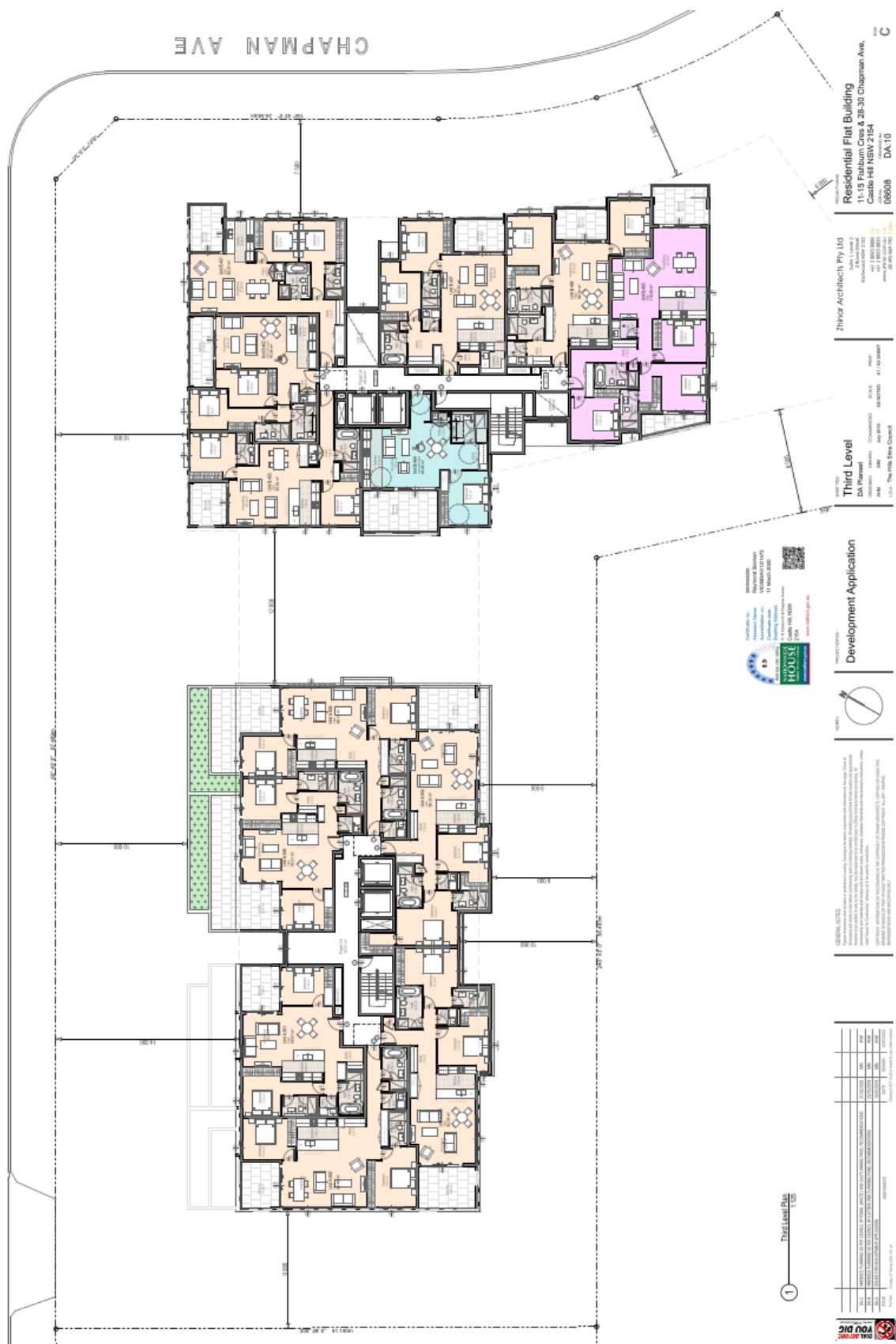
Project Information:

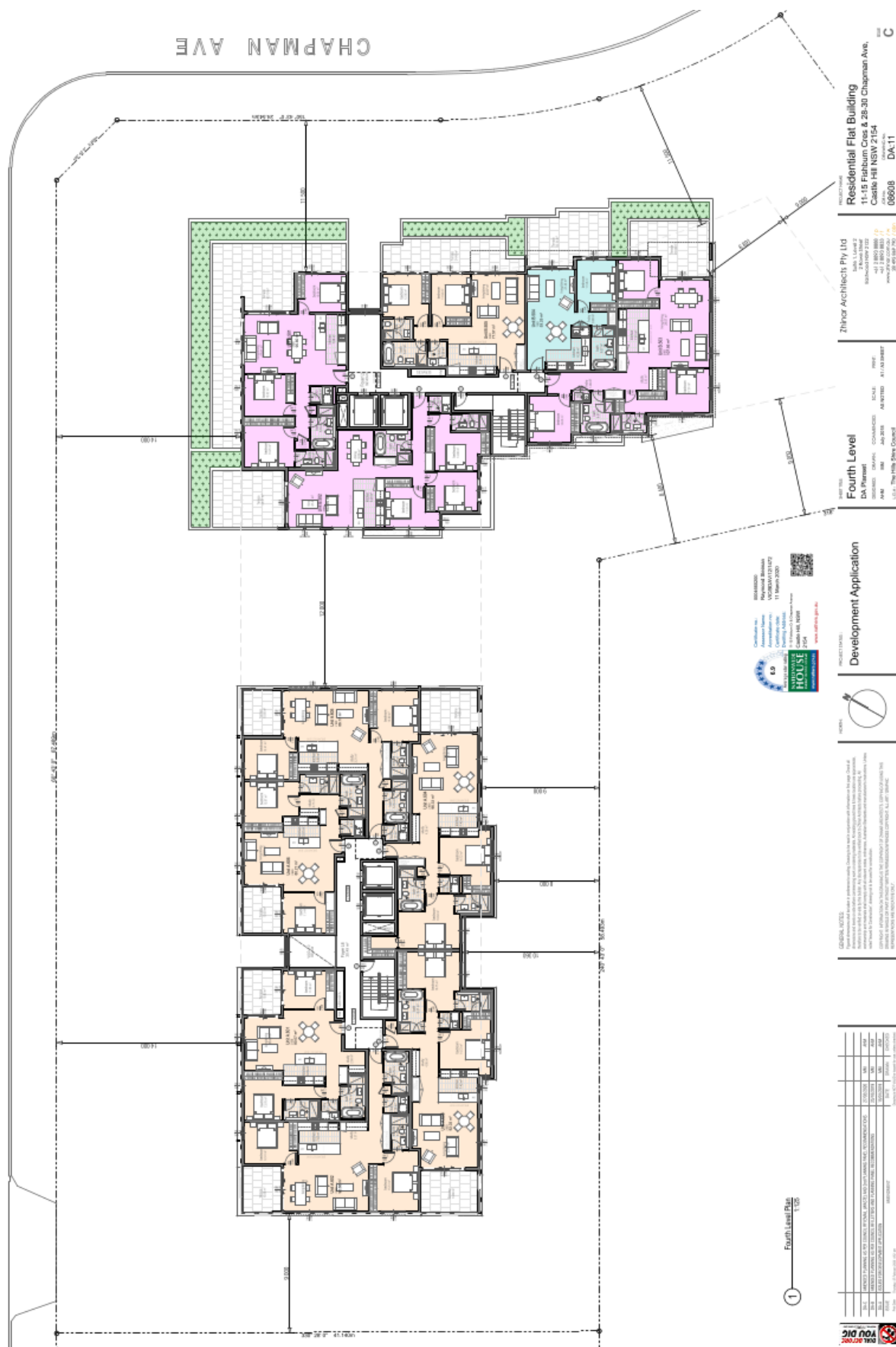
Project Name: Residential Flat Building
Address: 11-15 Fishburn Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
DA Number: DA0008
DA Date: 11 March 2020

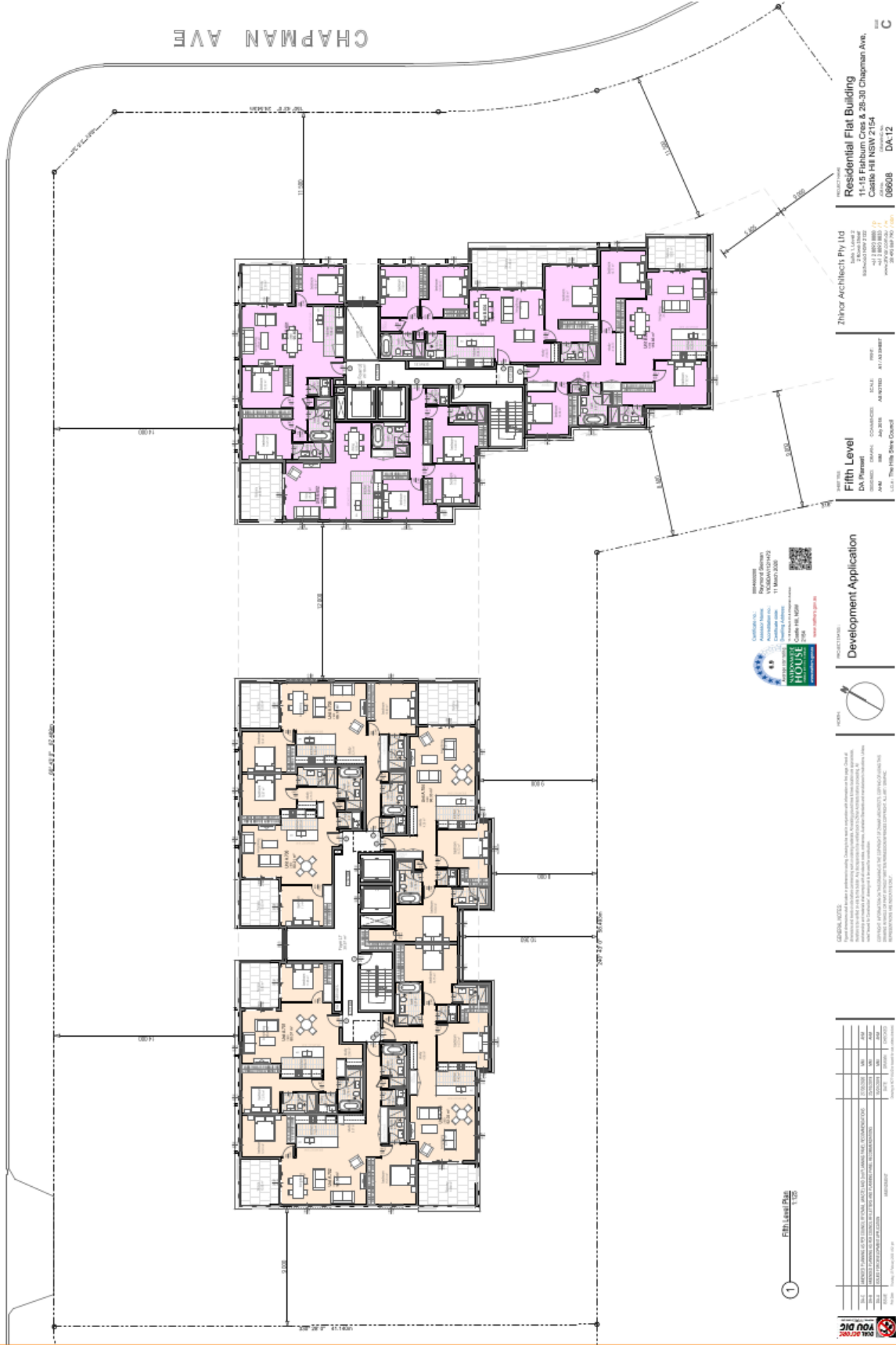
Architect: Zhivir Architects Pty Ltd
Architect's Address: 11-15 Fishburn Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
Architect's Phone: 02 9638 1888
Architect's Email: zhivir@zhivir.com.au
Architect's Website: www.zhivir.com.au

Client: The Fishburn Council

Scale: 1:100
Date: 11 March 2020







Project Name
Residential Flat Building
11-15 Fishburn Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
DA-12
08608

Architect
Zhuor Architect Pty Ltd
15/15 Fishburn Cres
Castle Hill NSW 2154
02 9631 8888
www.zhuorarchitect.com.au

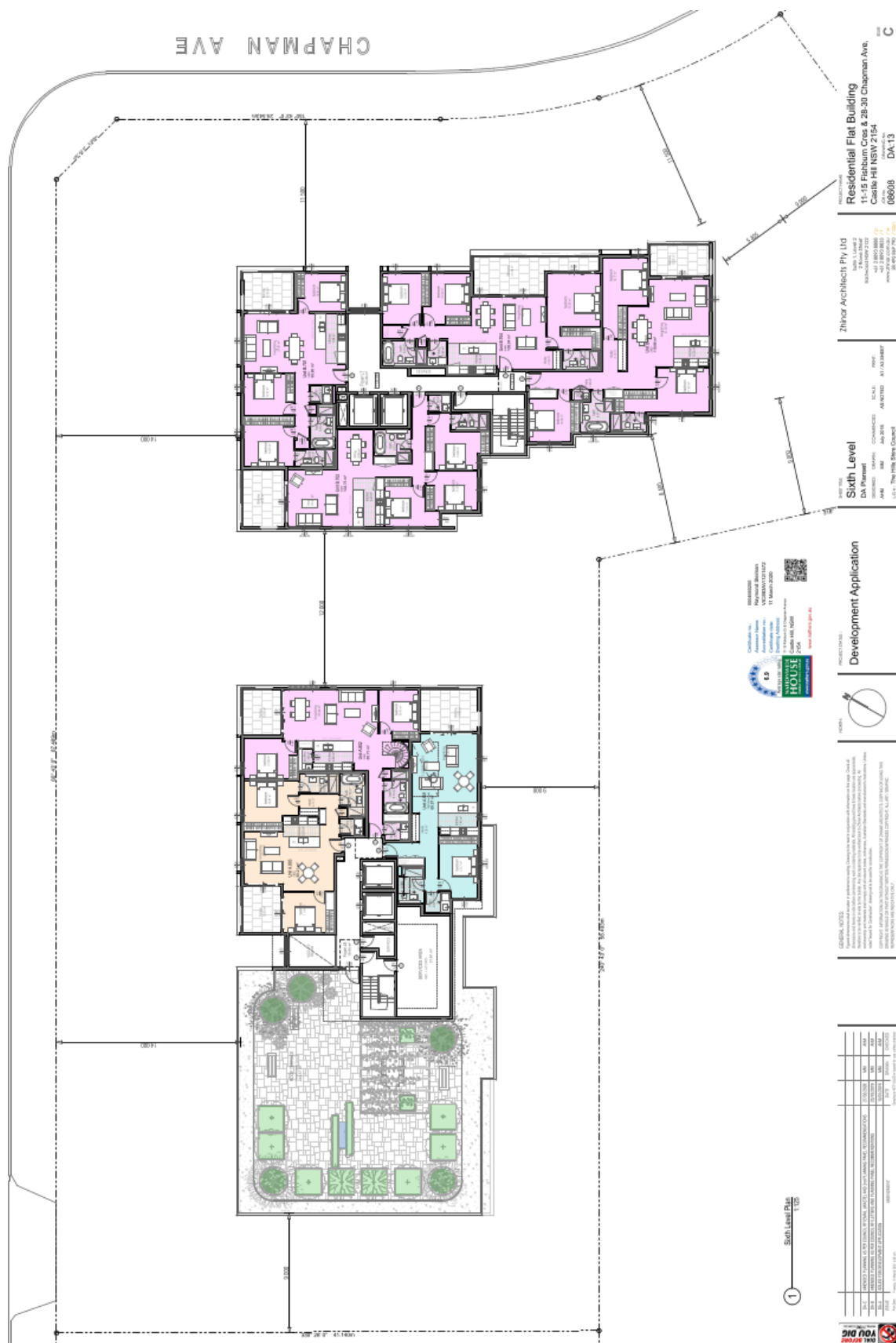
Project Details
DA Permit
SUBMITTED: 04/04/2024
APPROVED: 04/04/2024
DATE: 04/04/2024
PROJECT NO: 08608

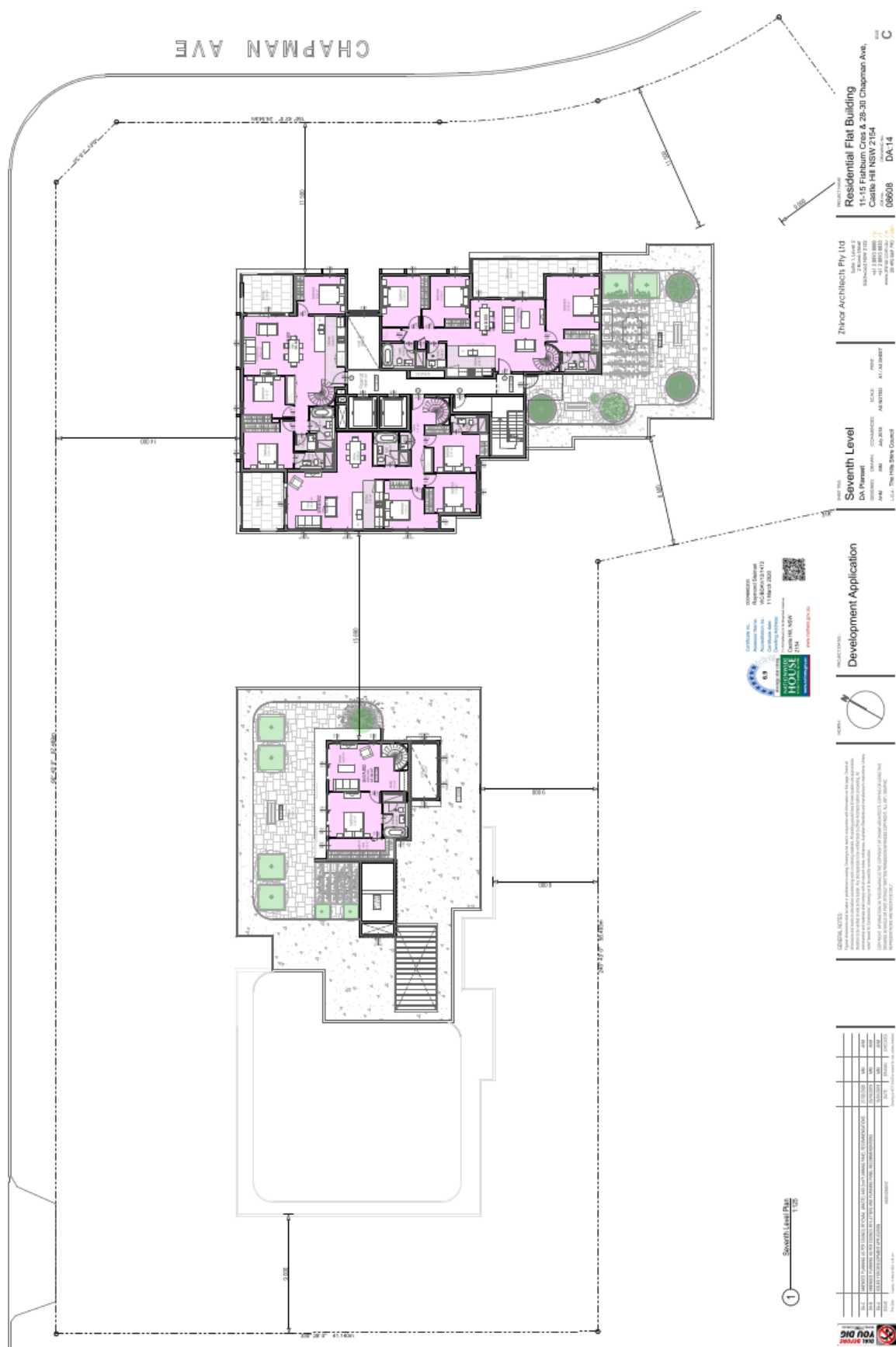
Development Application
Development Application
Development Application
Development Application



GENERAL NOTES
1. This development is subject to a planning agreement with the local council. The applicant is responsible for ensuring that the development complies with the terms of the agreement.
2. The applicant is responsible for ensuring that the development complies with the relevant building codes and standards.
3. The applicant is responsible for ensuring that the development complies with the relevant environmental laws and regulations.
4. The applicant is responsible for ensuring that the development complies with the relevant fire safety laws and regulations.
5. The applicant is responsible for ensuring that the development complies with the relevant accessibility laws and regulations.

NO.	REVISION	DATE	BY	CHKD	APPD
1	ISSUED FOR PERMIT	04/04/2024	08608		
2	REVISION 1: PERMIT	04/04/2024	08608		
3	REVISION 2: PERMIT	04/04/2024	08608		
4	REVISION 3: PERMIT	04/04/2024	08608		
5	REVISION 4: PERMIT	04/04/2024	08608		
6	REVISION 5: PERMIT	04/04/2024	08608		
7	REVISION 6: PERMIT	04/04/2024	08608		
8	REVISION 7: PERMIT	04/04/2024	08608		
9	REVISION 8: PERMIT	04/04/2024	08608		
10	REVISION 9: PERMIT	04/04/2024	08608		





Architectural Drawings:

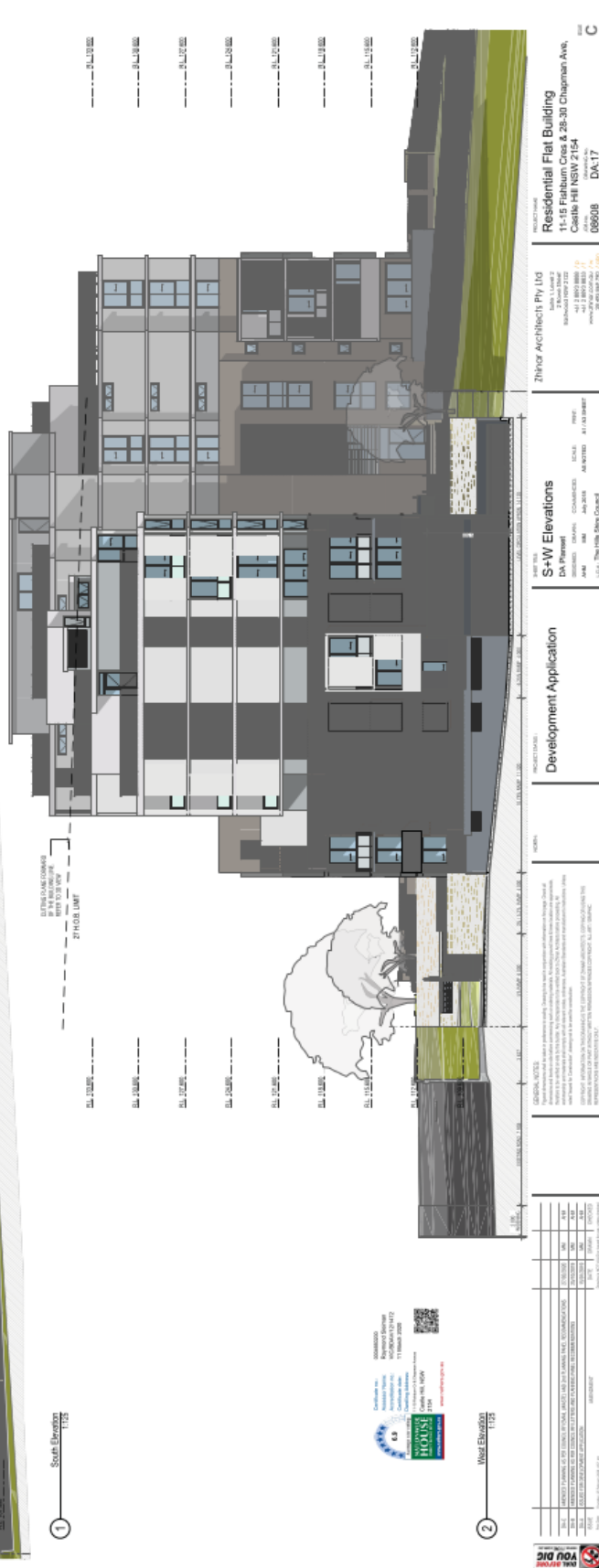
- North Elevation:** Shows the building facade along Fishburn Crescent. Elevation markers on the left range from 214.08 LMF to 214.28 LMF. A north arrow is located at the bottom left.
- West Elevation:** Shows the building facade along Chapman Avenue. Elevation markers on the right range from 214.08 LMF to 214.28 LMF.

Title Block Information:

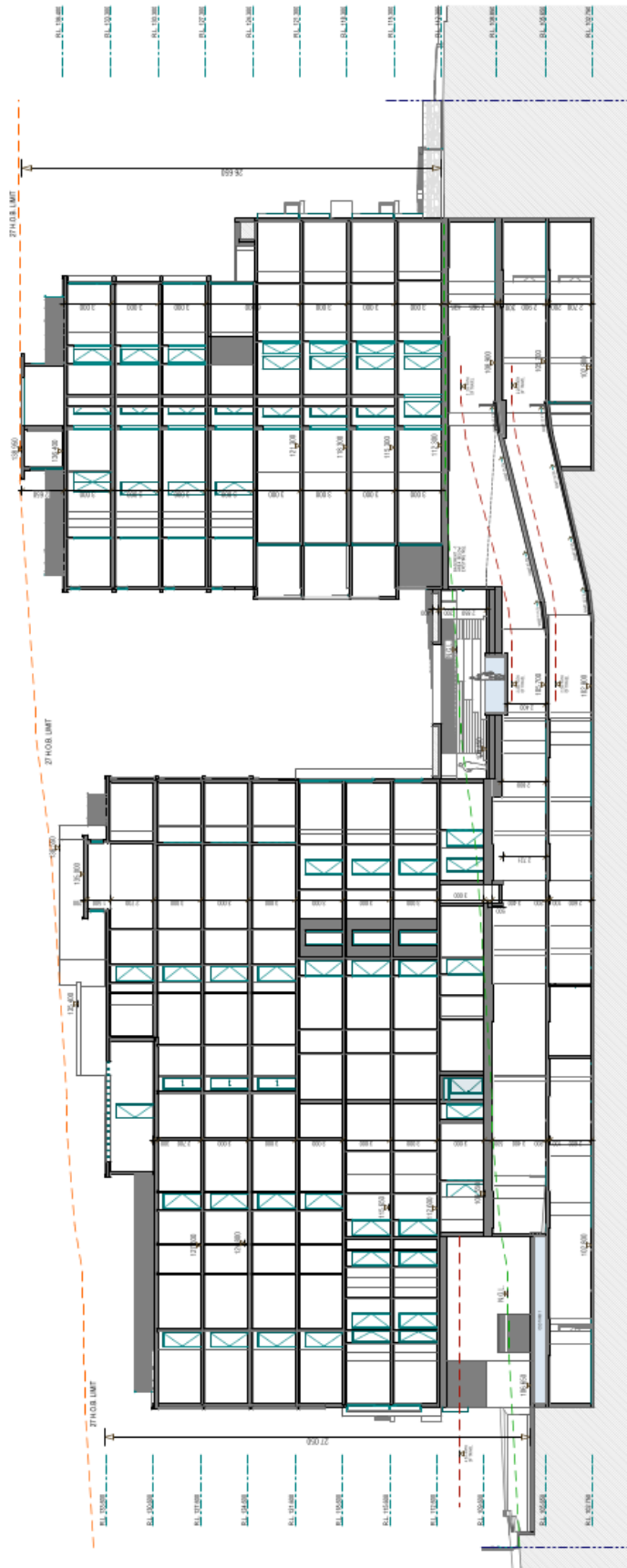
Project Name: Residential Flat Building
Address: 11-15 Fishburn Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
Client: [Redacted]
Architect: [Redacted]
Scale: 1:100
Date: [Redacted]

Scale Bar: 0 5 10 Meters

North Arrow: North



ATTACHMENT 9 – SECTIONS



Section A
1/15



Residential Flat Building
11-15 Flaherty Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
DA-18
06608

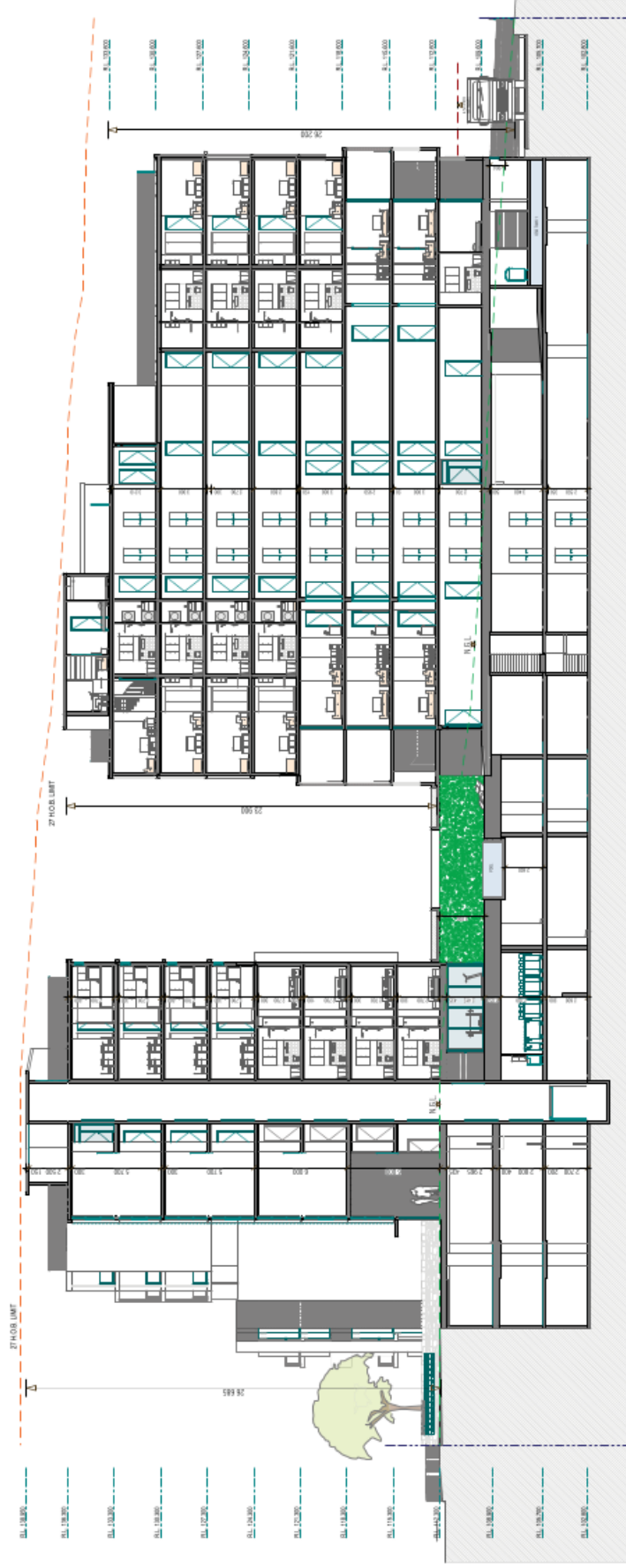
Zenith Architects Pty Ltd
Suite 1, Level 2
11-15 Flaherty Cres
Castle Hill NSW 2154
Tel: 02 9600 1111
Fax: 02 9600 1112
www.zenitharchitects.com.au

Section A
DA Permit
11-15 Flaherty Cres
Castle Hill NSW 2154
1:100
11-15 Flaherty Cres

Development Application
11-15 Flaherty Cres
Castle Hill NSW 2154
1:100
11-15 Flaherty Cres

LEGEND:
1. All dimensions are in millimetres unless otherwise stated.
2. All dimensions are to the face of the work unless otherwise stated.
3. All dimensions are to the centre of the work unless otherwise stated.
4. All dimensions are to the edge of the work unless otherwise stated.
5. All dimensions are to the face of the work unless otherwise stated.
6. All dimensions are to the centre of the work unless otherwise stated.
7. All dimensions are to the edge of the work unless otherwise stated.
8. All dimensions are to the face of the work unless otherwise stated.
9. All dimensions are to the centre of the work unless otherwise stated.
10. All dimensions are to the edge of the work unless otherwise stated.

NO.	REVISION	DATE	BY	CHKD	APPD
1	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
2	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
3	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
4	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
5	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
6	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
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8	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024
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10	ISSUED FOR PERMIT	11/01/2024	11/01/2024	11/01/2024	11/01/2024



1 Section C
1/10

6.9
NATIONAL HOUSE
BUILDING QUALITY AWARD
2014
www.nationalhouse.gov.au

Project No: 694880238
Project Name: Residential Flat Building
Project Address: 11-15 Flaherty Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
Project Date: 11 March 2020

YOU DECIDE
THE BEST CHOICE FOR YOUR PROJECT

Service	Price	Lead Time	Warranty
Architectural Design	\$1,200	2-3 Weeks	1 Year
Structural Engineering	\$800	2-3 Weeks	1 Year
Building Approval	\$1,500	2-3 Weeks	1 Year
Construction Management	\$2,500	2-3 Weeks	1 Year
Project Management	\$1,000	2-3 Weeks	1 Year

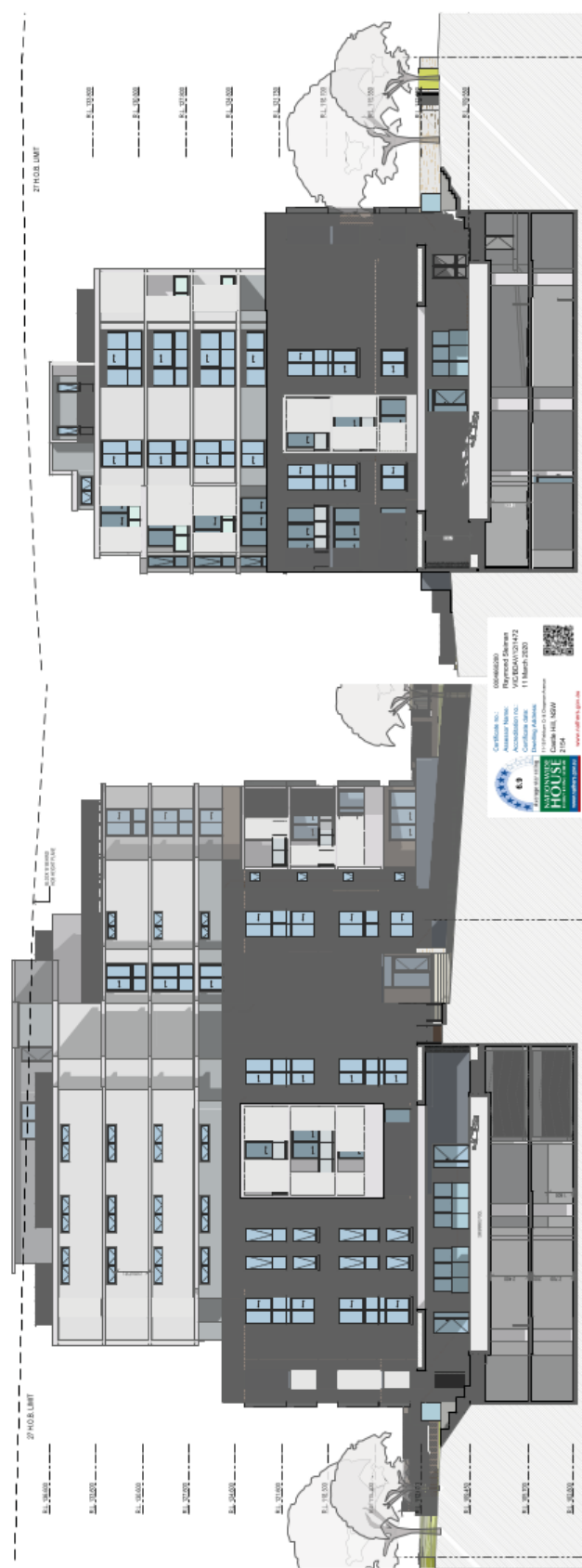
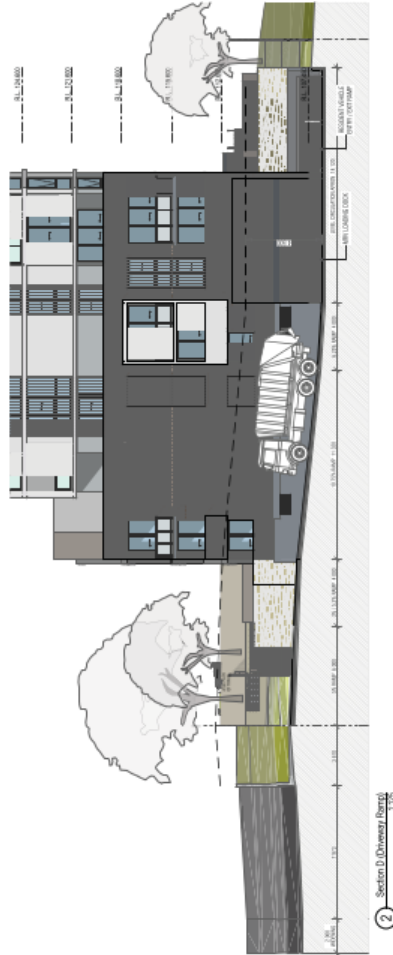
Section C
DA Permit
JWA
1/10

Development Application

Project Details
Project Name: Residential Flat Building
Project Address: 11-15 Flaherty Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
Project Date: 11 March 2020

Client Details
Client Name: JWA
Client Address: 11-15 Flaherty Cres & 28-30 Chapman Ave, Castle Hill NSW 2154
Client Phone: 0800 088 888
Client Email: jwa@jwa.com.au

DISCLAIMER:
This document is a preliminary design and is not intended to be used for construction purposes. It is the responsibility of the client to ensure that the design is suitable for their requirements and that all necessary approvals are obtained before construction begins. The design is based on the information provided by the client and is not intended to be used for any other purpose. The design is not a contract and is not intended to be used as such. The design is not a warranty and is not intended to be used as such. The design is not a guarantee and is not intended to be used as such. The design is not a promise and is not intended to be used as such. The design is not a statement of fact and is not intended to be used as such. The design is not a statement of opinion and is not intended to be used as such. The design is not a statement of intention and is not intended to be used as such. The design is not a statement of belief and is not intended to be used as such. The design is not a statement of knowledge and is not intended to be used as such. The design is not a statement of understanding and is not intended to be used as such. The design is not a statement of agreement and is not intended to be used as such. The design is not a statement of consent and is not intended to be used as such. The design is not a statement of approval and is not intended to be used as such. The design is not a statement of endorsement and is not intended to be used as such. The design is not a statement of recommendation and is not intended to be used as such. The design is not a statement of support and is not intended to be used as such. The design is not a statement of backing and is not intended to be used as such. The design is not a statement of sponsorship and is not intended to be used as such. The design is not a statement of patronage and is not intended to be used as such. The design is not a statement of association and is not intended to be used as such. The design is not a statement of affiliation and is not intended to be used as such. The design is not a statement of connection and is not intended to be used as such. The design is not a statement of relationship and is not intended to be used as such. The design is not a statement of link and is not intended to be used as such. The design is not a statement of bond and is not intended to be used as such. The design is not a statement of tie and is not intended to be used as such. The design is not a statement of connection and is not intended to be used as such. The design is not a statement of relationship and is not intended to be used as such. The design is not a statement of link and is not intended to be used as such. The design is not a statement of bond and is not intended to be used as such. The design is not a statement of tie and is not intended to be used as such.

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Development

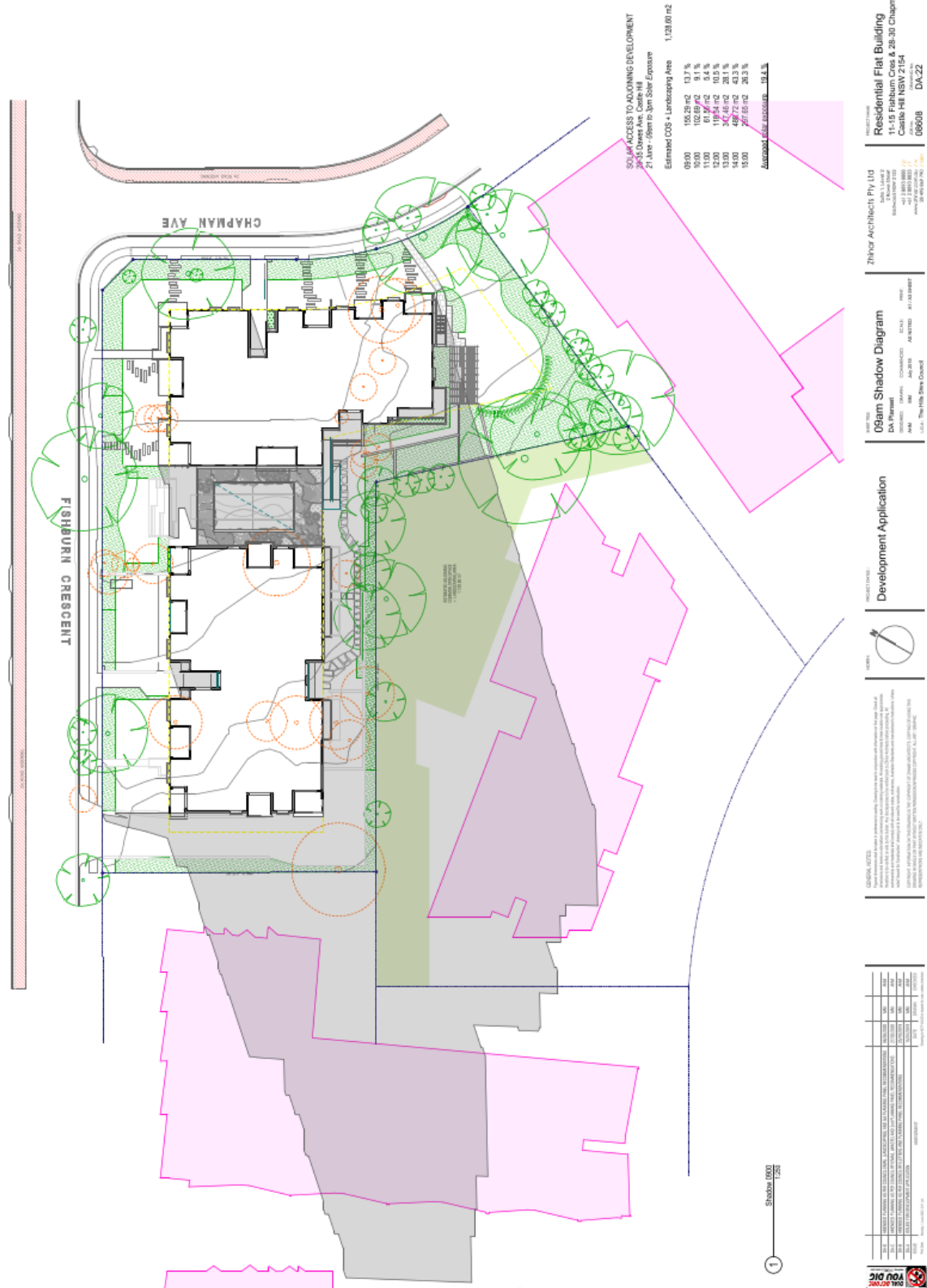
Development Application

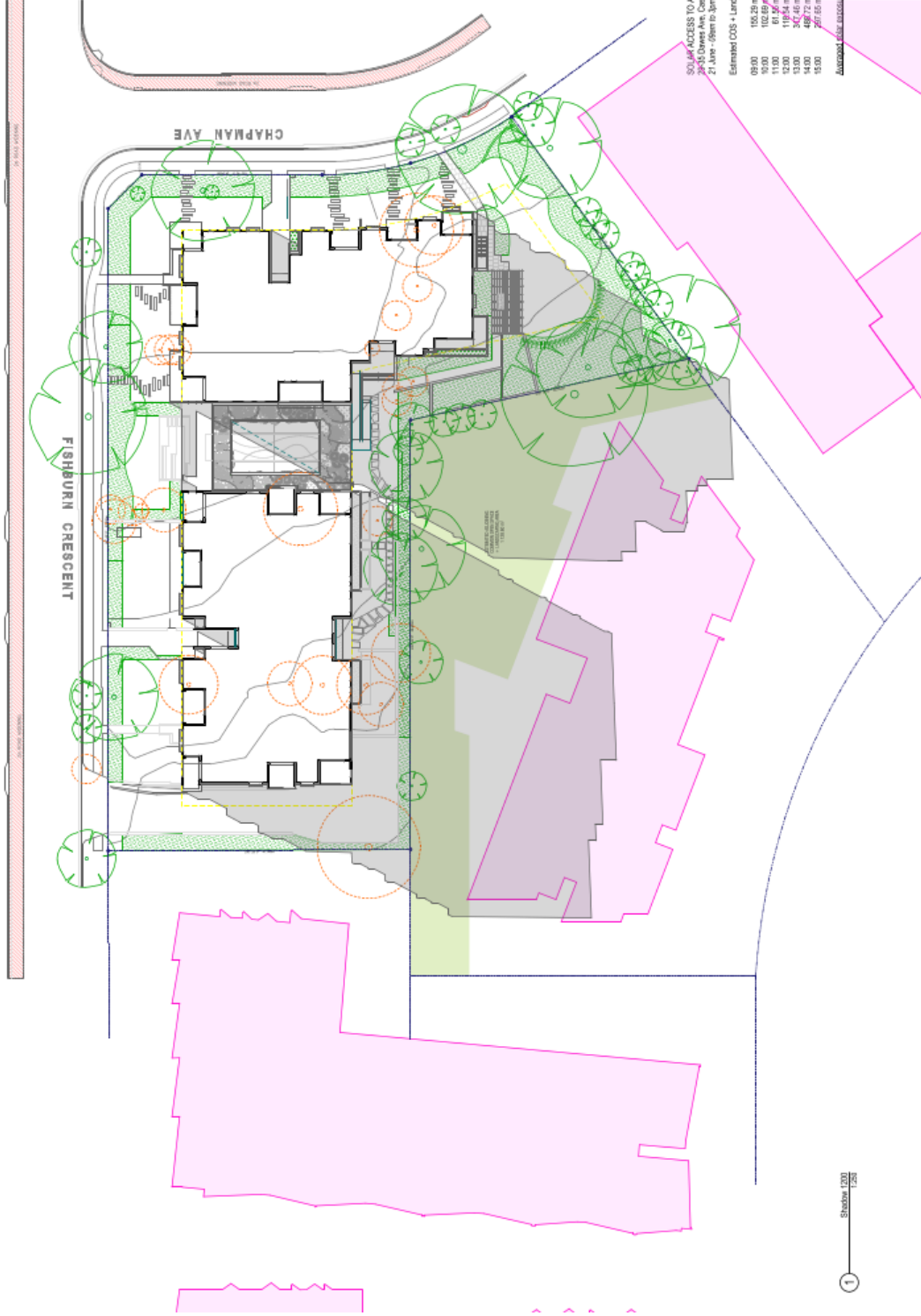
34-08775-6
1:12.5
Sections B, t
DA: Pleasant
DESIGNED: CRAWFORD
A-M: RM
July 2
L.C.: The Hills Stone Co.

Zhinar Architects Pty Ltd
 Suite 1, Level 2
 2 Riverside Drive
 Southport QLD 4212
 Australia
 +61 7 5593 8888
 +61 7 5593 8833
 www.zhinar.com.au
 02 424 495 790

Residential Flat Building
11-15 Fishburn Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
06608 DA-21

CONCLUSIONS





GENERAL NOTES	
1. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area.	
2. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area.	
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7. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area.	
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9. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area.	
10. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area. The site is located within the Fishburn Creek Catchment, which is a designated water catchment area.	

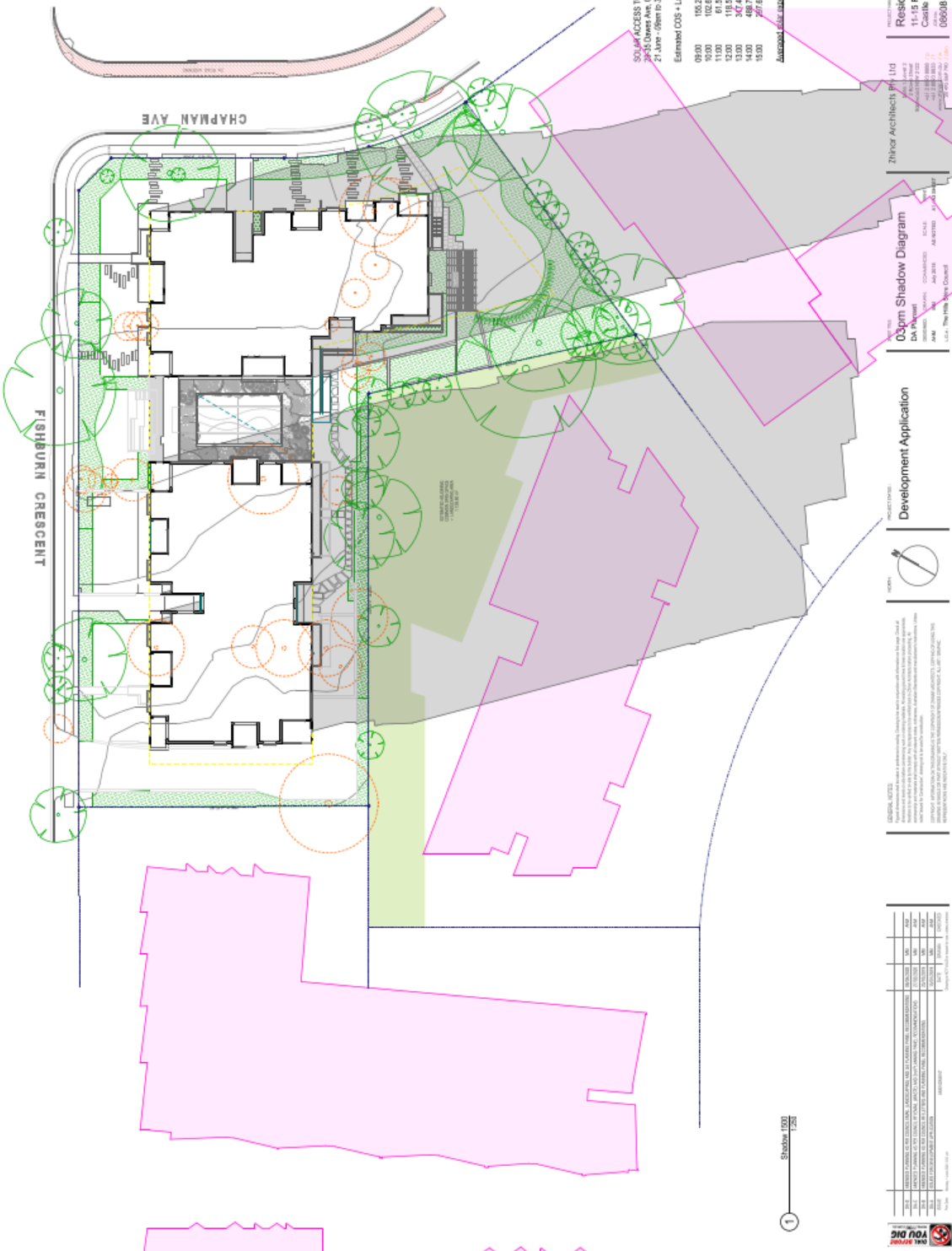


Development Application

12pm Shadow Diagram
DA Permit

Thincor Architects Pty Ltd
Suite 1, Level 2
11-15 Fishburn Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
02 9608 8888
www.thincor.com.au

Residential Flat Building
11-15 Fishburn Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
08608 DA-25
D

[illegible][illegible]

PROJECT NAME: **Development Application**

NO. 100



03pm Shadow Diagram
DA (Pursuant)

DEVELOPER	DATE	COMMISSIONED	SCALE
ANM	2010	July 2010	AS NOTED

U.S.A.: The Mills College Council

Zhinor Architects Pty Ltd
 Suite 11 Level 2
 2 River Street
 Richmond VIC 3122
 Australia
 +61 3 9579 8880 / 0
 +61 3 9579 8815 / 1
 mobile +61 439 506 267 / 0
 z2 455 588 790 / 0

Residential Flat Building
11-15 Fishburn Cres & 28-30 Chapman Ave,
Castle Hill NSW 2154
JAB no. 06508
City/County/State DA-28

ATTACHMENT 12 – PERPSECTIVES



ATTACHMENT 13 – DESIGN REVIEW PANEL MINUTES



MEETING REPORT DESIGN REVIEW PANEL

Date:	22/05/19	Time:	1.15 pm	Agenda Item:	4.2
Location of Meeting:	Community Rooms 1+2				
Panel Members:	Chairperson - Tony Caro Panel Member - Stephen Pearce Panel Member - Adam Hunter				
Councillors:	None present				
Council Staff:	Hugh Halliwell, Cynthia Dugan, Marika Hahn				
Guests:	James Mc Bride – Ethos Urban – Planner Andre Mulder – Zhinar Architects - Architect (Reg no. 6294) Mark Magill – Zhinar Architects - Designer Paul Scrivener- Landscape Design Steven Harb – Developer CBD Core Peter Harb – Cadet CBD Core				

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, that provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in its consideration for development application.

2. Declaration of interest

"Nil"

3. Confirmation of previous meeting reports

Confirmed by email.

4 Presentations

Item 4.2	1.15pm – 2.15pm
DA Number	DA 1392/2019/JP
Property Address	11-15 Fishburn Cres, 28-30 Chapman Avenue, Castle Hill
Proposal	 Residential flat development comprising two residential blocks and 94 dwelling units over basement car parking comprising 142 car spaces.
Applicant representative address to the design review panel	Andre Mulder – Zhinar Architects - Architect (Reg no. 6294) Mark Magill – Zhinar Architects - Designer Paul Scrivener- Landscape Designer
Background	The site was inspected by the panel on 22/05/19
Key Issues	Summary of key issues discussed: • ADG compliance • Significant overshadowing of proposed development to the rear • Removal of a significant tree • Excessive driveways • Insufficient communal open space provision

INTRODUCTION

The proposal 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 built form environment.

The Panel acknowledges that the Showground Precinct has been subject to a lengthy 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 the objectives of other key controls that apply to the development are achieved. In particular, the need to retain existing landscape and augment with new plantings to maintain the landscape character of the LGA is of concern to the Panel, for reasons including visual amenity, heat mitigation, substantial provision of shade within the public domain, carbon sequester and the need to maintain flora diversity and 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.



Location plan (THSC)

DOCUMENTATION

The Design Excellence Panel reviewed the following drawings issued to Council by the applicant:

Architectural Plans, DA Application 06/03/19, by Zhinar Architects, Issue A

Urban Analysis, 15/01/19, by Zhinar Architects, Issue A

Photomontage

Model Views, dated 10/02/19, by Zhinar Architects, Issue A

Landscape Plans, dated 08/03/19, Paul Scrivener Landscape

Shadow diagrams, dated 18/02/19, by Zhinar Architects, Issue A

Solar and Ventilation Analysis, March 2019, by Zhinar Architects, Issue DA-A

SEPP 65 Verification, dated 27/02/19, by Zhinar Architects, Issue A

Wind Report, dated Dec 2018, by Windtech Consultants Pty Ltd, Rev 1

Aborist Report including Aboricultural Impact Assessment and Tree Management Plan, dated 12 December 2018, by Redgum Horticultural.

Statement of Environmental Effects, dated 14 March 19, by Ethos Urban

PANEL COMMENT

DA 1392/2019/Jp – 11-15 Fishburn Cres, 28-30 Chapman Avenue, Castle Hill

The Panel meeting commenced at 1.15pm.

1. Precinct planning, appreciation and response to context

- The submitted documents do not adequately demonstrate how the proposal integrates with other new or proposed development in the immediate surrounds of the site, the wider urban and environmental context of the new Showground Precinct, or contributes to maintaining the garden character of The Hills Shire.
- The applicant should provide dimensioned location drawings that illustrate the immediate built context, including either approved adjacent development or building envelopes based on the key controls. The drawing provided does not adequately describe the adjoining Development Applications currently undergoing assessment (plan and section).

2. Site planning and built form strategy

- The site is on a corner and the scheme is based on two buildings addressing the frontages. The substantial break between the buildings will foster natural light ingress and air movement to the rear of the site and adjacent development.
- The provision of two entry drives compromise the residential amenity of the development and a single consolidated driveway entry from Fishburn Crescent should be investigated.
- The Panel noted that the proposed removal of mature native tree no.27 will impact adversely on the character setting, and recommends it be retained.

Bulk, Scale and Massing

- Whilst building separation is generally compliant, there are a number of minor encroachments at the upper levels. Overshadowing impacts on the proposed development to the south appear to be significant. Increasing the separation between Blocks A and B, and a reduction in the height of Block A would assist in mitigating this problem.

Site Coverage/ Landscaped Open Space

- Sufficient landscaped common open space is required to be provided at ground level.
- The common open space provision is inadequate. The bulk of the common open space comprises a swimming pool area. The areas at rear are too narrow and should be designated to private use only.
- Common open space is to receive sufficient solar access per ADG guidelines. The Panel recommends provision of rooftop garden areas to provide compliant area with sufficient residential amenity and solar access provision. Method of landscape calculation is to be resolved with Council staff.

3. Compliance

Height

- The Panel does not generally support LEP height non-compliance. Appears to comply with control.

Density

- Whilst the scheme appears to comply with key controls for FSR, height and setback, its overshadowing impacts on the site to the south must achieve acceptable solar sharing and privacy (REFER ADG objectives and guidelines). This must be demonstrated to the satisfaction of Council officer.

Setbacks

- Confirm all ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies) to the satisfaction of Council officer.

Apartment Mix and Building Design

- Generally street frontage apartments with ground floor levels and courtyards below footpath level are not supported. The applicant should ensure that this is achieved to the satisfaction of Council officer.
- Adequate, visual privacy, acoustic amenity and solar access compliance appears to be a problem with a number of apartments immediately adjacent to and overlooking the pool area. (B103, B104, A206, A205, B204, A306, A305, B304, A405, A406, B404, A504, B502, A604, A605, B602, A704, A705, B702, A804, A805,)

4. Landscape Design

Public Domain

- The Panel is concerned with the extent of established tree removal adjoining and within the public domain. All established trees should be retained where practicable and described by an arborist report. In particular as previously noted tree no. 27 is to be retained as a result of the proposed driveway removal.
- The lack of street trees provided to Fishburn Crescent and Chapman Avenue is not supported by the Panel. The applicant is to discuss required public domain treatments with and provide documentation to the Council Landscape Architect and Council Planner. Street tree planting is to be in accordance with the Showground Precinct Public Domain Plan.
- Review provision of pedestrian footpaths to street frontage with Council officers – the on site population of the development justifies footpath access.
- There is no deep soil diagram provided explaining where Deep Soil is provided on the site. In addition 15% Deep Soil on sites in excess of 1500sqm is the minimum recommended provision in accordance with ADG guidelines.
- Refer to ADG guidelines for medium to large tree provision requirements in deep soil zones to ensure these requirements are met.
- The Panel recommends a high quantum of large, high canopy peripheral trees be provided around the edges of the site, to meet the requirements of a high density residential environment in a strong, verdant landscape setting. The Panel notes that an even distribution of tall trees within the street setback would be desirable.

- Landscape architectural and engineering drawing sets are to be coordinated. Services are currently located within the soil zone of trees such as OSD tanks should be located within the building footprint where practicable and are required to be outside of any established tree drip zone.

Private Domain

- For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.
- Communal private space appears very constrained to the southern boundary where it is also heavily overshadowed. Explore opportunities created by removal of the Chapman Ave driveway access to provide more functional communal space with better solar access
- Tree 32 located to the adjoining site looks to be potentially impacted by the proposed OSD tank. Details of mitigation measures need to be provided including cross section and verification by a qualified Arborist
- The proposed location of the spotted gum tree planting on the Fishburn Crescent setback should be reconsidered as it potentially overshadows the pool and communal facilities provision – in particular in conjunction with existing tree 21 to the road verge.
- Confirm the role of the access ramps adjoining unit 105 – they do not appear to be linked by a hard surfaced path – are these compliant with AS 1428 in terms of continuity of access ?
- The public domain and adjoining deep soil zones requires more substantive tree planting.
- A number of balconies present as being undersized.

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

ADG compliance is not adequately demonstrated in a number of key areas. The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in many parts of the ADG. Specific items as noted at the meeting were:

- Cross privacy and acoustic amenity for units facing into the pool area
- Calculation of deep soil provision.
- Solar access to communal open space at ground level
- Adequacy of common facilities for this size development
- Solar access compliance to ADG definition to the satisfaction of Council officer.
- South facing unit compliance to the satisfaction of Council officer.
- Natural Cross ventilation compliance to ADG definition to the satisfaction of Council officer.
- Overshadowing of northern façade of neighbours to the rear of the site to be clearly demonstrated with a sun eye model at ½ hourly intervals between the hours of 9am to 3pm on winter solstice and equinoxes.

Additional Items

- Ensure exposed windows are adequately shaded.

6. Sustainability and Environmental amenity

- Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground precinct. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC (Central City District Plan, Planning Priority C16).
- The Showground Precinct LEP and DCP make numerous references to the need for ESD principles to guide the design of new developments. This fundamental requirement for achieving design excellence has not been adequately addressed in the design submission.

7. Architecture and Aesthetics

- Built form in the Showground precinct is required to demonstrate diversity, fine grain and human scale that is appropriate to the anticipated urban character and the wider character of the region and the Garden Shire.
- The proposal as presented is over articulated and requires a calmer presentation. The upper podium levels have an unconvincing additional horizontal element that should be deleted, and

the metal roof at the parapet level should be removed and replaced with useable unit terraces in the required setback zone.

- The Panel suggests a number of studies to investigate changing of materials to create a difference between the two building blocks and break down the bulk and scale of the development. The podium could present as a refined brickwork base, surmounted by a lighter, visually recessive upper level that more relates to the sky.
- A more neutral/subtle use of colour on the street facades, and higher quality materials such as quality face brickwork should be introduced into the lower podium levels.
- It is unclear if the recommendations in the Pedestrian Wind Environment Statement have been incorporated into the architectural design. These will have an impact upon the address to the street and residential amenity of the communal facilities such as the pool area. The Panel requires a statement illustrating how the recommendations have been applied to the design presented.
- All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.
- The Panel requests a statement from the architects describing how their design proposal has considered and responds to the specific social, cultural and environmental character of regional north-western Sydney.

SUMMARY OF PANEL RECOMMENDATIONS

- Avoid subterranean units and sunken terraces.
- Retain tree number 27.
- Consider improving solar access to the pool area.
- Demonstrate that the overshadowing impact on the development to the south does not compromise that developments ability to comply with ADG solar access design criteria
- Improve solar access to the ground level courtyard area, particularly the swimming pool.
- 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.
- Ensure common facilities and related spaces are appropriate to the size of the development.
- Provide rooftop garden areas to provide compliant area with sufficient residential amenity and solar access provision.
- Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.
- Provide external solar shading to exposed windows.
- Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.
- Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.
- Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.
- Vehicular access should be consolidated and wholly contained within a building footprint.

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 presently meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.

DESIGN REVIEW PANEL

DESIGN ADVISORY MEETING REPORT – 22nd January 2020

Item 4.1	1.20pm – 2.20pm
DA Number	DA 1392/2019/JP
DA officer	Cynthia Dugan
Applicant	CBD Core PTY LTD
Planner	Ethos Urban
Property Address	11-15 Fishburn Cres, 28-30 Chapman Avenue, Castle Hill
Proposal	 Residential flat development comprising two residential blocks and 94 dwelling units over basement car parking
Design review	Second review (first review occurred 22/05/19)
Background	The site was inspected by the panel on 22/01/20 between 9am-10am
Applicant representative address to the design review panel	Mark Magill - Designer No registration number provided
Panel Location	THSC Community Rooms 1+2
Panel Members	Chairperson - Tony Caro Panel Member - Paul Berkemeier Panel Member - Marc Deuschle
Declaration of Interest	None
Councillors	None present
Council Staff	Cynthia Dugan, Marika Hahn, Cameron McKenzie (partial)
Other attendees	James Mc Bride – Ethos Urban – Planner Andre Mulder – Zhinar Architects - Architect (Reg no. 6294) Mark Magill – Zhinar Architects - Designer Steven Harb – Developer CBD Core PTY LTD

SUBJECT SITE BACKGROUND SUMMARY

The subject site is in the western portion of the Showground Planned Precinct and roughly parallel with the Cattai Creek riparian corridor.



Location plan (THSC)

DOCUMENTATION

The Design Review Panel reviewed the following drawings issued to Council by the applicant on the 22/05/19:

Architectural Plans, DA Application 06/03/19, by Zhinar Architects, Issue A

Urban Analysis, 15/01/19, by Zhinar Architects, Issue A

Photomontage

Model Views, dated 10/02/19, by Zhinar Architects, Issue A

Landscape Plans, dated 08/03/19, Paul Scrivener Landscape

Shadow diagrams, dated 18/02/19, by Zhinar Architects, Issue A

Solar and Ventilation Analysis, March 2019, by Zhinar Architects, Issue DA-A

SEPP 65 Verification, dated 27/02/19, by Zhinar Architects, Issue A

Wind Report, dated Dec 2018, by Windtech Consultants Pty Ltd, Rev 1

Arborist Report including Aboricultural Impact Assessment and Tree Management Plan, dated 12 December 2018, by Redgum Horticultural.

Statement of Environmental Effects, dated 14 March 19, by Ethos Urban

The Design Review Panel reviewed the following drawings issued to Council by the applicant on the 22/01/20.

Design Report, dated Oct 2019, by Zhinar Architects

Architectural Plans, DA Application 25/10/19, by Zhinar Architects, Issue B

Solar access Assessment, dated September 2019, by SLR Consulting Australia Pty Ltd

Landscape Plans, dated 06/11/19, Paul Scrivener Landscape

PANEL COMMENT

DA 1392/2019/JP, 11-15 Fishburn Cres, 28-30 Chapman Avenue, Castle Hill

The applicant's team presented their responses to the DRP's Report for the May 2019 meeting.

For clarity, this meeting report structure is based on previous Panel comments (*repeated when appropriate below in italics*). The new comments do not necessarily supersede previous advice

1. Precinct planning, appreciation and response to context

- *The submitted documents do not adequately demonstrate how the proposal integrates with other new or proposed development in the immediate surrounds of the site, the wider urban and environmental context of the new Showground Precinct, or contributes to maintaining the garden character of The Hills Shire.*

NEW COMMENT: Addressed.

- *The applicant should provide dimensioned location drawings that illustrate the immediate built context, including either approved adjacent development or building envelopes based on the key controls. The drawing provided does not adequately describe the adjoining Development Applications currently undergoing assessment (plan and section).*

NEW COMMENT: Drawings provided were unclear and lacking basic information. Section marks should always be shown on plans and RL's are required for all floor levels, on landscape drawings and on ground levels showing levels both indoors and outdoors. Relationships to adjacent buildings (approved or envelopes to be indicated on plans and elevations)

2. Site planning and built form strategy

- *The site is on a corner and the scheme is based on two buildings addressing the frontages. The substantial break between the buildings will foster natural light ingress and air movement to the rear of the site and adjacent development.*

NEW COMMENT: Ensure that separation between building masses is sufficient to provide compliant solar access to rear development communal open space.

- *The provision of two entry drives compromise the residential amenity of the development and a single consolidated driveway entry from Fishburn Crescent should be investigated.*

NEW COMMENT: Addressed. Driveways have been consolidated to a single access and egress point.

- *The Panel noted that the proposed removal of mature native tree no.27 will impact adversely on the character setting, and recommends it be retained.*

NEW COMMENT: the applicant has stated tree 27 an existing significant tree is to be retained however the location of the substation appears to close to this tree. The substation is to be located outside of the drip line of the tree and to the satisfaction of the council landscape officer.

The Panel does not accept the proposed location of the substation and alternatives should be investigated,

Bulk, Scale and Massing

- *Whilst building separation is generally compliant, there are a number of minor encroachments at the upper levels. Overshadowing impacts on the proposed development to the south appear to be significant. Increasing the separation between Blocks A and B, and a reduction in the height of Block A would assist in mitigating this problem.*

NEW COMMENT: Council planner to determine if the provided solar access assessment report satisfies Council's requirements.

The Panel is concerned by overshadowing of the primary communal open space that receives solar access within the development to the south of the subject site DA 320/2019/JP).

As the development to the south is under control of the same developer/owner, the Panel recommends consideration of the following:

Conversion of metal deck roof on approved DA 320/2019/JP to provide communal open space that receives a minimum of 2hrs of sunlight on Jun 21 between the hours 9am-3pm.

Possibility of sharing / amalgamating ground level open space between developments.

Site Coverage/ Landscaped Open Space

- *Sufficient landscaped common open space is required to be provided at ground level.*
- *The common open space provision is inadequate. The bulk of the common open space comprises a swimming pool area. The areas at rear are too narrow and should be designated to private use only.*
- *Common open space is to receive sufficient solar access per ADG guidelines. The Panel recommends provision of rooftop garden areas to provide compliant area with sufficient residential amenity and solar access provision. Method of landscape calculation is to be resolved with Council staff.*

NEW COMMENT: the applicant has provided roof top gardens for both communal open space provision and private open space. A reasonable diversity of common spaces is now proposed.

3. Compliance

Height

- *The Panel does not generally support LEP height non-compliance. Appears to comply with control.*

NEW COMMENT: No further comment

Density

- *Whilst the scheme appears to comply with key controls for FSR, height and setback, its overshadowing impacts on the site to the south must achieve acceptable solar sharing and privacy (REFER ADG objectives and guidelines). This must be demonstrated to the satisfaction of Council officer.*

NEW COMMENT: This remains an issue to be resolved for this proposal, refer above comments.

Setbacks

- *Confirm all ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies) to the satisfaction of Council officer.*

NEW COMMENT: No further comment

Apartment Mix and Building Design

- *Generally street frontage apartments with ground floor levels and courtyards below footpath level are not supported. The applicant should ensure that this is achieved to the satisfaction of Council officer.*

NEW COMMENT: Unit 106 does not provide adequate amenity. The Panel recommends deletion or relocating this unit to an upper level if it can be accommodated within the height control.

The Panel reviewed the circulation and planning of the pool area adjacent to unit 106 and recommends that the planning be substantially revised taking the following comments into consideration:

- The pool should be able to be directly accessed by residents in buildings A and B without having to firstly enter the basement car parking.
 - Pedestrian movement provisions need to be simplified. Too much of the communal open space around the pool area is given over to circulation ramps and stairs.
 - Access to the northern outdoor area adjacent the pool is convoluted. Adjustment of levels in this area may improve its amenity and access.
 - The communal open space to the south of the pool is disconnected. The Panel recommends linking these areas.
 - Reconfigure unit 106 to provide communal amenity to the pool area. This could become the yoga room or gym area.
- *Adequate, visual privacy, acoustic amenity and solar access compliance appears to be a problem with a number of apartments immediately adjacent to and overlooking the pool area. (B103, B104, A206, A205, B204, A306, A305, B304, A405, A406, B404, A504, B502, A604, A605, B602, A704, A705, B702, A804, A805.)*

NEW COMMENT: Confirm with planner how this has been resolved.

4. Landscape Design

Public Domain

- *The Panel is concerned with the extent of established tree removal adjoining and within the public domain. All established trees should be retained where practicable and described by an arborist report. In particular as previously noted tree no. 27 is to be retained as a result of the proposed driveway removal.*

NEW COMMENT: Applicant has stated this tree is to be retained. This must be reflected in updated plans to be provided to the Council officer. The location of the substation has moved between reviews

and drawing issues and is within the drip line of tree 27. The location of the substation is to be confirmed with Council landscape DA officer to not affect the long term health of tree 27.

- *The lack of street trees provided to Fishburn Crescent and Chapman Avenue is not supported by the Panel. The applicant is to discuss required public domain treatments with and provide documentation to the Council Landscape Architect and Council Planner. Street tree planting is to be in accordance with the Showground Precinct Public Domain Plan.*
- *Review provision of pedestrian footpaths to street frontage with Council officers – the on site population of the development justifies footpath access.*
- *There is no deep soil diagram provided explaining where Deep Soil is provided on the site. In addition 15% Deep Soil on sites in excess of 1500sqm is the minimum recommended provision in accordance with ADG guidelines.*
- *Refer to ADG guidelines for medium to large tree provision requirements in deep soil zones to ensure these requirements are met.*
- *The Panel recommends a high quantum of large, high canopy peripheral trees be provided around the edges of the site, to meet the requirements of a high density residential environment in a strong, verdant landscape setting. The Panel notes that an even distribution of tall trees within the street setback would be desirable.*
- *Landscape architectural and engineering drawing sets are to be coordinated. Services are currently located within the soil zone of trees such as OSD tanks should be located within the building footprint where practicable and are required to be outside of any established tree drip zone.*

NEW COMMENT: no further comment.

Private Domain

- *For a proposal of this size, high quality communal open space design is essential, in keeping with the place-making principles of generous and quality places outlined in the DCP.*

NEW COMMENTS:

- The Panel supports provision of additional communal open space provision on the apartment roofs.
 - The Panel commented that there was potential to make these spaces more useful with elements such as seating arranged better to create spaces rather than objects floating in space. Movable seating could be an option explored to allow flexibility as opposed to fixed seating.
 - The Panel recommends provision of shading elements such as pergolas to provide areas of shade on the roof top spaces. These must be located away from parapets to avoid overshadowing and privacy issues with neighbours. Location of posts should be considered to ensure they do not impact on useability of spaces created.
- *Communal private space appears very constrained to the southern boundary where it is also heavily overshadowed. Explore opportunities created by removal of the Chapman Ave driveway access to provide more functional communal space with better solar access*

NEW COMMENT: Addressed

- *Tree 32 located to the adjoining site looks to be potentially impacted by the proposed OSD tank. Details of mitigation measures need to be provided including cross section and verification by a qualified Arborist*

NEW COMMENT: to be confirmed. OSD tank should not impact on any existing vegetation which could be retained.

- *The proposed location of the spotted gum tree planting on the Fishburn Crescent setback should be reconsidered as it potentially overshadows the pool and communal facilities provision – in particular in conjunction with existing tree 21 to the road verge.*

NEW COMMENT: Addressed

- Confirm the role of the access ramps adjoining unit 105 – they do not appear to be linked by a hard surfaced path – are these compliant with AS 1428 in terms of continuity of access ?
- The public domain and adjoining deep soil zones requires more substantive tree planting.
- A number of balconies present as being undersized.

NEW COMMENT: no further comment

5. SEPP 65 items to be clarified or revised:

Apartment Design Guide

- ADG compliance is not adequately demonstrated in a number of key areas. The Panel recommends that additional information be provided to demonstrate that the development is meeting the objectives and design criteria in many parts of the ADG. Specific items as noted:
- Cross privacy and acoustic amenity for units facing into the pool area
- Calculation of deep soil provision.
- Solar access to communal open space at ground level
- Adequacy of common facilities for this size development
- Solar access compliance to ADG definition to the satisfaction of Council officer.
- South facing unit compliance to the satisfaction of Council officer.
- Natural Cross ventilation compliance to ADG definition to the satisfaction of Council officer.
- Overshadowing of northern façade of neighbours to the rear of the site to be clearly demonstrated with a sun eye model at ½ hourly intervals between the hours of 9am to 3pm on winter solstice and equinoxes.

NEW COMMENT: a number of above listed items have been resolved. Note all comments are to be addressed with adequate and clear documentation to the satisfaction of the Council officer.

The Panel considers that internal planning of units is of poor quality in many areas. Examples were identified at the meeting, primarily related to dark internal spaces, poorly proportioned rooms and areas that are difficult to furnish or move around, and inconsistencies in provision of adequate storage- for example kitchen size/types and wardrobes. It is strongly recommended that the applicant engage an experienced interior planner/designer to review and improve internal planning generally within the development.

The Panel also noted the windows in some of the bedrooms appeared to be small and whilst they may comply with BCA minimum standards, the bedroom has the potential be enhanced by the provision of larger windows.

Additional Items

- Ensure exposed windows are adequately shaded.

NEW COMMENT: ensure linear shading devices are arranged to best provide shading in accordance with passive solar design principles ie, east and west orientations have vertical shading, and north and south orientations have horizontal shading arrangements (refer to ADG pages 79, 80).

6. Sustainability and Environmental amenity

- Although not discussed at the meeting, achieving a high level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney is a key challenge for the Showground precinct. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC (Central City District Plan, Planning Priority C16).
- The Showground Precinct LEP and DCP make numerous references to the need for ESD principles to guide the design of new developments. This fundamental requirement for achieving design excellence has not been adequately addressed in the design submission.

NEW COMMENT: No further comment

7. Architecture and Aesthetics

- *Built form in the Showground precinct is required to demonstrate diversity, fine grain and human scale that is appropriate to the anticipated urban character and the wider character of the region and the Garden Shire.*

NEW COMMENT: No further comment

- *The proposal as presented is over articulated and requires a calmer presentation. The upper podium levels have an unconvincing additional horizontal element that should be deleted, and the metal roof at the parapet level should be removed and replaced with useable unit terraces in the required setback zone.*

NEW COMMENT: Addressed

- *The Panel suggests a number of studies to investigate changing of materials to create a difference between the two building blocks and break down the bulk and scale of the development. The podium could present as a refined brickwork base, surmounted by a lighter, visually recessive upper level that more relates to the sky.*

NEW COMMENT: Addressed

- *A more neutral/subtle use of colour on the street facades, and higher quality materials such as quality face brickwork should be introduced into the lower podium levels.*

NEW COMMENT: Addressed

- *It is unclear if the recommendations in the Pedestrian Wind Environment Statement have been incorporated into the architectural design. These will have an impact upon the address to the street and residential amenity of the communal facilities such as the pool area. The Panel requires a statement illustrating how the recommendations have been applied to the design presented.*

NEW COMMENT: No further comment

- *All utility services elements in the public domain are to be suitably screened and integrated into the building fabric. Detailing of services screening to be a DA condition or prior to consent subject to DA officer requirement.*

NEW COMMENT: No further comment

- *The Panel requests a statement from the architects describing how their design proposal has considered and responds to the specific social, cultural and environmental character of regional north-western Sydney.*

NEW COMMENT: Addressed

SUMMARY OF PANEL RECOMMENDATIONS

- *Avoid subterranean units and sunken terraces.*
- *Retain tree number 27.*
- *Consider improving solar access to the pool area.*
- *Demonstrate that the overshadowing impact on the development to the south does not compromise that developments ability to comply with ADG solar access design criteria*
- *Improve solar access to the ground level courtyard area, particularly the swimming pool.*
- *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.*
- *Ensure common facilities and related spaces are appropriate to the size of the development.*
- *Provide rooftop garden areas to provide compliant area with sufficient residential amenity and solar access provision.*
- *Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks.*
- *Provide external solar shading to exposed windows.*
- *Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.*
- *Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting.*

- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.*
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.*
- *Vehicular access should be consolidated and wholly contained within a building footprint.*

ADDITIONAL RECOMMENDATIONS

- Re-plan ground level around the pool and gym area, minimising level changes and reducing the extent of circulation elements.
- Provide suitable locations and integration of children's play areas
- Engage experienced interior designer to review and improve apartment planning as noted

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 presently meet the requirements of design excellence. It is recommended that the applicant addresses the issues identified in this report and presents a revised application to the Panel.

DESIGN REVIEW PANEL DESIGN ADVISORY MEETING REPORT – 25th March 2020
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Item 4.2	12.45pm – 2.00pm
DA Number	DA 1392/2019/JP
DA officer	Cynthia Dugan
Applicant	CBD Core PTY LTD
Planner	Ethos Urban
Property Address	11-15 Fishburn Cres, 28-30 Chapman Avenue, Castle Hill
Proposal	 Residential flat development comprising two residential blocks and 94 dwelling units over basement car parking.
Design review	Third review (previous reviews occurred 22/05/19, 22/01/20)
Background	The site was inspected by the panel on 22/05/19 between 9am-10am and on the 25/03/20 by Stephen Pearse and Adam Hunter. Tony Caro having visited the site in the previous fortnight.
Applicant representative to address the Panel	Mark Magill - Designer No registration number
Key Issues	Summary of key issues discussed: Review of Changes made in response to Panel meeting comments 22/01/20 and previous recommendations.
Panel Location	THSC Community Rooms 1+2
Panel Members	Chairperson - Tony Caro Panel Member - Stephen Pearse Panel Member - Adam Hunter
Declaration of Interest	None
Councillors	None present
Council Staff	Marika Hahn, Cynthia Dugan (Skype)
Other attendees	James Mc Bride – Ethos Urban – Planner (Skype) Andre Mulder – Zhinar Architects - Architect (Reg no. 6294) (Skype) Mark Magill – Zhinar Architects - Designer Steven Harb – Developer CBD Core PTY LTD (Skype) Paul Scrivener - Landscape Architect

INTRODUCTION

The same Panel members reviewed the Development application on May 22nd 2019. Tony Caro has been the chair of the Panel for all the Design Review Panel meetings.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is in the Showground Planned Precinct.



Location plan (THSC)

DOCUMENTATION

The 22/05/19 Design Review Panel reviewed the following drawings issued to Council by the applicant:

Architectural Plans, DA Application 06/03/19, by Zhinar Architects, Issue A

Urban Analysis, 15/01/19, by Zhinar Architects, Issue A

Photomontage

Model Views, dated 10/02/19, by Zhinar Architects, Issue A

Landscape Plans, dated 08/03/19, Paul Scrivener Landscape

Shadow diagrams, dated 18/02/19, by Zhinar Architects, Issue A

Solar and Ventilation Analysis, March 2019, by Zhinar Architects, Issue DA-A

SEPP 65 Verification, dated 27/02/19, by Zhinar Architects, Issue A

Wind Report, dated Dec 2018, by Windtech Consultants Pty Ltd, Rev 1

Aborist Report including Aboricultural Impact Assessment and Tree Management Plan, dated 12December 2018, by Redgum Horticultural.

Statement of Environmental Effects, dated 14 March 19, by Ethos Urban

The 22/01/20 Design Review Panel reviewed the following drawings issued to Council by the applicant:

Design Report, dated Oct 2019, by Zhinar Architects

Architectural Plans, DA Application 25/10/19, by Zhinar Architects, Issue B

Solar access Assessment, dated September 2019, by SLR Consulting Australia Pty Ltd

Landscape Plans, dated 06/11/19, Paul Scrivener Landscape

The 25/03/20 Design Review Panel reviewed the following drawings issued to Council by the applicant:

Architectural Plans, DA Application 27/02/20, by Zhinar Architects, Issue C

Landscape Plans, dated 03/03/20, Paul Scrivener Landscape

Stormwater / Civil Plans, dated 15/03/19, CAM Consulting

Waste bin pathway, undated, by no author, Issue C (single diagram)

PANEL COMMENT

DA 1392/2019/JP, 11-15 Fishburn Cres, 28-30 Chapman Avenue, Castle Hill

The applicant's team presented their responses to the DRP's Report for the January 2020 meeting using the following headings: Landscape, Waste collection, Unit Planning, Façade/Shading, Context.

This meeting report is based on the headings identified by the presenter as being the items identified for review following the previous Design Review Panel meeting, and the Panel recommendations from previous Panel meetings. The previous Panel recommendations are repeated in *italics*. New comments do not necessarily supersede previous advice.

Landscape

1. The Panel supports improvements to the scheme following previous meetings, including removal of the second driveway, changes to the design of the building facades, and rationalisation of the design of the swimming pool area and adjacent spaces.
2. The Panel considers that the addition of a planted roof over the pool is an attractive way to address acoustic mitigation, but recommends that additional solar access to the pool area and to the yoga room be provided. This could be achieved with larger apertures in the roof plane, or by removing a portion of the northern roof area. The next stage of design should provide detail as to how the roof garden area is accessed and maintained.
3. The Panel is unclear why the substation is located in such a visually prominent location with no screening. The Panel recommends rotating the substation 90 degrees to minimise its visual impact on the street frontage (as per Ausgrid standard detail) with the long elevation facing east away from the public recreation area.
4. The Panel recommends that all services and utilities required within the front setback are clearly notated on the DA drawings prior to submission for assessment, with integration screening details provided and services pipework and conduiting coordinated with proposed tree locations. **Note:** This is routine advice followed by all other applicants in the precinct. The building type is generic and an estimation of service provision should be readily established.
5. The Panel recommends the multiple pit lids for the OSD in the southern external communal open space be reconfigured or covered by a decked area to reduce their impact on the functionality and amenity of this area.
6. The Panel recommends the layout of the southern area of communal open space be reviewed to allow for consolidated level areas for children's free play, with seating areas for parental supervision and passive recreation. Further, this review should consider whether a paved path connection to the Chapman Avenue frontage is desirable and enhances the usability of this area for families. This is a good opportunity to provide a high-quality landscape communal open space that has an established tree canopy.
7. The Panel requested that proposed street tree species are coordinated with the Showground Precinct Public Domain Plan in liaison with Councils Landscape Officer.

Waste Collection

8. This was not discussed in depth, subject to Council waste officer approval.

Unit Planning

9. While some apartment planning has improved, a number of apartments would still benefit from further work to provide more efficient planning.

Façade / Shading

10. The Panel notes that shading devices have been provided to provide climate protection and privacy to exposed glazing. The applicant should provide details in relation to the shading efficiency of these elements suitable to orientation.

Context

11. The Panel recommends the applicant comply with planting schedules in Council's Public Domain Plan for street tree planting. The Panel notes the proposed species may present problems in the nominated locations, and would be better placed within a setback area with good clearance of at least 5m as the trunk diameter becomes substantial.

SUMMARY OF PANEL RECOMMENDATIONS 22/05/19

- *Avoid subterranean units and sunken terraces. - Addressed*
- *Retain tree number 27. - Addressed*
- *Consider improving solar access to the pool area. – To be addressed*
- *Demonstrate that the overshadowing impact on the development to the south does not compromise that developments ability to comply with ADG solar access design criteria. Documentation to be provided to DA officer. The applicant noted the development to the south has provided additional landscaped area to the rooftop to ensure sufficient solar access to communal open space is provided.*
- *Provide Sun Eye 3D models at 1 hourly intervals between the hours of 9am and 3pm on June 21st to clarify solar access to living rooms. - Addressed*
- *Ensure common facilities and related spaces are appropriate to the size of the development. - Addressed*
- *Provide rooftop garden areas to provide compliant area with sufficient residential amenity and solar access provision. - Addressed*
- *Provide more articulation and diversity of architectural expression between lower and upper levels and between development blocks. - Addressed*
- *Provide external solar shading to exposed windows. - Addressed*
- *Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations. - Addressed*
- *Provide a comprehensive landscape design that addresses deep soil provision, high canopy tree planting and substantial landscape understorey planting. – Partially addressed*
- *Sign off from both the Council Landscape DA officer and relevant Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas. - Note*
- *Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council. – To be further resolved*
- *Vehicular access should be consolidated and wholly contained within a building footprint. Addressed*

PREVIOUS RECOMMENDATIONS 22/01/20

- *Re-plan ground level around the pool and gym area, minimising level changes and reducing the extent of circulation elements. - Addressed*
- *Provide suitable locations and integration of children's play areas. – Partially addressed*
- *Engage experienced interior designer to review and improve apartment planning as noted. – Accepted, noting further refinement should be undertaken*

ADDITIONAL RECOMMENDATIONS 25/03/20

- *Provide additional solar access to the pool area with a reducing the extent of the northern portion of the pool roof.*
- *Consider additional means by which solar access could be introduced to the pool area so that the gym/ yoga rooms receive some solar access.*
- *Rotate substation 90 degrees to that the short side of the substation faces the street frontage. Note: substation should occur in setback area to Unit A106 in lieu of removing area from communal open space landscaped area.*
- *Review the layout of the southern area of communal open space to allow for consolidated level areas for children's free play and reduce the impact of OSD pit lids.*

Note: It is noted that further information is required by the Development Assessment team to aid with their assessment of the development.

PANEL CONCLUSION

The Panel supports the proposal in its current form, as the proposal can achieve the requirements of design excellence with further refinement as identified in this report. 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.