

COUNCIL ASSESSMENT REPORT

Panel Reference	PPSSCC-150
DA Number	DA 488/2021/JP
LGA	The Hills Shire Council
Proposed Development	Demolition of Existing Structures and Construction of Three Mixed Use and Four Residential Flat Buildings of varying heights between 8 - 13 Storeys. The development comprises of 772 Units, Lower Ground Level Neighbourhood Shops and Three Level Basement Car parking (1008 Car Spaces).
Street Address	30-36 Carrington Road, 33-39 & 36-44 Ashford Ave and 7-13 Partridge Ave, Castle Hill
Applicant	Showground Corporation Pty Ltd
Consultant/s	Town Planners: APP Surveyors: Benchmark Surveyors and Geosurv Subdivision/Staging Plan: Project Surveyors Architects: Tony Owen Partners Quantity Surveyors: RICQS Traffic Engineers: TTPP Civil, Stormwater Engineers and Sustainability: Stantec Water Course Assessment: Martens Acoustic Engineers: Acoustic Logic Ecologist: Cumberland Ecology Landscape Architect: Site Image Geotechnical Engineer: Environmental Investigation Waste Management: Elephants Foot BCA and Access: BCA Logic Legal Planning Opinion: Malcolm Craig QC Arborist: Birds Tree Consultancy
Date of DA lodgement	13 October 2020
Number of Submissions	Two
Recommendation	Deferral
Regional Development Criteria Part 2.4 and Schedule 6 of the SEPP (Planning Systems) 2021	CIV exceeding \$30 million (\$221,316,608 excluding GST)
List of all relevant s4.15(1)(a) matters	• State Environmental Planning Policy (State and Regional Development) 2021 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy 65 – Apartment Design of Residential Development • The Hills Local Environmental Plan 2019 • The Hills Development Control Plan 2012 • Part B Section 2 – Residential • Part B Section 5 – Residential Flat Building • Part B Section 6 – Business • Part C Section 1 – Parking • Part C Section 3 – Landscaping

	• Part C Section 6 – Flood Controlled Land • Part D Section 19 – Showground Station Precinct
List all documents submitted with this report for the Panel's consideration	• Clause 4.6 written submission • Applicant's Legal Submission regarding application of Clause 9.2 for the calculation of Floor Space Ratio • Subdivision Plan indicating RE1 land to be dedicated to Council and landscaping and civil works proposed within the RE1 zoned land. • Design Review Panel Reports • Urban Design Review by SJB
Clause 4.6 requests	• The Hills LEP 2019 • Clause 4.3 Height of Buildings development standard • R4 High Density zone
Summary of key submissions	• Traffic and parking concerns • Density • Landscaping
Report prepared by	Cynthia Dugan – Principal Coordinator Development Assessment
Report date	1 December 2022

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? **Yes**

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? **No**
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 proposal includes the staged construction of 772 residential units within seven 8 -13 storey mixed use and residential flat buildings on two sites A (western) and B (eastern) located on the south eastern side of Carrington Road, opposite the Showground Metro Station. The properties within Site A, to the west of Ashford Avenue are identified as flood control lots due to the Cattai Creek traversing the western boundaries and a public drainage pipe and associated overland flow path conveying stormwater runoff from a larger upstream catchment via the sag in Ashford Avenue. When the Showground Precinct was rezoned, it was acknowledged that upgrades to the local pipe network was required to mitigate the impact of flooding because of new development and increased building footprints within the precinct, however only preliminary estimates of pipe system upgrades were identified. It was envisaged that the delivery and actual upgrades required to mitigate flooding hazards would be realised by the developer, should they develop the land prior to Council undertaking a precinct wide investigation on the actual upgrades required for the Precinct. Proposed Building C is located over the current drainage pipe. The application proposes to divert the pipe and associated overland flow path around the building including upsizing the pipe to lessen the overland flow extent.
- Clause 5.21 of the Hills LEP 2019 stipulates that development consent must not be granted to development within a flood planning area unless the consent authority is satisfied that the development is compatible with the flood function and behaviour on the land, will not adversely affect flood behaviour in a way that results in detrimental impacts of other properties, affect the safe occupation and efficient evacuation of people and appropriate measures are provided to manage risk to life in the event of a flood and adverse environmental impacts. Whilst the application is accompanied by pre-development and post development flood modelling showing there are no impacts offsite, this modelling is not yet in a format acceptable to Council staff and needs updating to meet the Design Guidelines and related flood modelling requirements. The flood modelling does not yet demonstrate that the post developed condition does not have any flooding impacts elsewhere during the 1% AEP event compared to the pre-developed case. In this regard, it cannot yet be concluded that the development will not result in detrimental impacts to the flood function and behaviour on the land. The Applicant is currently working with Council's Waterways Team to finalise this issue. Should the flood impact assessment demonstrate that the above is satisfied, and all other outstanding issues identified in this report are resolved, the application can ultimately be recommended for approval.
- Additional information will be required to demonstrate compliance with the housing diversity unit mix and size provisions required to apply an incentive floor space ratio (FSR) of 3.1:1 and 2.7:1 under Clause 9.7 of LEP 2019. The latest floor plans were accompanied with an overall unit mix table indicating 179 out of 450 units would comprise a minimum internal floor area of 110m². This equates to 39.78% of 2 bedroom units which does not meet Clause 9.7(2)(c) which requires *"at least 40% of all 2 bedroom dwellings contained in the development will have a minimum internal floor area of 110 square metres"*. In this regard, the unit mix would have to be amended to apply the incentive Floor Space Ratio permitted under this Clause.
- If the plans are amended to ensure compliance with the unit mix and size provisions under Clause 9.7, further reassessment is required to determine that the floor space ratio meets the maximum incentive FSR standard. It is noted that the application seeks to dedicate land to Council at no cost to Council including the land within the RE1 Public Open Space zone and 2m wide land area on Ashford Avenue east for road widening purposes. The Applicant seeks to include this land to be dedicated to Council in the site area for the purpose of calculating FSR under Clause 9.2 and Clause 4.5 of the LEP. In accordance with Clause 4.5 of the LEP, the proposal comprises permissible land uses within the respective zones

including landscape works to the public recreation area in the RE1 zoned land. In this regard, the land can be included in the site area for the purposes of applying the FSR.

- This application is accompanied by a request to vary Clause 4.3 Building Height development standard pursuant to Clause 4.6 of The Hills Local Environmental Plan. Clause 4.3 of LEP 2019 limits the height of the development to 40m and 27m. The proposed development will have a maximum building height and variation of 43m (7.5%), 43.7m (9.25%) and 41.9m (4.75%) for Buildings A, D and F respectively and 30.95m (14.6%), 32.6m (18.1%), 28.7m (6.3%) and 29.6m (9.6%) for Buildings B, C, E and G. A revised Clause 4.6 written submission was provided on 22 November 2022. However revised elevations and sections for Building C have not been provided. The submitted amended information is currently being reviewed by Council staff.
- In accordance with Clause 9.5 of the Hills LEP 2019, development consent must not be granted unless the consent authority considers that the development exhibits design excellence and subclause (6) requires the development to be reviewed by a design review panel (DRP) and the consent authority is to take into account the findings of the DRP. The application was referred to Council's DRP on four occasions. An initial review was also held at pre-lodgement stage. The DRP raised significant concerns to the proposal including excessive bulk and scale of all buildings, lack of architectural diversity and façade articulation, riparian corridor setback non-compliance, inadequate design of cross-site link, poor amenity outcomes and lack of security to ground level communal open space areas, poor design quality of circulation spaces, entry lobbies, apartment layouts, balconies and unclear solar and cross ventilation diagrams. The Applicant has made substantial changes to the proposal including a design response and further redesign to Building A, D and F by Frank Stanisic and an independent Urban Design Review has been provided to address these concerns.
- Approval of the subject application and Development Application 1406/2021/JP (also referred to the Panel in December 2022) would result in 5,221 dwellings within the Showground Station Precinct. This would not comply with Clause 9.8 of the LEP which prohibits development consent to development that results in more than 5,000 dwellings on land within the Showground Station Precinct. However, on 2 November 2022, the Department of Planning and Environment indicated that an interim measure "*clarifying the cap only applies to new dwellings (not the dwellings that were existing in the precinct when it was rezoned) and does not apply to concept development applications*" would be made by 8 December 2022 via an expedited amendment to the LEP under Section 3.22 of the Environmental Planning and Assessment Act, 1979. If this amendment is made, approval of the subject application and 1406/2021/JP would result in 3,116 new dwellings (exclusive of existing and concept development applications) within the Showground Station Precinct which would comply with the Clause.
- A Biodiversity Development Assessment Report (BDAR) was submitted with the application in accordance with the threshold requirements under Section 7.1 and 7.3 of the NSW Biodiversity Conservation Act 2016. The BDAR demonstrates that only a small portion of Sydney Turpentine Ironbark Forest (STIF) and two fauna credit species the Southern Myotis (*Myotis macropus*), and the Gang-gang Cockatoo (*Callocephalon fimbriatum*) will be impacted. In accordance with Section 7.13, no offset credit obligation is required for the STIF and one credit for each fauna species is recommended to be retired prior to any clearing or disturbance of vegetation, should consent be granted to the application. The application has demonstrated that it is unlikely to have serious and irreversible impacts on biodiversity values along the riparian corridor and therefore satisfies Section 7.16(2) of the NSW Biodiversity Conservation Act 2016.
- A revised BASIX assessment to accompany the latest set of plans has not been provided. A revised BASIX assessment is required to demonstrate that the amended application will

achieve the targets for water reduction, energy reduction and measures for thermal performance as required under State Environmental Planning Policy (BASIX) 2004.

- The amended plans are currently being assessed under SEPP 65 and the Apartment Design Guide (ADG). However, insufficient information has been provided to demonstrate compliance with the design criteria in the (ADG) including solar access, cross ventilation, ceiling heights for Building C, storage areas and apartment layouts. Whilst the latest plans submitted provide an overall unit schedule indicating the proposal achieves numeric compliance, diagrams, detailed unit schedules and elevations and sections for revised Building C have not been provided to demonstrate how compliance with the design criteria has been achieved.
- The amended plans submitted are currently being assessed under the provisions of The Hills DCP 2012. However at this stage, the proposal has not demonstrated that the objectives under the integrated water management controls under Part C Section 6 Flood Controlled Land and Part D Section 19 Showground Station Precinct of the DCP have been achieved.
- The development is classified as 'Nominated Integrated Development' under Section 4.46 of the Environmental Planning and Assessment Act 1979 requiring approval under the Water Management Act 2000 from The Natural Resources Access Regulator (NRAR). The Development Application was referred to NRAR and General Terms of Approval for Controlled Activity have been provided for the application.
- The development was publicly exhibited for 31 days and notified to affected properties on 21 October 2020, 9 March 2022 and 23 June 2022. Submissions from two properties were received during these notification periods. As amended plans seeking to further increase the height of the development were received on 22 November 2022, the application has been renotified to affected properties and NRAR, TfNSW and Sydney Metro. The notification period ends on 14 December 2022.

Given the complexities of the site including the extent of flood modelling required by the Applicant to identify the actual drainage system upgrades to mitigate flooding not realised when the precinct was rezoned, the substantial effort made by the Applicant to work with Council's Waterways Team to resolve these issues and that other elements will follow the resolution of the flooding issues, it is considered that deferral of the application until the end of the first quarter is appropriate to ensure all issues can be addressed and a report submitted to the Panel in April 2023.

BACKGROUND

History of the Site

Planning Proposals and Rezoning of the Showground Station Precinct

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

On 15 December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. As part of the rezoning, the subject site includes R4 High Density Residential land, SP2 land along Carrington Road for road widening purposes and RE1 zoned land that has been identified as land to be acquired for public open space purposes. In addition, the rezoning included Clause 9.8 in the LEP that restricted the number of dwellings within the Showground Precinct to 5,000.

The Showground Station Precinct is confined to the following boundary:

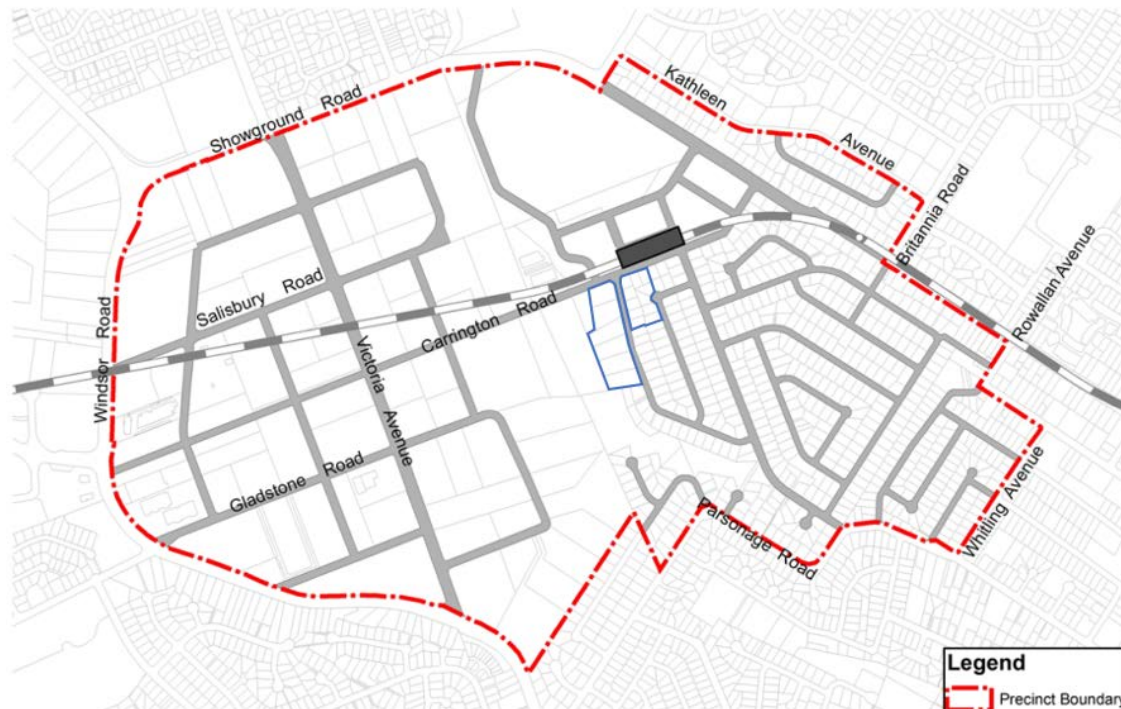


Figure 1 – Showground Station Precinct (Location of Subject Site Shaded in Blue)

Prior to the rezoning of the Showground Station Precinct, Planning Proposal 3/2017/PLP was lodged by the Applicant on 11 November 2016 for two key sites within the Showground Precinct. Key Site 1 consisted of the subject site. The planning proposal sought to increase the height of buildings on the subject site to 8-12 storeys, increase the maximum FSR to 2.7:1 – 3.1:1 and increase the achievable dwelling yields to 742 dwellings. Council resolved the planning proposal should not proceed to Gateway Determination. Following this, the Proponent requested the Minister refer the matter to the Independent Planning Commission (IPC) for review. The IPC also found that the proposal should not proceed to Gateway Determination. A revised Planning Proposal 15/2019/PLP was lodged in July 2019 which sought to increase the FSR to 3.4:1 on Key Site 1 (the subject site) and 2.7:1 on Key Site 2, and building height to 24 storeys, resulting in a total dwelling yield of both sites to 2,643 dwellings. It also proposed to include a number of public benefits including land dedication to the Department of Education for a new school site, land dedication in the Cattai Creek corridor, land dedication for a new local park and children's play equipment, outdoor fitness equipment, street furnishings and child care centres, digital library and WIFI infrastructure.

After the rezoning of the Showground Station precinct, a further revision to the Planning Proposal was submitted in September 2020. The revised proposal sought to amend LEP 2019 to enable a total yield of 2,533 dwellings (253,290m² gross floor area) across the site, with a built form of up to 25 storeys. This represents a 15% increase in development yield across the entire landholding, compared with the controls which had just been amended.

On 1 April 2021, Council Officers received a copy of correspondence from the Planning Delivery Unit (PDU) within the Department of Planning, Industry and Environment (DPIE), which provided feedback on the Proponent's offer to dedicate land for a new public school site in exchange for development uplift and a monetary payment from the Department of Education. DPIE and Schools Infrastructure NSW (SINSW) advised that they do not accept the offer and are now pursuing other school site options. It was requested that a revised proposal be submitted. A revised planning proposal has not been submitted to date.

Road Closure and Land Acquisition of Partridge Ave

Council at its meeting on 13 April 2021, considered a report regarding Road Closure Application 5/2020/RC for a proposed road closure and sale of approximately 405m² of a cul-de-sac head within Partridge Avenue, Castle Hill. Refer to below figure.

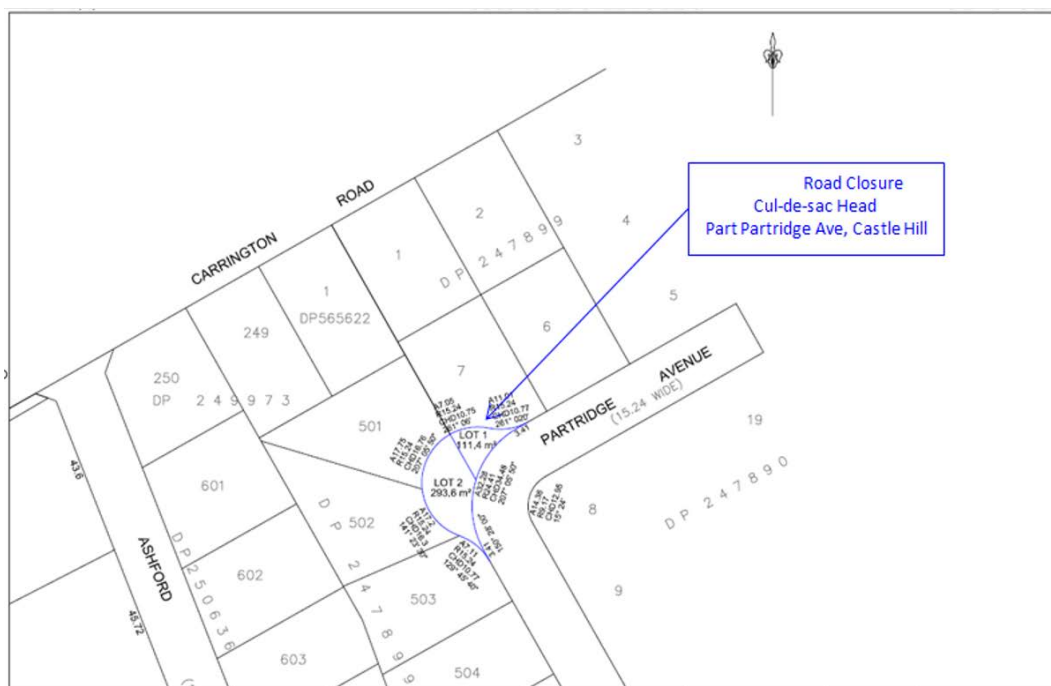


Figure 2 – Road Closure Cul-de-sac Head to be included in subject development.

Council resolved as follows:

1. Council approve the road closure and sale, subject to the conditions as detailed in the Council report with the Plan of Road Closure & Title Creation, Contract, Deed, Transfer, Request Documents, Transfer Granting Easement, Subdivision Certificate and Section 88B Instrument authorised for execution under seal.
2. Council authorise the General Manager to sign as landowner any application or registration forms required for the subject land to be closed as a public road.
3. Subject to the road closure proceeding, Council approve the transfer of \$1,500,000.00 excl. GST to the Road Closure Reserve in a future Budget Review.

This additional land is proposed to be included in the site area for the subject application.

Cattai Creek Corridor – Draft Masterplan

Council at its meeting on 27 July 2021, considered a Post Exhibition report regarding the Cattai Creek Corridor – Draft Master Plan which was publicly exhibited between 23 April 2021 and 17 May 2021. Council resolved to adopt the Draft Master Plan for the Cattai Creek Corridor and continue to consult with the community as part of further design stages of the project.

The Draft Master Plan was funded by the NSW Government under the Precinct Support Scheme in association with the Hills Shire Council, proposes new pathways, seating and connections for pedestrians and cyclists between Middleton Avenue through to Carrington Road, and onto Showground Road, in Castle Hill. There are also areas within Cockayne Reserve, which is currently classified in Council's Recreation Strategy as a Local Park, that are identified for embellishments including an upgrade to the existing playground, provision of park furniture, addition of signage and revegetation of sections of the creek corridor.

It is also noted that the DPE's Precinct Support Scheme will fund the initial stage of works upon Council owned land between Middleton Avenue and Carrington Road. Future stages will be funding through a combination of sources including the Contributions Plan, developer

constructed through planning agreements and development consents and other grant opportunities.

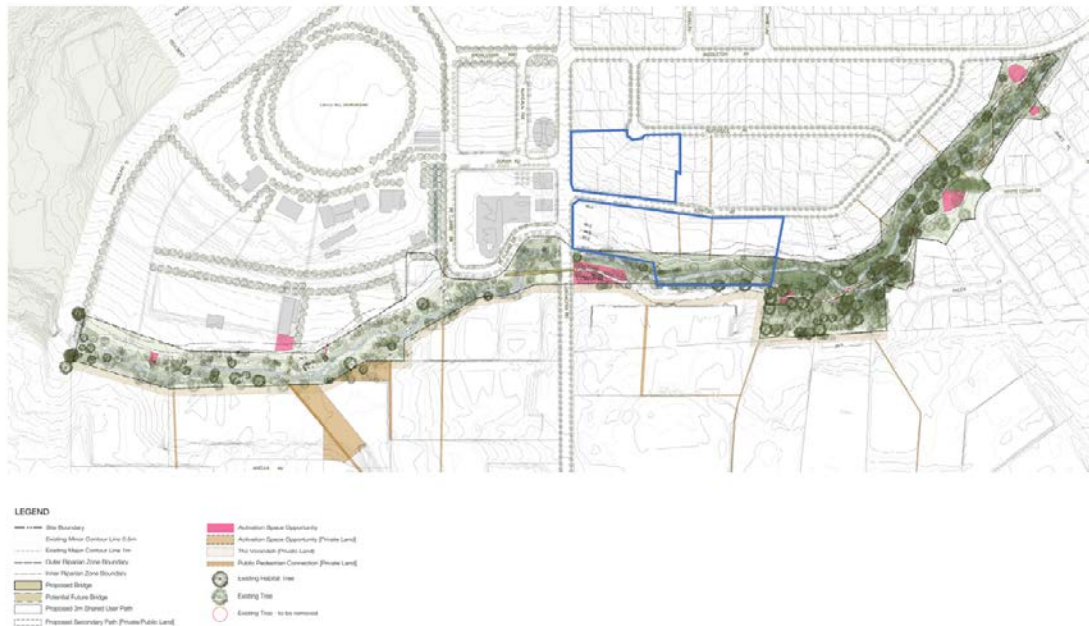


Figure 3 – Cattai Creek Corridor – Draft Masterplan (Location of Subject Site Shaded in Blue)

The subject application includes landscape and civil works within the new reserve in the RE1 zoned land. The proposal is consistent with the Draft Master Plan for the Cattai Creek Corridor.

Draft Cattai Creek West Masterplan

The Department of Planning, Industry and Environment has prepared a draft master plan for Cattai Creek West Area. This land forms part of the Showground Station Precinct and was deferred from the previous rezoning which occurred in December 2017. The draft master plan has been prepared to further investigate opportunities to revitalise the Cattai Creek Corridor and to facilitate additional employment opportunities. The site is shown in the figure below:



Figure 4: Draft Cattai Creek West Masterplan (outlined in red).

The subject site adjoins the draft masterplan to the east (outlined in blue in the above figure).

History of the Development Application

Pre-lodgement Meeting

A pre-lodgement meeting (168/2019/PRE) was held on 12 July 2019. The pre-lodgement notes include the following advice regarding planning matters:

- *The site is subject to a base Floor Space Ratio (FSR) of 1.9:1 and 2.1:1, and an incentivised FSR of 2.7:1 and 3.1:1 under Clause 9.7 of THLEP 2012. In this regard, the proposal must meet the requirements of housing diversity and unit mix under Clause 9.7(2). It is recommended that any future development proposal adopt a reduced incentivised FSR, resulting in a compliant building height.*
- *The proposal is to fully comply with the height of buildings (Clause 4.3) and FSR (Clause 4.4 or Clause 9.7) provisions under LEP 2012.*

The following advice was provided regarding flooding matters:

- *The impact on creek conditions and the total catchment flood behaviour is to be considered with the proposed changes of stormwater drainage strategy and the approach to stormwater upgrades/ improvements needs to be considered in the context of the broader redevelopment planned for the locality.*
- *The development application must be accompanied by a Flood Impact Assessment Report prepared to the requirements of Council's Flood Controlled Land Development Control Plan. A soft copy of all flood and stormwater modelling must be provided with the application.*
- *The strategy shall be accompanied by a detailed Flood Impact Analysis and Assessment, to be accompanied by hydrology and hydraulic calculations (soft copies of necessary modelling).*
- *Council has existing flood data and modelling relating to the pre-developed conditions that should be used in the preparation of the above report. This can be obtained from Council's Waterways team (fees apply).*

Lodgement and Public Exhibition

The subject Development Application was lodged on 13 October 2020. The original proposal including a mixed use, residential flat development comprising 811 dwellings and was classified as nominated integrated development and was advertised and notified between 21 October 2020 – 26 November 2020. Two submissions were received following the notification period. One of these submissions was from Sydney Metro.

Due to substantial design changes to the development, the amended Development Application was renotified on 9 March 2022 to 30 March 2022. The amended Development Application comprised 775 units.

Due to further substantial design changes to the development, the amended Development Application was renotified on 23 June 2022 to 14 July 2022. The amended Development Application comprises 773 units.

Due to further changes to the proposal, the amended Development Application was renotified on 23 November 2022. The notification period will end on 14 December 2022. The amended Development Application comprises 772 units and was renotified to NRAR, TfNSW and Sydney Metro.

Briefings to the SCCPP

Council staff have provided four briefings to the SCCPP on 18 February 2021, 17 June 2021, 9 December 2021 and 17 March 2022. A summary of the concerns raised by the Panel and a response to these matters is provided below:

18 February 2021

The Panel recognised the importance of endorsement by the DRP subject to the resolution of issues. In particular, the Panel noted:

- *The proposed application of the RE1 land which forms part of the site to increase building bulk through the transfer of FSR requires robust consideration by Council to ensure overdevelopment of the site does not result, and to check that an unsustainable precedent for extracting value from RE1 land is not established.*
- *The riparian setbacks appear to be able to be achieved or even exceeded on such a large site, noting that further discussion is required as to the categorization of the creek, and hence the setback depth. The Panel is advised that Council is awaiting information from the Natural Resources Access Regulator in this regard.*

The Panel observes that the proposal does not currently comply with the incentive FSR provision under Clause 9.7. Further investigation is required by Council into the applicant's request for a variation of 14.5% to the incentive FSR

17 June 2021

The Panel noted:

- *Strong support for Council's ongoing work to develop a masterplan for the Cattai Creek, noting that the Panel supports setbacks of 20m from the Creek to achieve a sympathetic design interface as well as for environmental and ecological reasons.*
- *Keen awareness of the importance of the development considering the scale of the proposal in this new and evolving precinct; its proximity to the Creek and riparian corridor, as well as easy access to the new Metro station*

8 December 2021

The Panel noted:

- *The requirement to achieve Design Excellence; endorsement by the Design Review Panel, is paramount for approval. Endorsement has not yet been achieved.*
- *The DRP has identified a number of outstanding issues including (but not limited to): interface areas, setbacks, streetscape, internal layout design, architecture, fine-grain built form, landscaping.*

17 March 2022

The Panel noted:

- *The key issues include the design review process, SJB Urban Design Report, set back from Cattai Creek, consideration of setback for design consideration and safety.*

In response to the above comments made by the Panel, the Applicant has provided a legal submission and an Urban Design Review Report to address the utilisation of the RE1 zoned land as part of the site area in the FSR calculation. Council staff obtained legal opinion on this matter and was advised that in accordance with Clause 4.5 of the LEP, as the proposal includes landscape and civil works to the public recreation area in the RE1 zoned land, the land to be dedicated to Council can be included in the site area for the purposes of applying the FSR under Clause 9.2. An Urban Design Review Report addressing the bulk and scale, setbacks and interface to the riparian corridor has also been provided. Refer Attachment 14.

The landscaping works proposed within the RE1 zoned land is an essential component to the application of the incentive FSR for the development and would provide appropriate amenity to the interface with the riparian corridor. Correspondence was received from NRAR on 2

February 2021 indicating that whilst technically the creek is a second order watercourse, due to the steepness of banks and the urban area, a 10m setback is sufficient for the development. General Terms of Approval (GTA) were issued by the NRAR on 16 April 2021.

The building is wholly within the R4 zoned land and set back at least 20m from the top of bank. The landscaping works proposed in between the building and cycleway is consistent with the Cattai Creek Masterplan and provides appropriate amenity and a suitable transition to the R4/RE1 interface. Subject to confirmation that the levels proposed comply with the flood planning provision under the LEP, the variation to the 20m top of bank plus a further 7.5m riparian corridor setback DCP control could be supported.

Design Review Panel

Council's Design Review Panel (DRP) reviewed the subject Development Application on five occasions on 8 December 2020, 23 June 2021, 28 July 2021 and 24 November 2021. It is noted that the Design Review Panel reviewed the proposal at pre-lodgement stage on 30 August 2019. On all occasions, the DRP concluded that it did not support the proposal in its current form as it does not exhibit design excellence. The plans have been substantially amended and an independent urban design review has been provided by SJB on 10 March 2022.

Submission of Amended Plans and Requests for Additional Information

The Applicant submitted amended plans on 3 November 2020. Requests for information were sent to the Applicant on 5 and 9 November 2020 relating to planning matters, environmental health, open space and recreation, land and spatial information.

A further request for additional information was sent to the Applicant on 26 November 2020 regarding outstanding landscaping matters and concerns raised in the submission from Sydney Metro. On 8 December 2020, the Natural Resources Access Regulator (NRAR) requested additional information prior to providing General Terms of Approval. TfNSW comments were provided to the Applicant on 10 November 2020.

On 23 December 2020, a meeting was held with Council staff and the Applicant to address the application of Clause 9.2 Site are or proposed development includes dedicated land of the LEP. The Applicant was of the view that the site area of the land to be dedicated for a public purpose could be included in the site area for the purposes of calculating Floor Space Ratio. As a response, the Applicant provided further legal advice regarding this matter.

A further request for additional information regarding outstanding landscaping, tree management and ecology issues was sent to the Applicant on 8 January 2021. The main concerns raised related to insufficient tree retention along the Cattai Creek riparian corridor, an updated arborist report was required to assess impacts from stormwater services, retaining walls, earthworks and development footprint, retention and protection of neighbour trees 14 and 15 and trees not surveyed/assessed by Arborist in rear yards of 11-13 and 33-35 Ashford. In addition, the proposed street trees were inconsistent with the public domain plan and showground road verge details, the landscaping plans were insufficient and did not detail the retaining walls and soil depths. The main ecology concerns raised related to the BDAR not being completed in accordance with the Biodiversity Assessment Method (BAM). In addition, the BDAR had not assessed the impacts to the Sydney Turpentine Ironbark Forest (Critically Endangered Ecological Community).

On 4 February 2021 and 25 March 2021, meetings were held with the Applicant to discuss the potential for a draft Voluntary Planning Agreement to dedicate the park to Council, potential for public access to the ground floor communal open space areas and legal advice regarding the application of Clause 9.2 of the LEP.

On 29 February 2021, the Applicant provided a response to the NRAR referral comments. Additional information and amended plans were received from the Applicant on 19 March 2021 and 22 April 2021 to address engineering and waste management concerns however the issues previously raised had not been adequately addressed. Further requests for additional information relating to outstanding waste management matters were sent on 26 March 2021, 7 May 2021 and 1 June 2021.

Additional information and amended plans including civil and landscaping plans were provided by the Applicant on 22 April 2021. Council staff requested an amended noise management plan on 3 May 2021. On 4 May 2021, an amended arborist report was provided and on 7 May 2021, an amended wind report was provided. A further landscaping request for additional information was sent on 12 May 2021 and noted that the amended arborist report was still insufficient. A further arborist report was submitted on 18 August 2021. However, a further request for additional information regarding tree management and landscaping matters was sent on 19 August 2021.

On 8 and 10 June 2021, amended plans were submitted including a response to the concerns raised by the Design Review Panel in the first two meetings.

On 25 August 2021, a draft letter of offer to enter into a Voluntary Planning Agreement (VPA) to dedicate the land zoned RE1 was submitted by the Applicant's legal team. A revised draft VPA letter of offer was submitted on 21 September 2021. On 11 October 2021, the Applicant indicated that further legal advice had been received and the VPA was no longer required. An extent of works plan was submitted by the Applicant on 21 October 2021.

Between 2 to 3 November 2021, further amended plans, an updated BDAR, Arborist Report, DRP presentation were submitted. On 29 November 2021 and 1 December 2021, amended plans including landscape package, geotechnical opinion, waste management plans were provided.

On 16 December 2021, a meeting was held between the Applicant and Council staff to discuss the information still outstanding for the application. Council staff noted that information yet to be received with the amended Development Application included a revised Statement of Environmental Effects, updated Clause 4.6 written submission, final architectural, landscaping, staging, subdivision, works in kind plans and a Vegetation Management Plan.

On 17 December 2021, a further request for outstanding information relating to waste management was sent.

On 1 February 2022, a further request for a response regarding landscaping concerns was sent to the Applicant. The Applicant provided a response to this request on 23 February 2022.

A response to outstanding information including amended plans and an Urban Design Review prepared by SJB was submitted on 4 and 10 March 2022.

Further requests for information were sent between 10 March to 24 March 2022 relating to land and spatial information, landscaping, waste management and acoustic concerns.

An updated VMP was provided on 21 March 2022. A response to flooding concerns was also provided on 24 March 2022. A updated acoustic report, amended engineering plans including civil works and revised subdivision plans were submitted on 7 April to 20 April 2022. However, a further engineering request for information was sent to the Applicant on 21 April 2022.

On 5 May 2022, an amended set of plans including a revised design statement, unit mix table, compliance summaries, photomontages, TfNSW response was provided. Updated façade

elevations/plans designed by Frank Stanisic were provided to address concerns raised by the Design Review Panel.

On 16 May 2022, a letter was sent to the Applicant requesting payment of the outstanding compliance levy fee which was required to be paid at lodgement. The letter advised that the fee is to be paid upon determination of the application. Should the fee remain outstanding after this time, proceedings will be instigated to recover this fee as a debt to Council.

On 17 June 2022, further information relating to outstanding ecology issues was sent to the Applicant. A response to these issues was provided on 19 July 2022.

Additional information relating to waste management, land and spatial, calculation of contributions was sent between 9 July 2022 to 4 August 2022.

Further amended plans and additional information was provided by the Applicant between 21 July and 29 August 2022.

On 5 September 2022, a further requesting for information letter was sent to the Applicant regarding outstanding planning matters relating to non-compliances with the unit mix provisions under Clause 9.7 of the LEP, calculation of Floor Space Ratio, further detailed required for the Clause 4.6 written submission and demonstration of compliance with the Apartment Design Criteria. A response to these items were received on 28 September 2022.

On 11 November 2022, a further request for information letter regarding outstanding planning matters relating to non-compliances with the unit mix provisions under Clause 9.7 of the LEP, calculation of Floor Space Ratio, height and lack of information regarding unit numbering was sent to the Applicant.

On 21 November 2022, amended plans including an increase in height of Building C by 1m was uploaded on the planning portal. An updated Clause 4.6 written submission was provided on 22 November 2022. However, updated elevations and sections for Building C and a revised Statement of Environmental Effects was not submitted detailing the amended application. Notwithstanding, these plans were renotified on 23 November 2022. The notification period will end on 14 December 2022.

The amended plans were renotified to Sydney Metro who previously raised objection to the proposal, the NRAR and TfNSW. The amended plans were also referred to Council's internal sections including Land and Spatial Information, Section 7.11 Contributions, Resource and Recovery and Open Space and Recreation. Referral comments to internal and external agencies remain outstanding at the completion of this report.

Engineering and Flooding Concerns

A request for additional information was sent on 25 November 2020 regarding engineering matters seeking clarification on land dedication, road widening of Carrington Road, civil engineering issues, subdivision plan, swept paths, geotechnical issues and traffic concerns. In addition, concern was raised regarding flooding planning and pre and post TUFLOW flood modelling was requested.

Civil engineering drawings and flood assessment report was provided on 4 and 17 March 2021. However, no flood modelling was provided. On 30 March 2021, Council's Engineer provided a response to the Applicant clarifying the engineering issues that were still outstanding.

On 21 April 2021, updated engineering drawings were submitted to Council.

On 11 June 2021, additional information was requested regarding outstanding stormwater issues, civil design, subdivision, traffic and noted that the flooding concerns have not yet been addressed.

The Applicant provided a flood assessment report on 12 August 2021. Further information was requested on 8 October 2021 regarding outstanding engineering and waterways matters.

On 16 February 2022, a further request for additional information was sent to the Applicant regarding traffic, flooding, stormwater, subdivision, civil engineering, public road works and geotechnical issues.

A revised flood assessment report and revised civil engineering drawings were submitted on 4 March 2022. Further revisions to the civil engineering drawings were provided on 7 April 2022.

On 19 April 2022, a further request for additional information was sent to the Applicant regarding traffic, flooding, stormwater and civil engineering issues. Amended engineering drawings were provided on 27 May 2022.

On 31 May 2022, comments regarding the base flood model were provided to the Applicant.

The post development flood model was submitted on 9 July 2022.

The Applicant provided further engineering plans including culvert sections on 3 and 16 June 2022.

A revised hydraulic assessment report was submitted on 18 July 2022 and 20 September 2022.

Flood modelling data was provided by the Applicant on 4 and 5 October 2022. A flood emergency response plan was submitted on 10 October 2022.

On 11 November 2022, a further request for information was sent regarding outstanding engineering matters.

Feedback regarding this flood modelling was provided to the Applicant on 22 November 2022. Further information was requested including a revised post development DRAINS model, updated civil drawings with catchment plan and architectural drawings that are consistent with the revised flood model. A revised DRAINS model was submitted on 24 November 2022. Refer section 11 for Waterways referral comments.

DETAILS AND SUBMISSIONS

Zoning:	R4 High Density Residential, SP2 Infrastructure and RE1 Public Open Space
Area:	Total: 32,239.2m ² Site A (36 Carrington Road and 36 – 44 Ashford Ave): 15,026m ² (R4 High Density Residential) 6,517.3m ² (RE1 Public Open Space) 374m ² (SP2 Infrastructure) Site B (30-34 Carrington Road, 33-39 Ashford Ave and 7-13 Partridge Ave): 10,642m ² (R4 High Density Residential) 81.6m ² (SP2 Infrastructure)
Existing Development:	Existing detached dwelling houses
Section 7.11 Contribution	\$10,474,255.20 (however this may change due to the submission of amended plans still under assessment)
Exhibition:	31 days
Notice Adj Owners:	31 days

Number Advised:	72
Submissions Received:	2 including 1 submission from Sydney Metro

PROPOSAL

The Development Application seeks consent for the following:

Demolition, Removal of Vegetation and Earthworks

- Demolition of all existing structures on site;
- Removal of vegetation and 267 trees;
- Earthworks and excavation of 210,000m³ of material requiring between 5m and 20m of cut to accommodate 2-3 levels of basements.

Land acquisition, Dedication, and Subdivision

- Partial closure of Partridge Avenue and transfer from public road to be incorporated as part of the development site;
- Subdivision involving dedication of 6,517.3m² RE1 portion of the site to Council to create the Cattai Creek Reserve and 2m land dedication for road widening along Ashford Ave at no cost to Council.

Public Domain Works

- Landscape and civil works within a portion of the new reserve in the RE1 zoned land.
- Public domain and landscaping works including:
 - Landscaping, walkways and fencing along the Cattai Creek interface;
 - Four (4) publicly accessible through site links located between Buildings D & F and E & G, Buildings A & B, Buildings B & C and east of Building F, providing connection to the Cattai Creek interface from Ashford Avenue and through to Carrington Road; and
 - Road widening, street tree planting and verge treatment along development frontages as indicated in the Landscape Plan.

Built Form

- Five Stage Construction of seven (7) new buildings (Buildings A-G) including three (3) mixed use and four (4) residential flat buildings. Refer Attachment 8 for detailed staging plan.

The development includes neighbourhood shops comprising a total gross floor area of 636.7m² and 772 residential apartments with the following unit mix:

- 167 x 1 bedroom units
- 450 x 2 bedroom units, and
- 155 x 3 bedroom units

A total of 1,008 car parking spaces including 804, 32 retail and 172 visitor parking spaces. Garbage collection, loading, manoeuvring areas and basement access provided via five access driveways located along Ashford Avenue.

Site A:

Building A comprises a 12 – 13 storey mixed use building with a gross floor area of 298.6m² for 4 neighbourhood shops and 165 apartments. Three basement levels are proposed with 153 car parking spaces. Rooftop communal open spaces is provided.

Building B comprises an 8 – 9 storey residential flat building with 152 apartments. Two basement levels are proposed with 168 car parking spaces. Rooftop communal open spaces is provided.

Building C comprises a 9 storey residential flat building with 123 apartments. Two basement levels are proposed with 149 car parking spaces. Rooftop communal open spaces is provided.

Site B:

Building D comprises a 12 storey mixed use building with a gross floor area of 187.8m² for 3 neighbourhood shops and 111 apartments. Four basement levels (combined with Building F) are proposed with 321 car parking spaces. Rooftop communal open spaces is provided.

Building E comprises a 9 storey residential flat building with 57 apartments. Three basement levels (combined with Building G) are proposed with 144 car parking spaces). Rooftop communal open spaces is provided.

Building F comprises a 13 storey mixed use building with a gross floor area of 150.3m² and 108 apartments. Rooftop communal open spaces is provided.

Building G comprises an 8 storey residential flat building comprising 56 apartments. Rooftop communal open spaces is provided.

Further subdivision of the development will be dealt with as part of a future Development Application.

STRATEGIC CONTEXT

a) 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 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 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.

The Plan also seeks to reduce exposure to natural and urban hazards such as flooding (Objective 37). To achieve this, the Plan includes strategies to avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards. The Plan also notes that District Plans will set out more detailed planning principles for addressing flood risk.

Subject to resolution of the flood planning matters, the development proposal would be consistent with the Sydney Region Plan.

b) 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.

Planning Priority C5 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.

Planning Priority C20 seeks to adapt the impacts of urban and natural hazards and climate change with the objectives for people and places to adapt to future stresses and reduce their exposure to natural and urban hazards. The Plan notes that flood constraints exist in the areas in the district which are undergoing significant growth and redevelopment and recommends that planning for growth in flood-prone areas, must recognise the exceptional risk to public safety and consider appropriate design measures to strengthen the resilience of buildings and the public domain in a flood event. Planning principles including avoiding intensification and new urban development on land below the current one in 100 chance per year flood event, applying flood related development controls on land between the one in 100 chance per year flood level and the probable maximum flood (PMF) level, provide less intensive development in areas of higher risk, avoiding alterations to flood storage capacity of the floodplain and flood behaviour through filling and excavation and applying more flood-compatible building techniques for greater resilience to flooding.

Subject to resolution of the flood planning and engineering matters, the development proposal would be consistent with the Central City District Plan.

c) 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 Showground Station Precinct provides for a housing diversity clause under The Hills LEP which promotes family friendly dwellings within the Precinct. The proposal meets this housing diversity clause by providing larger apartment sizes and mix and would provide an additional 772 dwellings to the emerging precinct.

Planning Priority 20 seeks to prepare residents for environmental and urban risks and hazards. Risks associated with flooding include property inundation and health impacts associated with flood waters. The Hills contains approximately 6,450 lots with the potential to be affected by flood. Councils are required to undertake floodplain risk management studies for all flood-prone land within their local government area and adopt and implement floodplain risk management plans to address existing, future, and continuing flood risk. As the community grows in precincts such as the Showground Station Precinct, the demand on the stormwater network increases. The western portion of the site known as Site B is flood affected as it comprises Cattai Creek which traverses the western boundaries, and a public drainage pipe overland flow path conveys stormwater runoff from a larger upstream catchment. In this regard, flood planning and effective functioning of drainage systems for water capture and storage is a critical consideration in the assessment of the Development Application.

Subject to resolution of the flood planning and engineering matters, the proposal would be consistent with the outcomes planned under the Hills Local Strategic Planning Statement.

ISSUES FOR CONSIDERATION

1. Water Management Act 2000

The application is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The proposal requires a controlled activity approval under Section 91 of the Water Management Act, 2000. The proposal was referred to the Natural Resources Access Regulator (NRAR) on 20 October 2020. The NRAR requested additional information on 9 November 2000, including a plan that clearly demonstrated that the development provided a 10m setback from the top of bank of the watercourse of Cattai Creek. Whilst technically a second order stream requiring a 20m top of bank setback, the NSW Department of Natural Resources Access Regulator (NRAR) indicated that due to the steepness of banks and the urban area, a 10m setback is sufficient for the development and this section of the creek could be classified as a first order watercourse. This information was provided by the Applicant.

General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval were issued by the NRAR on 16 April 2021 and are included in Attachment 15. Amended plans for the Development Application was referred to the NRAR on 11 July 2022. Written correspondence was received on 4 November 2021 indicating that the previously issued GTA's are adequate, remain current, and no further assessment by the Agency was required. The latest plans have been resubmitted to NRAR.

2. Biodiversity Conservation Act 2016

Under the NSW Biodiversity Conservation Act 2016 (BC Act), all development that requires development consent under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act) that exceeds the Biodiversity Offset Scheme (BOS) thresholds, as set out in Sections 7.1 to 7.3 of the NSW Biodiversity Conservation Regulation 2017 (BC Regulation), must be assessed using the Biodiversity Assessment Method (BAM) with the results presented in a BDAR.

The BC Regulation 2017 sets out the following BOS threshold levels:

1. Whether the impacts occur on an area mapped on the Biodiversity Values map published by the (then) Chief Executive of the NSW Office of Environment and Heritage; and
2. Whether the amount of native vegetation being cleared exceeds a threshold area, which in the case of the subject site is 0.25 hectares.

The Development Application requires clearing of native vegetation exceeding 0.25 ha and therefore exceeds the BOS threshold.

The Critically Endangered Ecological Community (CEEC) Sydney Turpentine Ironbark Forest (STIF) (PCT 1281) is identified as occurring on the site in scattered and isolated trees within front and back yards of residential properties within the site. Impacts to Sydney Turpentine Ironbark Forest are very small (0.1 ha of scattered isolated trees) and do not constitute a serious and irreversible impact. No offset credit obligation is required for this entity.

Two fauna credit species, the Southern Myotis (*Myotis macropus*), and the Gang-gang Cockatoo (*Callocephalon fimbriatum*) were assessed and were assumed present due to presence of suitable breeding habitat. Habitat area on the site for each of these is 0.01 ha. A credit obligation of 1 credit for each species is required.

To offset the loss of biodiversity from the site as a result of the development, species credits are to be retired prior to any clearing or disturbance of vegetation. Details of the offset

obligations could be provided in a recommended condition if consent was granted to the application.

In accordance with Section 7.16(2) of the NSW Biodiversity Conservation Act, the consent authority must refuse to grant consent under Part 4 of the Environmental Planning and Assessment Act 1979, in the case of an application for development consent to which this Division applies (other than for State significant development), if it is of the opinion that the proposed development is likely to have serious and irreversible impacts on biodiversity values. Council's Senior Biodiversity Officer has reviewed all information and inspected the site and concluded that the current development will not result in a Serious and Irreversible Impact on Sydney Turpentine Ironbark Forest, Gang-gang Cockatoo (*Callocephalon fimbriatum*) or Southern Myotis (*Myotis macropus*).

3. Compliance with State Environment Planning Policy (Planning Systems) 2021

Part 2.4 and Schedule 6 of SEPP (Planning Systems) 2021 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 \$221,316,608 (excluding GST) and therefore requires referral to, and determination by, the Sydney Central City Planning Panel.

4. Compliance with State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of 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 4.6 of the SEPP states:

1) A consent authority must not consent to the carrying out of any development on land unless:
(a) it has considered whether the land is contaminated, and

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

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

A Preliminary Site Investigation Report and Geotechnical Investigation has been submitted with the Development Application. Section 5.4 of the Preliminary Site Investigation Report noted that contaminants of potential concern in the soil include heavy metals, recoverable hydrocarbons, benzene, toluene, ethylbenzene and xylenes, polycyclic aromatic hydrocarbons, organochlorine and organophosphorus pesticides, polychlorinated biphenyls and asbestos. The report also noted that the groundwater is expected to be intersected during basement construction and potential contaminations of potential concern are heavy metals, total recoverable hydrocarbons, volatile organic compounds, benzene, toluene, ethylbenzene and xylenes (BTEX) and polycyclic aromatic hydrocarbons. Notwithstanding, Section 6 of the report concludes that the potential for significant contamination of soil within the site is low to moderate.

In this regard, the following recommendations have been made:

- Before commencement of demolition works, a hazardous materials survey should be completed by a suitably qualified consultant, to identify any hazardous substances within the existing building fabrics.

- After demolition, soil validation sampling with laboratory analysis for the contamination of potential concern (COPC) should be undertaken, assessing the areas where soils will be retained and in particular in areas within the retaining walls and underneath the tennis courts.
- Under the proposed development, bulk excavation of site soils will be conducted, in order to construct the basements. As such, all (fill) soil materials that are designed for off-site disposal, including any Virgin Excavated Natural Material (VENM), must be classified in accordance with the EPA (2014) Waste Classification Guidelines. The drafting of a Waste Management Plan, with measurements for appropriate soil sampling and classification testing, would assist this process. This will include inspection and validation of VENM soils prior to excavation for offsite disposal.
- Any material being imported to the site should be validated as suitable for the intended use in accordance with EPA guidelines.

The report has been reviewed by Council's Environmental Health Officer. No objection is raised to the recommendations made in the submitted report.

Subject to recommended conditions, if consent was granted to the application, the proposal could meet the requirements under Chapter 4 of the State Environmental Planning Policy (Resilience and Hazards) 2021.

5. State Environmental Planning Policy (Transport and Infrastructure) 2021

This Policy aims to facilitate the delivery of infrastructure and identify matters to be considered in the assessment of development adjacent to particular types of infrastructure development. Specifically the SEPP contains provisions relating to traffic generating development.

Traffic generating development

Clause 2.121 'Traffic-generating development' of the SEPP states:-

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

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

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

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

(3) A public authority, or a person acting on behalf of a public authority, must not carry out development to which this clause applies that this Policy provides may be carried out without consent unless the authority or person has:

- (a) given written notice of the intention to carry out the development to RMS in relation to the development, and*
- (b) taken into consideration any response to the notice that is received from RMS within 21 days after the notice is given.*

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

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

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

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

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

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

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

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

Comment:

The proposal is categorised as traffic generating development pursuant to Schedule 3 of the SEPP. The SEPP requires development to be referred to Transport for NSW where residential accommodation exceeds 300 dwellings. The proposal results in 772 dwellings.

The Development Application was referred to Transport for NSW for review on three occasions and the latest set of plans have been notified to Transport for NSW. Transport for NSW previously raised no objection to the proposal and had provided the following comment:

1. TfNSW suggests that the proposed maximum car parking rates to be consistent with the residential/visitor parking rates adopted for the Castle Hill North Planning Proposal i.e. maximum 0.5/0.8/1.3 for 1bed/2bed/3bed and 1 per 5 for visitor parking. This is to ensure that there is a more consistent approach to other similar residential apartment sites noting that this site is located in extremely close proximity to the Sydney Metro NW and other improving public transport services.

2. Council should be satisfied that the additional traffic as a result of the proposed development can be accommodated within the nearby road network.

3. The proposed new crossing facilities should be designed and constructed to Council satisfaction and as per the relevant standards.

4. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for determination prior to the issue of a construction certificate.

5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2-2002 for heavy vehicle usage.

6. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement.

Further, TfNSW has reviewed the amended information and notes that the drawing entitled CI-400-01 - Ashford Avenue Widening General Arrangement Plan Sheet 1 identifies a pedestrian refuge on Carrington Road, north of Ashford Avenue. TfNSW does not support the pedestrian refuge due to the proximity to the traffic signals at Doran Drive. Council is to ensure that the plans demonstrate the completed widening of Carrington Road and the removal of the pedestrian refuge prior to the determination of the development application.

Clause 9.7 of the LEP requires a minimum of 772 spaces for residents, 155 spaces for visitors and the DCP requires a minimum of 32 spaces for the combined “neighbourhood shop” land uses. In this regard, a minimum of 959 spaces are required under Council’s controls. 1,008 car parking spaces are provided for the development.

A Traffic and Parking Study and subsequent revisions of this report have been prepared and submitted by TTPP Transport Planning which demonstrates that sufficient parking will be provided to meet the needs of future users of the development. The submitted traffic study also notes that the RMS Technical Direction nominates 0.19 peak hour vehicles trips per unit during the AM peak period and 0.15 peak hour trips per unit during the PM peak hours. The original traffic report estimated the following trip generation rates for 811 units:

- Weekday AM Peak - 154 trips
- Weekday PM Peak - 122 trips

The Development Application has been amended and now proposes 772 units which is a reduction of 39 units from the original application. Council’s Traffic Engineer raised no objections to the previous traffic report and concluded the development will have minimal impacts in terms of its traffic generation potential on the local road network and sufficient parking has been provided for the proposed uses. Subject to recommended conditions should consent be granted to the application, it is considered that the development could still be consistent with the Transport Plan as envisaged under the Showground Station Precinct, prepared by the Department of Planning and Environment.

Subject to no further objection from TfNSW to the latest set of plans and traffic report, the potential for traffic safety and road congestion of the development have been satisfactorily addressed and could satisfy Clause 2.121 of SEPP (Transport and Infrastructure) 2021.

6. Compliance with State Environmental Planning Policy (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 revised BASIX assessment to accompany the reduction in unit numbers has not been provided. A revised BASIX assessment is required to demonstrate that the amended application will achieve the required targets for water reduction, energy reduction and measures for thermal performance.

7. Compliance with The Hills Local Environmental Plan 2019

a) Permissibility

The subject site is zoned R4 High Density Residential, SP2 Infrastructure and RE1 Public Recreation under The Hills LEP 2019. The development proposes residential flat buildings, neighbourhood shops and recreation areas which are defined in the LEP as follows:

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

Note—

Residential flat buildings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, but does not include neighbourhood supermarkets or restricted premises.

Note—

See clause 5.4 for controls relating to the retail floor area of neighbourhood shops. Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

5.4 Controls relating to miscellaneous permissible uses

(7) **Neighbourhood shops** If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 100 square metres.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes—

- (a) a children's playground, or
 - (b) an area used for community sporting activities, or
 - (c) a public park, reserve or garden or the like,
- and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

The proposed 'residential flat buildings' and 'neighbourhood shops' are permissible land uses within the R4 High Residential zone. It is noted that as requested by Council staff, all 'neighbourhood shops' have been reduced in size to ensure compliance with Clause 5.4 of the LEP.

Landscaping, walkway and fencing proposed for 'recreation areas' are permissible with consent in the RE1 Public Recreation zone.

The proposal satisfies LEP 2019 regarding permissibility.

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 objectives of the RE1 Public Recreation zone are:

- To enable land to be used for public open space or recreational purposes.

Clause 5.1A Development on land intended to be acquired for public purposes	Development consent must not be granted to any development on land identified on the Land Reservation Acquisition Map to be acquired for a public purpose unless the consent authority is satisfied that the development is likely to be consistent with the public purpose identified on that map for that land. 	The RE1 zoned land on the subject site is identified on the Land Reservation Acquisition Map to be acquired for a Local Open Space. The application seeks to dedicate the RE1 zoned land at no cost to Council as well as civil and landscaping works for local open space within a portion of the RE1 zoned land. The development is likely to be consistent with the local open space public purpose identified.	Yes
Clause 9.1 Minimum Lot Sizes for Residential Flat Buildings and Shop Top Housing	Residential flat building with a height of 11 metres or more – R4 High Density Residential – 3,600m ²	Site A: 15,029.1m² Site B: 10,608m²	Yes
Clause 9.2 Site Area of Proposed Development includes dedicated land	Land dedication for road widening and open space included as part of the site area for the purpose of calculating FSR.	Dedication of the 6,517.3m ² RE1 portion and 261m ² road widening included as part of the site area for the purpose of calculating FSR.	Yes
Clause 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 – Carrington Road requires a 5m setback.	Satisfactory – 5 metre setback to Carrington Road proposed for Buildings A, D and F.	Yes
Clause 9.5 Design Excellence	Development consent must not be granted unless the development exhibits design excellence	Proposal referred to Design Review Panel and Urban Design Review and response provided to address concerns raised by the Panel.	Refer to discussion below.
Clause 9.7. Residential Development Yield on Certain Land	If the development is on a lot that has an area of 10,000m ² within the Showground Precinct and provides a specific mix, family friendly unit	Overall unit schedule submitted with the latest plans do not demonstrate that that unit mix and sizes meet the provisions.	No, refer to discussion below.

	sizes and parking, the following incentivised Floor Space Ratio can be applied as identified on the FSR Mapping instrument: 3.1:1 and 2.7:1		
Clause 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	772 units proposed under the subject Development Application. If this application is approved, the total number of dwellings approved within the Showground Precinct would be 4,960 units. However DA 1406/2021/JP is also being considered by the Panel for 261 units.	Refer to discussion below.

i) Variation to Building Height

The site is subject to a maximum building height of 27m and 40m as shown on the Height of Buildings map under Clause 4.3 of LEP 2019. The proposed development will have a maximum building height and variation of 43m (7.5%), 43.7m (9.25%) and 41.9m (4.75%) for Buildings A, D and F respectively and 30.95m (14.6%), 32.6m (18.1%), 28.7m (6.3%) and 29.6m (9.6%) for Buildings B, C, E and G. The applicant has provided a Clause 4.6 Variation which is provided at Attachment 12. However revised elevations and sections for Building C have not yet been provided. Whilst shadow diagrams are included in the Clause 4.6 submission, separate diagrams prepared to scale have not been provided. The submitted information is currently being reviewed by Council staff.

ii) Clause 9.5 – Design Excellence

Clause 9.5 of LEP 2019 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 is 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:

Council's Design Review Panel (DRP) reviewed the subject Development Application on five occasions on 8 December 2020, 23 June 2021, 28 July 2021 and 24 November 2021. It is noted that the Design Review Panel reviewed the proposal at pre-lodgement stage on 30 August 2019. On all occasions, the DRP concluded that it did not support the proposal in its current form as it does not exhibit design excellence. Refer to Attachment 13 for Design Review Panel reports. Concerns raised include excessive bulk and scale of all buildings, lack of architectural diversity and façade articulation, riparian corridor setback non-compliance, inadequate design of cross-site link, poor amenity outcomes and lack of security to ground level communal open

space areas, poor design quality of circulation spaces, entry lobbies, apartment layouts, balconies and unclear solar and cross ventilation diagrams.

The plans have been substantially amended with elevations of Building A, D and F being redesigned by Frank Stanisic. A response to the concerns raised by the Design Review Panel has been provided including an independent urban design review provided by SJB on 10 March 2022. Refer to Attachment 14.

iii) Clause 9.7 – Residential Development Yield on Certain Land

Clause 9.7 of LEP 2012 enables the application of an increased FSR that does not exceed the FSR identified on the Floor Space Ratio Incentive Map to development that contain dwellings on a lot that is within the Showground Station Precinct and has an area of 10,000m², if the development meets a certain unit mix, diversity and car parking requirements.

The proposal exceeds the minimum site area requirements within the Showground Station Precinct however insufficient information has been provided to determine whether this meets the unit mix and diversity and car parking requirements as demonstrated in the below table:

APARTMENT MIX	REQUIRED	PROPOSED	COMPLIANCE
Maximum of 25% of dwellings (to the nearest whole number of dwellings) to be studio or 1 bedroom dwellings	Maximum 193 dwellings to be studio or 1 bedroom dwellings	The Applicant submits 167 x 1 bedroom dwellings are proposed. Refer Applicant's overall unit mix table below.	Plans currently under review. Detailed unit schedule not provided to demonstrate compliance.
Minimum 20% of dwellings (to the nearest whole number of dwellings) to be 3 or more bedroom dwellings	Minimum 155 dwellings to be 3 or more bedroom dwellings	The Applicant submits 167 x 1 bedroom dwellings are proposed. Refer Applicant's overall unit mix table below.	Plans currently under review. Detailed unit schedule not provided to demonstrate compliance.
Minimum 40% of 2 bedroom dwellings will have a minimum internal floor area of 110m ²	Minimum 180 dwellings to have a minimum internal floor area of 110m ²	The Applicant submits 179 or 39.78% of the 2 bedroom dwellings have a minimum internal floor area of 110m ² . Refer Applicant's overall unit mix table below.	No. The numerical figure indicated by the Applicant in the overall unit mix calculation does not meet the minimum 40% of larger 2 bedroom dwellings required. In addition, a preliminary review also indicates at least one of these units comprise an additional bedroom.
Minimum 40% of 3 bedroom dwellings will have a minimum internal floor area of 135m ²	Minimum 62 dwellings to have a minimum internal floor area of 135m ²	The Applicant submits 68 or 43.9% of 3 bedroom dwellings are proposed. Refer Applicant's overall unit mix table below.	Plans currently under review. Detailed unit schedule not provided to demonstrate compliance.
Minimum 1 parking space per dwelling, minimum 1 visitor car	772 dwellings proposed, minimum 927 spaces required.	Satisfactory – 1008 spaces proposed including	Yes

parking space for every 5 dwellings		804 residential car parking spaces and 172 visitor car parking spaces.	
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tony owen plans

UNIT MIX						
	1 BEDROOM	2 BEDROOM	2 BEDROOM (L)	3 BEDROOM	3 BEDROOM (L)	TOTAL
BUILDING A	29	64	38	16	18	165
BUILDING B	40	48	34	18	12	152
BUILDING C	28	47	26	10	12	123
BUILDING D	24	37	30	6	14	111
BUILDING E	16	17	12	8	4	57
BUILDING F	24	33	25	21	5	108
BUILDING G	6	25	14	8	3	56
	167	271	179	87	68	
		60%	40%	56%	44%	
	167	450		155		772
	22%	58%		20%		

SOLAR & VENTILATION summary			
	Solar > 2 hours	Cross Ventilated	No Direct Sunlight
BUILDING A	123	125	24
BUILDING B	107	93	22
BUILDING C	88	84	18
BUILDING D	83	77	25
BUILDING E	29	33	0
BUILDING F	90	74	14
BUILDING G	37	36	0
TOTAL WESTERN PRECINCT	318	302	64
TOTAL WESTERN PRECINCT AS a %	72%	69%	15%
TOTAL EASTERN PRECINCT	239	220	39
TOTAL EASTERN PRECINCT AS a %	72%	66%	12%
TOTAL Across Development	557	522	103
TOTAL as a % Across Development	72%	68%	13%

Figure 5: Applicant's Overall Unit Mix Schedule submitted with latest set of plans

Whilst a detailed assessment of the plans is still currently being undertaken, the Applicant's overall unit mix table indicates that the proposal does not achieve the minimum 40% of 2 bedroom dwellings required under Clause 9.7 (2)(c). The Applicant is required to amend their proposal to ensure compliance with this clause in order to utilise the incentive FSR.

iv) Clause 9.8 Maximum Number of Dwellings

Clause 9.8 of the LEP prescribes the following:

The consent authority must not grant development consent to development that results in more than 5,000 dwellings on land within the Showground Station Precinct.

772 new dwellings are proposed under the subject Development Application. If this application is approved, the total number of dwellings (inclusive of existing, new and dwellings approved under Complying Development Certificates) within the Showground Precinct would be 4,968 dwellings which complies with the above Clause. It is noted that the Panel will be considering another Development Application within the Showground Station Precinct under DA 1406/2021/JP for 261 new dwellings. Approval of both applications would result in 5,229 dwellings.

On 2 November 2022, the Department of Planning and Environment wrote to the Sydney Central City Planning Panel Chair advising as follows:

The purpose of the dwelling cap within the LEP is to ensure the precinct's growth is aligned with local and state infrastructure. The Department has been in discussions with School Infrastructure NSW and Transport for NSW regarding the infrastructure needed

to support the development of the precinct. It has been determined that additional work is required to assist in these discussions.

To address the immediate need of granting consent to development applications where these may exceed the dwelling cap, while not compromising on the serviceability of infrastructure, the Department is proposing a two staged approach. The Department will implement an interim measure, clarifying the cap only applies to new dwellings (not the dwellings that were existing in the precinct when it was rezoned) and does not apply to concept development applications via an expedited amendment (Section 3.22) to the LEP. It is anticipated the expedited amendment will be in place by 8 December 2022. The Department will consider the preparation of a SEPP amendment to remove the dwelling cap when satisfied that appropriate infrastructure has been planned for the precinct. This approach addresses the immediate need to ensure there is capacity for additional development applications to be approved in the precinct while allowing time for further work and consultation to be undertaken.

The amendment to the Clause has not yet occurred at the date of this report. However, if the above amendments were implemented, approval of both applications would result in 3,116 new dwellings (exclusive of existing and concept development applications) within the Showground Station Precinct.

v) Clause 5.21 Flood Planning

Clause 5.21 Flood Planning of the LEP prescribes the following:

(2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

(3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

The objectives of this clause are as follows:

- *to minimise the flood risk to life and property associated with the use of land,*
- *to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,*
- *to avoid adverse or cumulative impacts on flood behaviour and the environment,*

- *to enable the safe occupation and efficient evacuation of people in the event of a flood.*

Comment:

The Development Application has not demonstrated that the following flood planning provisions under this Clause have been satisfied:

(2)(a) is compatible with the flood function and behaviour on the land

The properties within site A, to the west of Ashford Avenue are identified as flood control lots due to the Cattai Creek traversing the western boundaries and a public drainage pipe overland flow path conveying stormwater runoff from a larger upstream catchment. Proposed Building C is located over the drainage pipe however the application proposes to divert the pipe and associated overland flow path. Whilst pre and post flood modelling for the post development, the models need updating to meet Council's design guidelines and requirements. The DRAINS model has not yet demonstrated that the proposed drainage system within Ashford Avenue and through the subject site will safely convey the 5% AEP flows. The post development TUFLOW model has not demonstrated that compared to the pre-developed model, the proposed development does not have any flooding impact elsewhere during the 1% AEP event. In this regard, it cannot be concluded that the development will not result in detrimental impacts to the flood function and behaviour on the land.

(b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties

As above, insufficient information has been provided to determine that the proposed development will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other downstream development or properties.

(c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood

An updated flood impact assessment is yet to be provided to address the risk associated with the proposed development. This can only be finalised once the modelling is resolved. In this regard, the safe occupation and evacuation of people cannot be guaranteed with the information submitted with the application.

(d) incorporates appropriate measures to manage risk to life in the event of a flood

As above, an updated flood impact assessment is yet to be provided to address the risk associated and appropriate measures to manage risk to life in the event of a flood. This includes the levels of the buildings/ minimum required freeboard above the 1% AEP and the depth/ velocity of overland flow through the development between the two buildings.

(e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

Insufficient information has been provided to determine the above. However, if satisfactory flood modelling and a flood impact assessment are provided, it is envisaged that the above can be determined and appropriately conditioned in the consent, should development consent be granted to the application.

3(a) the impact of the development on projected changes to flood behaviour as a result of climate change

As above, insufficient flood modelling has been provided to determine if the development will impact flood behaviour because of climate change. Impacts on flood behaviour arising from climate change are expected to be considered in the model and associated flood impact assessment.

(b) the intended design and scale of buildings resulting from the development

As above, this can only be determined once the flood modelling issues are resolved. The flood modelling will determine if the building extents and levels proposed are sufficient and what mitigation measures are appropriate to ensure minimal flooding impacts occur to the site and surrounding properties.

(c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood

As above, a flood impact assessment cannot be provided until the flood extent is quantified. In this regard, an assessment against whether the risk of development incorporates sufficient measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood cannot be determined.

(d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

As above, the redesign of the development cannot be contemplated until the flood extent is quantified. In this regard, an assessment against the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding cannot be made from the information submitted to date.

The Applicant has not yet provided the required information to ensure that the development would minimise the flood risk to life and property associated with the residential development or allow for development that is compatible with the flood function and behaviour on the land or avoid adverse or cumulative impacts on flood behaviour and the environment. The Applicant is currently working with Council's Waterways and Engineering teams to finalise the flood modelling. Refer to Section 12 of the report for Waterways and Engineering comments. Once the modelling is finalised an updated flood impact assessment must be provided demonstrating that safe occupation and efficient evacuation of people in the event of a flood can be achieved. Further, the architectural, landscape and civil engineering drawings may need to be amended in response to that modelling. In this regard, the provisions in the Clause are not satisfied and development consent must not be granted to the development.

vi) Other Provisions

The proposal has been considered against the following provisions of the LEP:

- 2.6 Subdivision
- 2.7 Demolition
- 5.9 Preservation of trees or vegetation,
- 6.2 Public utility infrastructure, and
- 7.2 Earthworks.

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses.

8. Compliance with State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The required Design Verification Statement was prepared by Tony Owen, Architect (registration number 7080). The amended Development Application is currently being against the relevant design quality principles contained within the SEPP however a revised SEPP 65 Design Verification Statement has not been submitted with the latest set of plans.

a) 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	Minimum 25% of the site area. In this regard, the subject site requires a minimum of 6,431m² communal open space. Minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours mid-winter.	Yes. 39% of the site area (10,255m²) is provided for communal open space. The proposal provides 22% (5,610m²) ground floor communal open space and 17% (4,645m²) roof top communal open space on all buildings. No. If the principal usable part of the communal open space is taken to be at ground level, this does not comply however, the principal usable part of the roof top communal open space area of each building will receive at least 50% direct sunlight for 2 hours during midwinter.
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 17% of the development site area is true deep soil zones as defined within the ADG. This proposal includes a deep soil area of 4,435.1m² with minimum 6m x 6m dimensions.
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. However, the proposal provides adequate privacy mitigation measures to ensure adequate amenity is achieved.
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 and privacy screens and louvres have been incorporated to minimise direct overlooking. The proposed development is considered to afford a reasonable degree of privacy for future residents and adjoining properties.
Car parking	Car parking to be provided based on proximity to public	Yes.

	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. 100.2 0.9 spaces per 2 bedroom unit. 405 1.40 spaces per 3 bedroom unit. 217 1 space per 5 units (visitor parking). 154.4	The site is located directly opposite the Showground Station. 876.6 spaces would be required in accordance with the RMS rate. 1,008 spaces provided including 804 residential and 172 visitor car parking spaces.
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 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.	The latest plans are currently being reviewed. However, not enough information has been provided with the amended set of plans to demonstrate that this is achieved. Amended solar access and sun diagrams are required to demonstrate compliance.
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.	The latest plans are currently being reviewed. However, not enough information has been provided with the amended set of plans to demonstrate that this is achieved. Amended cross ventilation diagrams are required to demonstrate compliance.
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.	No. Updated elevations and sections have not been provided to demonstrate that this is achieved for Building C.

	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.	
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. 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.	The latest plans are currently being reviewed. No studios proposed 1 bedroom 50m² – 68.9m² 2 bedroom 70m² – 123.4m² 3 bedroom 95m² – 156.3m² Where additional bathrooms are proposed, an additional 5m² has been provided. No four bedroom units proposed. No. Apartments are to be revised to demonstrate this is achieved. In particular, unit 315 in Building B comprises an additional living space/family room without a window.
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. Master bedrooms have a minimum area of 10m² and other bedrooms 9m² (excluding wardrobe space).	The latest plans are currently being reviewed. However, dimensioned plans and corresponding unit schedules have not been provided to demonstrate compliance with this design criteria can be achieved.

	Bedrooms have a minimum dimension of 3m (excluding wardrobe space). Living rooms or combined living/dining rooms have a minimum width of: • 3.6m for studio and 1 bedroom apartments and 4m for 2 and 3 bedroom apartments	
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.	The latest plans are currently being reviewed. A corresponding unit schedule has not been provided to demonstrate that this can be achieved for all units. It is noted that a previous review determined a few units would not achieve the minimum depth requirements, however this could be supported subject to sufficient planning justification.
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 sharing a single lift is 40.	The latest plans are currently being reviewed. However, capable of achieving compliance.
Storage	Storage is to be provided as follows: Studio – 4m³ 1 bedroom – 6m³ 2 bedroom – 8m³ 3+ bedrooms – 10m³ For the unit mix proposed, A total storage of 2,314m³ required. At least 50% of the required storage is to be located within the apartment.	The latest plans are currently being reviewed. However, a storage schedule has not been provided to demonstrate that adequate storage is provided within each unit and within the basement.

Apartment mix	A variety of apartment types is to be provided and is to include flexible apartment configurations to support diverse household types and stages of life.	The latest plans are currently being reviewed. However, capable of achieving compliance.
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9. Compliance with DCP 2012

The proposal has been assessed against the following provisions of DCP 2012:

- Part D Section 19 – Showground Station Precinct
- Part B Section 5 – Residential Flat Buildings
- Part B Section 2 – Residential
- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 6 – Flood Controlled Land

The amended plans are currently being reviewed however the following variations have been identified:

DEVELOPMENT CONTROL	THDCP REQUIREMENTS	PROPOSED	COMPLIANCE
Part D Section 19 Showground Station Precinct and Part C Section 6 Flood Controlled Land			
Integrated Water Management	Owners of properties adjoining the Cattai Creek riparian corridor and overland flow paths as well as properties identified as Flood Control Lots are required to confirm the 100 year Average Recurrence Interval flood extent and associated flood levels from Cattai Creek prior to the lodgement of development and subdivision applications.	This has not occurred. The TUFLOW model does not yet demonstrate that the post developed condition does not have any flooding impacts elsewhere during the 1% AEP event compared to the pre-developed case.	No. However this could be supported subject to flood modelling being finalised and accepted by Council staff. Refer Section 7c(v) and Waterways comments.
	Development on land identified as Flood Control Lots and adjoining Cattai Creek or overland flow paths are to apply the provisions of Council's Flood Controlled Land DCP. In applying these provisions consideration is to be given to the type of development, the application of controls according to the Flood Planning Level associated with the property, car parking,	The submitted information to date has not demonstrated this is achieved.	No. However this could be supported subject to flood modelling being finalised. Refer Section 7c(v) and Waterways comments.

	flood compatible building materials and land filling.		
	Waterway rehabilitation and construction works are to apply 'Best Practice' combination of soft and hard engineering techniques establishing a water sensitive, geomorphically stable, diverse and functional waterway corridor that addresses urban influences and considers the immediate waterway corridor and aquatic systems both upstream and downstream of a subject site.	This can only be determined once the flood modelling is finalised.	No. Subject to flood modelling being accepted by Council staff. Refer Section 7c(v) and Waterways comments.
	In the areas of fill relevant provisions of Council's Flood Controlled Land DCP are to be applied, with reference to the Integrated Water Management Section of this DCP.	This can only be determined once the flood modelling is finalised.	No. However this could be supported subject to flood modelling being finalised. Refer Section 7c(v) and Waterways comments.
Vegetation Management Plan	The site specific Vegetation Management Plan (VMP) is to be prepared and implemented for Cattai Creek and Cockayne Reserve. The VMP is to be prepared in accordance with relevant guidelines and based on standard vegetation management actions.	Council's Senior Biodiversity Officer has indicated that the submitted VMP has not adequately addressed the concerns raised regarding description of existing vegetation and the delineation of management zones. However has indicated that if consent was granted to the application, this could be conditioned to comply.	No, however this could be conditioned to comply should consent be granted to the application.
Showground Precinct Structure Plan	The structure plan indicates the subject site is for residential development up to 8 -12 storeys in height.	The proposal is a maximum of 13 storeys in height. The "mezzanine" levels are counted as an additional storey as they cannot be considered "an intermediate floor	No, however subject to a well founded Clause 4.6 written submission, the proposal may be considered an acceptable outcome within the Showground Precinct.

		within a room” as defined under the LEP.	
Development Adjoining Cattai Creek Riparian Corridor	All development shall address the riparian corridor. All ground floor apartments must have an address to, and be accessible directly from the riparian corridor.	There is no direct access provided from ground level units fronting the riparian corridor within Buildings A and B.	No, however this could be supported given the finished floor level of the units and access is provided via the lift lobby.
	Ground floor residential apartments are to be elevated from the ground level by a minimum of 300mm and a maximum of 600mm subject to flood control levels.	This can only be determined once the flood modelling is finalised.	No. However this could be supported subject to flood modelling being finalised. Refer Section 7c(v) and Waterways comments.
	A minimum 7.5m built form setback shall be provided to the riparian corridor. Note: the riparian corridor is 20m from the ‘top of bank’ on each side of the creek within Interface Area (b).	The built form is setback 20m from the top of the bank of the creek but encroachments occur within the additional 7.5m built form setback.	No, however this could be supported as the landscaping works proposed within the RE1 zoned land is an essential component to the application of the incentive FSR for the development and would provide appropriate amenity to the interface with the riparian corridor. The NRAR have indicated that whilst technically the creek is a second order watercourse, due to the steepness of banks and the urban area, a 10m setback is sufficient for the development. The building is wholly within the R4 zoned land and set back at least 20m from the top of bank. The landscaping works proposed in between the building and cycleway is consistent with the Cattai Creek Masterplan and provides appropriate amenity and a

			suitable transition to the R4/RE1 interface. Subject to confirmation that the levels proposed comply with the flood planning provision under the LEP, the variation to the 20m top of bank plus a further 7.5m riparian corridor setback DCP control could be supported.
	Developments with residential ground floor uses are to adopt a two storey terrace house appearance to present a fine grain articulation to the riparian corridor frontage.	A two storey terrace house appearance is not adopted for Buildings A, B or C.	No, however an urban design review has been provided to support the design of the proposal. Refer to Attachment 14.
Built Form – Design – Building Length	Buildings are to have a maximum length of 65 metres. Where a building has a length greater than 30 metres it is to be separated into at least two parts by a significant recess or projection.	Buildings A and B exceed the maximum building length. The proposed building lengths are detailed below: Building A: 75m Building B: 75m	No, however an urban design review has been provided to support the design of the proposal. Refer to Attachment 14.
Residential Uses on Ground and First Floors	Ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm	All units fronting Ashford Avenue within Building C are below street level however the building has been increased in the latest plans which are under review.	No, elevations and sections for Building C have not been provided to demonstrate compliance with this control. The finished floor levels will also need to be confirmed once the flood modelling is finalised.

10. Issues Raised in Submissions

The Development Application was notified between 21 October 2020 to 26 November 2020, 9 March 2022 to 30 March 2022, 23 June 2022 to 14 July 2022 and is currently on notification from 23 November 2022 to 14 December 2022. Any further submissions lodged following the current notification period will need to be considered in addition to the below commentary.

Following the first three notification periods, two submissions were received including one submission from Sydney Metro. The issues raised in the submissions following the first three notification periods are addressed in the table below:

ISSUE/OBJECTION	COMMENT
811 dwellings for the site is too high. The proposal is also too close to the development proposed on the Showground Station site.	The site and adjoining properties are located within the Showground Precinct which has been rezoned by the Department of Planning and Environment to allow for higher density residential development. The development has been reduced to 772 dwellings. The amended plans are currently being reviewed to determine if the proposal can achieve the incentive FSR provisions under Clause 9.7 of the LEP which is the relevant provision that determines dwelling yield for the site. The proximity of the adjoining State Significant Development approved by the Department of Planning and Environment for 1,620 dwellings on the Showground Station Site is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.
Traffic congestion on the local roads and further congestion on Victoria Avenue.	The Development Application has been referred to Transport for NSW and Council's internal Traffic section. Council's Traffic Engineer raised no objections to the previous plans and traffic report and concluded the development will have minimal impacts in terms of its traffic generation potential on the local road network and sufficient parking has been provided for the proposed uses. It is considered that the development should still be consistent with the Transport Plan as envisaged under the Showground Station Precinct, prepared by the Department of Planning and Environment. Refer Section 5 for detailed discussion.
Development is not aligned to the "feel of the Hills District".	The site and adjoining properties are located within the Showground Precinct which has been rezoned by the Department of Planning and Environment to allow for higher density residential development. The proposal will only be approved if the development is in keeping with the desired future character of the area.
Insufficient "greening" of the area to be a 100% carbon offset.	Council's Landscape section has reviewed the proposal and raised no objections to the proposal, subject to conditions if consent was granted to the application. The proposal includes ground level and rooftop communal open space and embellishment works within the RE1 zoned land. It is considered that the landscaping provided would meet the objectives of the landscaping control under the DCP.
The development should be located around Castle Ridge/Oakhill area.	The development is not proposed in these areas. This is not a matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979.
Sydney Metro Submission	
<u>Transit Oriented Development Principles</u>	This is noted, however Council's LEP and DCP provide minimum parking rates. The proposal

ISSUE/OBJECTION	COMMENT
The development is located less than 200m from the Hills Showground station with great opportunities to deliver a transit-oriented development (TOD) by taking advantage of the high frequency transport service offered by Sydney Metro. With the mix of uses proposed on the development site and those offered around the station plaza, the proposed development could encourage more sustainable modes of transport such as walking, cycling and the use of public transport to key destinations.	complies with the minimum parking rates required under Council's controls. Generally, Council's Traffic section is reluctant to install parking restrictions on the road when it comes to managing parking. Therefore, it is considered appropriate to apply the DCP parking rate to accommodate more parking spaces on-site to reduce on-street parking demand.
<u>Traffic and Transport Matters</u> Sydney Metro supports the provision of pedestrian and cycleways that are attractive, safe and enhance connections to existing and proposed networks to encourage residents to walk or cycle to the railway station, community facilities and other uses as demanded by residents. This reduces the demand for car parking as well as delivering positive place outcomes that benefit the community as a whole.	This is noted. The development provides 142 bicycle spaces which complies with Council's DCP. Pedestrian through site links and a pedestrian path is also proposed along the riparian corridor as part of this development. If consent was granted to the application, the provision of cycleways that are accessible from Buildings A, B and C could be conditioned to be in accordance with Council's DCP requirements and specifications.
The development proposes 1048 car parking spaces which is 76 more than the minimum DCP requirement. In addition, the traffic report appropriately identifies this development as a TOD as it is located opposite Sydney Metro Showground Station. While the proposal meets the requirements for minimum rates, it is recommended that the parking rates be further reduced given the proximity to Showground Station and to encourage greater use of active and public transport.	The development proposes 1008 car parking spaces which is a reduction of 40 spaces to the original proposal. As above, Council's LEP and DCP provide minimum parking rates. The proposal complies with the minimum parking rates required under Council's controls.
The submitted traffic report compared this development with Transport for NSW's Transport Masterplan for Showground Station Precinct and did not undertake any intersection analysis and/or associated modelling (such as; SIDRA modelling) to justify the traffic impact from this development. It is understood that the subject site was included in the TfNSW Transport Masterplan and associated modelling which have identified a number of intersections and road improvement works. However the subject development should identify the potential traffic impact, including the distribution of the trips to the	Council's Traffic Engineer raised no objections to the previous plans and traffic report and concluded the development will have minimal impacts in terms of its traffic generation potential on the local road network and sufficient parking has been provided for the proposed uses. It is considered that the development should still be consistent with the Transport Plan as envisaged under the Showground Station Precinct, prepared by the Department of Planning and Environment. Refer Section 5.

ISSUE/OBJECTION	COMMENT
surrounding road network and any necessary intersection /road network improvement works (or mitigation works) required to accommodate the development.	
Since the development is a TOD and located opposite Showground Metro Station, it would potentially generate a high volume of pedestrian movements between the Station and subject precinct. Therefore, the traffic report should analyse potential impact at Carrington Road/ Middleton Avenue, Carrington Road/Doran Drive signalised intersections of pedestrian crossing movements during AM & PM peak hours, including future pedestrian LoS, traffic queue, traffic delay and waiting time for pedestrians at these intersections.	Council's Traffic Engineer has reviewed the development and raises no objections to the proposal in this regard.
The proposed development would increase right turn movements from Carrington Road into Middleton Avenue, particularly as there is no right turn allowed from Carrington Road into Ashford Avenue. It is recommended that the proponent investigate the traffic impacts of the proposal on the subject intersection and the ability to accommodate the right turn demand without impacting network efficiency on Carrington Road.	Council's Traffic Engineer has reviewed the development and should consent be granted to the application, recommends a condition that a central concrete median shall be constructed on Carrington Road at Ashford Avenue to facilitate the left-in and left-out arrangement at the Applicant's expense subject to the Local Traffic Committee approval and TfNSW concurrence.

11. EXTERNAL REFERRALS

The application was externally referred to the following agencies:

- Department of Planning and Environment – Natural Resources Access Regulator (NRAR)
- Transport for NSW (TfNSW)
- Sydney Metro
- Endeavour Energy,
- Sydney Water, and
- NSW Police.

Relevant comments are provided below:

NATURAL RESOURCES ACCESS REGULATOR COMMENTS

The application is defined as 'Nominated Integrated Development' under the provisions of Section 4.46 of the Environmental Planning and Assessment Act, 1979. The proposal requires a controlled activity approval under Section 91 of the Water Management Act, 2000. The proposal was referred to the Natural Resources Access Regulator (NRAR) on 3 occasions. This is addressed in Section 1 of the report. General Terms of Approval (GTA) for part of the proposed development requiring a Controlled Activity approval were issued by the NRAR on 16

April 2021 and are included in Attachment 15. The latest plans have been renotified to NRAR however the referral request has been rejected on the NSW Planning Portal.

TRANSPORT FOR NSW COMMENTS

The application has been previously referred to the Transport for NSW (TfNSW) on two occasions as the proposal is categorised as traffic generating development pursuant to Schedule 3 of the now repealed SEPP (Infrastructure) 2007. The original submissions received by Transport for NSW has been discussed in detail in Section 5 above. TfNSW has recommended to apply a maximum parking rate of 0.5/0.8/1.3 for 1 bedroom/2 bedroom /3 bedroom units and 1 per 5 for visitor parking according to its correspondence dated 10 November 2020. The Applicant has followed the minimum DCP parking rate and exceeds this by a small margin. Generally, Council's Traffic section is reluctant to install parking restrictions on the road when it comes to managing parking. Therefore, it is considered appropriate to apply the DCP parking rate to accommodate more parking spaces on-site to reduce on-street parking demand.

It is noted that the submission received by TfNSW on 1 April 2022, indicates that TfNSW does not support the pedestrian refuge due to the proximity to the traffic signals at Doran Drive which was indicated in the previously submitted. As amended civil plans have been submitted by the Applicant on 22 November 2022, the application has been re-referred to TfNSW for comment. Their comments are outstanding at the time of the completion of this report.

SYDNEY METRO COMMENTS

The application was originally referred to Sydney Metro under Clause 86 of the now repealed SEPP (Infrastructure) 2007. However, this was rejected by Sydney Metro on the NSW Planning Portal. It is noted that Sydney Metro have made two submissions objecting to the proposal on traffic and parking grounds and this is addressed in Section 9 above.

ENDEAVOUR ENERGY COMMENTS

The application was referred to Endeavour Energy. No objections were raised to the proposal, subject to recommended conditions should consent be granted to the application.

SYDNEY WATER COMMENTS

The application was referred to the Sydney Water due to the proximity to Sydney Water assets. No objections were raised to the proposal, subject to recommended conditions should consent be granted to the application.

NSW POLICE COMMENTS

The application was referred to the NSW Police. No objections were raised to the proposal subject to recommended conditions should consent be granted to the application.

12. INTERNAL REFERRALS

The application was referred to the following sections of Council:

- Engineering,
- Waterways,
- Traffic,
- Resource Recovery,
- Ecology
- Landscaping/Tree Management,
- Open Space and Recreation,
- Property and Assets,
- Environmental Health,

- Forward Planning (Contributions) and
- Land Information Systems,

Relevant comments are provided below:

ENGINEERING

Council's Senior Engineer raised previous concerns regarding the proposal as detailed in the background section of the report. In particular, concerns were raised with regards to internal traffic circulation within the basement levels, flooding issues, stormwater issues, issues with the subdivision plan, geotechnical issues with groundwater seepage within the basements. Council's Engineer has since reviewed the application and has indicated that no objection is raised to the general engineering issues which can be conditioned if consent is granted to the application, however all flooding and civil design relating to flooding will need to be resolved prior to determination of the application.

WATERWAYS

Council's Waterways Team have reviewed the application and notes the whilst the pre-development TUFLOW flood model has been approved by the Team, the DRAINS hydraulic model and the post-development TUFLOW flood model for the proposed development need updating to meet Council's design guidelines and requirements. The DRAINS model needs to demonstrate that the proposed drainage system within Ashford Avenue and through the subject site will safely convey the 5% AEP flows. The post-development TUFLOW flood model needs to demonstrate, when compared to the pre-development model, the proposed development does not have any flooding impact elsewhere during the 1% AEP event.

The applicant is currently working with the Waterways team to finalise the DRAINS modelling. Once the DRAINS model is finalised and approved by Council, the applicant will then update the post-development TUFLOW model incorporating the details from the DRAINS model.

The review of the final flood modelling submission, including both DRAINS and TUFLOW models, would be at least 4 weeks once all the deliverables are received and confirmed to be complete. The civil design relating to the stormwater upgrades in Ashford Avenue relies upon this modelling and may need to be updated in response to the same. The building extent and level is set by the submitted plans and the developer is seeking to avoid design changes/ make the modelling and civil design work based on the submitted plans.

It is critical that the applicant completes the following tasks prior to approval of the Development Application:

- Obtain Council's approval for both post-development DRAINS hydraulic and TUFLOW flood models (updated version).
- Address all outstanding issues raised in the Waterways Teams' flood modelling review comments that was issued on 31 October 2022 and highlighted above.

The reason the above cannot be conditioned is that if the development was to be approved the building extents and levels would be set by the submitted plans. If this is done ahead of the modelling being resolved there is a risk the modelling will show the then approved buildings are in the wrong location or at the wrong level creating flooding impact either internally/ affecting the development or externally.

ECOLOGY

Council's Senior Biodiversity Officer has reviewed the application and raises no objection subject to conditions of consent, if consent was granted to the application. Commentary regarding compliance with the Biodiversity Conservation Act 2016 is detailed in Section 2.

LANDSCAPING/TREE MANAGEMENT

Initial concerns were raised as detailed in the background section of the report however these issues were resolved, and no objections were raised subject to conditions of consent, if consent is granted to the application. However, should stormwater and civil engineering drawings be amended, this may impact the landscaping of the development and a further referral will be required to Council's Landscape/Tree Management Team.

OPEN SPACE AND RECREATION AND PROPERTY AND ASSETS

Concerns were raised regarding the following:

- The cost of on-going maintenance and future replacement of this development in RE1 zoned land places undue financial burden on Council.
- Liability for works, maintenance, and replacement in RE1 zoned land places financial risk on Council.
- The developer limits creek restoration improvements and creek/pedestrian connectivity to only one side of the RE1 zoned land.
- The development is to be rolled-out in stages and there is no guarantee that future Strata Management for these separate residential towers are willing to take on; Public Liability, ongoing maintenance and replacement issues.
- The proposed cycleway alignment for Cattai Creek corridor is proposed to connect with a new overpass bridge to be used by residents, commuters and visitors of the area. Council staff are keen to ensure that this RE1 reserve will be free from any private encumbrances and related issues of access.

The Applicant has agreed that the landscaping and costs of on-going maintenance to the RE1 zoned land highlighted in the landscape plan in Attachment 11 could be provided in perpetuity by the developer. If consent was granted to the application, this could be conditioned requiring an easement to be provided and registered on title.

The staging of the development and the delivery of works proposed within the RE1 zoned land include the cycleway link and vegetation management works along the creek and provision of a temporary access connection through to Carrington Road. These works are required to facilitate the development. If consent is granted to the application, conditions can be implementing requiring an easement to be created for the cycleway link which the Applicant seeks to construct at Stage 3. Future works involving pedestrian bridges to the other side of the creek could occur subject to a future application which can be conditioned in the development consent, should consent be granted to the application. The Applicant has also indicated that the works outlined under the submitted Vegetation Management Plan across the RE1 zoned portion of the site will commence at the beginning of Stage 1 works and continued across the construction phases in accordance with the maintenance schedule. The Applicant has also agreed to providing a 4m wide temporary access easement connecting link to Carrington Road. These works can also be conditioned if consent is granted to the application.

ENVIRONMENTAL HEALTH

Council's Senior Environmental Health Officer has reviewed the application and raises no objection subject to conditions of consent, if consent is granted to the application.

FORWARD PLANNING (CONTRIBUTIONS)

The Team has previously raised concern regarding the unit mix and schedules not corresponding with the plans submitted. The Team have indicated that the rate of contributions will be levied in accordance with the unit mix identified on the floor plans. A further review of the latest plans is currently being undertaken.

LAND INFORMATION SYSTEMS

Council's Land and Spatial Information Team have noted that previously requested items have not been adequately addressed. In particular, the Team notes following inconsistencies are still evident in the plans which need to be addressed before property addressing and unit numbering can be confirmed.

Building A

- Ensure all plans have drawing number on title block
- Level 5 – 503 needs an entry door.
- Level 6 – 603 & 605 needs an entry door.
- Level 8 – 801 needs entry door.

Building B

- Building B please ensure the drawing numbers are in all title blocks. Most are missing.
- Level 5 – 6 - fix apartment numbers (515/615 (3bed 114.2m²), noted incorrectly on current set and (517/617 (1 bed 53.4m², also noted incorrectly).

Building C

- Level 1 upwards drawing numbers missing in title block

Building D & F

- Lower Ground – internal access to apartments labelled LG02 & LG05. This item was noted as reviewed by applicant however the set of submitted amended plans does not feature this design change.
- Level GF – upper level to 59.0m² apartment, planner to confirm whether this should have access to both levels as this concerns numbering. Also cannot have entryway at the top of staircase. This item was noted as corrected to a single entrance, however this was not the case on the set of submitted amended plans.
- Level GF upwards please check drawing numbers in title block.
- Level 4 – Apartment 401 – no door from hallway
- Level 5 – Apartment 501 – no door from hallway
- When using one plan for multiple levels ensure that numbering shows all levels on the plan e.g. 901/1001
- Drawing No. DA DF106 – is duplicated within the document set. One with incorrect numbering. Ensure numbering follows layout on Tables for Building D (AA120D) and Building F (AA122D).

Building E & G

- Ensure all plans have drawing number on title block.
- Unit G 17 is still indicated as having entry on both levels. Only one entry is permitted. You are requested to amend this on the plans.

RESOURCE RECOVERY

Initial concerns were raised as detailed in the background section of the report however these issues were resolved, and no further objections were raised subject to conditions if consent was granted to the Application. However, a further review of the latest plans is currently being undertaken.

TRAFFIC

The traffic generation and safety impacts of the development have been addressed under Section 5. Council's Traffic section raised concerns regarding the provision of two pedestrian crossings within Ashford Avenue which were depicted in the latest set of landscape plans however not shown in the civil plans. The Traffic section noted that the provision of pedestrian crossings or any form of traffic facility on a public road is subject to traffic committee approval and community consultation. Currently Council's Traffic section have no plans to install any pedestrian crossings on Ashford Avenue. Therefore, the illustrated pedestrian crossings in Ashford Avenue will not be supported as part of this proposal and these shall be removed from all plans to avoid confusion discrepancies with the proposed landscape works. Council's Traffic section previously concluded that there are no objections to the proposal from a traffic engineering perspective however should this DA be approved the following traffic related conditions should be included:

1. All driveways to the site must be designed such that there are minimum sight lines for pedestrian safety as per Figure 3.3 of AS 2890.1. To ensure sightlines are not compromised, the proposed vegetation on either side of the driveways will need to be low level landscaping (below 500mm above footpath level).
2. Pedestrian crossings shall be removed from all plans.
3. A central concrete median shall be constructed on Carrington Road at Ashford Avenue to facilitate the left-in and left-out arrangement at the applicant's expense subject to the Local Traffic Committee approval and TfNSW concurrence.
4. The proposed public domain area along Cattai Creek shall accommodate cycleways that are accessible from each of the proposed buildings on the western side of Ashford Avenue with provision to tie into the future cycleway from Middleton Avenue to Carrington Road in accordance with Council's DCP requirements and specifications.

CONCLUSION

The Development Application has been assessed against the relevant heads of consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, State Environmental Planning Policy (Transport and Infrastructure) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development, Local Environmental Plan 2019 and Development Control Plan 2012.

The application has not provided sufficient information to demonstrate compliance with the incentive Floor Space Ratio provisions under Clause 9.7 of The Hills LEP 2019. In this regard, the incentive FSR cannot be applied unless the unit mix is amended to comply with this Clause.

The application has not provided sufficient information to demonstrate compliance with the flood planning provisions under Clause 5.21 of The Hills LEP 2019. In this regard, the Clause prohibits development consent to be granted to development on the land. Notwithstanding, the Applicant is seeking to address this outstanding issue with the submission of further flood modelling. Should the flood modelling demonstrate that the post developed condition does not have any flooding impacts elsewhere during the 1% AEP event compared to the pre-developed case and all other outstanding matters identified in this report are resolved, the application can ultimately be recommended for approval.

As amended plans seeking to further increase the height of the development were received on 22 November 2022, the application has been renotified to affected properties including the NRAR, TfNSW and Sydney Metro. The notification period ends on 14 December 2022.

Given the complexities of the site including the extent of flood modelling required by the Applicant to identify the actual drainage system upgrades to mitigate flooding not realised when the precinct was rezoned, the substantial effort made by the Applicant to work with Council's Waterways Team to resolve these issues and that other elements will follow the resolution of the flooding issues, it is considered that deferral of the application until the end of the first quarter

is appropriate to ensure all issues can be addressed and a report submitted to the Panel in April 2023.

IMPACTS:

Financial

This matter may have a direct financial impact upon Council's adopted budget as refusal of this matter may result in Council having to defend a Class 1 Appeal in the NSW Land and Environment Court.

The Hills Future - Community Strategic Plan

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

RECOMMENDATION

The Development Application be deferred until the end of the first quarter in 2023 so the Applicant can address all the outstanding issues highlighted in this report and Council staff can consider internal and external agency comments and any further submissions following the notification period which are outstanding at the time of completion of this report. A report for determination of the application will be prepared for the April 2023 meeting of the Panel.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. LEP 2019 Zoning Map
4. LEP 2019 Height of Buildings Map
5. LEP 2019 FSR (Base) Map
6. LEP 2019 FSR (Incentive) Map
7. Council's Flood Control and Urban Overland Flow Path Map
8. Site and Staging Plan
9. Subdivision Plan
10. Elevations and Sections (excluding Building C)
11. Landscape Plans
12. Clause 4.6 Written Submission
13. Design Review Panel Reports
14. Applicant's response to DRP Reports including Urban Design Review by SJB
15. General Terms of Approval from The Natural Resources Access Regulator

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED

**NOTE: TWO SUBMISSIONS RECEIVED
OFF THE SCOPE OF THIS MAP**

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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ATTACHMENT 2 – AERIAL PHOTOGRAPH



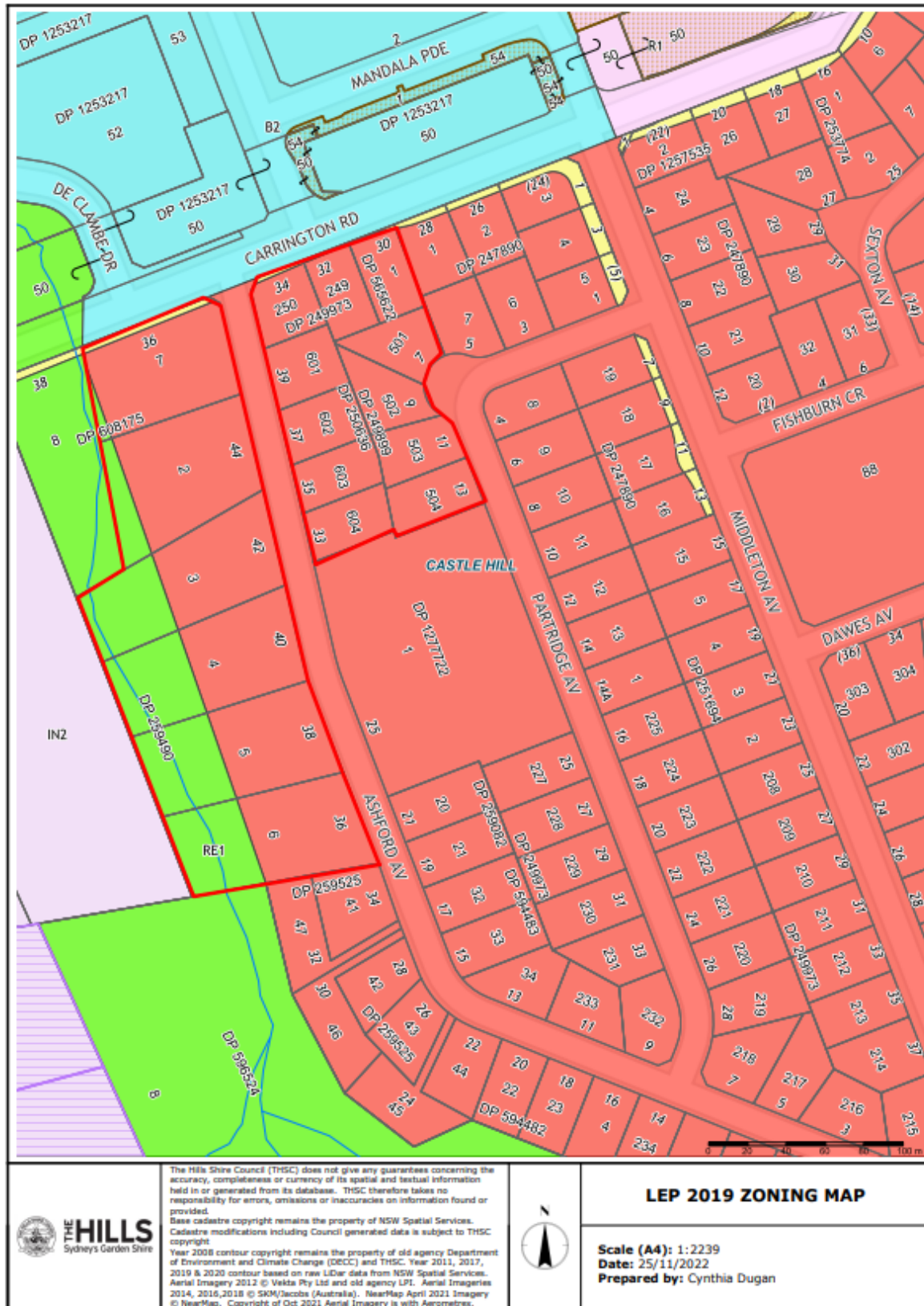
 **SUBJECT SITE**

THE HILLS
Sydney's Garden Shire

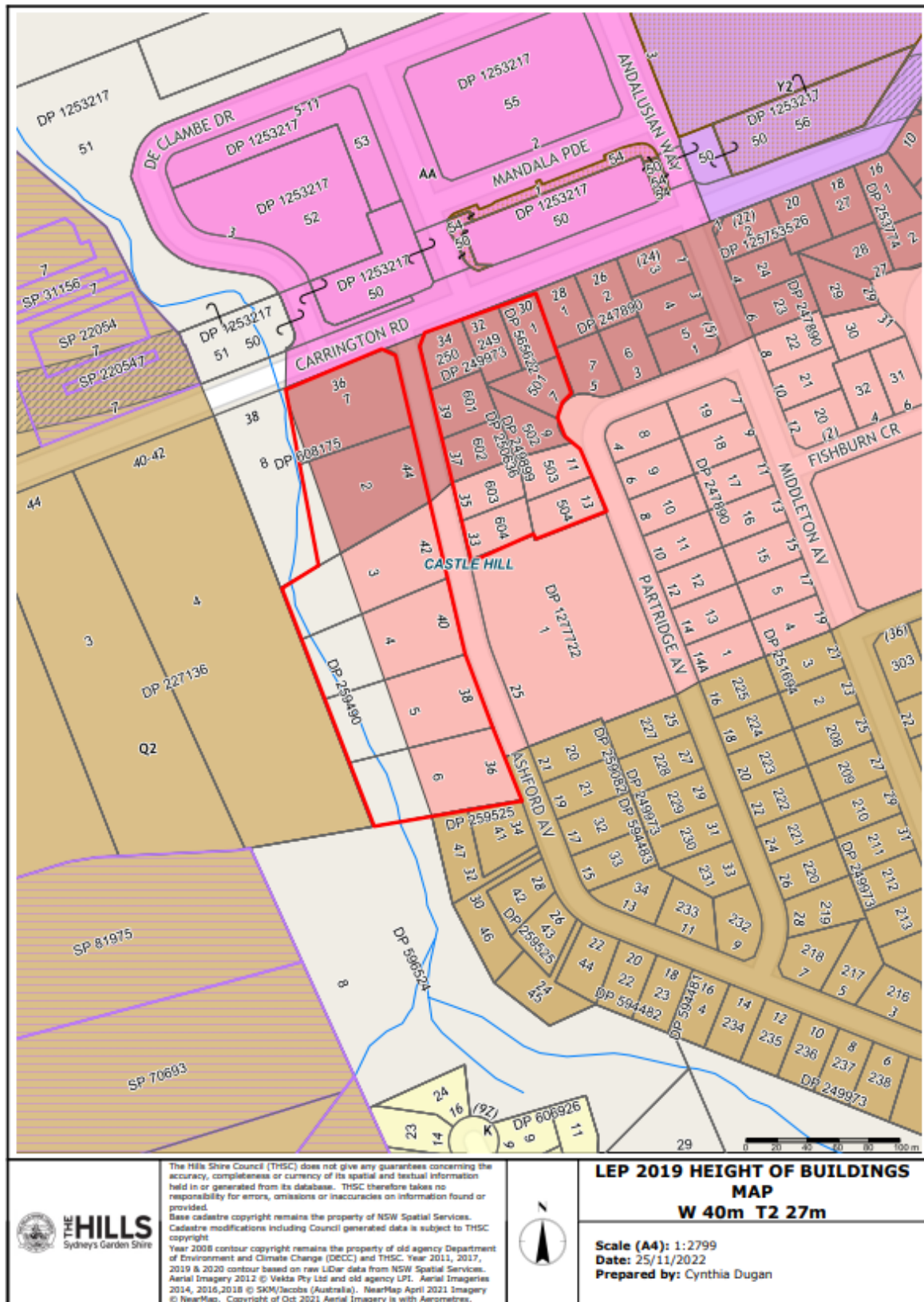
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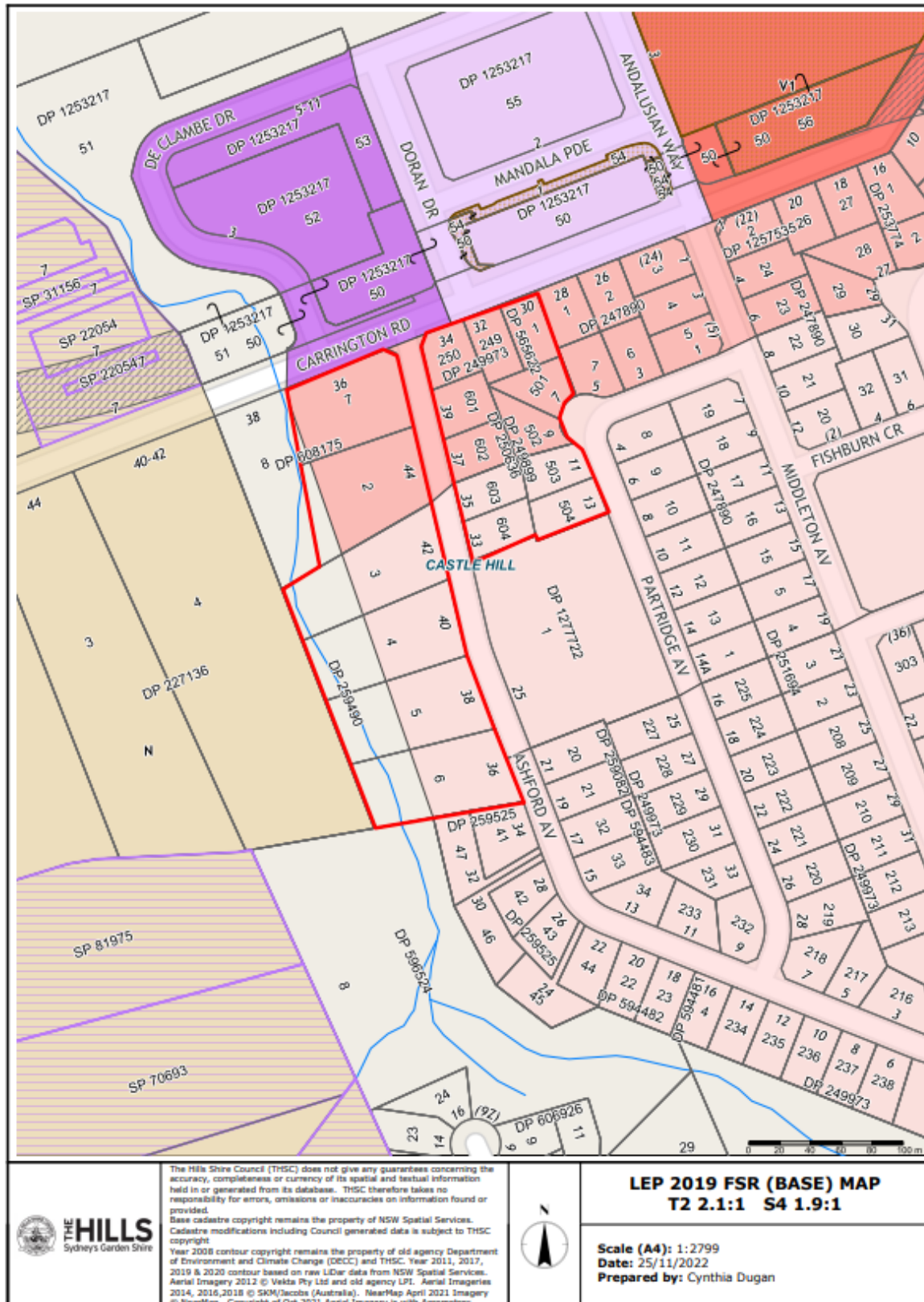
ATTACHMENT 3 – LEP 2019 ZONING MAP



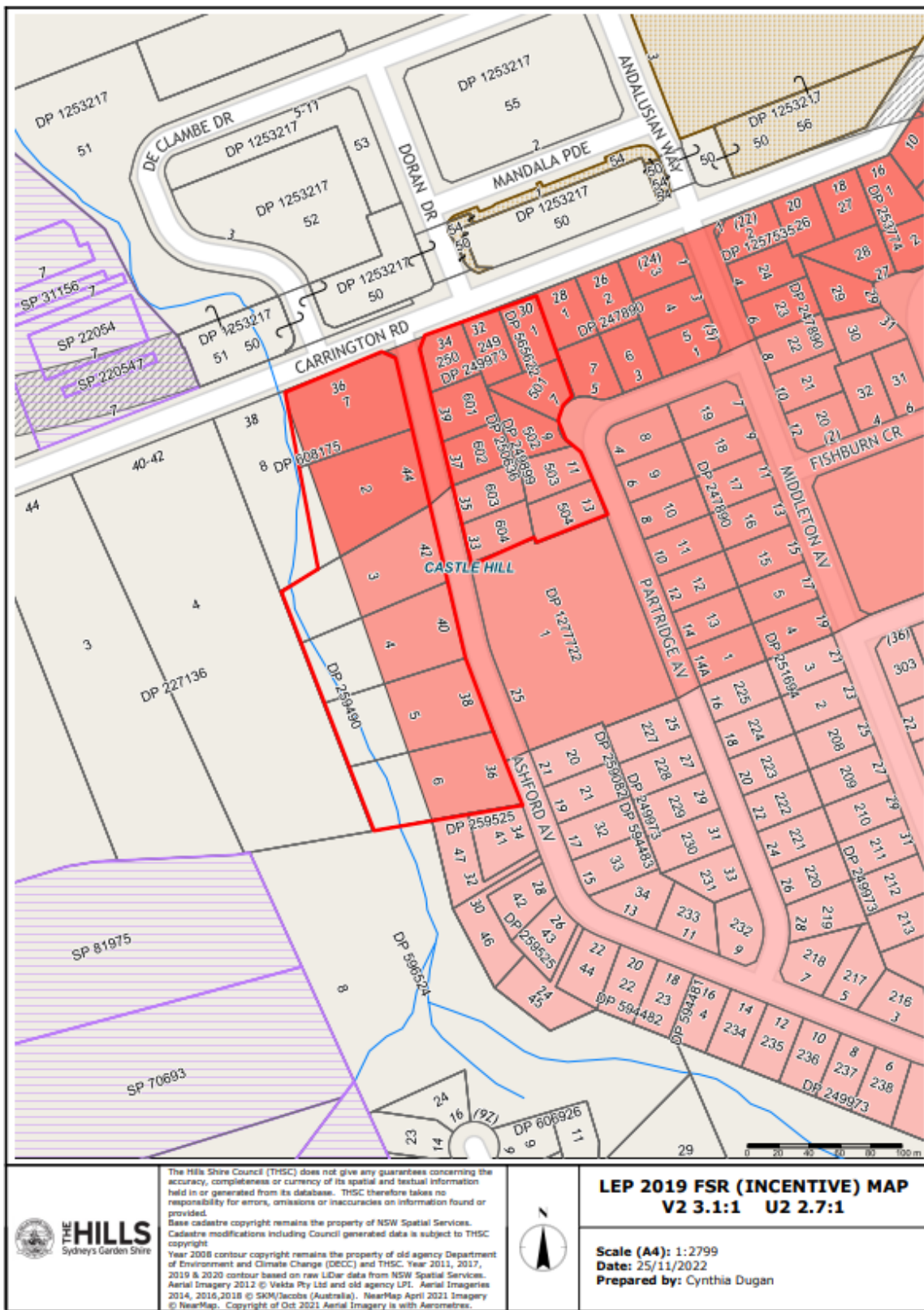
ATTACHMENT 4 – LEP 2019 HEIGHT OF BUILDINGS MAP



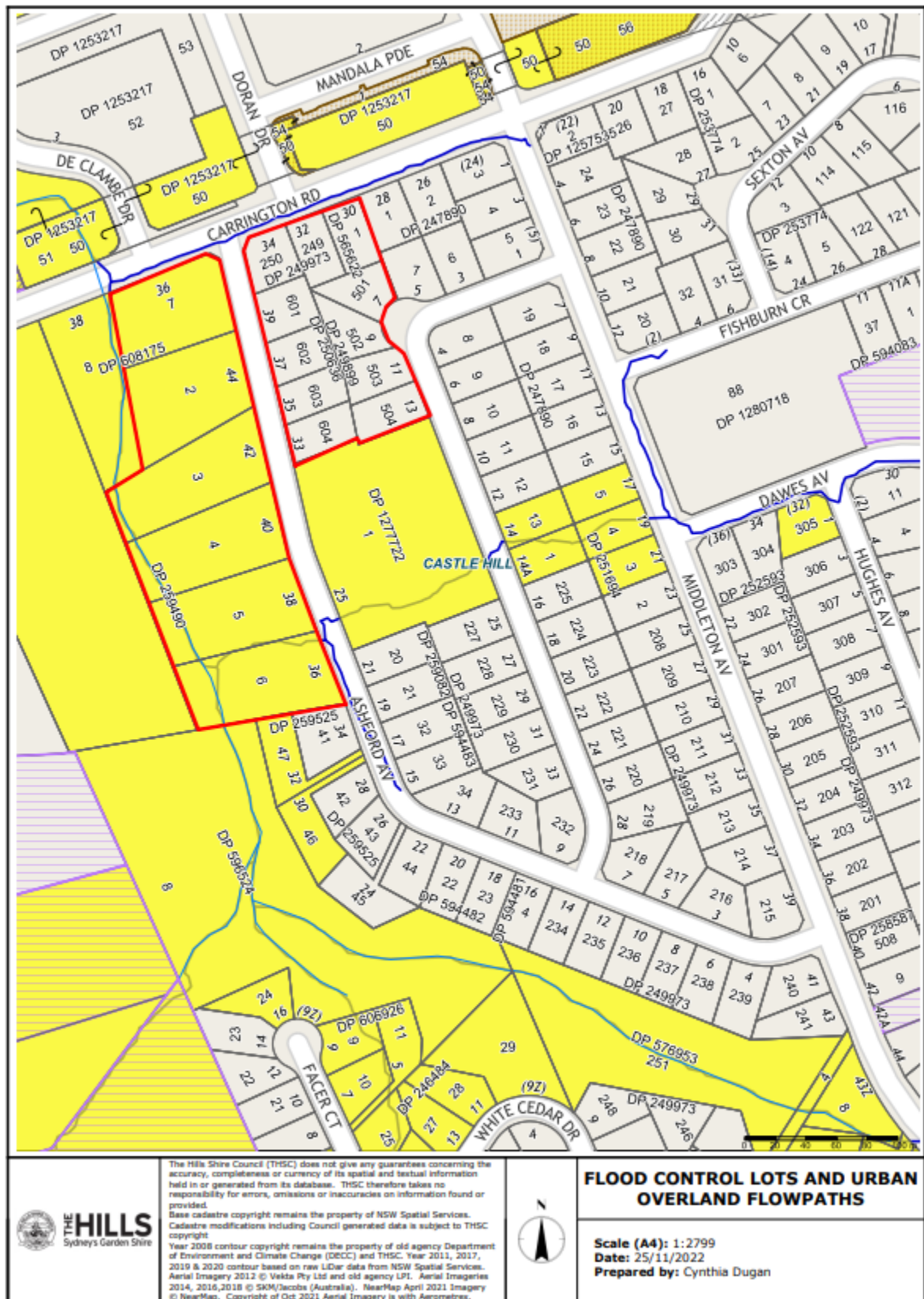
ATTACHMENT 5 – LEP 2019 FSR (BASE) MAP



ATTACHMENT 6 – LEP 2019 FSR (INCENTIVE) MAP



ATTACHMENT 7 – COUNCIL'S FLOOD CONTROL LAYER AND URBAN OVERFLOW PATH MAP



ATTACHMENT 8 – SITE AND STAGING PLAN



Showground Corp DA Staging Plan

General Notes:

- Works outlined under the submitted Vegetation Management Plan across the RE1 zoned portion of the site will be commenced at the beginning of Stage 1 works and continued across the construction phases in accordance with the maintenance schedule.
- Works have been staged to deliver logical components of the public domain within the creek corridor, along streets and through-site links with a view to also ensuring public safety and avoidance of conflict with active or future work zones.
- Lead-in infrastructure upgrades to services (including sewer, power, mains water and telecommunications as required) will be undertaken as part of Stage 1 works. Further extension of lead-in services will be undertaken as part of each subsequent stage dependent upon the location of the lead-in infrastructure.
- Utility service connections will be provided as part of each respective stage.
- Road widening and works has been identified in the Staging Plans. The final make-good works to the full or partial width components of Ashford Avenue will be undertaken in Stage 5 to avoid abortive and reconstruction works. Access into Buildings A, B, C, E and G will be provided via the staged partial width construction of Ashford Avenue on the western side which will comprise a dual carriageway width.

Stage 1:

- Demolition of dwellings 40 and 42 Ashford Avenue
- Excavation for Building B Basement
- Construction of Building B
- Kerb and gutter and footpath upgrade along site frontage of Stage 1
- Excavation and construction of diverted culvert infrastructure within the lot boundaries
- All landscape and other civil and drainage works associated with the Building B development
- Utility services and upgrades associated with Building B
- Subdivision of Cattai Creek Park lots prior to the issue of OC

Stage 2:

- Demolition of dwellings 11-13 Partridge avenue and 33-35 Ashford Avenue.
- Excavation for Building E and G Basement
- Construction of Building E and G
- Road widening along Ashford Avenue along frontage of Stage 2
- Kerb and gutter and footpath upgrade along frontage of Stage 2 for both Ashford and Partridge avenue.
- All landscape and other civil and drainage works associated with the Building E and G development
- Utility services and upgrades associated with Building E and G

- Consolidation of Lot 2 into lots 501 and 502.
- Consolidation of Lot 1 into lot 7
- Civil works to facilitate proposed Road Closure including kerb and guttering works and required services.

Stage 3:

- Demolition of dwellings 36 and 38 Ashford Avenue
- Excavation for Building C Basement
- Construction of Building C
- Kerb and gutter and footpath upgrade along site frontage of Stage 3
- Excavation and construction of diverted culvert infrastructure within the lot boundaries
- Culvert construction along Ashford Ave in accordance with civil drawing
- All landscape and other civil and drainage works associated with the Building C development
- Landscape works in RE1 land for both Stage 1 and Stage 3.
- Utility services and upgrades associated with Building C

Stage 4:

- Demolition of dwellings 44 Ashford and 36 Carrington Road
- Excavation for Building A Basement
- Construction of Building A
- Road widening to Carrington road site frontage of Stage 4.
- Kerb and gutter and footpath upgrade along Ashford and Carrington road site frontage of stage 4.
- All landscape and other civil and drainage works associated with the Building A development
- Through site link from Ashford Ave to Cattai Creek Park and positive covenant created
- Landscape works in RE1 land to Stage 4.
- Utility services and upgrades associated with Building A
- Dedication of the RE1 subdivided lots 22,32,42,52,62 and 73 to council at no cost

Stage 5:

- Demolition of dwellings 30-34 Carrington Road, 37-39 Ashford avenue, 7-9 Partridge avenue.
- Excavation for Building D & F Basement
- Construction of Building D & F
- Road widening to Carrington road site frontage of Stage 5
- Kerb and gutter and footpath upgrade along site frontage of Stage 5
- All landscape and other civil and drainage works associated with the Building D & F development

- Utility services and upgrades associated with Building D & F
- Through site link between buildings D & F and E&G to be constructed and positive covenant created
- Through site link between buildings along eastern frontage of building F to be constructed and positive covenant created

ATTACHMENT 9 – SUBDIVISION PLAN

PROPOSED EASEMENTS (X) & (Y) BASED ON ENGINEERING DRAWINGS PROJECT N42782 REV F DATED 3 JUNE 2022

PROPOSED EASEMENTS (X) & (Y) ARE SUBJECT TO ENGINEERING APPROVAL	PROPOSED EASEMENTS (X) & (Y) ARE SUBJECT TO ENGINEERING APPROVAL	PROPOSED EASEMENTS (X) & (Y) ARE SUBJECT TO ENGINEERING APPROVAL	PROPOSED EASEMENTS (X) & (Y) ARE SUBJECT TO ENGINEERING APPROVAL	PROPOSED EASEMENTS (X) & (Y) ARE SUBJECT TO ENGINEERING APPROVAL	PROPOSED EASEMENTS (X) & (Y) ARE SUBJECT TO ENGINEERING APPROVAL
(A) EASEMENT TO DRAIN WATER (DP608175)	(B) EASEMENT TO DRAIN WATER (DP608175)	(C) RESTRICTION ON THE USE OF LAND (DP608175)	(D) RESTRICTION ON THE USE OF LAND (DP608175)	(E) POSITIVE COVENANT (Z986818)	(F) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)
(G) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)	(H) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)	(I) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)	(J) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)	(K) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)	(L) PROPOSED EASEMENT TO DRAIN WATER 3 WIDE (LIMITED IN STRUTUM)

Architectural drawing of Building A - East Elevation (Aspford Ave). The drawing shows a multi-story residential building with a central entrance, multiple windows, and a parking area. The drawing includes a north arrow, a scale bar (0 to 10m), and a title block with the text "BUILDING A - EAST ELEVATION (ASPFORD AVE)" and "T. 1/20".

Architectural site plan showing Building A and Building B. Building A is a long, multi-story structure with a central courtyard. Building B is a smaller, multi-story structure. The plan includes street names Carrington Rd and Carrington St, and a north arrow. A scale bar indicates 0 to 100 feet. A note at the bottom right says "REFER TO BUILDING B".

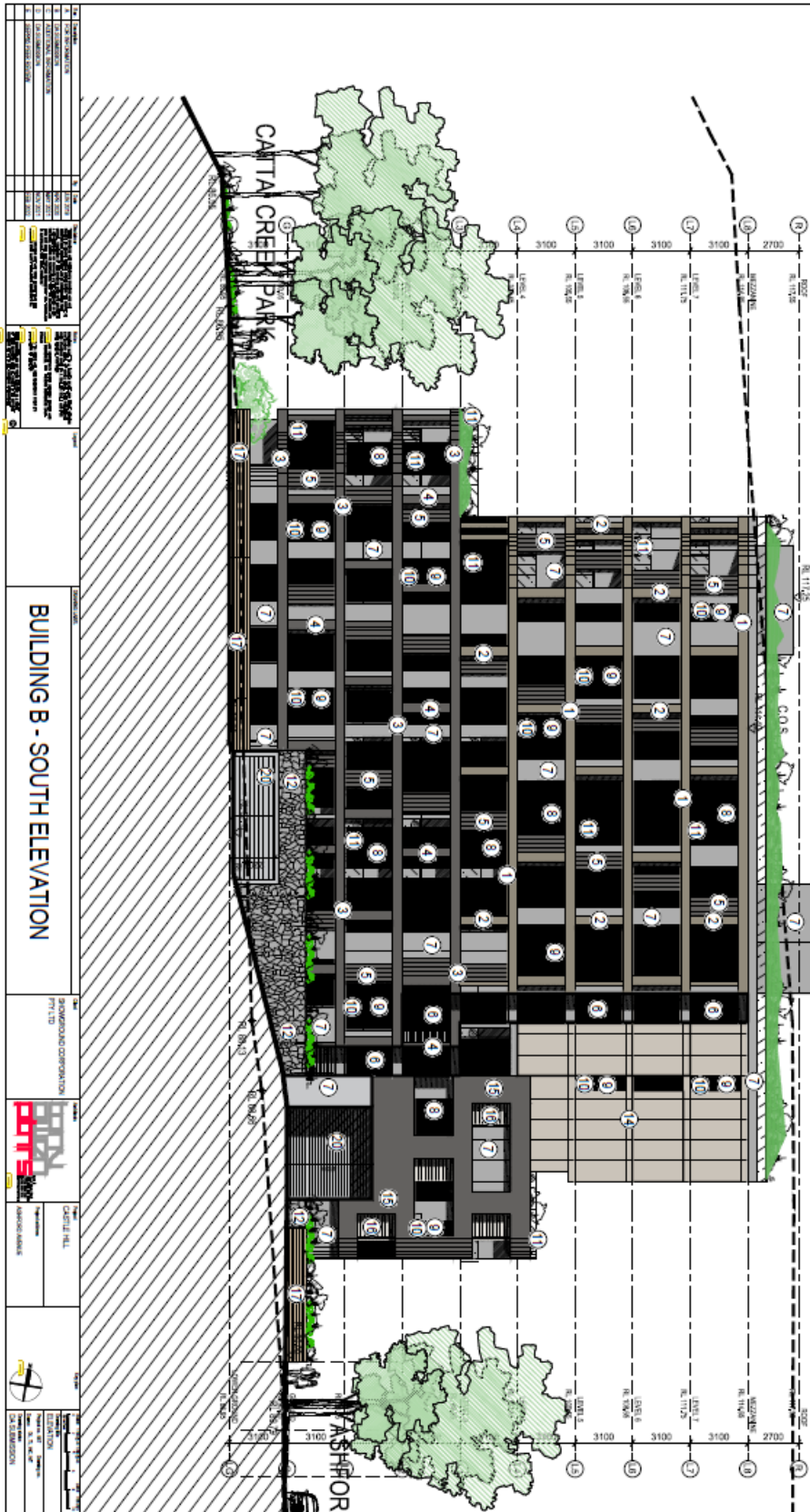
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USE DEVELOPMENT
ASHFORD AVENUE
STON AVE) + SOUTH
ELEVATION
A
DA 202 (BLD A)

EXTERNAL FINISHES LEGEND

- 1 PAINTED & RENDERED CONCRETE SLAB EDGE DULUX A188 OSSO BICOLO OR SIMILAR
- 2 PAINTED CONCRETE COLUMN DULUX A188 OSSO BICOLO OR SIMILAR
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- 4 PAINTED CONCRETE COLUMN DULUX GR 22 NIMMOU OR SIMILAR
- 5 POWDER COATED METAL SLIDING LOUVERS DULUX GR 22 NIMMOU OR SIMILAR
- 6 POWDER COATED ALUMINIUM FRAME GLASS LOUVERS
- 7 PAINTED & RENDERED MASONRY DULUX M141 GREY GR11 OR SIMILAR
- 8 POWDER COATED ALUMINIUM FRAME GLASS & LINO DOOR
- 9 POWDER COATED ALUMINIUM FRAME GLASS WINDOWS
- 10 PAINTED SPANDREL PAINT
- 11 POWDER COATED ALUMINIUM FRAMED GLASS BALUSTRADE
- 12 GREY STONE FOR EXTERNAL WALL BY EURO STONE OR SIMILAR
- 13 PAINTED & RENDERED MASONRY WALL DULUX GR 22 NIMMOU OR SIMILAR
- 14 PAINTED & RENDERED CONCRETE SLAB EDGE DULUX GR 22 NIMMOU OR SIMILAR
- 15 GLAZED CERAMIC BRICK DULUX GR 22 NIMMOU OR SIMILAR
- 16 POWDER COATED METAL SLIDING LOUVERS DULUX GR 22 NIMMOU OR SIMILAR
- 17 THINER PAINTING FINISH OR SIMILAR
- 18 PAINTED & RENDERED CONCRETE SLAB EDGE DULUX GR 22 NIMMOU OR SIMILAR
- 19 PAINTED & RENDERED MASONRY WALL DULUX GR 22 NIMMOU OR SIMILAR
- 20 LIGHT GREY ALUMINIUM ROLLER SHUTTER OR SIMILAR
- 21 POWDER COATED METAL SLIDING LOUVERS DULUX GR 22 NIMMOU OR SIMILAR

BLDG B

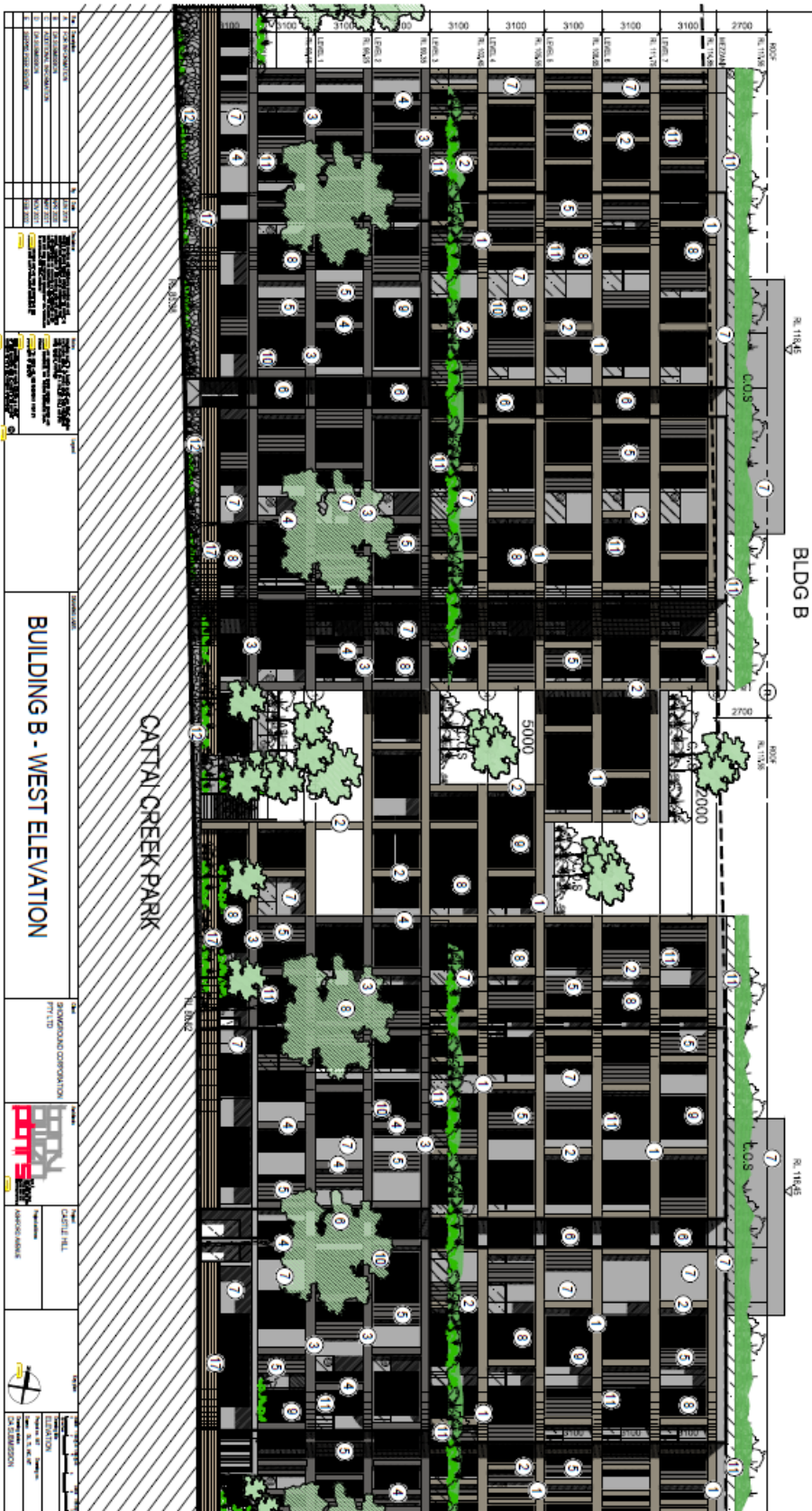


BUILDING B - SOUTH ELEVATION

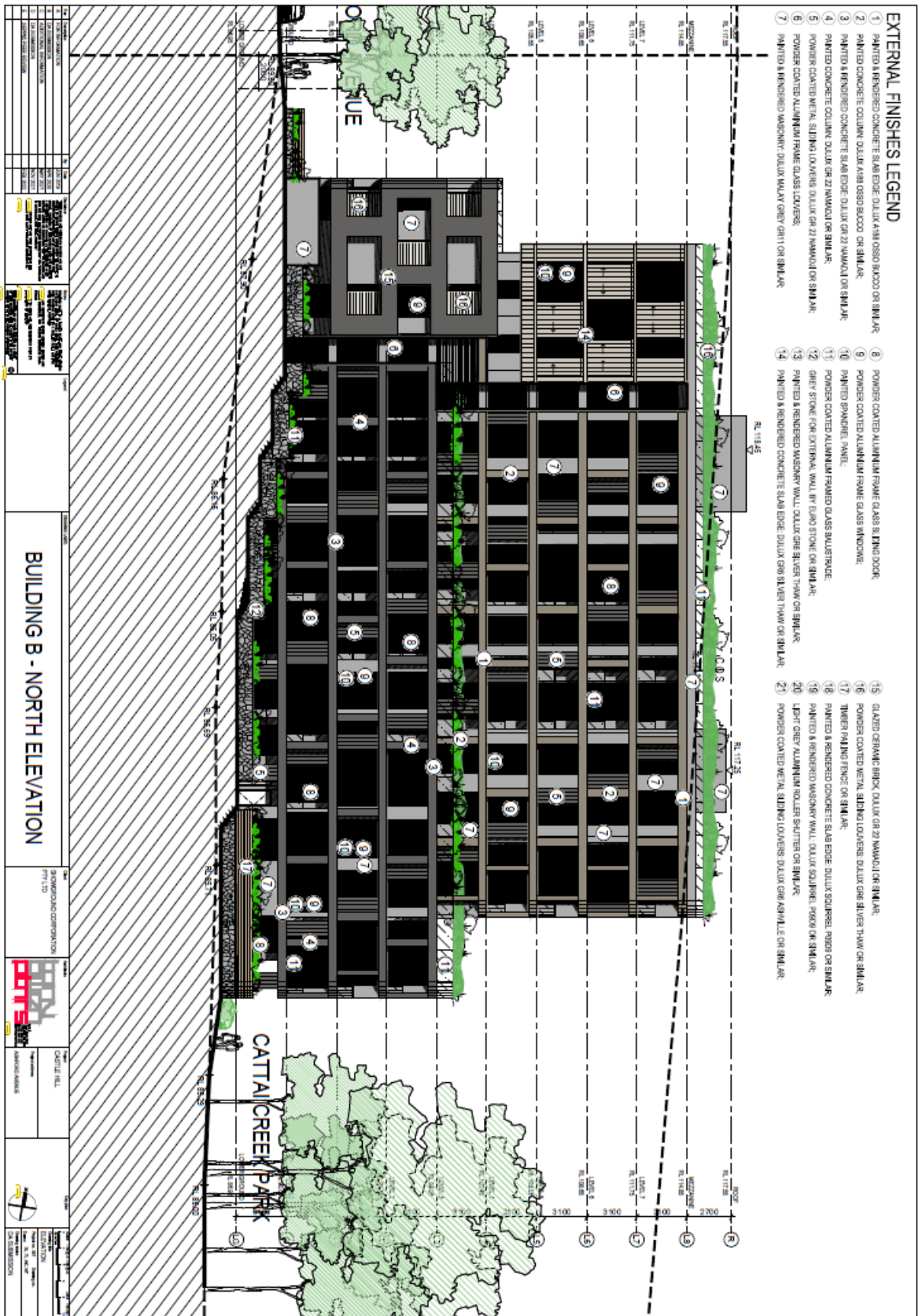
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EXTERNAL FINISHES LEGEND

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- 7 PAINTED & RENDERED CONCRETE SLAB EDGE DULUX ACRYL GLOSS BLACK OR SIMILAR
- 8 POWDER COATED ALUMINIUM FRAME GLASS & JUNG DOOR
- 9 POWDER COATED ALUMINIUM FRAME GLASS WINDOW
- 10 PAINTED SPANDEK PANEL
- 11 POWDER COATED ALUMINIUM FRAMED GLASS BALUSTRADE
- 12 GREY STONE FOR EXTERNAL WALL IN LARG STONE OR SIMILAR
- 13 PAINTED & RENDERED MASONRY WALL DULUX GLOSS SILVER THAW OR SIMILAR
- 14 PAINTED & RENDERED CONCRETE SLAB EDGE DULUX GLOSS SILVER THAW OR SIMILAR
- 15 GLAZED CERAMIC BRICK DULUX GLOSS SILVER THAW OR SIMILAR
- 16 POWDER COATED METAL SLIDING LOUVERS DULUX GLOSS SILVER THAW OR SIMILAR
- 17 THINER PAINT FINISH OR SIMILAR
- 18 PAINTED & RENDERED CONCRETE SLAB EDGE DULUX GLOSS SILVER THAW OR SIMILAR
- 19 PAINTED & RENDERED MASONRY WALL DULUX GLOSS SILVER THAW OR SIMILAR
- 20 LEFT GREY ALUMINIUM ROLLER SHUTTER OR SIMILAR
- 21 POWDER COATED METAL SLIDING LOUVERS DULUX GLOSS SILVER THAW OR SIMILAR







90317

BLDG B

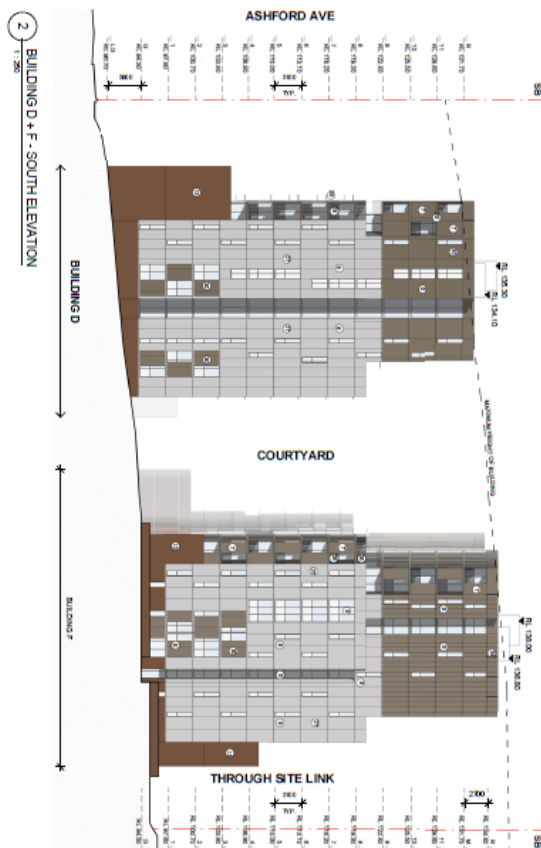
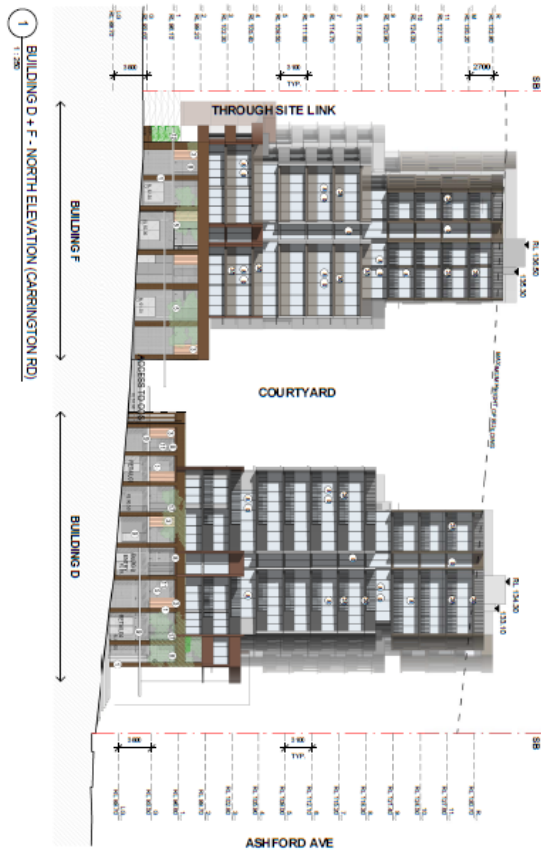


SECTION 88

A1302

Architectural floor plan of the 1st floor of a building. The plan shows a central corridor system with multiple rooms, including offices, meeting rooms, and a lounge. There are two 'LIFT SHAFT' areas. The plan also shows a 'BASEMENT PUMP' and a 'BASEMENT PUMP' area. The building is situated on a street with a 'NON-TRAFFICABLE AREA' and 'ACoustic BARRIER' indicated. The plan includes dimensions and room numbers.

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 Amazon
 A1303



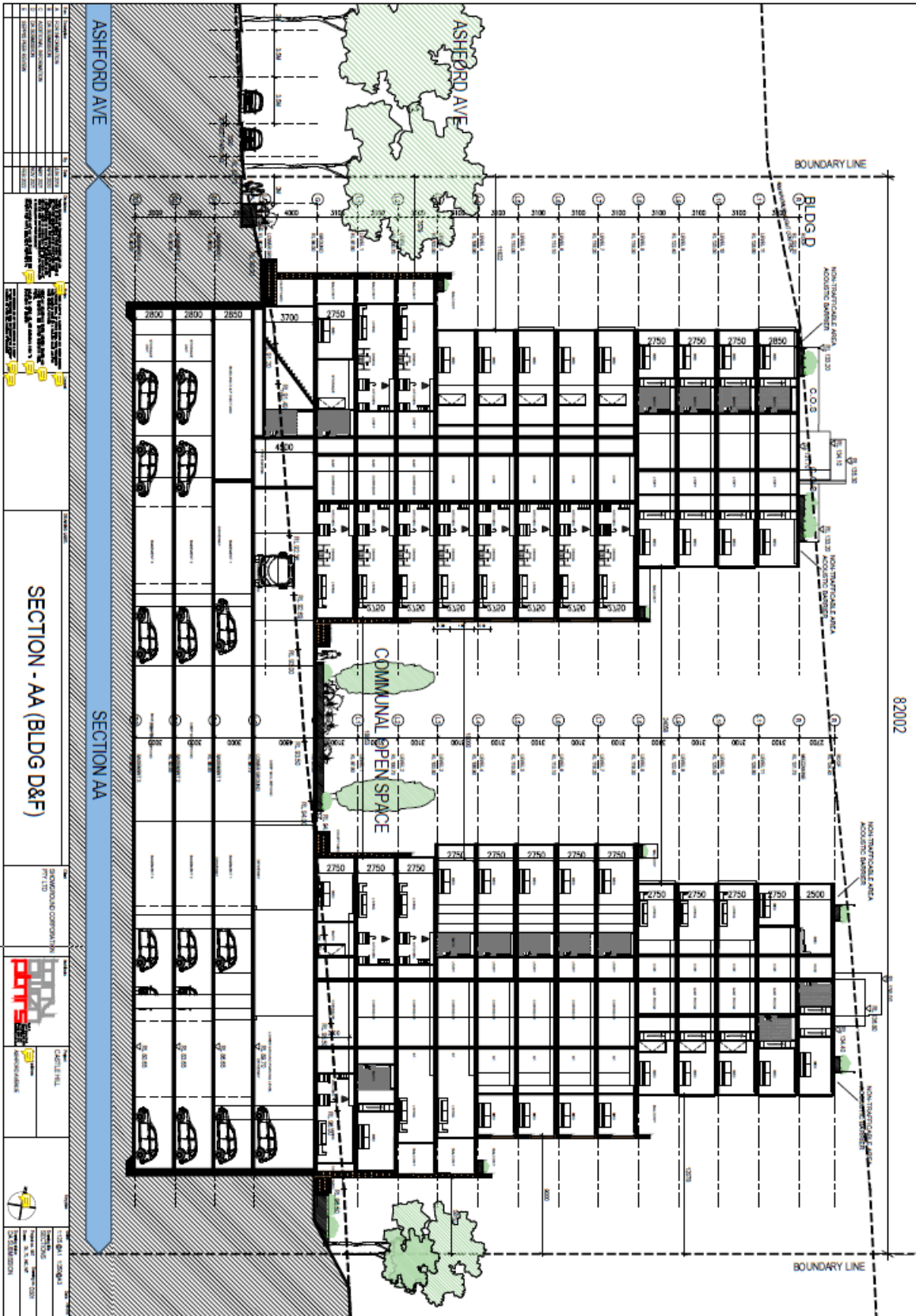


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1:250
BUILDING F - EAST ELEVATION (THROUGH SITE LINK)

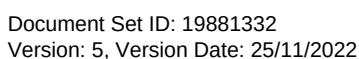


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1:250
BUILDING F - WEST ELEVATION (COURTYARD)

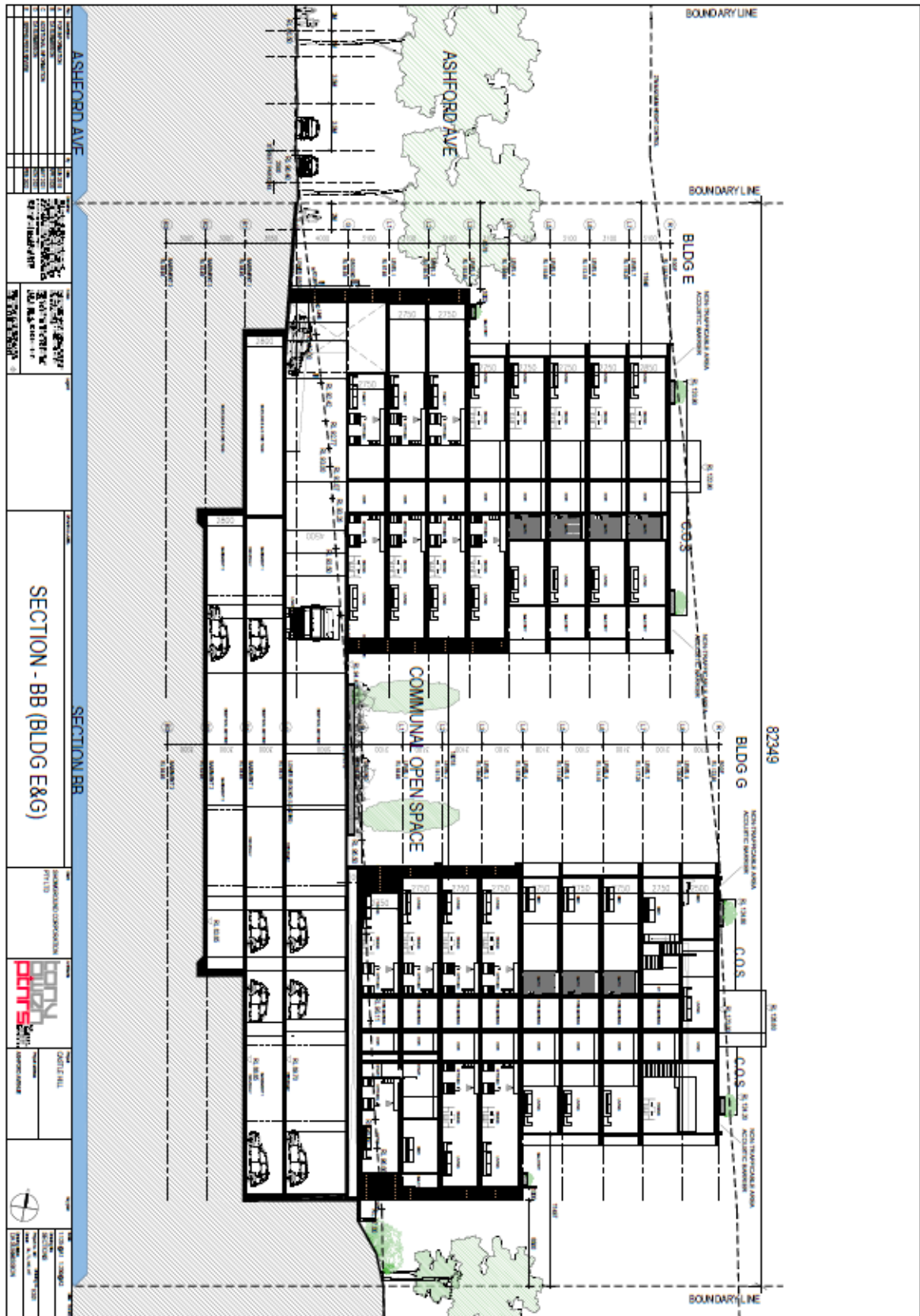




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Showground Corporation Pty Ltd

The Hills Snowground
Site D Ashford Avenue
Castle Hill

SITE IMAGE



FOR APPROVAL

Landscape Masterplan Render



and then



Project
The Hills Showground
Site D Ashford Avenue
Castle Hill

817E IMAGE

[illegible]

FOR APPROVAL

Drawing Name: **Landscape Render**
Building A Rooftop
 Issue: 1, 250 @ A1
 and Number:
 SS19-4187
 Drawing Number: **C104 G**
 Title:

LEGEND



Castle Hill

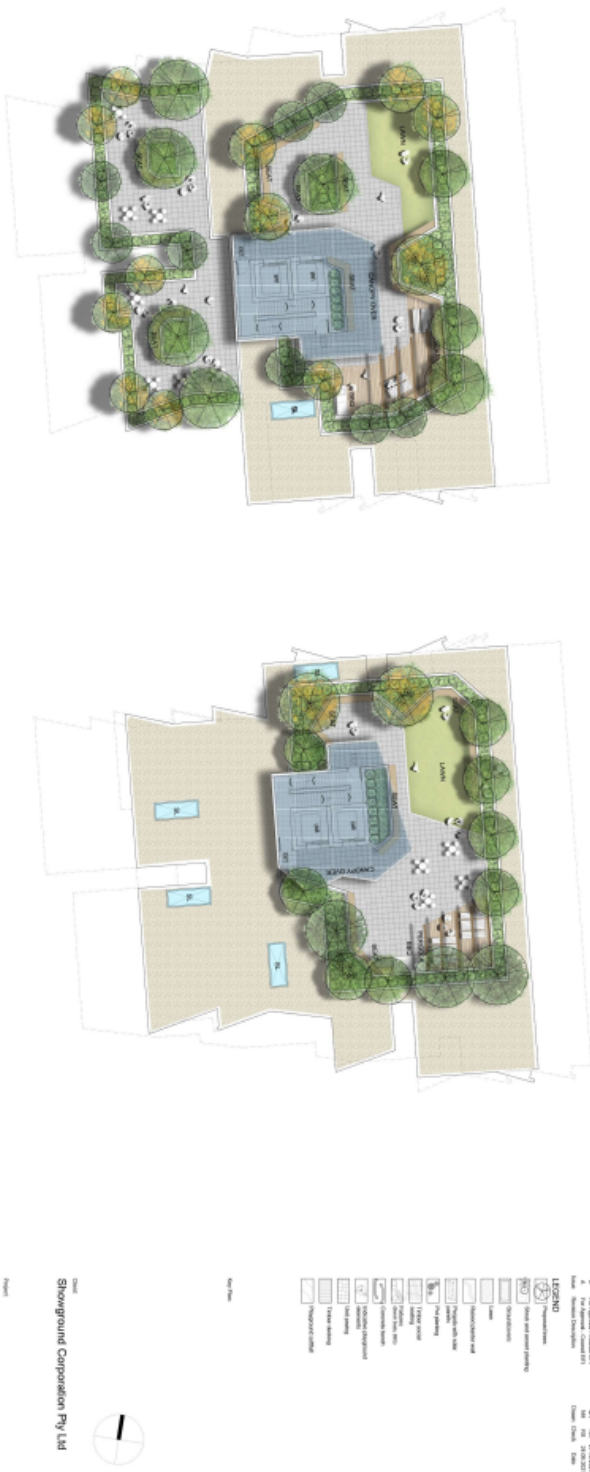
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Project:
The Hills Showground
Site D Ashford Avenue
Castle Hill

Client:
Showground Corporation Pty Ltd

Site Image
Landscape Architectural Site Plan
Scale: 1:1000
Date: 25/11/2022
Author: [Signature]
Reviewer: [Signature]
Approved: [Signature]

FOR APPROVAL
Landscape Architect
Building C Roadmap
Scale: 1:100 @ A1
Date: 25/11/2022
Author: [Signature]
Reviewer: [Signature]
Approved: [Signature]

NOT FOR CONSTRUCTION

	Ref	Date
1) For Approval	Ref	21.02.2021
2) For Approval - Current PM	Ref	27.02.2021
3) For Approval - Current PM	Ref	29.02.2021
4) For Approval - Current PM	Ref	07.03.2020
5) For Approval - Current PM	Ref	07.03.2020
6) For Approval - Current PM	Ref	02.03.2020
7) For Approval - Current PM	Ref	03.03.2020

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| | Introduction |
| | Case |
| | Student group work |
| | Engage with wider context |
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| | Online social learning |
| | Exposure to new ideas and content |
| | Connective learning |
| | Individual development |
| | Self learning |
| | Teacher training |
| | Engage with wider context |

The Hills Showground
Site D Asford Avenue
Castle Hill

Contact: S. J. Bagnall (Email: sbagnall@nsw.gov.au)
 Address:
 NSW
 Tel: 02 9344-0000
 Fax: 02 9344 2877
 www.nsw.gov.au
 (for more info, try: www.nsw.gov.au)
 Address: 202 282

Landscape Architecture

Landscape Remainder
Building E Rooftop

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Client
Showground Corporation Pty Ltd

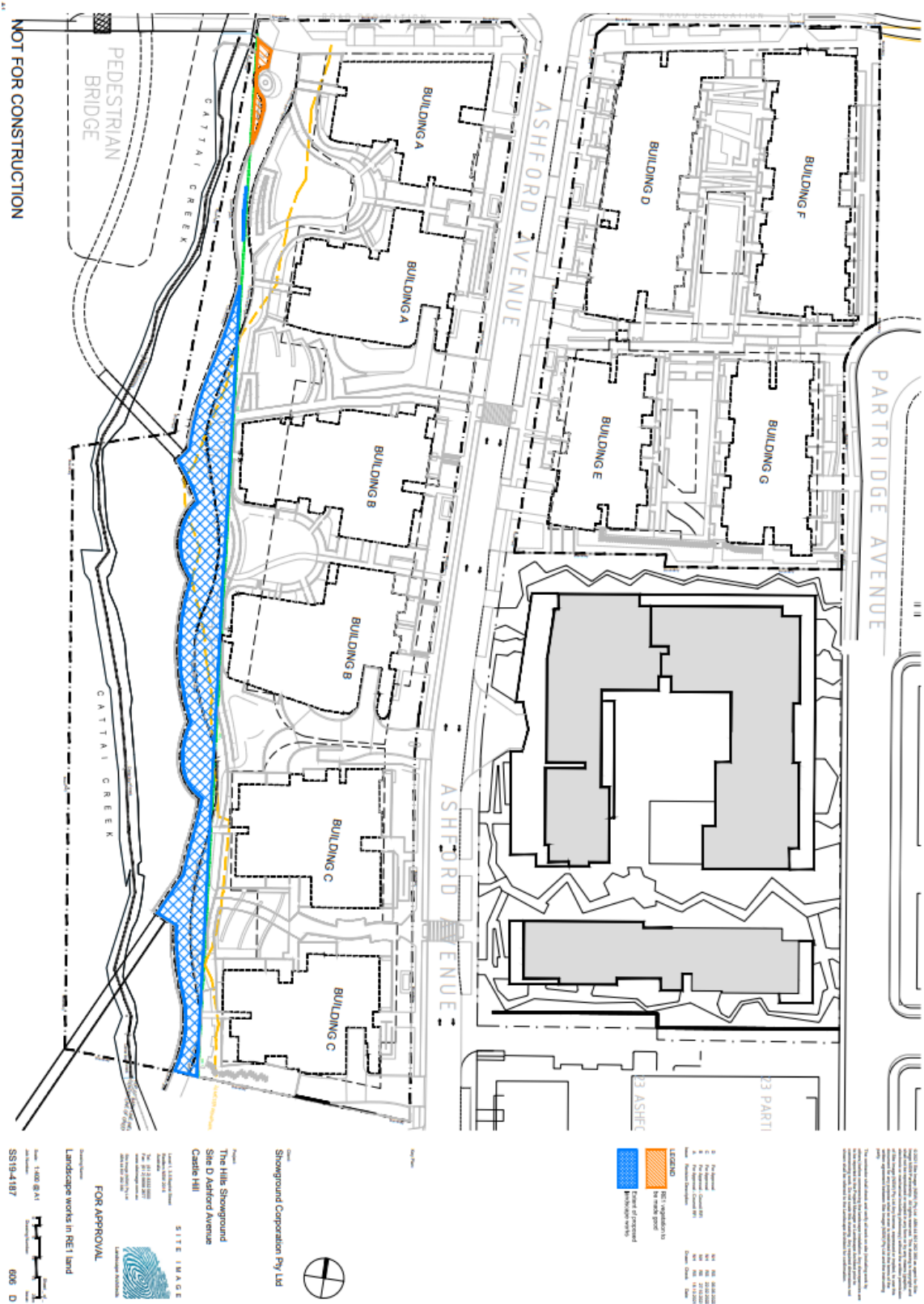
Project
The Hills Showground
Site D Harford Avenue
Castle Hill

Site Image
Scale: 1:100
Date: 11/11/2022
Author: [Signature]
Reviewer: [Signature]
Approved: [Signature]
Date: 11/11/2022

FOR APPROVAL

Client Name
Landscape render
Building G Rooftop
Scale: 1:100 @ A1
Job Number
SS19-4187
Drawing Number
C109 C





ATTACHMENT 12 – CLAUSE 4.6 WRITTEN SUBMISSION



Property and Infrastructure Specialists

CLAUSE 4.6 VARIATION TO BUILDING HEIGHT DEVELOPMENT STANDARD

Ashford Avenue Site, Castle Hill
APP Corporation Pty Limited

November 2022



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This report has been prepared and reviewed in accordance with our quality control system. The report is a preliminary draft unless it is signed below.

This report has been prepared by:

Josh Owen
Principal Planner

November 2022

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APP Corporation
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1. Introduction

This Clause 4.6 variation (updated November 2022) has been prepared by APP Corporation on behalf of Showground Corporation in support of a Development Application (DA) for demolition, site works and construction of three (3) mixed use and four (4) residential flat buildings within the Showground Station precinct.

This request seeks to vary the height of buildings development standard prescribed under Clause 4.3 of *The Hills Local Environmental Plan 2012 (LEP 2012)*. This variation request is made pursuant to Clause 4.6 of the LEP 2012.

The height breaches identified in the written request relate to centrally positioned building elements within the proposed rooftop communal open space areas and include lift overruns, landscape features and roof mounted plant equipment. The breaches represent relatively minor variations to the building height standard under Clause 4.3 and are considered justified in the context of the proposal as they:

- Enable access to the communal open space and gardens at the rooftop levels which will provide considerable amenity for the future residents and their visitors.
- Are setback from the outer edges of the roof levels such that they will not be discernible from the surrounding public domain.
- Are commensurate with other minor height breaches to roof structures that have been supported in other recently approved DAs in the Showground Station Precinct.

Flood modelling assessments completed by Council's Waterways Division in October-November 2022 have identified that the lower ground floor level of Building C was to be lifted by approximately 1m to be sited at the relevant flood planning level of RL89.5. Accordingly, Building C has been lifted, resulting in relatively minor breaches to the main roof line of the structure. These breaches to the roof level are in the order of between 300mm-1m due to the fall of the land below the building. The lift overrun and associated roof structures sit higher than this as a result. Building C is now the only building with a total roof line breach above the relevant 27m height limit, however, the breaches are relatively minor in the overall context of building heights in the precinct and do not drastically contribute to additional bulk and scale. The updates to Building C are addressed in this updated variation request.

2. Assessment Framework

2.1 Clause 4.6 Exceptions to Development Standards

Development consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied as to the matters under Clause 4.6 of the LEP. The relevant provisions of Clause 4.6 of The Hills LEP 2019 are as follows:

(1) The objectives of this clause are as follows—



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

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Under Clause 4.6(3)(a), it is the onus on the applicant to demonstrate:-

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

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Planning Secretary has been obtained.*

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*



(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,*
- (c) clause 5.4,*
- (ca) clause 6.2 or 6.3,*
- (cb) clause 7.11,*
- (cc) clause 7.15.*

This written request seeks to justify variations from the height of buildings standard prescribed under Clause 4.3 of the LEP 2012. The assessment of the variation has been undertaken in accordance with the requirements of The Hills Local Environmental Plan 2019, Clause 4.6 Exceptions to Development Standards.

2.2 NSW Land and Environment Court: Case Law

The Land and Environment Court has established questions to be addressed in variations to development standards lodged under the previous State Environmental Planning Policy 1 – Development Standards (SEPP 1) through the judgement of Justice Lloyd, in *Winten Property Group Ltd v North Sydney Council* [2001] 130LGERA 79 and 89. This test was later rephrased by Chief Justice Preston, in the decision of *Wehbe v Pittwater Council* [2007] NSW LEC 827.

The tests as established under *Wehbe v Pittwater Council* [2007] NSW LEC 827 are as follows:

"The first and most commonly invoked way to establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standards": Wehbe v Pittwater Council at [42] and [43].

"A second way is to establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary": Wehbe v Pittwater Council at [45].

"A third way is to establish that the underlying objective or purpose would be defeated if thwarted if compliance was required with the consequence that compliance is unreasonable": Wehbe v Pittwater Council at [46].

"A fourth way is to establish that the development standard has been virtually abandoned or destroyed by the Council's own decisions in granting development consents that depart from the standard and hence compliance with the standard is unnecessary and unreasonable": Wehbe v Pittwater Council at [47].

"A fifth way is to establish that the zoning of the particular land on which the development is proposed to be carried out was unreasonable or inappropriate so that the development standard, which was appropriate for that zoning, was also unreasonable or unnecessary as it applied to that land and that compliance with the standard in the circumstances of the case would also be unreasonable or unnecessary": Wehbe v Pittwater Council at [48].

Further to the test established above, an additional principle was established in the decision by Commissioner Pearson in *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 1009 (Four2Five) which was upheld by Pain J on appeal. A further recent judgement by Preston in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 clarified the correct approach to Clause 4.6 variation requests, including that:

"The requirement in cl4.6(3)(b) is that there are sufficient environmental planning grounds to justify contravening the development standard, not that the development that contravenes the development standard have a better environmental planning outcome than a development that complies with the development standard." [88]

How these tests and considerations are applied to the assessment of variations under Clause 4.6 of the SEPP and other standard Environmental Planning Instruments has most recently been confirmed in the judgement of Justice Preston, in *Initial Action Pty Ltd v Woollahra Municipal Council* [2018].

Accordingly, this Clause 4.6 variation request is set out using the relevant principles established by the Court.

3. Site Description, Location and Surrounding Context

The site comprises seventeen (17) separate parcels situated along either side of Ashford Avenue with frontages to Carrington Road and Partridge Avenue. Legal details of each property are provided below in Table 1. Existing properties are largely occupied by residential dwellings and one (1) vacant childcare



centre on the western corner of Ashford Avenue and Carrington Road. The site has a combined total area of 32,241m², including 6,517m² of lands zoned RE1 Public Recreation.

Table 1 Legal Descriptions of Subject Site

Site A	Site B
36 Carrington Road (Lot 2 DP608175)	30 Carrington Road (Lot 248 DP249973)
44 Ashford Avenue (Lot 2 DP259490)	32 Carrington Road (Lot 249 DP249973)
42 Ashford Avenue (Lot 3 DP259490)	34 Carrington Road (Lot 250 DP249973)
40 Ashford Avenue (Lot 4 DP259490)	7 Partridge Avenue (Lot 501 DP249899)
38 Ashford Avenue (Lot 5 DP259490)	9 Partridge Avenue (Lot 502 DP249899)
36 Ashford Avenue (Lot 6 DP259490)	11 Partridge Avenue (Lot 503 DP249899)
	13 Partridge Avenue (Lot 504 DP249899)
	39 Ashford Avenue (Lot 601 DP250636)
	37 Ashford Avenue (Lot 602 DP250636)
	35 Ashford Avenue (Lot 603 DP250636)
	33 Ashford Avenue (Lot 604 DP 250636)

The site will also include a 405m² portion of the Partridge Avenue cul-de-sac identified in the supporting plans which is proposed to be closed and purchased by the Proponent from Council. A separate road closure application has been submitted and approved concurrently with Council's Property Division. There is a 374.6m² portion of SP2 Zone Infrastructure (Road Widening) land identified for acquisition included in the total site area.

The western block (Site A) comprises six (6) properties. Site A has a frontage to Ashford Avenue to the east and Carrington Road to the north, as well as a staggered western boundary aligning with Cattai Creek to the west. The eastern block (Site B) comprises eleven (11) properties. Site B has a frontage to Ashford Avenue to the west, Carrington Road to the north and Partridge Avenue to the east.

The site is positioned directly opposite and to the south of the Showground Metro Station and future Showground Town Centre on Carrington Road. It is in the centre of the Precinct, surrounded by high density residential zoned lands to the east and south, town centre and the Castle Hill Showground to the north and Cattai Creek to the west. Further to the west exists the Victoria Avenue (Castle Hill) Business Centre, home to a mix of industrial, warehousing and commercial operations, as well as smaller retailers.



Figure 1 Site Location (Source: SIX Maps, 2020)

4. Proposed Development

As detailed within the accompanying architectural plans, prepared by Tony Owen Partners, this DA seeks development consent for:

- Demolition of existing site structures,
- Construction of three (3) mixed use buildings,
- Construction of four (4) residential flat buildings,
- Construction of basements to service each building,
- Partial closure of Partridge Avenue,
- Dedication of 6,115.2m² RE1 Zone - Public Recreation lands in the western part of the site to Council,
- Public domain works and associated landscaping.

The below Table 2 provides an overview of key development information related to the proposal.

Table 2 Key Development Information

Component	Original DA	Amended DA
Total Site Area	32,241m ²	32,241m ²

Component	Original DA	Amended DA
RE1 Area	6,517m ²	6,517m ² of RE1 land to be dedicated to Council by the developer at no cost
Number of Buildings	Seven (7)	Seven (7)
Building Typology	Three (3) mixed use and four (4) residential flat buildings	Three (3) mixed use and four (4) residential flat buildings
Number of Storeys	Building A: 12-storey (plus LG) Building B: 8-storey (plus LG) Building C: 8-storey (plus mezz) Building D: 12-storey (plus LG) Building E: 8-storey (plus LG) Building F: 12-storey (plus mezz) Building G: 8-storey (plus mezz)	Building A: 12-storey (plus LG) Building B: 8-storey (plus LG) Building C: 8 storey (plus Mezz) Building D: 12-storey (plus LG) Building E: 8-storey (plus LG) Building F: 12-storey (plus Mezz) Building G: 8-storeys (plus Mezz)
Apartment Yield	811	772
Apartment Mix	17.9% 1 bedroom 61.2% 2 bedroom 20.9% 3 bedroom	22% 1 bedroom 58% 2 bedroom (including 40% large 2 bedroom units) 20% 3 bedroom (including 44% large 3 bedroom units)

5. Planning Context

The subject site sits within the R4 High Density Residential Zone, under The Hills Local Environmental Plan 2019. The proposed development provides for four (4) residential flat buildings and three (3) mixed use buildings.

Residential flat buildings are defined as a *building containing 3 or more dwellings*. Mixed use development is defined separately as a *building or place comprising 2 or more different uses*. Under this proposal, the mixed-use buildings are to be comprised of retail space offerings at street level with residential accommodation above. All are permissible with consent in the R4 zone.

The site is subject to a split maximum building height limit, with the northern portion of the site subject to a maximum of 40m, and the southern a maximum of 27m. The following maximum building heights measured above the natural ground level are proposed:

Table 3 – Proposed Maximum Building Height – Northern Portions

Property	Proposed Maximum Building Height of Property Subject to 40m HOB limit
Building A	43m (+3m)
Building D	43.7m (+3.7m)

Property	Proposed Maximum Building Height of Property Subject to 40m HOB limit
Building F	41.9m (+1.9m)

Table 4 – Proposed Maximum Building Height – Southern Portions

Property	Proposed Maximum Building Height of Property Subject to 27m HOB limit
Building B	30.95m (3.95m)
Building C	32.6m (+4.9m)
Building E	28.7m (+1.7m)
Building G	29.6m (+2.6m)

6. Extent of Variation to the Development Standard

6.1 Development Standard to be Varied

The Hills Local Environmental Plan 2019 prescribes the maximum building heights across the site. As illustrated within the below Figure 2, the subject site is subject to a split maximum building height limit standard of 40m through the northern portion of the site, specifically at 30, 32, 34 and 36 Carrington Road, 44 Ashford Avenue, 7 and 9 Partridge Avenue. The southern section of the site is subject to a maximum building height of 27m, this maximum applies to 11 and 13 Partridge Avenue and 36, 38, 40 and 42 Ashford Avenue.

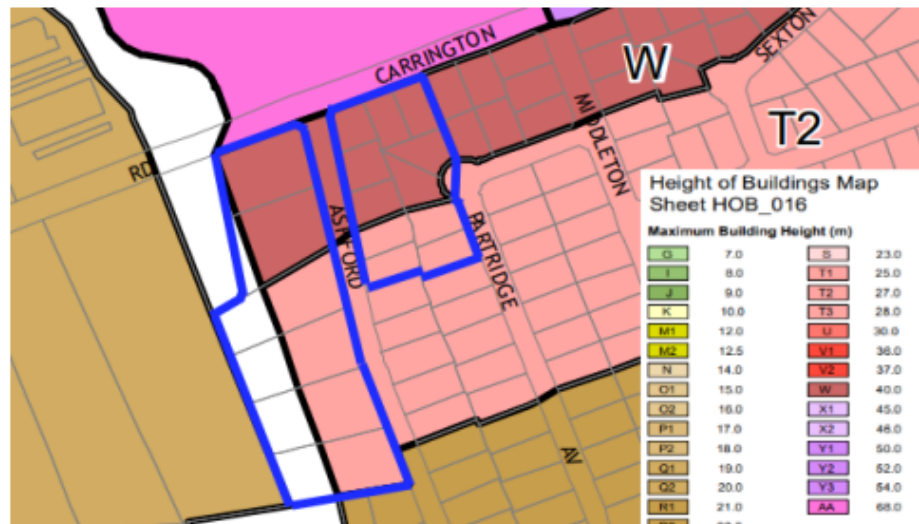


Figure 2 Height of Building Map, subject site outlined in blue (Source: HOB_016)

6.2 Non-compliance with the Standard

The building height breaches predominantly relate to the lift overruns of each building and certain corner elements of Buildings A, D, E, F & G. Height breaches on average are between 1-3m above the maximum limit. Prior to the recent amendments to Building C, the greatest height breach (in terms of surface area extent) was observed to the top of the lift overrun on Building B at 3.95m which is a direct result of steep existing topographic conditions at this part of the site.

With the lifting of Building C at the southern end of the site it now produces the greatest height breach at 4.9m measured above the height limit to the top of the lift overrun. The revised upper floor to Building C measured to the newly elevated roof line breaches the maximum height limit between 200mm and 1m due to the fall away of the land underneath the building.

The proposed development includes seven (7) new buildings with heights (measured above the natural ground level) ranging from 27.41m to 43.7m. A total roof surface area of 3,177.62m² exceeds the height control when presented as a height plane. This is more clearly portrayed in a 3D visual of the development in Figure 3.

Table 5 – Details of all Height Breaches

Building	Element	Maximum Spot Height Proposed	Compliant Height at Spot	Relevant Height Control	Extent of Breach
A	Lift Overrun	RL 128.8	RL 125.8	40m	3m (7.5%)
A	Lift Overrun	RL 127.6	RL 125.8	40m	1.8m (6%)
A	Lift Overrun	RL 128.8	RL 126.2	40m	2.6m (6.5%)
A	Lift Overrun	RL 127.60	RL 126.2	40m	1.4m (3.5%)
B	Lift Overrun	RL 118.45	RL 114.5	27m	3.95m (12.9%)
B	Lift Overrun	RL 117.25	RL 114.5	27m	2.74m (10.1%)
B	Lift Overrun	RL 118.45	RL 117.1	27m	3.5m (12.9%)
B	Lift Overrun	RL 117.25	RL 114.5	27m	2.74m (10.1%)
C	Lift Overrun	RL 120.6	RL 115.7	27m	4.9m (18.1%)
C	Roof Portion	RL 117	RL 116	27m	1m (3.7%)
D	Lift Overrun	RL 134.10	RL 131.2	40m	2.9m (7.25%)
D	Lift Overrun	RL 135.30	RL 131.6	40m	3.7m (9.25%)
E	Lift Overrun	RL 121.70	RL 119	27m	2.7m (10%)
E	Lift Overrun	RL 122.90	RL 122.5	27m	0.4m (1.48%)
F	Lift Overrun	RL 137.40	RL 135.5	40m	1.9m (4.75%)
F	Lift Overrun	RL 136.20	RL 135.5	40m	0.7m (1.75%)
G	Roof Portion	RL 123	RL 122.5	27m	0.5m (1.85%)
G	Lift Overrun	RL 126.2	RL 123.6	27m	2.6m (9.62%)



Figure 3 Breach of Height Plane, including recent updates to Building C (Source: Tony Owen and Partners)

7. Assessment

Clause 4.6(3)(a) – Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case

Under Clause 4.6 it is the onus of the applicant to demonstrate that compliance with the development standard is unreasonable or unnecessary. *Wehbe v Pittwater [2007] NSWLEC 827* provides for a five-part test to demonstrate that compliance is unreasonable or unnecessary. The five-part test is outlined within Section 2.2 of this written request.

The applicant does not need to establish grounds for the non-compliance with the standard under all the tests. It may be sufficient to establish only one way.

Test 1: The objectives of the development standard are achieved notwithstanding non-compliance with the standard

The objectives of the height of buildings standard are achieved despite non-compliance with the standard, as outlined below.

Table 6 – Consistency with Objectives of the Height of Building Standard Cl 4.3

Objective	Consistency
a) <i>To ensure the height of buildings is compatible with that of adjoining development and the overall streetscape.</i>	The Showground Precinct is undergoing a period of transformation, transitioning from an area of low-density to an area signalled for high density development. Ideally located near the Showground Metro Station, the land has been rezoned, and statutory building height and floor space ratios been increased to support the transition to higher density developments. The site is in the centre of the precinct, surrounded by high density residential zoned lands to the east and south. Recent development approvals indicate that the construction of high-density development has commenced and will continue to occur over the coming years. The design of the proposal as recently amended is of a high-quality and responds to the extensive feedback received from the Design Review Panel. In particular, additional articulation of the building facades and breaks in the materiality and colour schemes as well as incorporation of additional upper-level setbacks have worked to reduce the overall impacts of visual bulk and scale. These recent changes, including additional landscape interface treatments to front setbacks will provide for a positive contribution to the streetscapes along Ashford Avenue and Partridge Avenue. Building bulk and scale is offset through articulation features, colour schemes and material elements that provide visual interest when viewed from the public domain and are commensurate with the styles and designs of other buildings recently approved in the Precinct. While there is a relatively minor variation in building height from the standard, the building height breaches are generally concentrated centrally, at the lift overruns and as such will not be readily visible from ground level or the wider streetscape, nor does this contribute to additional bulk and scale. The lift overruns are essential to the function of the site and provide considerable amenity to the residents, through providing access to the rooftop communal open space.



Objective	Consistency
	The majority of the roof areas in breach of the maximum height limits are not habitable areas and therefore do not form part of the overall gross floor area of the building. This ensures that no additional bulk and building mass as quantifiable under the FSR development standards are contributed as a result of the variations sought. With regard to the above, the proposed variations from the building height standard are deemed to be compatible with the surrounding recent development approvals in the precinct, including: • 2-12 Sexton Avenue & 24-34 Fishburn Crescent, Castle Hill (DA 58/2020/JP): Maximum 4.22m breach • 11 Fishburn Crescent, Castle Hill (DA 1392/2019/JP): Maximum 4.5m breach (1.5m habitable) • 7-23 Cadman Crescent, Castle Hill (DA 1262/2019/JP): Maximum 4.5 breach (1.5m habitable) • 125 Showground Road, Castle Hill (DA 1037/2020/JP): Maximum 4.5m breach • 3-9 Fishburn Crescent, Castle Hill (688/2019/JP): Maximum 3m+ breach Recent amendments to the sitting of Building C at the flood planning level has resulted in a lifting of the building such that the main roof line is now between 200mm and 1m above the maximum height limit as it applies to the site. The roof terrace balustrades, lift overrun and stairway enclosure sit up to 4.9m above the height but will not be observed as visually dominant features of the building given the setbacks provided to these elements from the street and creek side. The additional 1m of height above the 27m limit is observed at the creek side elevation and will not present as additional bulk and scale when read from the Ashford Avenue street frontage. Additional building height to Building C on the creek side will not drastically alter the reading of building heights along the corridor given the landscaped embellishment and other natural features proposed closer to the ground level which will help to visually soften and screen the built form. Building C will sit 1m proud of the compliant height line to the creek and upwards of 2m above the finished roof line of Building B. It is considered that this height differentiation is considered acceptable and relatively compatible given that the difference of 1-2m in height to a 8 storey building does not translate to an additional full level or other prominent roof feature.

Objective	Consistency
b) <i>To minimise the impact of overshadowing, visual impact and loss of privacy on adjoining properties and open space areas.</i>	<u>Overshadowing</u> Overshadowing impacts from the development are unavoidable given the scale of buildings envisaged in the Precinct. The shadows cast by the proposed buildings reflect that of a height and FSR compliant development on the site, noting: a) the height breaches are minor and are typically concentrated in the central portions of the roof plans such that any additional overshadowing impacts are contained within the shadow cast by the building envelopes; b) the development is well below the achievable maximum FSR that applies to the site; and c) building separations have been designed to be strictly in accordance with the ADG and in certain instances actually exceed those minimum requirements.

Given the northern orientation of the site and siting of the built form to address Ashford Avenue and the Cattai Creek Park the bulk of the shadows cast are:

- Over the Cattai Creek Park open space between 9am and 11am, after which time the public open space will receive unobstructed sun throughout the year.
- Future development to the southern properties along Ashford Avenue will be capable of receiving 3 hours of direct sunlight to a minimum of 70% of balconies and living areas orientated to the north and east between 9am-12pm whilst westerly orientated balconies and living rooms will receive at least 1 hour between 2-3pm before likely being overshadowed in mid-winter. Cumulatively, future developments to the south will be capable of achieving compliance with the ADG and Council's DCP.
- Future developments to the east of the site will achieve compliant solar access where living rooms and balconies are orientated to the north and east where it is anticipated at least 2-3 hours of sunlight will be achieved in mid winter to 70% of apartments.

(Refer to the detailed half hourly overshadowing diagrams prepared by Tony Owen Partners).

Shadow impact has been minimised as far as reasonably possible through the stepped-building design and centralisation of building height breaches. The raising of Building C has also seen additional setbacks

Objective	Consistency
	provided to the southern side of the building at the upper level resulting in a reduced solar impact outcome to the southern neighbouring property. The analysis prepared (refer to Figure 5 below) actually demonstrates that the current proposal results in a better solar access outcome when compared to a strictly height compliant development. While some overshadowing of neighbouring high density zoned properties to the south is unavoidable, the shadows cast by the development are in alignment with those precinct-wide shadows which would otherwise be cast by a FSR compliant development. As above, the amendments to the upper level of Building C along its south side actually produces a solar outcome which is better than a strictly height compliant building. Modelling indicates that adjoining properties will not be restricted from achieving compliant solar access outcomes, owing mainly to the broader northerly orientation of sites in the precinct. The neighbouring properties at 15-23 Partridge Avenue and 23-31 Ashford Avenue comprising the approved Deicorp development will receive compliant solar access, with 86.2% of the north elevation of this approved development receiving more than 2 hours solar access. Refer to the below Figure 4. <u>Visual Impact</u> The extent of the proposed height breaches will not result in any detrimental visual impacts when viewed from the surrounding public domain. This is because the building elements (i.e. lift overruns, communal open space landscaped features and roof mounted plant) will be sufficiently setback from the edges of the buildings such that they will not be viewable from the street or future park. Whilst the non-compliant building elements may be viewable from some distance away, it is the extent of this distance which will ensure the features are not obvious and will be in reading with the main roof line. In the context of the overall height and scale of the buildings proposed the non-compliant height elements will not present as obvious or inappropriate. The height breaches will not obscure any regionally significant views from the street or immediate surrounds. From the rooftop communal open

Objective	Consistency
	space areas the elements of the roof structures exceeding the height limit will be in reading with numerous other buildings approved to the south and east of the site. To this end, the visual presentation of the elements in breach will be consistent with that of the surrounding future buildings, maintaining a level of visual consistency. <u>Visual Privacy</u> The proposed variation will not result in substantial habitable areas of the building being located above the maximum height line. Largely, the extent of the height breaches is limited to lift overruns, upper sections of the roof structure, landscaped structures in the rooftop communal open space areas and roof mounted plant. Where sections of habitable areas are positioned above the height line the finished floor of the upper storey is situated below the maximum height limit by at least 1.5m. This ensures that no added visual privacy impacts beyond that anticipated from a height compliant development would occur. The obvious potential impacts to visual privacy relate to the use of the proposed rooftop communal open space areas. Impacts of overlooking from these areas will be suitably mitigated because they are typically setback 2-3m from the outermost edge of the building roof line. Additionally, the use of landscaped planter gardens and perimeter fencing treatments have been strategically designed to promote safe use and protect the visual privacy of neighbouring towers.

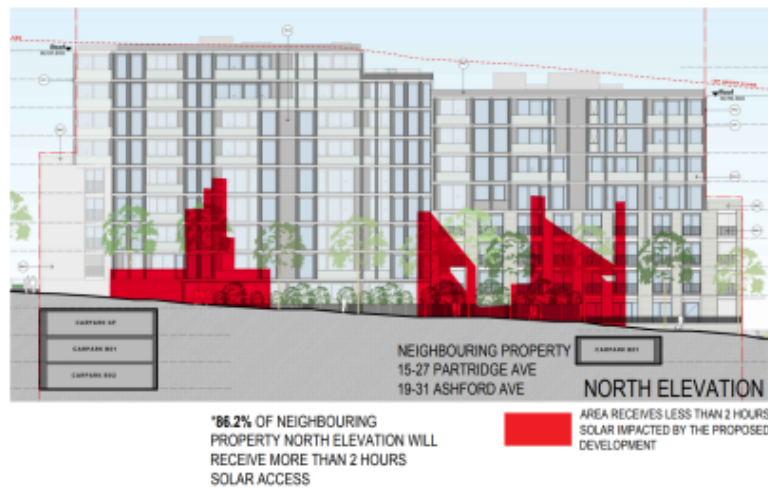


Figure 4 Solar Impact Study Adjoining Properties 15-27 Partridge Avenue, 19-31 Ashford Avenue (Source: Tony Owen and Partners)

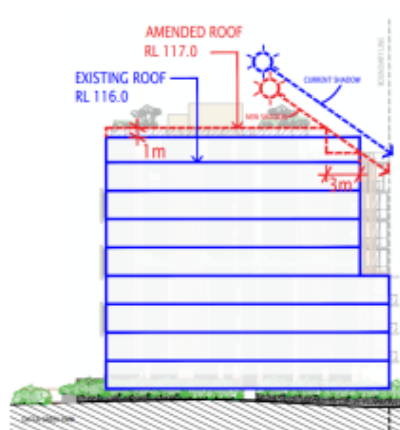


Figure 5 Sketch demonstrating improved solar access outcomes to the southern neighbours at 32-34 Ashford Avenue, Castle Hill (Source: Tony Owen and Partners)

Overall, the objectives of the height of buildings development standard are achieved notwithstanding the non-compliances presented. The level of impacts incurred are consistent with those of an otherwise height compliant development.



Clause 4.6(3)(b) – Are there sufficient environmental planning grounds to justify contravening the development standard?

The following environmental planning grounds are provided to justify contravening the height of buildings standard:

1. Roof forms proposed are consistent with that of surrounding approvals in the Precinct

The building height breaches have not resulted in architectural roof forms that are inappropriate or out of character with other future proposed and approved buildings in the area. The proposal includes flat roof forms with communal open space to each rooftop which is consistent with nearby approved developments where achievement of solar access to ground level communal open space is typically made difficult due to the densities and heights across the Precinct. Reviews undertaken of other recent approvals in the Precinct has confirmed that solar access to rooftop communal open space (i.e. the principal communal open space) is relied on to demonstrate compliance with Design Criteria under 3D-1 of the ADG.

It is worth acknowledging that the extent of height breaches proposed (in terms of the vertical breaches of the roof structures) are consistent with the following recent development approvals in the precinct:

- 2-12 Sexton Avenue & 24-34 Fishburn Crescent, Castle Hill (DA 58/2020/JP): Maximum 4.22m breach
- 11 Fishburn Crescent, Castle Hill (DA 1392/2019/JP): Maximum 4.5m breach (1.5m habitable)
- 7-23 Cadman Crescent, Castle Hill (DA 1262/2019/JP): Maximum 4.5 breach (1.5m habitable)
- 125 Showground Road, Castle Hill (DA 1037/2020/JP): Maximum 4.5m breach
- 3-9 Fishburn Crescent, Castle Hill (688/2019/JP): Maximum 3m+ breach

2. Extent of height non-compliances are minor

More than 70% of the total roof areas comply with the maximum building heights of 40m and 27m as they apply across the site. The non-compliances predominantly relate to lift overruns and roof mounted services as well as sections of the roofs which sit above steeper gradients where the land falls more steeply beneath the buildings.

The lifting of Building C has resulted in its entire roof now sitting between 200mm-1m above the maximum 27m height limit, however, this is still considered minor in the overall context of building heights in the surrounding area and by no means considered to be inappropriate or incompatible.

As detailed in Section 6 the vertical extents of the non-compliant building heights range from 0.4m up to a maximum of 4.9m. This is consistent with other height breaches approved for



other projects across the precinct and therefore results in buildings which are compatible with those which will emerge in the surrounding area and streetscapes.

3. Height breaches are the direct result of the steep gradients underneath the buildings

Partial roof form height breaches to Buildings F and G are the result of steep isolated site sections, hence the irregularity in the shape and area of the breaches exhibited. The additional height to these portions of the buildings has not upset the design and unified presentation of the roof forms when viewed from the streets below.

The land has a natural slope to the rear, impeding the developments' ability to achieve strict numerical compliance with the development standards while still achieving the development potential of the site. The design of the proposal has been stepped to respond to the natural slope, which has limited the areas of non-compliance to small sections which are generally central to the roof forms. With respect to this, the proposal achieves the objectives of the height of buildings standard and zone R4 High Density Residential.

4. Overshadowing Impacts

As detailed in Table 6, the proposed building height breaches will not increase the level of impact of overshadowing to sites and future developments to the east and south, nor does it add to the shadows cast over the future Cattai Creek Park between 9-11am. The height breaches are *generally* centralised and are relatively minor in the context of the overall height and scale of the buildings. This means that any additional shadows cast by the non-compliant elements are absorbed within the broader shadows cast by the building and precinct-wide shadows from otherwise height compliant developments. Figures 6-8 demonstrate the level of overshadowing impacts from the buildings and the imperceptible additional shadows cast by breach elements which only impact parts of the roof level at 9am, 12pm and 3pm (in red). Additional overshadowing impacts caused by the central lift core breaches in Building C is shown updated in green and is observed to be negligible. The solar access outcomes are actually improved to the south due to the setting back of the upper level a further 3m in from the southern site boundary (refer Figure 6 above). The blue shadow in the illustration below denotes the shadow reduction when compared to a strictly height compliant development.

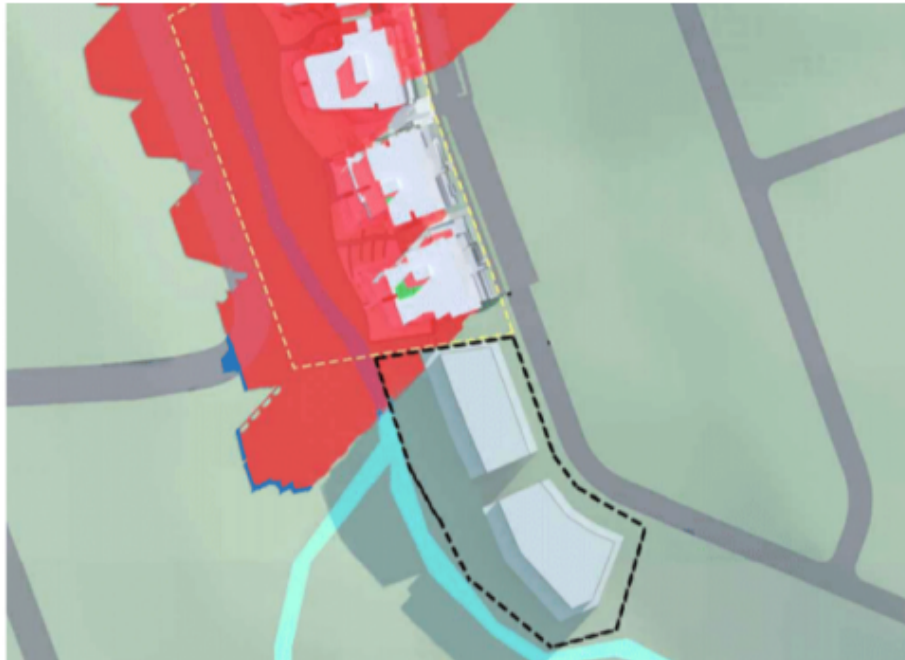


Figure 6 Overshadowing impact – 9am



Figure 7 Overshadowing impact – 12pm



Figure 8 Overshadowing impact – 3pm

Further, the building height breaches proposed do not inhibit the achievement of good internal solar access to the development including private open space balconies and terraces, internal living areas and communal open space areas. Notwithstanding the breach, the proposal more than complies with those minimum guidelines for solar access under the ADG.

5. Communal Open Space

The height breaches sought are centrally focussed within and immediately around the proposed rooftop communal open space areas. This is consistent with several other recent approvals across the Precinct.

In a transitioning high density residential precinct where ground level communal open space and access to sunlight is typically compromised due to the scale of developments it has been necessary to provide for rooftop communal open space areas to each of the buildings. Again, this is consistent with other recent approvals in the Precinct, particularly those with no or limited direct access to high quality public open space. The proposal not only delivers new public open space along its western edge, but it also delivers rooftop communal open space to each building.



The height breaches including the lift overruns most relevantly, provide considerable amenity to residents as the direct access point from the ground and lower levels of each building to the rooftop. The rooftops account for a larger consolidated proportion of the usable communal open space (4,569.4m²) and provide for scenic views, landscape amenity and excellent solar access throughout the year.

If strict compliance were to be imposed, access to these high quality, well-lit communal open space areas would be significantly compromised and would unreasonably result in shorter tower elements. This approach has been supported on other sites / recent approvals and is worthy of support in this instance also.

6. Visual Impact and Visual Privacy

In reference to the discussion provided in Table 6 above the non-compliant building height elements do not result in additional adverse visual impacts or impacts to visual privacy of neighbouring properties.

7. Bulk, scale and density

The extent of the proposed height breaches does not visually contribute to the perception of additional bulk or scale when viewed from the surrounding public domain. The following comments are relevant to this end:

- The no. of storeys proposed is generally consistent with that of neighbouring approvals and as per the DCP.
- The development presents an overall FSR and density which is well within and indeed below the maximum that applies to the site (refer to the amended SEE for discussion).
- The proposal adheres to the majority of site setback controls and exhibits compliance with the separation provisions under the ADG.

Given the sites' strategic importance as a gateway from the west along Carrington Road and its contribution as part of completing the important Cattai Creek Park masterplan link the planning framework permits the highest densities allowed outside of the future Showground Metro town centre site. The overall gross floor area sought is far less than that permitted, and the additional building height sought relates in the majority to non-habitable areas at the roof level.

Very minor encroachments by upper habitable levels across Buildings E and G will not be discernible from the street as being above the height limit and all finished floor levels of the uppermost floors sit at least 1.5m below the height limit.

The development has been deliberately designed in response to the unique character, setting and topographic conditions of the site. The buildings have been stepped with the natural fall of the land towards the creek and provide residential frontages to the Cattai Creek Park and some

active frontages along Ashford Avenue and Carrington Road. The height breaches have enabled the fill utilisation of the site and take up of compliant FSR whilst retaining the setbacks and landscaped areas which are important aspects for development in the Precinct as identified in Council's DCP.

Following extensive feedback from the Design Review Panel the building forms have been further modulated and articulated to visually mitigate any perception of uncomfortable bulk and scale. This has extended to the incorporation of juxtaposing vertical and horizontal elements, unifying certain elements of the façade whilst providing diverse materiality to others and appropriately defining the podium, tower and tops of the buildings. All of these revised features have worked to visually reduce the extent and massing of the buildings when viewed from the surrounds.

Any potential bulk and scale impacts resulting from the lifting of Building C to accommodate the flood planning level are considered minor to negligible on the basis that:

- The greatest breach to the roof line is observed at the creek side (west elevation) and is well setback to the creek in this location. Any additional height observed here will be well screened from view from the ground level by the proposed extensive landscape planting along Cattai Creek Park and within the site itself.
- The tallest breaches to the lift overrun and enclosed stairwell are centrally positioned within the roof plan and will therefore not be visually dominant features of the building when observed from the street or creek side. These areas contribute only very minor overshadowing impacts on to the roof plan itself and not beyond the edge of the building.
- The additional 3m setback to the revised upper level of Building C has resulted in an improved solar access outcome to the properties 32-34 Ashford Avenue when compared to a strictly height compliant development. This additional setback to the upper level has also aided in the overall reduction of scale and bulk through the additional control of massing at the building's top.

Clause 4.6(4)(a)(ii) - Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

As discussed, the proposed development is consistent with the objectives of the height of buildings standard. As outlined within the below Table 7, the proposed development is also consistent with the objectives of the R4 High Density Residential Zone.

Table 7 – Consistency with Objectives of the R4 High Density Residential Zone

Objective	Consistency
To provide for the housing needs of the community within a high-density residential environment.	The proposal provides new, high-quality housing to meet the emerging needs of the community within a high-density residential environment. This has included the requirement to provide a diversity of apartment types, including larger 2 and 3 bedroom apartments to meet the needs of families and transforming lifestyles and types of household units.
To provide a variety of housing types within a high-density residential environment.	The proposal provides for a genuine mix of apartment types in accordance with Council's larger apartments provision under Clause 9.7 of the LEP, including larger 2 and 3 bedroom apartments to accommodate families in high density developments.
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Three mixed use buildings are proposed, each providing for street level retail space along Carrington Road which will meet the day to day needs of residents in the precinct.
To encourage high density residential development in locations that are close to population centres and public transport routes.	The proposal delivers true transit-orientated development, providing for higher residential density well serviced by public transport routes. The site is ideally located, being directly opposite the Showground Metro Station and warrants special treatment by way of a design approach and incorporation of higher densities. The building height breaches have enabled the development, including the provision of high quality ground level landscaped areas, five activity nodes forming part of the communal open space, rooftop communal open space and overall a high standard of liveability and amenity.

The proposal is within the public interest as evident through the proposal's consistency with both the height of buildings standard, and the land use objectives of the zone.



Clause 4.6(5)(a) – Would Non-Compliance Raise any Matter of Significance for State and Regional Planning?

The proposed variation from the height of buildings development will not raise any matter of significance for State and Regional Planning. As discussed, the proposed variation is relatively minor in nature and justifiable based on consistency with the objectives of the height of buildings standard, the land use zone and that sufficient environmental planning grounds are provided to justify contravention of the standard. The proposal will not set a precedent in the assessment of the height of buildings standard.

Clause 4.6(5)(b) - Is there a public benefit of maintaining the development standard?

No public benefit would be provided through maintaining the standard. As demonstrated within this written request, the proposal achieves consistency with the relevant objectives of the building height standard under cl.4.3 and the R4 High Density Residential zone.

The height breaches have enabled the development to provide superior amenity for future residents and achieve the densities envisaged for this special site.

It is worth acknowledging also that by way of other recent approvals in the Precinct, Council has virtually abandoned the height of building standard. This is evidence in the weight of recent approvals (presented in this report) where commensurate breaches up to and including 4.5m for lift overruns and roof mounted elements have been supported. Council and the Regional Planning Panel have acknowledged the merits and challenges to providing for strictly height compliant developments in the Precinct. Therefore, there is no public benefit by maintaining the standard in the circumstances.

Clause 4.6(5)(c) – Any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

On 21 February 2018, the Secretary of the Department of Planning and Environment issues a Notice under cl. 64 of the EP&A Regulation 2000 providing that consent authorities may assume the Secretary's concurrence for exceptions to development standards made under cl.4.6 of The Hills LEP 2019.

We understand that the Regional Planning Panel has the power to grant development consent to the proposal even though it contravenes the height of building standard, without obtaining or assuming the concurrence of the Secretary.

There are no known additional matters to be considered by the Planning Secretary prior to granting concurrence.

8. Conclusion

The proposed development contravenes the height of building standard under cl4.3 of The Hills LEP 2019 and the standard under cl.4.3 is a development standard which is not excluded from the application of cl 4.6.

This written request to vary the development standard has been prepared in accordance with cl4.6(3) of the LEP and demonstrates that strict compliance with the development standard is unreasonable and unnecessary for the following reasons:

- Notwithstanding the contravention of the development standard, the proposed development is consistent with the relevant objectives of the development standard pursuant to clause 4.3 of the LEP and is consistent with the relevant objectives of the R4 High Density Residential zone and therefore, the proposed development is in the public interest.
- Notwithstanding the contravention of the development standard, the proposal will not result in adverse environmental impacts by way of additional overshadowing, visual impacts, loss of views or visual privacy to neighbouring properties.

The request has outlined a series of sufficient environmental planning grounds to justify and support the contravention of the building height standard.

Importantly, the variations in height sought are generally concentrated centrally within the roof level, comprising the lift overruns, landscaped elements and roof mounted plant. As the access point to the rooftop open space, the variation enabling the lift overruns will provide future residents with a high standard of external amenity and space for social engagement and respite in a rooftop garden setting.

This variation request has also been updated to consider the additional height breaches and its subsequent impacts resulting from the lifting of Building C by some 1m to the flood planning level at RL89.5. The result is a building which presents a finished roof line of between 200mm and 1m above the maximum height line. Whilst the building sits slightly higher in than landscape than previously proposed, additional modifications to reduce and setback to the uppermost level of Building C has assisted in controlling any adverse impacts from additional bulk and scale and also demonstrated improved solar outcomes to the southern neighbours. Overall, the height breaches are still relatively minor to the roof line and whilst breaches to the top of the lift overrun and staircase are more significant, these will not be clearly observed from the street or Creekside given their centrally positioned location within the roof plan.

In the context of surrounding recent approvals it is also considered that the consent authority has virtually abandoned the development standard. The panel and Council have acknowledged the merits



of supporting non-compliant height developments in the Precinct and recognised the challenges associated with achieving strict compliance given the landform conditions across the precinct.

The breaches as outlined in this written request are:

- Commensurate to those of other nearby recent approvals;
- Of a minor nature in the overall context of the development; and
- Justified on the basis that they will enable a high quality development which aligns with the broader strategic planning framework set for the emerging high density area.

The development is in the public interest and worthy of support.

ATTACHMENT 13 – DESIGN REVIEW PANEL REPORTS



DESIGN REVIEW PANEL DESIGN ADVISORY MEETING REPORT 24th November 2021

Item 4.1	9.00am – 11.00am
DA Number	DA 488/2021/JP
DA officer	Cynthia Dugan
Applicant	Joe Chia, Showground Corporation
Planner	Josh Owen APP
Property Address	30-36 Carrington Road, 33-39 and 36-44 Ashford Avenue and 7-13 Partridge Ave, Castle Hill
Proposal	Residential flat development comprising 10 residential blocks and approximately 800 dwelling units over basement car parking.
Design review	This project has been reviewed by the Design review Panel on the following listed dates: • 30/08/2019 Pre-DA meeting • 08/12/2020 DA meeting • 23/06/2021 DA meeting • 28/07/2021 DA meeting
Background	All Panel members are familiar with the site and the adjacent site under construction (DA 689/2020/JP)
Applicant representative address to the design review panel	Tony Owen, Architect (registration no 7080)
Key Issues	Summary of key issues discussed: • Clarification of key controls • Bulk and Scale • Cross site link and overland flood path. • Diversity of architectural expression and materiality • Communal open space and deep soil provision • Marketability of apartments
Panel Location	Online meeting hosted by Council
Panel Members	Chairperson - Tony Caro Panel Member - Paul Berkemeier Panel Member - Marc Deuschle All Panel members are members of the Government Architect's State Design Review Panel (SDRP) and are members of Council's Design Excellence Panel (DEP) and Design Review Panel (DRP).
Declaration of Interest	None

Councillors	None present
Council Staff	Cameron McKenzie, Paul Osborne, Cynthia Dugan, Megan Munari, Marika Hahn
Other attendees	Joe Chiha, Applicant, Showground Corporation Josh Owen, Planning, APP Tony Owen – Architect, Tony Owen Architects Sam El Rihani - Showground/Ellipse Edward Sutton - Showground/Ellipse Sonal Dhaliwal - Showground/Ellipse Fiona Beaverson - Altis Property Hilary Apitz - Altis Property

GENERAL

The Hills Shire Council is committed to achieving design excellence in the built environment and ensuring new developments exhibit the highest standard of architectural, urban and landscape design. The Hills Shire Design Review Panel (The Panel) is an Independent Advisory Panel, approved by the Government Architect, which provides an opportunity for applicants to receive expert design feedback on their developments and to provide comments to assist The Hills Shire Council in its consideration of development applications.

Note: The Design Review Panel does not determine or endorse applications. The Design Review Panel provides independent design advice to applicants and council officers.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct in close adjacency to the Showground Metro station.



Location plan (THSC)

DOCUMENTATION

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

DRP presentation (12 sections), dated Oct 2021, by Tony Owen Ptnrs

Architecture Plans Buildings A-G, various dates May-Nov 2021, by Tony Owen Ptnrs

Architecture combined plans, sections and elevations, Nov 2021, by Tony Owen Ptnrs

Unit Mix, Oct 2021, by Tony Owen Ptnrs

Supplementary Design Review Panel Submission, provided to the Panel Nov 2021 by Applicant

Landscape Plans, Nov 2021, Site Image

Landscape DRP presentation, Nov 2021, Site Image

PANEL COMMENT

488/2021/JP – Site 1a - 36 Carrington Road, 40-44 Ashford Avenue, Site 1b - 36 - 38 Ashford Avenue, Site 1c - 30-34 Carrington Road, 33 - 39 Ashford Avenue and 7 - 13 Partridge Avenue, Castle Hill.

The Panel commenced at 9:00am

Panel break 9:53am -10:10am

Panel conclusion 11:00am

EXECUTIVE SUMMARY

The Panel notes the revisions made by the Applicant's consultant team and is of the view that these amendments have improved the design, and in particular apartment internal planning through a peer review process undertaken by the Applicant. However, a number of other outstanding matters are yet to be resolved. These have been previously itemised in earlier meeting reports. In the interests of brevity and clarity, comments from previous meetings have not been included in this meeting report; however, they remain highly relevant to the scheme and DA assessment. Earlier DRP meeting reports should therefore be included in the documentation provided by Council to the consent authority.

PANEL COMMENT 24/11/21

488/2021/JP – Site 1a - 36 Carrington Road, 40- 44 Ashford Avenue, Site 1b - 36 - 38 Ashford Avenue, Site 1c - 30-34 Carrington Road, 33 - 39 Ashford Avenue and 7 - 13 Partridge Avenue, Castle Hill.

The Panel meeting commenced with a prepared presentation by the consultant team comprising the following sections:

1. Setbacks and Building Separations.

The Panel noted the increased building separation to achieve minimum ADG requirements. There remains a question however as to whether these minimums will meet market expectations in The Hills LGA, where enhanced spatial separation and privacy coupled with more generous green buffers between buildings are both highly valued and expected.

The setbacks to the riparian corridor are not compliant with the DCP, which support the intended future landscape character of the riparian corridor public open space in the Showground residential precinct. A 7.5m primary built form setback to the riparian setback is nominated in the DCP and the Panel has previously recommended that this be adhered to as advised in Panel comments dated 30/08/2019, 08/12/20, 23/06/21.

"DRP 30/08/19 - DCP setbacks beyond the 20m Riparian zone are non-compliant and inadequate as currently presented. The proposed averaging does not provide an acceptable interface and has the effect of privatising public land (DRP 08/12/20). The Panel strongly recommends strict compliance with the DCP interface setback requirements."

In addition the Panel has requested that the required setbacks be clearly indicated on the site plans of both the landscape and architectural drawing sets (refer to meeting reports 30/08/2019, 08/12/20, 23/06/21). The drawings presented at this meeting continue to avoid showing the required setbacks as requested.

The Panel is concerned by the non-compliance with the required setbacks due to the built form bulk and scale impacts on the special character vision for the adjacent public domain of the riparian creek corridor. These non-compliances contribute to the excessive bulk and scale due to the large building footprints. For Buildings A, B and C, the Panel has recommended further consideration of upper level

setbacks, as this would help to mitigate the bulk and scale of the development blocks when viewed from within Ashford Avenue and Caddies Creek Reserve.

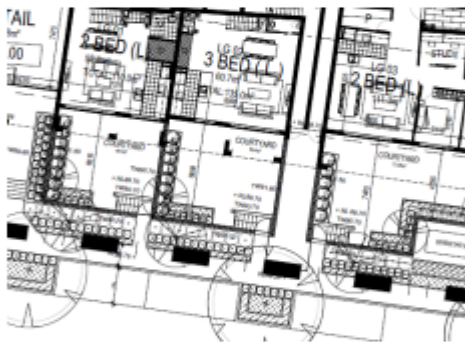
As previously noted, this is a highly constrained site with generous potential yield uplift. The Panel has also previously commented that poor design outcomes can result from any assumption that maximum GFA is always able to be achieved (DRP 23/06/21).

The setbacks proposed to Ashford Avenue remain inconsistent with the objectives and controls of DCP Part D19. The Applicant has had ample opportunity to amend these setbacks. In previous reports the Panel highlighted concerns with street setback proposals and public domain impacts (refer Panel Reports 30/08/19 and 08/12/20).

Previously the Panel made advised: *Paved areas of private courtyards are considered to encroach into the required setbacks and should not intrude by more than 2.0m to allow the minimum paved (balcony) space as per 4E-1 in the ADG. Paved courtyard areas should not account for more than 40% of the façade length to allow substantial planting between private open spaces. (DRP 08/12/20)*

This recommendation would provide a clear deep soil zone of 5.5m to the building line, or 3.5m where indented car parking occurs.

As shown below the proposed courtyard provision to Building D is extensively paved and also separated vertically from the public domain by a level change of 950mm (the DCP states a maximum of 600mm to the internal floor level of the residence). The setback area is intended to be part of the public domain and is not intended to be privatised. The top of wall proposed by the Applicant results in a blank street wall of almost 2m in height to the public domain. This is inconsistent with the objectives of the DCP, which seeks to enable a pedestrian friendly activated public domain in keeping with the principles of TOD development.



Building D Ashford Avenue

The RL of the street pavement is 88.75, the Top of Wall is 90.70. This is a difference of 1.95m.



A potential address to the street based on applicants proposed plans. This is a poor design outcome and



Building D Ashford Avenue

Landscape plans indicate fully paved courtyard in setback area



Preferable outcome, with vegetated setback

not consistent with the objectives of the DCP.

The Panel also notes DCP Part 19 Objective 6.2e and 6.6a: *To facilitate a landscaped streetscape that can accommodate trees, and: to provide residential activation to streets, ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm.*

In summary, the continued non-compliance with required setbacks and deep soil treatments to street frontages and riparian corridor as specified in the DCP is, in the view of this Panel inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (iii), (vi), (x), (xii).

2. Access Strategy and Thru Site Link.

The combined cross site link and overland flow path design has not been presented to the Panel as a resolved design with documentation level suitable for DA assessment. The Panel has previously requested further detail and this is yet to be provided. Refer to meeting reports 30/08/2019, 08/12/20, 23/06/21.

The Applicant has had two years to provide a well-considered, resolved response to this issue. An acceptable public domain treatment that has been approved to the immediate east of the subject site overland flow path (DA 689/2020/JP) was highlighted in 2019, and was noted as an approved example at the meeting of 08/12/20.

The Panel is therefore unable to recommend that design excellence has been achieved, due to inadequate design and documentation for this part of the development. The Panel cautions against this work being deferred to a later stage (such as Construction Certificate), as Development Application is the appropriate stage for review by the DRP and resolving key design issues. As noted in the meeting the Design Review Panel is only able to comment on material presented to the Panel.

The Applicant has provided another cross-site link in a location that is different to that indicated in the DCP. The Panel has previously indicated that the DCP alignment be investigated (refer to meeting reports 30/08/19, 08/12/20). Public cross site links are useful in large urban developments as they provide additional pedestrian permeability within the urban fabric. The Panel notes that this cross-site link proposed by the Applicant impinges upon residential communal open space provision and further that the division between public and private realms has not been articulated. This is not reflective of good design and has been previously highlighted at previous panel meetings.

"The number of cross-site links appears to compromise the residential ground plane communal open space provision and ability to provide for substantial tree planting. The Panel recommends a rationalisation of public and private access to and through the development sites to provide a well-balanced benefit to residents and the general public (DRP 30/08019) and ADG compliant communal open space provision for residents should be independent from public thoroughfares. It must be provided to satisfy ADG standards in a combination of ground level and roof level areas (DRP 23/06/2021)"

The Panel also advises (noting it is government legislation) that cross-site links, both public and private, are to be fully accessible and equitable.

"A full accessibility report is recommended for the overall site and the individual building blocks including all paths of circulation and entry and egress to all main lobbies for each building block (DRP 08/12/20)".

The Panel therefore considers that the proposed cross-site link provision non-compliance is inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (iv), (ix), (x), (xiii).

3. Site Diagrams.

It has been made consistently clear to the Applicant that compliance with ADG objectives and design criteria is required to achieve design excellence.

"The Panel re-iterates previous advice that the ADG sets out the minimum criteria for residential flat buildings, and there is no legitimate reason why this is not achieved or exceeded on greenfield sites in the Showground precinct. This has yet to be clearly demonstrated to Panel or Council. (DRP 28/07/21)".

Extent of deep soil

The deep soil calculations appear to be inaccurate and inconsistent with the design criteria specified in the ADG. The Panel has previously requested clear diagrams and documentation with respect to deep soil provision:

"Provide diagrams with accurate metrics indicating landscape provision and deep soil unencumbered by basement car parking and services provision (DRP 30/08/19). Common open space, deep soil, landscape areas are all to be very clearly illustrated and the methodology taken clearly stated (08/12/20)".

ADG design requirements are well established, and the need to provide this is recorded in previous Panel meeting report

"The Panel seeks confirmation that the extent of deep soil provision within each site complies with ADG minimum area provisions (excluding RE1 land dedications). (DRP 23/06/21)".

The diagram included with this package indicates that the majority of deep soil areas do not achieve the minimum 6m width to be able to be included in deep soil zone calculations.

The provision of deep soil to enable high tree canopy and landscaping in urban areas undergoing urban densification is essential for urban resilience and the mitigation of 'Urban Heat Island' effects.

The Panel has previously advised the Applicant that *"Built form is to take into consideration the Urban Heat Island effect and not further exacerbate temperature rise (DRP 30/08/19)".*

The Panel therefore considers that the proposed deep soil provision non-compliance is inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (viii), (xii) (xiii).

Landscape area diagram

Only areas that comprise natural soft landscaping or deep soil should be rendered in green. The Panel notes extensive parts of the proposed landscaped area are comprised of hard paved surfaces.

Previously the Panel has requested that the riparian corridor "top of bank" setback and the primary DCP setbacks be clearly illustrated on the drawings. These setbacks are missing from the diagram.

It is noted that the landscape diagrams include the public cross site link as part of the communal open space calculation. This is not acceptable and the Panel has previously stated;

"ADG compliant communal open space provision for residents should be independent from public thoroughfares. It must be provided to satisfy ADG standards in a combination of ground level and roof level areas. (23/06/21)"

The Panel therefore considers that the proposed landscape area provision non-compliance is inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (vii), (viii), (xii) (xiii).

Communal Open Space

The Panel is supportive of the proposed inclusion of communal open space on all roof levels, noting that some activities are more suited to these areas when compared with the required ground level communal open spaces.

The Panel's concerns with communal open space provision remain consistent with previous Panel advice. The inability to achieve two hours of solar access provision to ground level communal open spaces remains of concern.

The ADG clearly states that solar access is to be provided to 'useable' parts of the communal open space, however when solar access is reviewed, a range of issues become evident:

- Bldg A - the area shown to comply is mostly public, and a large proportion is planting beds and circulation only, not usable space;
- Bldg B - the area shown to comply is a narrow strip on the very edge of the space;
- Bldg C - the area shown to comply is a narrow strip on the edge of the space which is mostly planting beds and pathways;
- Bldgs F and D - the area shown to comply is mostly stairs, ramps and circulation;
- Bldgs E and G - receive no solar access at all.

Previously the applicant has indicated that the site is to be subdivided into separate Torrens title lots and may be divested in the future.

"The Panel notes there is also an application for a Torrens title subdivision for the 10 building blocks into three lots, therefore equitable access to minimum residential amenity per ADG design objectives and criteria should be provided, ideally to each building block. (DRP 08/12/20)"

No clarity has been provided as to the nature of the subdivision by the Applicant and the communal space allocation and accessibility therefore remains unclear.

Further clarity is required in respect of the clear separation and security of communal open space from public open space. The ground level has been lowered to allow for additional units in Buildings A, B and C though in doing this, the central communal open space is now more contiguous with the level of the riparian corridor pathway. It appears that open fencing will be required, yet this is not indicated. The Panel therefore re-iterates its previous advice:

"ADG compliant communal open space provision for residents should be independent from public thoroughfares. It must be provided to satisfy ADG standards in a combination of ground level and roof level areas. (DRP 23/06/21)"

Also, the ADG requires that communal open space (COS) must have a minimum width of 3m in order to be included as COS. COS must also provide usable areas for outdoor recreation. Several areas identified as COS for this development are either too narrow or are gardens beds. As these provide no useable recreational function, they should be excluded from COS calculations. While it may be acceptable to count paths and planting when immediately part of a COS, when isolated as they are on this site, it is not reasonable.

The Panel therefore considers that the lack of information regarding provision of communal open space is inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (x), (xii) (xiii)

4. Landscape and Public Domain.

The Panel refers to comment made in Section 1 - Setbacks and Building Separation, Section 2 - Access Strategy and Thru Site Link and Section 3 - Site Diagrams.

The lack of resolution of these issues is, in the opinion of this Panel, inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (x), (xii) (xiii).

5. Envelope and Building Depth.

The building envelopes are too bulky. For Buildings A, B and C in particular, it is a consequence of non-compliance with setback controls, minimum ADG distance separation compliance being achieved through the use of screening devices, and the development yield sought by the Applicant. The Panel has no objection in principle to Applicants achieving the maximum allowable yield on any site within

the precinct. However, the Panel seeks to ensure the development exhibits acceptable urban and environmental design, public amenity, and residential amenity outcomes to the satisfaction of Council.

Previously the Panel has advised:

"The Panel noted that the deeper floor plate buildings (Blocks A, B and C) face greater difficulty in achieving compliance with the ADG, as a result of the L-shaped, deep floor plate. Buildings D, E, F and G are more conventional rectangular forms that provide a better floor-area to perimeter ratio, making unit planning easier to provide with acceptable amenity."

The Panel has provided advice in previous meetings with respect to site planning and built form. These comments should be addressed prior to any further meetings, as this will impact upon the apartment floor plan layouts. (DRP 29/07/21)."

Whilst the Panel accepts that some reduction in floor plate size has occurred, this was undertaken to achieve minimum building separation compliance in lieu of being non-compliant. The Panel's above comments therefore remain unchanged.

6. Internal Circulation Diagrams.

The Panel notes that the rationalisation of circulation corridors and apartments planning has resulted in a significant improvement in the planning of typical levels. The common corridor widths still vary between 1.5m – 2m however, and confirmation with an access consultant to ensure equitable access for both residents and visitors is recommended.

7. Urban Design and Revised Loading Strategy: Building A, B, C

The Panel accepts the revised loading strategy, while noting that it is generally preferable for streetscape quality that vehicle entries are fully integrated into building envelopes.

As previously commented: "On-site vehicular circulation and on-grade parking dominates the communal open space, notwithstanding level change, and should be reconsidered. Vehicular entries should be accessed directly from the street and integrated within the built form to increase useable common open space. (DRP 08/12/20)"

8. Revised Central Corner Unit Privacy Acoustics.

The Panel notes the changes shown on revised drawings, however also advises that the proposed screening limits natural light to habitable spaces. The visual privacy impacts are a result of the building shape and internal planning, which has been previously identified;

"The Panel noted that the deeper floor plate buildings (Buildings A, B and C) face greater difficulty in achieving compliance with the ADG as a result of the L-shaped, deep floor plate (DRP 28/07/21)."

Provision of adequate visual privacy is heavily reliant on screening, of which no detail has been provided. The near adjacency of the balconies to the windows of the adjacent apartments presents acoustic privacy issues, and is not consistent with the objectives of the ADG.

Panel commends the Applicant for the revisions to the internal planning, but notes the continual lack of compliance with statutory design guidance and controls is in the opinion of this Panel inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (v), (vii).

9. Façade Articulation and Diversity.

The Panel has previously commented:

"A diversity of architecture should be provided for the built form, to break down the overall perception of the development's size and to introduce variety, fine grain and human scale into the precinct (DRP 30/08/19). The Panel acknowledges that the architect has provided a strategy for adjusting the façade"

design between certain buildings. However and as previously stated, it is recommended that a development of this size and scale should be designed by several different architectural firms to ensure that a genuinely diverse architectural character is achieved (DRP 08/12/20)."

The Panel has suggested multiple design solutions over the past four meetings as to how the bulk and scale of the built form could be mitigated, and this advice remains unchanged.

The Panel notes that comments regarding alternate development or divestment scenarios that may or may not lead to greater diversity in built form outcomes cannot be taken into consideration, as the Panel is only able to comment on the Development Application and associated documents presented for review.

The Panel has previously commented:

"The Panel does not support individual HVAC condenser units on balconies. These must be grouped in discreet locations on typical floors or consolidated in well concealed central roof plant locations. (DRP 28/07/21)."

The location of these units was not addressed in the meeting and their detrimental impacts upon the appearance of the development and amenity of the residents.

The Panel commented the development has an over-reliance on applied façade finishes, including extensive use of painted render and concrete as a means of providing architectural diversity.

The Panel therefore considers that the lack of genuine provisions for procurement of acceptable architectural diversity is inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (iv), (v), (xi)

10. Unit Layout Improvements.

The Panel commended the design team efforts in undertaking an independent peer review process and the extensive revisions to internal apartment layouts in many areas. The revised plans offer a sound basis for continued design and planning refinement, which will be essential if this large development is to compete in the Showground precinct market.

Many apartments have improved amenity, although a number of apartments continue to display compromised living arrangements, for example:

- Inconsistent balcony sizes,
- Too much floor space allocated to circulation,
- Second living spaces in large units are not acoustically separated,
- Bathrooms opening off primary living spaces,
- Inter unit privacy at internal re-entrant corners,
- Over reliance on screens to achieve privacy, and
- Some kitchens have compromised bench and storage space.

It is also noted the Applicant has inferred in response to Panel comment compliance with ADG height design criteria. The Panel notes the provided sections indicate floor to floor heights of 3.05m instead of 3.1m. The Panel has previously advised:

"The proposal does not conform with ADG recommended floor to floor heights for proposed retail and residential uses. (DRP 30/08/19). Floor to floor heights should be no less than 3.1m and the Panel recommends that ADG guidance be followed. Refer to figure 4C.5. (DRP 28/07/21)."

Panel commends the Applicant for the revisions to the internal planning but notes the continual lack of compliance with statutory design guidance and controls is in the opinion of this Panel inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (v).

11. Perspectives.

The proposed changes as generally depicted in the perspective views offer some improvements in the overall architectural presentation of this proposal.



Building A



Building D

Related Panel comments from previous meetings with respect to bulk and scale remain relevant however. The Panel previously advised:

"The Panel considers that the built form is too bulky. This could potentially be addressed by introducing a more pronounced built form articulation and a distinctly different façade character for the portions of buildings that are above the primary lower elements (Buildings A/D/E/F/G). Noting that this will slightly reduce yield, the Panel recommends that these upper elements should also have end setbacks of at least 3 metres, to reduce the unrelieved end wall height between blocks. (DRP 23/06/21)".

The Panel noted that, although the upper levels have been slightly set back, the emphasis on the vertical blade walls and decorative elements continues to accentuate the bulk and scale of the development. For buildings D, F and A that have a street frontage to Carrington Road and are taller in height, the bulk and scale could be further mitigated by providing a strong horizontal visual break established by continuing the datum set by the parapet height of the development blocks to the south. The treatment in façade articulation of the levels above the datum should be of a different character, less articulated, simpler and more recessive in nature. Other measures would be to provide greater upper level setbacks.

This is a lost opportunity to mitigate the impact of the bulk and scale of the development, and supports the Panel's previous advice that engagement of different architects for at least three stages is necessary to achieve high design quality through genuine diversity.

Refer also to Section 9 - Façade Articulation and Diversity.

12. Solar Diagrams.

As per the last meeting, the provided solar diagrams are unclear and do not provide adequate documentation to demonstrate that solar compliance is achieved as per ADG requirements.

"The Panel noted in the meeting that what has been provided is insufficient for the DA officer to accurately assess. What is required for each development application are shadow plan and legible sun-eye diagrams illustrating the 21st of June at ½ hourly intervals between the hours of 9am and 3pm."

The diagrams do not state the diagrams are for the 21st of June and the time of each view is not indicated. The symbols are confusing and it is unclear if the living areas are being accurately

depicted. A number of north facing living areas are not indicated as receiving solar access but on the floor plans the same units are indicated as receiving solar access.

"Compliance with ADG design objectives and criteria per building block is to be clearly demonstrated. The 3D solar diagrams do not state the date and times nor do they demonstrate compliance with ADG. Submitted documents must be meaningful and accurately convey solar access to the main living area and the balcony area not either or. (DRP 28/07/21)"

"The analysis must also demonstrate impacts on all proposed and existing adjacent development. The results are to be tabulated per apartment and per apartment block with a summary table. (DRP 28/07/21)."

Previously the Panel has commented that solar access compliance is to be provided per building block to ensure that the objectives of the ADG are realised on a per building basis (i.e. not averaged over entire stage or development).

The Applicant should note that the Panel is not required to confirm detailed metric compliance with relevant controls and in this case, it advises that ADG solar compliance must be demonstrated to the satisfaction of Council. The Panel therefore considers that the lack of adequate documentation to demonstrate solar access compliance is inconsistent with achieving design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (vii), (viii).

13. Ventilation Diagrams.

The Panel reviewed the ventilations diagrams and advises that ADG Part 4B-3 (p.85) identifies three acceptable methods for achieving natural cross ventilation, being:

- a) dual aspect apartments,
- b) cross through apartments, and
- c) corner apartments.

It was noted the proposal relies upon alternative solutions (including plenum ventilation) to achieve natural cross ventilation in some apartments, however this does not fall under the ADG definition. The Design Criteria specifically states *"at least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. The Panel is aware of alternative/engineered solutions being acceptable in certain circumstances, however this would need to be demonstrated to the satisfaction of Council."*

Previously the Panel has commented that the natural cross ventilation compliance is to be provided per building block to ensure that the objectives of the ADG are realised on a per building basis (i.e. not averaged over entire stage or development) (DRP 28/07/21).

The Panel therefore considers that the matter of ADG natural cross ventilation compliance must be resolved to the satisfaction of Council in order to achieve design excellence as described in The Hills LEP clause 9.5 Part 4 (f) - (vii), (viii).

14. Shadow Diagrams.

The shadow diagrams clearly illustrate the impact of the bulk and massing of the development.

Urban Design Matters for Consideration

Following the architect's presentation the Panel Chair summarised some key questions for the Council assessment team's heads of consideration for assessment of the urban design impacts of the proposal, and the Panel's advice to the Applicant in these areas over previous meetings. The Applicant should address these matters where relevant, as this is required in the consideration of design excellence under The Hills LEP Clause 9.5 Design Excellence.

- 1. Whether the amended proposal results in a built form that is appropriately scaled and provides an attractive interface with the riparian corridor?**

The Panel has previously commented: *"The built form and development yield for this site must be tailored to ensure provision of a high-quality design that delivers excellence in the areas of residential and public domain amenity, urban and landscape design, and architectural design (DRP 30/08/19, 08/12/20 and 23/06/21)."*

The Panel considers that the provision of a high-quality design that delivers excellence in the areas of public domain amenity, residential design, urban and landscape design, and architectural design is not presently achieved as a result of a number of ongoing/unresolved design issues that have been reiterated in meeting reports for the past four meetings, and again in this report. The Panel has consistently stated that the discretionary, incentivised FSR bonus allocated to the site is a theoretical maximum target and not an entitlement. The Panel refers to comment made in Section 1- Setbacks and Building Separation.

2. Does the development create a positive streetscape and achieves a high quality architectural design?

The Panel refers to comment made regarding the street interface and courtyard walling above. Refer to comments made in Section 1 - Setbacks and Building Separation., Section 9 – Façade Articulation and Diversity and Section 11 - Perspectives. The proposal has potential to satisfy this pending these matters being addressed.

3. Does the development address the street and create a human scale for pedestrians?

The Panel refers to comment made in Section 1- Setbacks and Building Separation., Section 9 – Façade Articulation and Diversity and Section 11 - Perspectives. The proposal has potential to satisfy this pending these matters being addressed.

4. Does the development frame and address public spaces with appropriately scaled built form achieving excellence in architectural, landscape and urban design?

Refer to comment made in Section 1 - Setbacks and Building Separation, Section 2 – Access Strategy +Through Site Link, Section 9 – Façade Articulation and Diversity, and Section 11 - Perspectives. The proposal has potential to satisfy this, pending the above matters being addressed.

5. Does the development result in a fine grain built form and architectural diversity within a street block and/or building development?

The Panel considers that genuine architectural diversity is not realised in the current proposal, as all of the buildings have been designed by one architectural firm. This was discussed during the Panel meeting and the applicant has been previously advised of the following:

"The Panel considers that the built form is too bulky. This could potentially be addressed by introducing a more pronounced built form articulation and a distinctly different façade character for the portions of buildings that are above the primary lower elements (DRP 23/06/21)."

The Applicant has presented some changes to the facades in an effort to provide architectural diversity and whilst this is supported by the Panel, these changes do not sufficiently mitigate the bulk and scale of the development or create a distinct sense of fine grain and genuine design diversity. The Applicant has advised that this will naturally occur through future development divestment and design procurement, however the Panel is not in a position to comment on these matters.

Refer to Panel comment Section 9 – Façade Articulation and Diversity, and Section 11 - Perspectives.

PANEL CONCLUSION

Previously the Panel has concluded:

"Whilst the proposal has addressed a number of issues identified in previous meeting reports, there are a number of aspects to this scheme that remain unsatisfactory. Consequently, the Panel does not

support the proposal in its current form as it does not meet the requirements of design excellence (DRP 23/06/21)."

The Panel's conclusion for this meeting remains consistent with previous meetings. It commends the Applicant for its recent initiation of a peer design review process that has resulted in significant unit planning improvements. However, the Panel does not support the proposal in its current form as it does not meet the requirements of design excellence in many other areas, as variously identified throughout this Report.

The Panel again notes that its role is advisory only, and recommends that the Applicant proceed with the DA assessment.

DESIGN REVIEW PANEL DESIGN ADVISORY MEETING REPORT – 28th July 2021
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Item 4.1	11.30am – 12.30pm
DA Number	DA 488/2021/JP
DA officer	Cynthia Dugan
Applicant	Joe Chia, Showground Corporation
Planner	Josh Owen APP
Property Address	30-36 Carrington Road, 33-39 and 36-44 Ashford Avenue and 7-13 Partridge Ave, Castle Hill
Proposal	Residential flat development comprising 10 residential blocks and 811 dwelling units over basement car parking.
Design review	Third review of DA scheme – specifically to review the internal planning. First review (DA) on 08-10-20, second review – external arrangement and public domain on 23-06-21. The Panel also reviewed the project on 30/04/19 pre-DA. Note: Because of time constraints and the repetitive nature of this large development proposal, at the start of the meeting it was agreed with applicant that the discussion would focus on Buildings A and D, as these demonstrate most of the generic design issues identified by the Panel, which are equally applicable to the other buildings.
Background	The site has been inspected by all Panel members on several occasions
Applicant representative address to the design review panel	Tony Owen, Architect (registration no 7080)
Key Issues	Summary of key issues discussed: • Appropriate location of services and service facilities • Internal planning issues • Habitable rooms with no windows • Lack of flexibility and amenity in room layouts and use • Convoluted common and internal corridors • Marketability of apartments • Drafting errors and unreadable drawings • Cross privacy concerns • Privacy screening limiting solar access
Panel Location	Electronic meeting hosted by Council
Panel Members	Chairperson - Tony Caro Panel Member - Paul Berkemeier Panel Member - Steven Hammond
Declaration of Interest	None

Councillors	None present
Council Staff	Cynthia Dugan, Megan Munari, Marika Hahn, Paul Osborne,
Other attendees	Joe Chiha, Applicant, Showground Corporation Tony Owen, Architect, Tony Owen Partners Josh Owen, Planning, APP Tony Owen – Architect, Tony Owen Architects Joe Chiha - Showground/Ellipse Sam El Rihani - Showground/Ellipse Stephen Fitzpatrick -Showground/Ellipse Edward Sutton - Showground/Ellipse Sonal Dhaliwal - Showground/Ellipse Edgar Hernandez - Showground/Ellipse Jamie Talbot - Construction Consultants David Sidra - Construction Consultants

GENERAL

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 consideration of development applications.

Note: The Design Review Panel does not determine or endorse applications. The Design Review Panel provides independent design advice to applicants and council officers.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct in close adjacency to the Showground Metro station.

DOCUMENTATION

The Design Review Panel has previously reviewed the documents, that were provided for the 30/08/19, 08/12/20, and 23/06/21 Design Review Panel meetings. A full list of drawings is listed in previous Panel meeting reports.

The Design Review Panel reviewed the following documents, which were provided for the 28/07/21 meeting:

DRP Presentation, provided July 27 2021, by Tony Owen Partners in conjunction with Showground Corp.

Architectural Plans Building A, dated Rev B April 2020, by Tony Owen Partners

Architectural Plans Building B, dated Rev B April 2020, by Tony Owen Partners

Architectural Plans Building C, dated Rev B April 2020, by Tony Owen Partners

Architectural Plans Building D, dated Rev B April 2020, by Tony Owen Partners

Architectural Plans Building E, dated Rev B April 2020, by Tony Owen Partners

Architectural Plans Building F, dated Rev B April 2020, by Tony Owen Partners

Architectural Plans Building G, dated Rev B April 2020, by Tony Owen Partners

Solar access diagrams, dated Rev B April 2020, by Tony Owen Partners

Ventilation diagrams, dated Rev B April 2020, by Tony Owen Partners

The Panel notes that the CAD floor plan drawings issued for this meeting have not changed from the drawings previously presented to the Panel 08/12/20, and that changes recommended in previous Panel meetings are therefore not reflected in the drawing set provided.

PANEL COMMENT 28/07/21

488/2021/JP – Site 1a - 36 Carrington Road, 40- 44 Ashford Avenue, Site 1b - 36 - 38 Ashford Avenue, Site 1c - 30-34 Carrington Road, 33 - 39 Ashford Avenue and 7 - 13 Partridge Avenue, Castle Hill.

The Panel meeting commenced at 11.30am.

In the interests of brevity and clarity, comments from previous meetings have not been included in this meeting report; however, those remain highly relevant to the DA assessment. Earlier DRP meeting reports must therefore be included in the documentation package provided by Council to the determination authority.

As noted above this meeting's focus was upon apartment planning. Panel comments are made with respect to the two apartment typologies presented, namely Building A (L-shaped plan) and Building B (rectangular plan).

The Panel notes that review of a building's apartment layouts independently from its architecture is not ideal. This arose from the lack of time in the last DRP meeting, despite the applicant having been previously notified that a comprehensive review of ten building blocks in a single sitting was not reasonable.

The Panel also notes there appear to be drafting errors on drawings, and the submitted presentation document was at too low resolution to read nomenclature and dimensions.

Some elevations omit rooftop elements such as lift over-runs that protrude or exacerbate height non-compliance.

In prior DRP meetings the applicant has made note the development application is subject to a Torrens Title subdivision into three sites. The Panel has previously commented it would be more effective to have separate Design Review Panel meetings for each of the subdivided sites, given the size and scale of the development blocks. This would allow the forum to provide more useful and constructive advice.

The continued presentation of unresolved design items for which advice has been already provided has prolonged this applications process.

When questioned as to whether they were satisfied with the current proposal as submitted, the architects stated that they agreed internal planning of the buildings was deficient as currently presented, and it was their intention to revise all of the floor plans when the building envelopes were finalised. It is noted that the architect presented some alternative apartment layout the end of the meeting. Whilst these freehand mark-ups appeared to recognise some of the concerns raised at the meeting, it is difficult for the Panel to comment on sketch drawings that do not have a drawing number or formal status as part of a submission.

The Panels commentary and advice follows:

A. Habitable environments and dwelling spaces

The Panel reiterates that the function of developing residential flat buildings is to provide habitable, well-planned dwellings that people would like to live in. It is therefore in the interests of the developer to provide dwellings that are desirable, particularly within an urban renewal precinct in which up to 10,000 units will ultimately be delivered that will be in direct competition with this development as it comes to market.

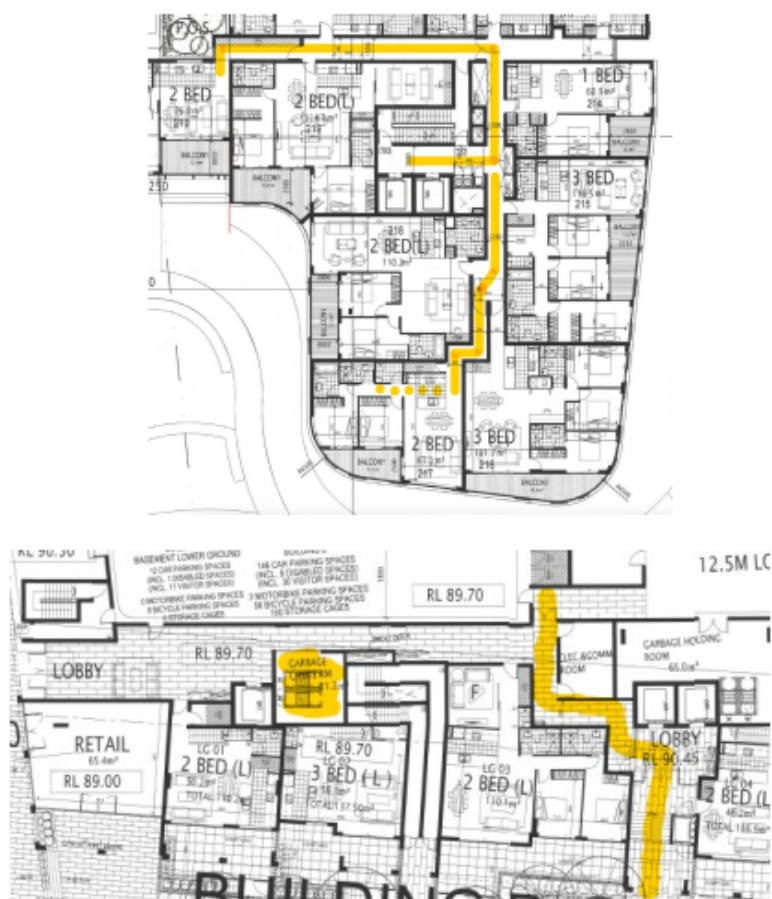
B. Circulation spaces, entry lobbies and service rooms

Advice that applies generally across all buildings blocks includes:

- Convoluted dog-leg corridors have poor design quality and potential CPTED and NCCA compliance issues. They are also difficult for delivery of large items and furniture removal.

Parts 3G & 4F of the *Apartment Design Guide* provides guidance on appropriate design measures for pedestrian circulation in common circulation areas.

The extract from Buildings A and D floors plan below illustrates this issue:



- Garbage rooms should not directly open onto main public entry areas.
- All lift lobbies should receive natural light, refer to part 4F-1 of the ADG for design guidance.
- A number of corridors are impacted by services that are not well integrated and decrease the corridor width in places to 1m. Compliance with the BCA regarding access and egress should be confirmed prior to revision and assessment.
- Access and egress circulation must comply with all relevant code requirements. The unnecessary complexity introduced into a number of internal common corridors may require a reliance on fire engineered solutions that could be avoided through better planning.
- Insufficient information was provided in the submitted documents in relation to the provision of ADG compliant communal open space.

C. Apartment internal planning

The applicant expressed concern with the difficulty of designing for larger apartment sizes and achieving compliance with SEPP 65/ADG. The Panel notes that larger apartment sizes are only required for projects seeking the LEP incentivised FSR. The applicant is under no obligation to seek the incentivised FSR if they cannot comply with all relevant codes.

The Panel made a number of comments with respect to the general planning of apartments:

- Dog leg corridors within individual apartments should also be avoided.
- Consideration of the sense of space and generous entry to an apartment. Arriving into a kitchen area upon entry is undesirable, particularly for 2 bedroom and larger dwellings. Refer to part **4D-1** of the Apartment Design Guide for further guidance.
- More consideration of the needs of larger family units, for example discreet secondary living spaces, larger kitchens, adequate pantry and general storage, linen closets and separate large laundries. Many of the units do not realise their potential in this regard.
- The provision of a dining area within the kitchen circulation and food preparation area is not an acceptable response in larger units. Drawings should show furniture appropriate to the size and number of occupants likely to inhabit each unit type.
- A number of kitchens are located in excess of 8m line of sight from a window. Refer to part **4D-2** of the Apartment Design Guide for further guidance.
- Bathrooms and laundry room/closets should not open onto primary living areas of 2 bedroom or larger units. Refer to part **4D-3** of the Apartment Design Guide for further guidance.
- In larger units particularly, bedrooms and additional spaces should consider the requirements of a range of different users: for example: a visitor, an adult child, grandchildren, or as a hobby room or home office. These spaces also need to have direct access to natural light and ventilation.
- The provision of media rooms that do not receive any daylight or natural ventilation is of concern to the Panel, as all habitable rooms need to comply with the provisions of the BCA. Complying habitable rooms can be readily adapted to media/home theatre spaces through the use of blackout blinds. The Panel does not support the proposed internalised media rooms.
- The co-location of media rooms with living areas separated by wall screens does not necessarily provide a useable alternate living space that a large family might require in a dwelling. Consideration of a range of uses for an alternate living space include music and music practice, computer activities, television, hobbies, quiet study or a children's playroom. All of these activities require a higher level of acoustic and physical separation than currently proposed.
- Consideration of arrangement of the utility rooms with respect to living areas. Location of rooms such as laundries and bathrooms which have clear sightlines into these utility spaces from any primary living area must be avoided. This is poor design. Refer to part **4D-3** of the Apartment Design Guide for further guidance.
- Wardrobes are bare minimum or undersized. Most master bedrooms have insufficient wardrobe space to meet reasonable amenity and market requirements. Refer to part **4D-3** of the Apartment Design Guide for further guidance.
- The Panel notes the provision of some master bedroom without ensuite bathroom.
- A number of mezzanine apartments have entry doors on both levels and the internal stairs do not appear to provide a proper connection between floors (for example units on ground/first floors in building F).
- The plans have numerous hatched areas shown, however the purpose of these is unclear as the file resolution provided is too low.
- Floor to floor levels should be no less than 3.1m and the Panel recommends that ADG guidance be followed. Refer to figure **4C.5**.

D. Balconies

- The Panel noted the size and distribution of balconies is very inconsistent and in many instances disproportionate to the type of apartment. This appears to be largely a consequence of the building envelope shapes and sizes.
- Balconies that provide direct sight-lines between apartments (within ADG separation minimums) are not supported.
- A number of balconies are not clearly accessible from the main living area refer to **part 4E** of the ADG for design guidance. Balconies are to be appropriately located to enhance the liveability of the apartment and extend the living space.
- Some balconies have very large spaces with little amenity or landscape provision. Additional design work is required to provide better amenity to the resident with planting and seating areas, taking advantage of the large size of those balconies. The balcony design should also

allow for planting that provides screening and reduces the feeling of being overlooked from above.

- Some balconies are slightly undersized or have portions with dimensions less than required width which makes them difficult to use. Refer to 4E-1 in the ADG.
- The Panel noted a number of balconies have screening elements (Building D) that appear to be decorative and restrict the ingress of natural light into apartments. Screens should only be applied for protection from excessive heat gain when required, and be able to be adjusted by the resident. They are not supported when introduced to rectify poor design.
- Whilst not addressed in the meeting, the location of bedrooms and adjacent balconies directly above the driveway entries subjects the residents to noise and pollution, impacting on the amenity of the dwelling.
- The Panel does not support individual HVAC condenser units on balconies. These must be grouped in discreet locations on typical floors or consolidated in well concealed central roof plant locations.

E. Comments made with respect to chosen building block arrangement.

The Panel noted that the deeper floor plate buildings (Blocks A, B and C) face greater difficulty in achieving compliance with the ADG, as a result of the L-shaped, deep floor plate. Buildings D,E,F and G are more conventional rectangular forms that provide a better floor-area to perimeter ratio, making unit planning easier to provide with acceptable amenity.

The Panel has provided advice in previous meetings with respect to site planning and built form. These comments should be addressed prior to any further meetings, as this will impact upon the apartment floor plan layouts.

F. Comments made with respect to solar access and natural cross ventilation diagrams.

The drawings provided are inadequate. The Panel notes these drawings have not been amended since the Panel last reviewed them therefore the comments previously provided are repeated below for clarity.

- *Compliance with ADG design objectives and criteria per building block is to be clearly demonstrated.*
- *The 3D solar diagrams do not state the date and times nor do they demonstrate compliance with ADG. Submitted documents must be meaningful and accurately convey solar access to the main living area and the balcony area not either or.*
- *Natural cross ventilation compliance to ADG definition per development block*

The Panel noted in the meeting that what has been provided is insufficient for the DA officer to accurately assess. What is required for each development application are shadow plan and legible sun-eye diagrams illustrating the 21st of June at ½ hourly intervals between the hours of 9am and 3pm. The analysis must also demonstrate impacts on all proposed and existing adjacent development. The results are to be tabulated per apartment and per apartment block with a summary table.

As per ADG, cross ventilation compliance diagrams are required for the lower nine levels only.

Solar access and natural cross ventilation diagrams are to comply with the ADG on an individual basis and not averaged across the development.

The Panel re-iterates previous advice that the ADG sets out the minimum criteria for residential flat buildings, and there is no legitimate reason why this is not achieved or exceeded on greenfield sites in the Showground precinct. This has yet to be clearly demonstrated to Panel or Council.

G. Communal Open Space.

Although not the focus of the meeting, communal open spaces located on intermediate levels within the buildings were reviewed as part of this package.

It is noted that the communal open spaces located on the bridging elements, although useful as semi-enclosed communal green balconies with potential seating opportunities are generally narrow and small in area for such a large building. The central areas of these will receive very little light.

Examples are Level 3 and 5 in Building A.

These require further design development in consideration of their purpose, and how they may contribute to the amenity requirements of communal open space.

PANEL CONCLUSION

Previous Panel advice: *The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. (Panel meetings: 30/04/19, 08/12/20, 23/06/21)*

The Panel has noted in previous reports that:

- the applicant may elect to proceed with the assessment of a DA application without further Panel meetings, and
- the comments provided by the Panel to date be considered by the consent authority when determining whether or not the proposal exhibits design excellence under Clause 9.5 of LEP 2019.

The Panel recommends that, unless its advice is substantially acted upon, the applicant should proceed with the assessment of a DA application without need for a further Panel meeting.

The Panel does not consider there is further value in commenting on documentation that is repeatedly resubmitted with no changes or amendments.

As advised previously, the Panel does not 'approve', 'endorse' or 'workshop' proposals, its role is advisory only with a primary focus on document review leading to the achievement of design excellence for submitted full DAs (urban design, landscape character and built form design quality).

The advice provided to the applicant over the last three meetings has not resulted in significant changes to the scheme in many important area, and so the Panel is of the view that further Design Review Panel meetings would not result in any meaningful outcomes.

The Panel's view with respect to the Development Application remains unchanged. The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence.

DESIGN REVIEW PANEL

DESIGN ADVISORY MEETING REPORT – 8 DECEMBER 2020

Item 4.1	11.30am – 12.00pm
DA Number	DA 488/2021/JP
DA officer	Cynthia Dugan
Applicant	Joe Chiha, Showground Corporation
Planner	Josh Owen APP
Property Address	30-36 Carrington Road, 33-39 and 36-44 Ashford Avenue and 7-13 Partridge Ave, Castle Hill
Proposal	 Residential flat development comprising 10 residential blocks and 811 dwelling units over basement car parking.
Design review	First review DA (Reviewed pre-DA stage on 30/08/19)
Background	The site has been inspected by all Panel members individually
Applicant representative address to the design review panel	Tony Owen, Architect (registration no 7080) Ross Shephard, Landscape Architect
Key Issues	Summary of key issues discussed: • Unresolved planning issues pertaining to FSR • Cross site link and overland flood path. • Building depths, bulk and scale • Landscape treatments • Clarification of compliance with key controls • Lack of architectural diversity
Panel Location	Electronic meeting hosted by Council
Panel Members	Chairperson - Tony Caro Panel Member - Paul Berkemeier Panel Member - Steven Hammond Incoming Panel member as observer - Rod Simpson
Declaration of Interest	None
Councillors	None present
Council Staff	Cynthia Dugan, Marika Hahn, Paul Osborne

Other attendees	Joe Chiha, Applicant, Showground Corporation Josh Owen, Planner, APP Ross Shephard, Landscape Architect, Site Image Tony Owen, Architect, Tony Owen Partners
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GENERAL

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Note: The Design Review Panel does not determine or endorse applications. The Design Review Panel provides independent design advice to applicants and council officers.

SUBJECT SITE BACKGROUND SUMMARY

The subject site is located in the Showground Planned Precinct in close adjacency to the Showground Metro station.



Location Plan (THSC)

DOCUMENTATION

The Design Review Panel has previously reviewed the following documents, which were provided for the 30/08/19 meeting:

- *Showground Precinct, Pre-DA Design Report, Ashford Avenue Site, For Showground Corporation PTY LTD August 2019, by Tony Owen Partners*

The Design Review Panel reviewed the following documents, which were provided for the 08/12/20 meeting:

- *DRP Presentation*, provided December 1 2020, by Tony Owen Partners
- *Architectural Diagrams Buildings A-E*, dated Rev B April 2020, by Tony Owen Partners
- *Architectural Plans Buildings A-E*, dated Rev B April 2020, by Tony Owen Partners
- *Architectural Design verification statement*, not dated, by Tony Owen Partners
- *Photomontages*, not dated, by Tony Owen Partners

- *Shadow diagrams*, dated Rev B March 2020, by Tony Owen Partners
- *Solar Compliance Plan*, dated Rev B April 2020, by Tony Owen Partners
- *Solar diagrams*, dated Rev B March 2020, by Tony Owen Partners
- *Ventilation diagrams*
- *DCP Compliance Table*, not dated, by APP Corporation Pty Ltd
- *Statement of Environmental Effects*, dated September 2020, by APP Corporation Pty Ltd
- *Landscape Design Report*, dated 23 April, DA Landscape Concept, draft only, by Site Image Landscape Architects
- *Landscape Plans*, dated 17 April 2020, Rev D, by Site Image Landscape Architects
- *Peer Review report*, dated 29 July 2020, by Stanisic Architects

PANEL COMMENT

488/2021/JP – Site 1a: 36 Carrington Road, 40-44 Ashford Avenue, Site 1b: 36 - 38 Ashford Avenue, Site 1c: 30-34 Carrington Road, 33 - 39 Ashford Avenue and 7 - 13 Partridge Avenue, Castle Hill.

The Panel commenced at 10.30am.

EXECUTIVE SUMMARY

The Panel considers that most of the recommendations made in its previous Report to the August 2019 Pre-DA submission have not been adequately addressed by the DA documentation submitted for the 08 December 2020 meeting that is the subject of this Report. This is further described in the body of this report, however the applicant's responses to the previous meeting recommendations are summarised in [blue](#) as follows:

- The built form and development yield for this site must be tailored to ensure provision of a high-quality design that delivers excellence in the areas of residential and public domain amenity, urban and landscape design, and architectural design.
[Not resolved. Fundamentals of the scheme remain the same as the pre-lodgement submission.](#)
- Provide a design statement of the development response to its broader regional and site-specific contexts.
[Not provided.](#)
- Develop a clear strategy and design for public, communal and residential access through and around the site.
[The Panel does not support and setback non-compliances, particularly to the Cattai Creek open space corridor.](#)
- Revise the building envelopes as required to comply with height and setback controls.
[Not resolved to the satisfaction of the Panel.](#)
- Amend courtyard encroachments from all setbacks and provide a more substantial landscape setting along Ashford Avenue.
[Not resolved. Should ensure compliance with the DCP to all interfaces.](#)
- Provide required solar access to ground level courtyard areas and the adjacent riparian corridor.
[Solar diagrams provided.](#)
- Ensure communal open spaces and related facilities are provided for each building and are ADG compliant.
[Not resolved to satisfaction of the Panel.](#)
- NCC and ADG non-compliances are significant and a thorough review is required.
[Some further details provided but many matters not resolved.](#)
- Ensure wind conditions are appropriate to outdoor spaces and meet wind consultant recommendations.
[Wind report not provided.](#)
- Provide an integrated architectural and landscape design strategy and proposal that will ensure built form diversity and a comfortable human scale within the precinct.
[Not resolved to the satisfaction of the Panel.](#)

- Provide a comprehensive landscape design that addresses the local climate, deep soil provision, high canopy tree planting and substantial landscape understorey planting.
Provided but will require update to coordinate with a compliant scheme.
- Sign off from both the Council Landscape DA officer and appropriate Manager of Vegetation works is required for the removal of any trees over 3m in height in the street and building setback areas.
Noted.
- Street front utility service elements are to be integrated into building fabric and landscape to the satisfaction of Council.
Noted.
- Vehicular access should be consolidated wherever possible and wholly contained within a building footprint.
Not addressed. Applicant states it is not feasible due to grades.
- Acknowledging that this is a pre-DA submission, the applicant should confirm all documentation required for a DA submission with Council.
To be provided.

The Panel considers that many of the design issues identified previously as well as in this Report are directly related to planning non-compliance. The Panel strongly recommends that each of these matters be further discussed and agreed with Council, and that the scheme be amended to address these matters prior to any further submission to the DRP.

DETAILED COMMENTS

For clarity, this meeting report structure is based on previous Panel comments for the pre-DA 168/2019/PRE (*repeated when appropriate below in italics*). New comments do not necessarily supersede previous advice and as such should be read in conjunction with the previous DEP report/minutes. New comments from the meeting on 08 /December 2020 are indicated in *blue*.

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 contribute to maintaining the garden character of The Shire.*

Comment: *This comment remains relevant.*

- *The applicant should provide accurate locational context drawings that illustrate the immediate built context, including either approved or proposed adjacent development or building envelopes based on the key controls.*

New Comment: The Panel noted the referenced Project DA 972-2019-JP, 15-27 Partridge Avenue, 19-31 Ashford Avenue Castle Hill has since been superseded by DA 689-2020-JP, which was submitted November 2019 and approved in June 2020. These drawings are available to the public online.

The Panel recommends the abovementioned approved DA be reviewed for an example of acceptable overland flow path treatment and locations of DCP indicated cross site links. In particular the cross-site link indicated to the south east of building blocks G and E should be co-ordinated with the approved DA development.

2. Site planning and built form strategy

- *The site is bisected by Ashford Avenue and is comprised of ten separated buildings. Buildings D/E/F/G (east of Ashford Ave) are rectangular in plan and arranged around a central north-south communal space.*
- *Buildings A/B/C each comprise two forms with a narrow (6m) wide slot breaking the U-shaped plan into two L-shaped forms. The U-shaped forms and the spaces between the buildings create an indented frontage to the riparian corridor to the west, and this strategy is supported in principle by the Panel as it avoids a relentless built frontage to this very important public open space.*

Comment: *This comment remains relevant: Panel supports indented courtyard form, however does not support setback encroachments.*

- The current strategy for pedestrian access is unresolved, and must be formulated to meet DCP requirements. Ashford Avenue bisects the development and is an obvious location for a major pedestrian route.

Comment: This matter was not resolved. It is noted that a through site link has been proposed mid block through site 1C. The Panel recommends the applicant incorporate the required cross site links where indicated in DCP.

- The DCP proposed link along the eastern edge of site 1C should be provided for, acknowledging and planning for a future interface with the adjacent development site. The applicant should work with Council to agree on the strategy.



Comment: This comment remains relevant.

- The Panel recommends that the built form strategy is tested for its capacity to foster natural light ingress and air movement to the courtyard and adjacent units, landscape infiltration into the central parts of the site, and convective cooling within the courtyard.

Comment: This comment remains relevant.

- Built form is to take into consideration the Urban Heat Island effect and not further exacerbate temperature rise. For further details refer to:
https://www.planningportal.nsw.gov.au/opendata/?q=UHI&sort=score+desc%2C+metadata_modified+desc
- The Panel suggested that additional architects should be engaged to design a number of the proposed buildings to ensure that there is design diversity within this large amalgamated site. There is also a singular opportunity to consider the relationship of buildings at the corner of Carrington Rd and Ashford Avenue, and how they might form a threshold to the precinct.

Comment: This comment remains relevant.

Bulk, Scale and Massing

- The incentivised FSR bonus available for providing LEP cl.9.7 larger units together with maximum height limit creates considerable challenges to achieving acceptable overall design quality for many sites within the Showground planned precinct, and this proposal is no exception.

New comment: The Panel considers that the correct apartment mix and sizing be applied per building block (or at least to each of sites 1a, 1b and 1c) before being presented again to the Design Review Panel. The Panel notes that a lack of resolution in compliance with this control may result in the final building envelope not being accurately represented in this submission, and the incentivised clause may not be able to be realised.

- It appears that whilst the maximum façade lengths set out in the DCP have been complied with, it is likely that the Ashford Avenue facades will form a visually relentless corridor to this street. Some variation in the built form massing and alignment should therefore be considered.

Comment: This comment remains relevant.

- The Panel considers that the narrow 6m wide central slots (created to allow cross ventilation to adjacent units) are inappropriate to this part of western Sydney, as they do not create enough separation for reasonable residential, environmental and urban design amenity.

Comment: The revised scheme has addressed this by infilling the space for Buildings A and B only.

- *At the meeting the Panel suggested that buildings A/B/C could be reconfigured in plan to create much larger green spaces where each form is bifurcated by a central 6m wide slot. This could be balanced by "bridging" elements linking the two primary elements of each building. These elements should be sufficiently setback to maintain the intent of the DCP façade length control, exhibit a quiet and recessive character, and maintain a two level clear opening through to the riparian corridor at ground and first floor levels.*

Comment: Refer above.

- *The central communal open spaces for all building are largely in shade. ADG requirements for communal open space should be fully complied with for this large and dense proposal.*

Comment: This comment remains relevant. Equitable access to sunny communal roof top areas with solar access is to be provided.

- *The requirement for a cross-site stormwater overland flow path has not been considered. Significant site constraint requires up-front engineering design and validation, to ensure that it is acceptably integrated into the scheme from both engineering and urban design standpoints.*

New comment: The Panel notes this is an outstanding matter. Failure to resolve overland path flows, suggest suitable treatments and design approaches has the potential to significantly delay the approval process. The Panel recommends this issue be properly addressed and a coordinated engineering, landscape and design approach be undertaken prior to further design development.

- *The Panel does not support the cantilevered upper elements overhanging narrow building separation slots as they will reduce light into central open spaces.*

New comment: Partially addressed. However the bulk and scale of the built form interface to the streets and the riparian corridor remains challenging, as the buildings appear too similar and regular in their form and expression. These issues are a direct consequence of the applicant including the riparian corridor area in the FSR calculation (see below), meaning that over 10,000sqm of proposed floor space needs to be removed from the scheme in order to comply with the development controls and achieve acceptable design quality.

Site Coverage/ Landscaped Open Space

- *The site coverage and overall mass presents as being excessive, primarily because the western tract of the site (zoned Public Recreation RE1) includes a portion of the riparian corridor that has been included in the FSR calculation.*

Comment: The Panel notes this is an outstanding matter to be resolved prior to future Panel meetings.

- *The site coverage calculations must be in compliance with Council planning requirements and be resolved prior to DA submission.*

Comment: This comment remains relevant. The Panel notes this is an outstanding matter to be resolved prior to future Panel meetings.

- *Achieving solar access requirements to public and communal open space is required.*

Comment: This comment remains relevant.

New comment: On-site vehicular circulation and on-grade parking dominates the communal open space, notwithstanding level change, and should be reconsidered. Vehicular entries should be accessed directly from the street and integrated within the built form to increase useable common open space.

3. Compliance

Height

- *The Panel does not generally support LEP height non-compliance or exceedance of the number of storeys set out in the DCP, including upper floors of maisonette style roof apartments.*

Comment: This comment remains relevant.

- *On sloping sites or in other specific circumstances consideration is given to minor exceedance for roof access elements and shading devices serving roof top communal open space, provided*

that such elements are not seen from the surrounding public domain or impact on the amenity of adjacent development.

Comment: This comment remains relevant. Because of the precinct topography and high density, the Panel can support provision of sunny communal open spaces on roofs, serviced by lift access, a universal WC, BBQ facilities and shaded seating areas. In the Panel's view, such elements may be considered above the height plane provided that:

- no private enclosed space is provided.
 - All elements are set back from parapets so not visible from surrounding public domain.
 - No additional overshadowing or overlooking of neighbouring properties is created.
 - Opportunities for connection to alternative lift core/s is achieved to assist with access when lifts are out of order or unavailable.
- *The proposal does not conform with ADG recommended floor to floor heights for proposed retail and residential uses.*

Comment: This comment remains relevant.

- *It is noted that parts of the site are flood affected and this may mean floor levels will have to be raised to achieve PMF freeboards.*

Comment: This comment remains relevant. Not discussed at this meeting.

- *The proposal will require rooftop communal open spaces on each building to achieve ADG compliance. All roof top uses are to be to be clearly identified per development block.*

New Comment: This comment remains relevant. The Panel does not accept that equitable access to roof top areas is demonstrated. As the DA also requests Torrens title subdivision into three lots the provision of equitable solar access per building block should be clearly demonstrated.

- *The schematic sections do not indicate built up roofs or parapets that will be required for these communal spaces, which will inevitably result in further height non-compliance.*

Comment: This comment remains relevant.

Density

- *Compliance with the LEP FSR controls is required. If the incentivised FSR provisions of LEP cl.9.7 are sought by the applicant, compliance must be confirmed to Councils satisfaction.*

Comment: The Panel notes this is a planning matter to be resolved with Council officers.

- *The development density generally appears to be too high for the site for afore-mentioned reasons, and the proposal requires substantial further consideration of ADG residential planning and amenity requirements in many areas.*

Comment: This comment remains relevant.

- *FSR calculation must be in accordance with permissible site coverage.*

New Comment: The Panel notes this is an outstanding planning matter to be resolved with Council officers. The Panel recommends this matter be fully resolved prior to future Design Review Panel meetings.

New comment: The manner of FSR distribution across the site does not align with accepted application of planning controls. This directly impacts upon the built form outcomes and results in height non-compliances and the perception of excessive bulk and scale.

The claim of additional FSR from the RE1 portion of the site resulting in an increase in density in excess of 10,000sqm significantly changes design outcomes. Noting this manner of FSR calculation is not consistent with accepted planning practice, the Panel strongly recommends this matter be resolved prior to further design development.

Setbacks

- *All ADG minimum separations and DCP boundary setbacks should be complied with (including basements and balconies). The eastern boundary of Site C should be designed to ensure ADG compliance and future integration with DCP pedestrian thoroughfare to Partridge Ave.*
- *DCP setbacks beyond the 20m Riparian zone are non-compliant and inadequate as currently presented.*

Comment: The Panel notes this is an outstanding planning matter to be resolved with Council officers. The proposed averaging does not provide an acceptable interface and has the effect of privatising public land.

- *Adjust street setback requirements to provide land dedication on DCP nominated side of Ashford Avenue.*

Comment: To council's landscape officer's approval.

Apartment Mix and Building Design

- *Street frontage apartments with ground floor levels and courtyards below footpath level are not supported.*

Comment: This comment remains relevant. This built form outcome is considered to be poor design and not in accordance with the objectives of the EP+A Act. Adherence to DCP controls is strongly recommended for this large site. Council has recently received complaints from residents living in existing below grade apartments concerning theft, lack of visual privacy and concerns for personal safety.

- *Adequate built form separation, visual privacy, acoustic amenity, natural cross ventilation and solar access compliance appears to be a problem with many apartments.*

Comment: This comment remains relevant.

- *A number of apartments do not comply with the National Construction Code of Australia, to be fully resolved prior to DA submission.*

Comment: This comment remains relevant.

- *The Panel notes that some retail along the Carrington Road frontage is proposed that does not comply with current permissible land use, but is supportive in principle subject to submission of a well considered commercial and design proposal.*

Comment: This comment remains relevant.

New Comment: The Panel noted circulation corridors were in some areas only 1.2m in width.

- Noting this may be legal, it does not present as good design.
- Compliance with DDA by a suitable accredited professional is to be verified for all circulation paths in common areas.
- Minimal width corridors present difficulties for future residents with respect to moving large furniture items that may not be able to be moved around the corners provided.

New Comment: A full accessibility report is recommended for the overall site and the individual building blocks including all paths of circulation and entry and egress to all main lobbies for each building block.

New Comment: Whilst the Panel did not discuss apartment planning in detail at the meeting, it advised the applicant to be mindful when designing the larger apartments, as required by Council, that there is a need to provide more amenity than simple "scaled-up" minimum SEPP 65 apartments. It was suggested that the additional area required for these large family-oriented 2 and 3 bedroom units should be planned to provide more flexibility and choice for the inhabitants: a second living area, a dedicated office/media room, an enlarged dedicated laundry area, and expanded storage are some possibilities to consider.

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.*

Comment: The Panel notes this is an outstanding matter.

- *15% Deep Soil on sites in excess of 1500sqm is the minimum recommended provision in accordance with ADG guidelines.*

Comment: This comment remains relevant. Note this is a minimum standard requirement.

The deep soil area should be distributed across the precinct to ensure opportunity for tree planting is provided across all sites. Some deep soil provision along street frontages should be provided to allow planting of larger trees on the site.

The Panel notes that there is Deep Soil area provided between buildings D-F and E-G, and in the open spaces facing the riparian corridor. This principle is supported and has strong benefits to the scheme. Need to ensure that the large trees are planted in these areas to maximise the benefit.

- *The Panel recommends that a significantly higher 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.*

Comment: This comment remains relevant. The amount of space provided to hard surface areas and circulation areas to be reconsidered to allow for tree planting.

- *There should be a stronger presence of mature trees and concomitant deep soil provision in this setback zone to ensure that the development is sited within a landscape setting of canopied trees.*

Comment: This comment remains relevant. The amount of space provided to hard surface areas and circulation areas to be reconsidered to allow the tree planting, in particular to the apartment front courtyards.

New Comment: Street tree species should be consistent with the Showground Precinct Public Domain plan to ensure a cohesive approach to the street character.

The proposed customised shade structures located along the street should be contained within the site boundary and designed with consideration of building entries and overall built form.

- *The provision of communal open space in the front setback is not consistent with The Hills garden landscape character setting, and not supported by the Panel.*

Comment: This comment remains relevant.

- *The number of cross-site links appears to compromise the residential ground plane communal open space provision and ability to provide for substantial tree planting. The Panel recommends a rationalisation of public and private access to and through the development sites to provide a well balanced benefit to residents and the general public.*

Comment: This comment remains relevant. It is noted that the through links have been modified from the previous scheme. This should be further refined in agreement with Council.

The amenity of the through link between Ashford Ave and Cattai Creek is being compromised by the proximity to the adjacent driveway.

The amount of ramping access between Carrington Road and buildings D and F compromises the use of the space. Access and connections in this area should be reconsidered.

- *The utilisation and interface with the open space along the creek corridor is agreed in principle, however this would be reliant on the requirement for a future delivery agreement with Council. Amenity such as gathering spaces and play spaces would also need to be provided within the site, such as on the required rooftop communal open space.*

New Comment: Council has advised that design work undertaken within the RE1 land is to be delivered by another consultancy and the RE1 portion of the land should be removed from the drawings and not "designed" by the applicant. The amenity and uses required for Communal Open Space should be provided fully on the site, acknowledging additional benefits which can be achieved by shared use of the Creek corridor landscape and parklands, with opportunities for collaboration and integration.

- *Pedestrian and vehicular paths should be separated to ensure optimum pedestrian safety.*

Comment: This comment remains relevant.

- *Basement car parking is outside of building footprint, and encroaches upon landscape areas suitable for deep soil provision as well as in the riparian setback zone.*

New Comment: On-site vehicular circulation dominates the open space between buildings, notwithstanding level change, and should be reconsidered. Vehicular entries should be accessed directly from the street and integrated within the built form to increase useable common open

space. This approach has been successfully utilised across Sydney and within the precinct. The Panel does not consider vehicular access illustrated to be reflective of good design.

Private Domain

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

Comment: This comment remains relevant.

- *The public domain and adjoining deep soil zones require more substantive tree planting.*
- *Maximize the planting opportunities in private courtyards in particular facing streets. Reduce the extent and continuity of paved surfaces for the private front yards.*

Comment: This comment remains relevant.

- *Trees of scale at entries and at key nodes along through site links provide additional visual and environmental amenity to the development.*

Comment: This comment remains relevant.

- *The design vision of "green fingers" to the street and riparian corridors is supported. Consideration of the distance between development blocks to support this vision is recommended, as outlined earlier in this report.*

Comment: This comment remains relevant.

- *The articulation and definition between public and communal space or private gardens needs to be clearly resolved in the landscape areas facing the riparian corridor.*

Comment: This comment remains relevant. The extent of walling and levels change facing the communal open space and riparian frontage is to be further refined.

- *The voids in the basement to provide deep soil planting in buildings D-F and E-G is supported.*

Comment: This comment remains relevant.

New Comment: Paved areas of private courtyards are considered to encroach into the required setbacks and should not intrude by more than 2.0m to allow the minimum paved (balcony) space as per 4E-1 in the ADG. Paved courtyard areas should not account for more than 40% of the façade length to allow substantial planting between private open spaces.

5. SEPP 65 items to be clarified or revised: These comments/ items listed all remain relevant.

Apartment Design Guide

ADG compliance is not yet considered or adequately demonstrated in many areas. Some items noted at the meeting were:

- *Building separation internally and to boundaries*
- *Cross privacy between units facing into courtyards*
- *Calculation of deep soil provision*
- *Solar access to communal open space at ground level*
- *Adequacy of common facilities*
- *Solar access compliance to ADG definition per development block -*
New Comment The 3D solar diagrams do not state the date and times nor do they demonstrate compliance with ADG. Submitted documents must be meaningful and accurately convey solar access to the main living area and the balcony area not either or.
- *South facing unit compliance*
- *Natural cross ventilation compliance to ADG definition per development block*
New Comment Some of the building blocks have very deep floor plates and apartments with unacceptable internal rooms without access to natural light or ventilation.
- *Provision of ADG compliant floor to floor heights for retail and residential development.*
New Comment ADG Acoustic Privacy 4H / Noise and Pollution 4J need to be addressed

Additional Items

- *Ensure exposed windows are adequately shaded.*
- *Access provisions in event of a lift being out of service*

- Planning of larger units to maximise opportunities for flexibility and amenity of occupants
- Provision of high quality communal open space was not clearly indicated.
- Provide diagrams with accurate metrics indicating landscape provision and deep soil unencumbered by basement car parking and services provision.
- Service vehicle access arrangements

6. Sustainability and Environmental amenity

- The Panel is committed to ensuring that all new development achieves a high and robust level of environmental sustainability and amenity in an increasingly denser and hotter western Sydney. For example, a 40% tree canopy for sites in urban renewal areas is targeted by the GSC (Central City District Plan, Planning Priority C16).

Comment: This comment remains relevant.

- The Showground Precinct LEP and DCP both make numerous references to the need for robust ESD principles to guide the design of new developments. The Panel suggested that development of the envisaged density across the Showground precinct requires a different design paradigm to other parts of Sydney, based on well-considered responses tailored to the rapidly warming western Sydney climate, pronounced topography, existing landscape traits and the socio-cultural characteristics of The Hills LGA.

Comment: This comment remains relevant.

- Beyond satisfying ADG requirements, the Panel recommends that this proposal is reviewed by the applicant with a sustainability engineer and a report prepared that demonstrates how an appropriate suite of passive and active environmental strategies have been integrated into the design of the scheme.

Comment: This comment remains relevant.

7. Architecture and Aesthetics

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

Comment: This comment remains relevant.

- The single architectural treatment proposed for all building facades will accentuate the bulk and scale of the development. For a development of this size a more varied approach is recommended, perhaps with a calmer, streamlined recessive character for setback elements above the fourth floor podium.

Comment: This comment remains relevant. Whilst the architects have provided some variation in the appearance of the buildings, the scheme requires further architectural diversity in order to mitigate it presenting visually as one large, dominant development.

- Provision for significant landscape at the podium roof level to accentuate the setback to upper storeys would also benefit the perception of scale and density within the precinct.

Comment: This comment remains relevant.

- A diversity of architecture should be provided for the built form, to break down the overall perception of the development's size and to introduce variety, fine grain and human scale into the precinct.

Comment: This comment remains relevant. Refer comment above.

- For this project to deliver diversity across the ten development blocks, the Panel considers that at least two and preferably three architectural practices should be engaged to design a number of the buildings. A strategy for how this would be implemented should be prepared for the next Panel meeting.

Comment: This comment remains relevant.

- 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.

Comment: This comment remains relevant. It is unclear why some of the objects are arranged in the landscaped setback as feature items as these objects generally detract from the overall building appearance.

8. Clarity in documentation

The Panel notes that lack of consistency in delivery of information across drawing sets obfuscates what is being provided making the development difficult to review.

Compliance with ADG design objectives and criteria per building block is to be clearly demonstrated.

The ADG clearly illustrates separation distances between building blocks, therefore the design objectives also reasonably apply to individual building blocks within a development.

The Panel notes there is also an application for a Torrens title subdivision for the 10 building blocks into three lots, therefore equitable access to minimum residential amenity per ADG design objectives and criteria should be provided, ideally to each building block.

The Panel recommends the following:

- Provide north points on all drawings containing plans including shadow diagrams.
- Diagrammatic drawings illustrating areas should be accurately reflect what has been designed for example the areas for rooftop open space provision do not correlate with landscape plans which present a more realistic scenario.
- Existing ground level to be shown in all sections.
- Site coverage is to be very clearly illustrated and the methodology taken clearly stated.
- Common open space, deep soil, landscape areas are all to be very clearly illustrated and the methodology taken clearly stated.

SUMMARY OF PANEL RECOMMENDATIONS

Refer to Executive Summary and new comments in this Report.

SUMMARY OF OUTSTANDING MATTERS TO BE RESOLVED PRIOR TO FURTHER REVIEW

These items require sign off from council officers prior to further review, to enable meaningful and relevant discussion on design related matters (rather than planning matters):

- Demonstrate that agency comments that could impact upon the final design resolution have been taken into consideration and resolved prior to design review.
- Location and design treatment of overland flow path
- Improved compliance with site setbacks, including 20m minimum to riparian corridor and further 7.5m boundary setback
- Improved compliance with the DCP pedestrian cross site links
- Calculation of GFA to exclude creek corridor recreational area
- Allocation and distribution of FSR and communal open space across the land holdings
- Location of riparian offset and correct designation of stream Strahler category
- Arborist report
- A concerted effort to provide greater compliance with statutory and other planning controls
- Note: further information may be required by the Development Assessment team to aid with their assessment of the development.

FURTHER CONSIDERATION

The Panel considers that the review of this large project suffers from insufficient time afforded to the consideration of many important design issues.

The Panel recommends the applicant consider the review of the design as per submitted Torrens Title subdivision to allow for focused design review of discrete building blocks subsequent to the resolution of the above noted "Outstanding matters to be resolved prior to further review".

PANEL CONCLUSION

The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence. It is recommended that the applicant addresses the issues

identified in this report and the proposal is again reviewed by DRP prior to submission of Development Application.

The Panel notes the lack of resolution of a number of key planning considerations that impact upon the ability to achieve an acceptable final design for the development. The pre-DA comments included in the report clearly recommended a number of matters that are required to be resolved before submission of the DA. This has not been undertaken. The Panel does not support the proposal in its current form as the proposal does not meet the requirements of design excellence.

As advised in the Panel meeting, the Panel does not 'approve' or 'endorse' proposals, but rather is advisory only with a primary focus on design excellence (urban design, landscape character and built form design quality). An applicant may elect to proceed with the assessment of a DA application without a further Panel meeting and the comments provided by the Panel to date would be considered by the consent authority when determining whether or not the proposal exhibits design excellence under Clause 9.5 of LEP 2019.

**ATTACHMENT 14 – APPLICANT’S RESPONSE TO DESIGN REVIEW PANEL REPORTS
INCLUDING URBAN DESIGN REVIEW**

P E E R R E V I E W R E P O R T

Application:
DEVELOPMENT APPLICATION

Address:
**SITE 1A – 36 CARINGTON ROAD
SITE 1B – 33-39 ASHFORD AVENUE
SITE 1C – 7-13 PARTRIDGE AVENUE
SHOWGROUND PLANNED STATION PRECINCT, CASTLE HILL**

For:
ELLIPSE SHOWGROUND

Prepared by:
FRANK STANISIC, LFRAIA ARB NSW 4480

Meetings:
**Meeting 1 – Monday 24/01/22
Meeting 2 – Friday 28/01/22
Meeting 3 – Monday 31/01/22
Meeting 4 – Wednesday 02/02/22
Meeting 5 – Monday 21/02/22
Meeting 6 – Tuesday 22/02/22**

**ISSUE C
01/03/2022**

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EXECUTIVE SUMMARY

This Peer Review Report focuses on design issues in the latest Design Review Panel (DRP) Report of 24 November 2021 and related architectural documentation, and refers to outstanding matters in earlier meeting panel reports where applicable.

Compliance with design quality as outlined in the NSW Apartment Design Guide (ADG) is reviewed to understand the extent of the resolution of design issues and assist Hills Shire Council in its assessment of the development. Urban design issues have been referred to the Urban Design Peer Report prepared by other consultants, where considered appropriate.

The Applicant has undertaken a comprehensive Peer Review process comprising architectural, landscape, urban design and planning experts to achieve compliance of the development with the ADG. The drawings submitted to the DRP on 24 November 2021 have been revised and reissued with this Peer Review Report. The responses to issues are supported by documentation, referenced to such as architectural and landscape drawings, diagrams, illustrations and related reports.

The supporting documentation demonstrates that the development does comply with the design quality objectives, design criteria and design guidance of the ADG, and in many key areas in fact exceeds design criteria and design guidance, eg deep soil area, common open space, natural cross ventilation, solar access to common open space and public thru site links.

This report does not comment on Design Excellence as noted in the Hills Local Environment Plan 2019 (HELP 2019) Part 9, section 9.5 Design Excellence as its scope is limited to design quality related to architectural and landscape design; which does not include other matters in the Hills Local Environment Plan 2019 relating to architectural design, urban and landscape design that are required to be considered whether the development exhibits design excellence.

The Peer Review Report demonstrates clearly that in exceeding the minimum criteria for design quality for residential flat buildings for many items in the ADG the proposed development is capable of achieving design excellence.

1.0 BACKGROUND

This Peer Review report for the proposed Development Application DA169/2019/PRE for multiple sites at Site 1a - 36 Carrington Road, Site 1b - 33-39 Ashford Avenue and Site 1c - 7-13 Partridge Avenue in the Showground Planned Station Precinct, Castle Hill was prepared at the request of Ellipse Showground.

The Peer Review report is based on the full set of revised architectural documentation prepared by Tony Owen Partners issued November 2021 comprising setbacks and building separators, access strategy and thru site link, site diagrams, Cattai Creek and landscape, envelope and building depth, internal circulation diagrams, urban design and revised loading strategy - bldgs A, B and C, façade articulation and diversity, unit layout improvements, perspectives, ADG compliance - solar diagrams, ADG compliance - ventilation diagrams, ADG compliance - shadow diagrams, plans and elevations – bldgs A, B, C, D, E, F and G. It focuses on compliance with the objectives, design criteria and design guidance of the NSW Apartment Design Guide (ADG), and refers to Council's planning instruments where relevant.

2.0 DESCRIPTION OF THE SITE AND PROPOSAL

The Development Application is for a residential apartment development comprising 7 buildings of 4 to 12 storeys containing 778 residential apartments with a mix of 169 x 1 bed, 270 x 2 bed, 182 x 2 bed (L), and 79 x 3 bed, 78 x 3 bed (L), ground level retail and basement parking.

The site area is 32,241sqm comprising approx. 25,724sqm in Zone R4 - High Density and 6,517sqm in the RE 1 Zone, (Cattai Creek). The maximum allowable FSR and HOB vary across the site. The overall allowable FSR is 2.86:1 (92,490sqm GFA) and the proposed overall FSR is 2.52:1 (81,140sqm GFA). The maximum LEP heights are 40m (A, D + F) and 27m (bldgs B, C, E + G).

The site is eligible for an incentive FSR based on minimum site area, apartment mix incorporating larger 2 and 3 bed apartments and achievement of design excellence. The LEP incentive FSR is 3.1:1 (bldgs A, D + F) and 2.7:1 (bldgs B, C, E + G).

The site is subject to the following instruments and guidance:

The Hills Local Environmental Plan 2012 (HLEP)
The Hills Development Control Plan 2012 (HDGP)
Apartment Design Guide (ADG)

3.0. DESIGN REVIEW PANEL ISSUES

The project has been reviewed by the Design Review Panel (DRP) on 30/08/2019 (Pre-DA Meeting), 08/12/2020, 23/06/2021, 28/07/2021 and 24/11/2021.

Summary of key ADG issues raised by the DRP in its final report of 24/11 2021:

- setbacks and building separations (2F,2H,1A,1B,1C)
- access strategy and thru/cross site link (3D)
- deep soil (3E)
- landscape area (4O)
- communal open space (3D)
- landscape and public domain (4O)
- envelope and building depth (2E,2F)
- internal circulation diagrams (common circulation) (4F)
- urban design and revised loading strategy – bldgs A, B, C (3H,3J)

- visual and acoustic privacy (revised central corner unit privacy) (3F,3H)
- façade articulation and diversity (4M)
- internal layout improvements (4D)
- bulk and scale (perspectives)
- solar access (4A)
- ventilation (4B-3)
- shadowing (4A)

Summary of additional ADG issues raised by the DRP in its reports of 30/08/2019 (Pre-DA Meeting), 08/12/2020, 23/06/2021 and 28/07/2021.

- precinct planning, appreciation and response to context
- site planning and built form strategy
- site coverage and landscaped open space
- clarification of compliance with key controls – height, density, setbacks, apartment mix and building design
- landscape design – public domain, private domain
- driveways within side setback areas
- SEPP 65 items to be clarified or revised – apartment design guide, additional items
- sustainability and environmental amenity
- building depths
- architecture and aesthetics
- clarity in documentation – drafting errors and unreadable drawings
- cross link and overland flow path
- unresolved planning issues pertaining to FSR
- marketability of apartments
- appropriate location of services and service facilities
- internal planning issues
- habitable rooms and no windows
- lack of flexibility and amenity in room layouts and use
- convoluted common and internal corridors
- cross privacy concerns
- privacy screening limiting solar access

4.0 DESIGN COMPLIANCE

4.1 SETBACKS AND BUILDING SEPARATIONS (2F,2H,1A,1B,1C-ADG)

Issue

Does increased minimum building separation to achieve minimum ADG requirements meet market expectations in the Hills LGA where enhanced building separation and privacy coupled with more generous green buffers between buildings are both highly valued and expected?

Response

Market expectations have been satisfied. Research has been undertaken and feedback provided by local and metropolitan real estate agents.

Issue

The setbacks to the riparian corridor are non-compliant with the DCP, which support the intended future landscape character of riparian corridor public open space in the Showground residential precinct.

DCP setbacks beyond the 20m Riparian zone are non-compliant and inadequate as currently presented. The proposed averaging does not provide adequate interface and has the effect of privatising public land. Strict compliance with the DCP interface setback requirements is recommended.

Response

Refer to the Urban Design Peer Review Report for responses to compliance of setbacks to the riparian corridor.

The proposed landscape character is consistent with the future landscape character of Cattai Creek riparian corridor public open space in the Landscape Masterplan prepared by McGregor Coxall, as shown on pps 47 and 48. The proposal incorporates the location of the linear footpath and two bridges in the riparian zone. The curvilinear line is an averaging of the setback to Cattai Creek and enhances the relationship of open space and buildings to the creek.

References

Architectural drawings prepared by Tony Owen Architects:

1. Riparian Setback Diagram 2 Rev E Feb 2022.
2. Setback Diagram Typical LVL(G-3) Rev E Feb 2022.
3. Setback Diagram Typical LVL(4-7) Rev E Feb 2022.

Landscape drawings prepared by Site Image:

1. Landscape Masterplan.

Others:

2. Urban Design Peer Review Report prepared by SJB dated Feb 2022.
3. Cattai Creek Masterplan Pg 47 and 48.

Issue

Required setbacks should be clearly indicated on the site plans of both the landscape and architectural drawing sets.

Response

Multi-architectural plans for lower levels (LG-3), middle levels (L4-7) and upper levels (L8+) have been updated to clearly show that front setbacks, side setbacks, rear setback and building separation comply with ADG design controls.

Landscape plans have been updated to be consistent with the architectural plans.

References

Architectural drawings prepared by Tony Owen Architects:

1. Setback Diagram Typical LVL(G-3) Rev E Feb 2022.
2. Setback Diagram Typical LVL(4-7) Rev E Feb 2022.

Landscape drawings prepared by Site Image:

1. Landscape Masterplan.

Issue

Concern by the non-compliance with the required setbacks due to the built form, bulk and scale impacts on the special character vision for the adjacent public domain of the riparian creek corridor. These non-compliances contribute to the excessive bulk and scale due to the large building footprints. Consider upper levels setbacks to mitigate the bulk and scale of development blocks when viewed from within Ashford Avenue and Caddies Creek Reserve.

Response

Upper-level setbacks provided for bldgs A, B and C; and further setbacks for bldg A B, D and F have been provided on upper levels in line with DRP suggestions. These setbacks are in addition to the DCP required setbacks.

The bulk and curvilinear building form has been inspired by the special character and vision of the Cattai Creek Riparian Park. Refer to the Urban Design Review Report for responses to compliance of setbacks to the riparian corridor.

References

Architectural drawings prepared by Tony Owen Architects:

1. Setback Diagram Typical LVL(G-3) Rev E Feb 2022
2. Setback Diagram Typical LVL(4-7) Rev E Feb 2022
3. Blue drawings

Others:

1. Urban Design Peer Review Report prepared by SJB dated Feb 2022.

Issue

Setbacks to Ashford Avenue remain inconsistent with the objectives and controls of DCP, Part D19.

Response

Setbacks to bldgs D and E to Ashford Avenue at ground level to revised to be consistent with the objectives and controls of DCP, Part D19 relating to street setbacks. Transitional communal open space to the street been reduced and publicly accessible open space has been increased. Refer to architectural plans showing 'before and after'.

Notations added to Setback and Separation Plans to clearly show compliance with design guidance and design criteria for 3F: Visual Privacy, and that building separation complies with the controls in 2F: Building Separation.

In some cases, the building separation has exceeded the ADG control, for example, the required ADG building setback for the U-shaped form of bldg C is 18m, while 24m is achieved. Setback and building separation drawings have been revised to include annotations in accordance with the ADG to clarify building separation compliance and exceedance.

The balustrades on the west elevation revised to replace the masonry wall with timber slats. The ground floor courtyards redesigned in accordance with part D19, DCP to reduce the depth of the courtyards.

References

Architectural drawings prepared by Tony Owen Architects:

1. Courtyard/ Public Domain Before and After Rev E Feb 2022
2. Building C Acoustic Privacy issues Rev E Feb 2022.
3. Building Separation Rev E Feb 2022.
4. Building D west elevation before and after set Rev E Feb 2022.

Issue

Paved areas of private courtyards encroach into the required setbacks and should not intrude by more than 2.0m to allow the minimum paved (balcony) space as per 4E-1 in the ADG. Paved areas should not account for more than 40% of the façade length to allow substantial planting between private and public open space to achieve a clear zone of 5.5m to the building line, or 3.5m where indented car parking occurs.

Response

Facade length of paving on Ashford Avenue has been reduced and planted added.

Landscape plans revised to comply with metrics. Landscape design satisfactorily revised to reduce the paving length adjacent to public open space or areas. All public /private interfaces have landscape buffers.

References

Landscape drawings prepared by Site Image:

1. Landscape- Ground Floor General Arrangement Plan 1 Rev J Feb 2022.
2. Landscape- Ground Floor General Arrangement Plan 2 Rev J Feb 2022.
3. Landscape- Ground Floor General Arrangement Plan 3 Rev J Feb 2022.

Architectural drawings prepared by Tony Owen Architects:

1. Ground floor Courtyard before and after Rev E Feb 2022.

Issue

To facilitate a landscaped streetscape that can accommodate trees, and: to provide residential activation to streets, ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm.

Response

The setback area in front of bldg D revised to facilitate a landscaped streetscape. Cross section, based on the revised plan shows elevated ground level. Refer to 'before and after' elevations.

References

Landscape drawings prepared by Site Image:

Landscape- Hills Showground Precinct Ashford Avenue Section Rev A Feb 2022.

Architectural drawings prepared by Tony Owen Architects:

1. Ground floor Courtyard before and after Rev E Feb 2022.
2. Building D west elevation before and after Rev E Feb 2022.

Issue

The continued non-compliance with the required setbacks and deep soil treatments for street frontages and riparian corridor as specified in the DCP is inconsistent with achieving design excellence under HLEP clause 9.5 Part 4 (f) – (iii), (vi), (x), (xii).

Response

Plans revised to achieve compliance with required setbacks and deep soil treatments for street frontages and the riparian corridor.

The achieved deep soil is 17.5% (2,572sqm) which exceeds the ADG requirement of 15%. Note that the RE1 area - 6517m² is not included in the deep soil calculations and form part of the site. This area will be ultimately dedicated to public use however when considered the deep soil of the subject site would an increase by 25% to 42.5%.

References

Architectural drawings prepared by Tony Owen Architects:

1. Deep soil diagram Rev E Feb 2022.

Issue

Courtyard provision to bldg D is extensively paved and also separated from the public domain by a level change of 950mm; it is intended to be part of the public domain and is not intended to be privatised. This is inconsistent with the objectives of the DCP which seeks to enable a pedestrian friendly activated public domain on keeping with principle of TOD development.

Response

The courtyard revised to enable a pedestrian friendly public domain. Paving has been significantly reduced across all courtyards/

References

Landscape drawings prepared by Site Image:

1. Landscape- Hills Showground Precinct Ashford Avenue Section Rev A Feb 2022.

Architectural drawings prepared by Tony Owen Architects:

1. Ground floor Courtyard before and after Rev E Feb 2022.

4.2 ACCESS STRATEGY AND THRU SITE LINK (3D-ADG)

Issue

The combined cross site link and overland flow path design path is not a resolved design and documentation level suitable for DA assessment. Design excellence under HLEP clause 9.5 Part 4 has not been achieved.

Response

The combined thru-site link (south) revised to clearly separate communal open space and public open space.

Flooding and stormwater design previously resolved. Refer to documentation previously submitted to Council.

References

Architectural drawings prepared by Tony Owen Architects:

1. Open Space Typologies Rev E Feb 2022.

Landscape drawings prepared by Site Image:

1. Landscape- Ground Floor General Arrangement Plan Rev J Feb 2022.

Others:

1. Flood Report submitted on 11/08/2021.

Issue

The cross-site link (north) proposed by the Applicant impinges upon residential communal open space provision and further that the division between public and private realms has not been articulated - this is not reflective of good design.

The number of cross links appears to compromise the residential ground plane, communal open space and ability to provide for substantial tree planting. Rationalise the public and private access to and through the development sites to provide a well balanced benefit to residents and the general

public and ADG compliant communal open space provision for residents independent from public thoroughfares. It must be provided to satisfy ADG standards in a combination of ground level and roof level areas.

Cross site links, both public and private, are to be fully accessible and equitable.

A fully accessible report is recommended for the overall site and the individual building blocks including all paths of circulation and entry and egress to all main lobbies for each building block.

The proposed cross-site link provision is non-compliant and inconsistent with achieving design Excellence as described in Hills LEP clause 9.5 Part 4 (f) –(iv), (ix,) (x,) (xii).

Response

The cross-site link (north) proposed by the Applicant retained and revised to achieve good design by reconfiguring the cross-site link, separating private and public open space, increasing the area of deep soil (by redesigning the basements to E+G and D+F) increasing common open space and retaining public pedestrian connectivity.

The thru-site link (north) revised to clearly separate communal open space and public open space - deep soil area has been increased; planters added; access pathway utilising complying ramps and pedestrian lift added; and fencing to separate communal open space and public areas added. An access was submitted with the application and an updated Access report/letter is now provided to reconfirm that compliance and equitability has been achieved.

References

Architectural drawings prepared by Tony Owen Architects:

1. Open Space Typologies Rev E Feb 2022.
2. GF Communal open space Rev E Feb 2022.
3. Thru site link before and after comparison Revision E Feb 2022.

Landscape drawings prepared by Site Image:

1. Landscape Fencing Rev J Feb 2022.

Others:

1. Accessibility letter shared on the 24/02/2022

Issue

Cross-site links, both public and private, are to be fully accessible and equitable and are inconsistent with design excellence under HLEP clause 9.5 Part 4.

Response

Fully accessible and equitable pathway to public and communal areas, utilising complying ramps and pedestrian lift has been included in the thru-site links (south and north).

Architectural drawings prepared by Tony Owen Architects:

1. Open Space Typologies Rev E Feb 2022.
2. GF Communal open space Rev E Feb 2022.
3. Thru site link before and after comparison Revision E Feb 2022.

Landscape drawings prepared by Site Image:

1. Landscape Fencing Rev J Feb 2022.

Others:

1. Accessibility letter shared on the 24/02/2022

4.3 SITE DIAGRAMS (AND CALCULATIONS)

Issue

The Panel reiterates previous advice that the ADG sets out the minimum criteria for residential flat buildings, and there is no legitimate reason why this is not achieved or exceeded on greenfield sites in the Showground precinct. This has yet to be clearly demonstrated to the Panel or Council.

Response

The Applicant has undertaken a comprehensive Peer Review process, comprising architectural, landscape and urban design experts to achieve compliance of the development with the ADG. The drawings submitted to the DRP on 24 November 2021 have been revised and reissued with the Peer Review reports.

The revised drawings show that the development complies with the design quality objectives, design criteria and design guidance of the ADG, but in many key areas exceeds design criteria and design guidance, eg deep soil area, common open space, natural cross ventilation, solar access and public accessways.

References

Architectural drawings prepared by Tony Owen Architects:

1. Open Space Typologies Rev E Feb 2022.
2. COS Roof 2HR solar Rev E Feb 2022.
3. Site Coverage Area Rev E Feb 2022.
4. Landscape Area Rev E Feb 2022.
5. Deep soil Diagram Rev E Feb 2022.
6. GF Communal open space Rev E Feb 2022.
7. Solar Diagrams Rev E Feb 2022.
8. Ventilation Diagrams Rev E Feb 2022.
9. Building Separation Rev E Feb 2022.

Landscape reference prepared by Site Image:

1. Landscape Peer review report.

Others:

1. Urban Design report prepared by SJB dated Feb 2022.

4.3.1 Deep Soil (3E-ADG)

Issue

Deep soil calculations are inaccurate and inconsistent with the design criteria in the ADG.

Response

Deep soil calculations checked and revised. The deep soil provided exceeds the ADG requirement.

The deep soil calculation is 4,435sqm, 17.2% site area of 25,274sqm, compared to 3,806sqm, ie 15%, required by the ADG. Note that the RE1 area - 6517m2 is not included in the deep soil calculations and form part of the site. This area will be ultimately dedicated to public use however when considered the deep soil of the subject site would an increase by 25% to 42.5%

Note: the deep soil calculation includes deep soil in private open space such as courtyards, as well as in communal open space and publicly accessible open space such as street interface area. It excludes areas less than 6m width. This is accepted practice in approved developments in the Showground Precinct.

Deep soil increased to achieve compliance with the guidance in 3E, ADG. It has been increased by converting the area of hard paving in the common open spaces and thru site links (north and south) to planting; and converting the basements below the thru site link (north) to deep Soil.

References

Architectural drawings prepared by Tony Owen Architects:

1. Deep soil Diagram Rev E Feb 2022.

Issue

Confirm that the extent of deep soil provision within each site complies with ADG minimum area provision.

Response

The deep soil calculation applied to the total site as there is no subdivision of the land into individual sites.

References

Architectural drawings prepared by Tony Owen Architects:

1. Deep soil Diagram Rev E Feb 2022.

Issue

Majority of deep soil areas do not achieve minimum 6m width to be able to be included in deep soil calculations.

Response

Deep soil areas revised to achieve minimum 6m width.

References

Architectural drawings prepared by Tony Owen Architects:

1. Deep soil Diagram Rev E Feb 2022.
2. Thru site link before and after comparison diagram Rev E Feb 2022.

Issue

Account for the 'Urban Heat Island' effects and not further exacerbate temperature rise.

Response

The temperature rise reduced by mitigating the 'Urban Heat Island' effects by planting on roof terraces (green roofs); tree canopies to shade the ground and create cooling effects; ground level planting and groundcover.

While there are no clear guidelines for tree canopy, the development achieves 42% tree canopy compared to 25% tree canopy target for high density developments in the Greener Places Design Guide by the Government Architect of NSW.

References

Architectural drawings prepared by Tony Owen Architects:

1. Before and after roof tops Revision D Nov 2021.

Landscape reference prepared by Site Image:

1. Tree Canopy Coverage Rev A Feb 2022.

Others

1. Heat Island extract from sustainability report prepared by Stantec Rev A Oct 2020

Issue

Deep soil provision non-compliance is inconsistent with achieving design excellence under HELP clause 9.5 Part 4.

Response

Deep soil calculations checked and revised. The deep soil provided substantially exceeds the ADG requirement. Refer to Section 4.3.1

References

Architectural drawings prepared by Tony Owen Architects:

1. Deep soil Diagram Rev E Feb 2022.

4.3.2 Landscape Area (4O-ADG)

Issue

Render only areas that comprise soft landscaping or deep soil provision in green – extensive parts of the proposed landscape are comprised of hard paved areas.

Response

Landscape dwgs revised to show in green the soft landscaping and deep soil provision. The area of hard paving has been significantly reduced.

References

Landscape reference prepared by Site Image:

1. Hardscape Plan- Ground Floor-1 Rev J Feb 2022.
2. Hardscape Plan- Ground Floor-2 Rev J Feb 2022.
3. Hardscape Plan- Ground Floor-3 Rev J Feb 2022.

Issue

Clearly illustrate riparian corridor "top of bank" setback and primary DCP setback on the drawings. Setbacks missing from the diagram.

Response

Landscape dwgs revised to clearly illustrate riparian corridor, 'top of bank' setback and primary DCP setback. Indicate setbacks on the diagram and plans.

References

Architectural drawings prepared by Tony Owen Architects:

1. Riparian Setback Diagram LR &HR Rev E Feb 2022.

Landscape reference prepared by Site Image:

2. Landscape masterplan Rev J Feb 2022.

Issue

Do not include in landscape diagrams public cross site link as part of the communal open space calculation.

Response

Landscape diagrams of the cross-site links (south and north) have been revised to clearly differentiate communal open space and public open space.

References

Architectural drawings prepared by Tony Owen Architects:

1. Open Space Typologies Rev E Feb 2022.
2. GF Communal open space Rev E Feb 2022.
3. COS Ground Floor 2 hr Solar Rev E Feb 2022.

Issue

ADG compliant communal open space provision for residents should be independent from public thoroughfares. It must be provided to satisfy ADG standards in a combination of ground level and roof level areas.

Response

Landscape Diagrams and Plans have been revised to delete the publicly accessible cross site links (north and south) as part of communal open space. Separation between these areas has been identified in the fencing drawings provided by the Architect and Landscape Architect.

References

Architectural drawings prepared by Tony Owen Architects:

1. GF Communal open space Rev E Feb 2022.
2. Roof- Communal open space Rev E Feb 2022.
3. COS Ground Floor 2 hr Solar Rev E Feb 2022.
4. COS ROOF 2H SOLAR Rev E Feb 2022.

Landscape reference prepared by Site Image:

1. Fencing diagram Rev J Feb 2022.

Issue

Landscape area provision non-compliance is inconsistent with achieving design excellence under HLEP clause 9.5 Part 4 (f) – (vii) (viii), (xii), (xiii).

Response

Landscape area provision has been revised.

References

Landscape reference prepared by Site Image:

1. Landscape Masterplan Rev J Feb 2022.

Architectural drawings prepared by Tony Owen Architects:

1. Landscape Diagram Rev E Feb 2022.

4.3.3 Communal Open Space (3D, 4P-ADG)

Issue

DRP supports the communal open space provision on all roof levels.

Response

Communal open space revised to achieve consistency of information.

The achieved total common open space is 10,255sqm, comprising 5,610sqm at ground and 4,645sqm on roof terraces compared to 6,431sqm ADG and 7,780sqm DCP.

References

Architectural drawings prepared by Tony Owen Architects:

1. COS Ground Floor 2 hr Solar Rev E Feb 2022.
2. COS ROOF 2H SOLAR Rev E Feb 2022.

Issue

Solar access is not provided to 'useable' parts of the communal open space.

Response

Architectural plans revised to clearly show solar access to 'useable' parts of communal open space. 92% (5,960sqm) of 'useable' communal open space has solar access at the mid-winter between 9am and 3pm. This is broken into 1,391sqm at ground level and 4,569sqm at roof terraces. The majority of solar access at ground level is located adjacent bldgs A, B and C, at the riparian zone, and adjacent to bldg F at Ashford Avenue.

References

Architectural drawings prepared by Tony Owen Architects:

1. COS Ground Floor 2 hr Solar Rev E Feb 2022.
2. COS ROOF 2H SOLAR Rev E Feb 2022.

Issue

Access to communal open space allocation is unclear due to proposed Torrens title subdivision.

Response

Access to communal open space allocation is shown clearly.

References

Subdivision Plan prepared by Project Surveyors:

1. Subdivision Plan Rev D0457 Feb 2022

Issue

ADG compliant communal open space provision for residents should be independent from public thoroughfares. It must be provided to satisfy ADG standards in a combination of ground level and roof level areas.

Response

Plans revised to show compliant communal open space, independent from public thoroughfares.

References

Architectural drawings prepared by Tony Owen Architects:

1. COS Ground Floor 2 hr Solar Rev E Feb 2022.
2. COS ROOF 2H SOLAR Rev E Feb 2022.
3. Roof tops Rev D Nov 2021.

Subdivision Plan prepared by Project Surveyors:

1. Subdivision Plan Rev D0457 Feb 2022

Issue

Some communal open space such as isolated pathway are less than minimum ADG compliant width of 3m and not useable for outdoor recreation and should be excluded from COS calculations.

Response

Communal open space revised to exclude isolated pathways less than width of 3m from calculation.

References

Architectural drawings prepared by Tony Owen Architects:

1. COS Ground Floor 2 hr Solar Rev E Feb 2022.
2. COS ROOF 2H SOLAR Rev E Feb 2022.

Issue

Lack of information regarding provision of communal open space is inconsistent with achieving design excellence under HLEP clause 9.5 Part 4.

Response

Communal open space calculations checked and revised to achieve compliance with the ADG/

References

Architectural drawings prepared by Tony Owen Architects:

1. COS Ground Floor 2 hr Solar Rev E Feb 2022.
2. COS ROOF 2H SOLAR Rev E Feb 2022.

4.4 Landscape and Public Domain (4O - ADG)

Issue

Lack of resolution of issues relating to landscape and public domain is inconsistent with achieving design excellence.

Response

Landscape and public domain design checked and revised to resolve design issues.

The proposed Landscape Masterplan has been remodelled and interface landscape areas on Ashford Avenue, thru site links and adjacent to the riparian zone revised to achieve compliance with the ADG and DCP. Hard paved areas have been reduced and replaced with planting.

References

Landscape reference prepared by Site Image:

1. Landscape Masterplan Rev J Feb 2022.
2. Landscape Hardscape Plan 1 Rev H Feb 2022.
3. Landscape Hardscape Plan 2 Rev H Feb 2022.
4. Landscape Hardscape Plan 3 Rev H Feb 2022.

4.5 ENVELOPE AND BUILDING DEPTH (2E, 2F- ADG)

Issue

Building envelopes are too bulky. Consequence of non-compliance with setback controls, minimum ADG distance separation being achieved through use of screening and development yield – not acceptable urban and environmental design, public amenity and residential design.

Response

No non-compliances with setback controls. Refer to Setback Diagrams. No screening used to achieve visual privacy due to non-compliance with minimum ADG distance separation. Screening used for shading and to add detail to the external appearance of the buildings. Refer to screen details in legends on elevations.

References

Architectural drawings prepared by Tony Owen Architects:

1. Setback Diagram Typical LVL(G-3) Rev E Feb 2022.
2. Setback Diagram Typical LVL(4-7) Rev E Feb 2022.
3. Building Separation Rev E Feb 2022.

Issue

Deeper L-shaped floor plates for bldgs A, B and C have greater difficulty in achieving compliance with ADG.

Response

Compliance achieved with the ADG for deeper L-shaped floor plates for bldgs A, B and C. Some reduction in floor plates of bldgs. A, B and C as shown on 'before and after' Envelope and Building Depth Plans.

References

Architectural drawings prepared by Tony Owen Architects:

1. Blue drawing Rev E Feb 2022.
2. Compliance table.

Issue

Resolve site planning and built form as previously advised.

Response

Refer to Urban Design Peer Report for response to site planning and built form issues noted in item 2, Site planning and built form strategy (p4) in DRP report of 08 December 2020.

Improvements made to thru site ways, communal courtyards, street interface, solar access to common open space and landscape adjacent to riparian zone.

References

Architectural drawings prepared by Tony Owen Architects:

1. Open Space Typologies Rev E Feb 2022.
2. COS Roof 2HR solar Rev E Feb 2022.
3. Solar Diagrams Rev E Feb 2022.
4. Ventilation Diagrams Rev E Feb 2022.

Others:

1. Urban Design report prepared by SJB dated Feb 2022.

4.6 COMMON CIRCULATION (4F-ADG)

Issue

Rationalization of internal circulation corridors and apartment planning has resulted in significant improvement in planning of typical levels.

Response

Note.

References

Architectural drawings prepared by Tony Owen Architects:

1. Internal circulation diagrams Nov 2021.

4.7 URBAN DESIGN AND REVISED LOADING STRATEGY- BLDGS A, B, C (3H, 3J-ADG)

Issue

Vehicular entries should be fully integrated into building envelopes for streetscape quality.

Response

Revised loading strategy accepted; vehicular entries have been fully integrated into building envelopes. Apartments added to lower ground levels.

References

Architectural drawings prepared by Tony Owen Architects:

1. Loading Strategy Drawings Nov 2021.

Issue

On-site vehicular circulation and on-grade parking dominates the communal open space, notwithstanding level change, and should be reconsidered. Vehicular entries should be accessed directly from the street and integrated within the built form to increase useable common open space.

Response

On-site vehicular circulation, on-grade parking and vehicular entries revised to integrate within the built form to increase useable common open space.

References

Architectural drawings prepared by Tony Owen Architects:

1. Loading Strategy Drawings Nov 2021.

4.8 REVISED CENTRAL CORNER UNIT VISUAL AND ACOUSTIC PRIVACY (3F, 4H-ADG)

Issue

Deeper floor plates of buildings A, B and C face greater difficulty in achieving compliance with the visual and acoustic privacy with the ADG as a result of deep, L-shaped floors, building shape and internal planning.

Response

Refer to Section 4.5 responses.

Compliance with ADG achieved for deeper floor plates of bldgs A, B and C.

Floor plates of bldgs A, B and C revised to improve visual and acoustic privacy.

References

Architectural drawings prepared by Tony Owen Architects:

1. Building C Acoustic and Privacy Issues Rev E Feb 2022.
2. Compliance table.

Issue

No detail of screening to achieve adequate visual privacy and acoustic privacy issues due to adjacency of balconies to windows which is not consistent with the ADG.

Response

Refer to Section 4.5 responses. Screening in the design is purely aesthetic and not required for visual privacy. Acoustic privacy detail updated on building C drawings.

References

Refer to Section 4.5 responses.

Issue

Revisions to internal planning commended, but continual lack of compliance with design guidance and controls is inconsistent with design excellence in HLEP clause 9.5 Part 4 (f) – (v), (vii).

Response

Internal planning achieves compliance with the design guidance of the ADG.

References

Architectural drawings prepared by Tony Owen Architects:

1. Layouts Improvements Rev D Nov 2021.

4.9 FAÇADE ARTICULATION AND DIVERSITY (4M- ADG)

Issue

Acknowledge strategy provided for adjusting the façade design between certain buildings. Diversity of architecture should be provided for built form to break down overall perception of the development size and introduce variety, fine grain and human scale into the precinct. Several different architects required for development of this size and scale to ensure a genuinely diverse architectural character is achieved.

Response

Elevations revised to break down overall perception of the development size.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Diversity report Rev D Nov 2021.

Issue

Mitigate the bulk and scale of the built form.

Response

Elevations revised to break down overall perception of the development size. The bulk of the built form has been mitigated by the curvilinear shape of bldgs. A, B and C; and modulation, articulation and materiality of buildings D, E, F and G.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Diversity report Rev D Nov 2021.

Issue

Group individual HVAC condenser units in discreet locations on typical floors or consolidate in well concealed central roof plant locations balconies to address detrimental impacts upon the appearance of the development and amenity to residents.

Response

HVAC condenser units located discreetly on balconies screened with timber slat and metal screens. Refer to floor plans.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Diversity report Rev D Nov 2021.

Issue

Reduce over-reliance on applied façade finishes including extensive use of painted render and Concrete as a means of providing architectural diversity.

Response

Elevations and built form revised to provide architectural diversity.
Refer to Diversity Report.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Diversity report Rev D Nov 2021.

Issue

Lack of genuine procurement of acceptable architectural diversity is inconsistent with design excellence in HLEP clause 9.5 Part 4 (f) – (iv), (v), (xi).

Response

Elevations and built form revised to achieve architectural diversity.
Refer to Diversity Report.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Diversity report Rev D Nov 2021.

4.10 INTERNAL LAYOUTS (UNIT LAYOUT IMPROVEMENTS) (4D-1, 2, 3, 4, 5-ADG)

Issue

Internal layouts require improvements.

Response

Design team has undertaken an independent peer review process and extensive revisions to internal apartment layouts in many areas. Revised plans offer a sound basis for continued design and planning refinement.

References

Architectural drawings prepared by Tony Owen Architects:

1. Layouts Improvements Rev D Nov 2021.

Issue

The proposal does not conform to with ADG recommended floor to floor heights for proposed retail and residential uses. Floor to floor heights should be no less than 3.1m and the Panel recommends that ADG guidance be followed. Refer to figure 4C.5.

Response

Floor to floor heights revised to achieve 3.1m for residential and 3.6m for retail.

References

Architectural drawings prepared by Tony Owen Architects:

1. Combined elevations Rev D Nov 2021.

Issue

The Panel commends the Applicant for the revisions to the internal planning but notes the continual lack of compliance with statutory design guidance and controls is in the opinion of this Panel inconsistent with achieving design excellence in the Hills LEP clause 9.5 Part 4 (f) - (v).

Response

The internal planning achieves compliance with the design guidance of the ADG.
Refer to section 4.5 for responses.

References

Refer to section 4.5 for responses.

4.11 BULK AND SCALE (PERSPECTIVES)

Issue

Built form is too bulky. Address with more pronounced built form articulation and a different façade character for portions of buildings that are above the primary lower elements (bldgs A, D, E, F and G). Upper elements to have end setbacks of at least 3 metres to reduce the unrelieved end wall and height between blocks. Implement measures to mitigate bulk and scale of bldgs D, F and A on Carrington Road street frontage. Further measures and façade articulation required for bldgs D, F and A to mitigate height bulk and scale on Carrington Road.

Response

Additional measures such as more pronounced modulation, articulation and materiality of the built form of the facades bldgs, A, D, E, F and G introduced to mitigate bulk and scale on Carrington Road. Upper elements of bldgs D, F and A have been revised to have end setbacks of at least 3 metres to reduce the unrelieved end walls.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Envelope and Building Depth Rev D Nov 2021.

Issue

Engage different architects for at least three stages to mitigate the impact of bulk and scale and achieve high design quality through genuine diversity.

Response

While different architects have not been engaged to design individual buildings, different architects engaged to review and develop unit layouts; and other architects, urban designers and planners engaged to conduct peer design review of ADG compliance and urban design.

References

Architectural drawings prepared by Tony Owen Architects:

1. Façade articulation Rev D Nov 2021.
2. Diversity report Rev D Nov 2021.

4.12 SOLAR ACCESS (4A-ADG)

Issue

Unclear solar diagrams to demonstrate that solar compliance is achieved as per ADG requirements. Insufficient information to accurately assess solar access. Provide shadow plans and

legible sun-eye diagrams illustrating 21 June at half hour intervals between the hours of 9am and 3pm. Show date and time on each plan. Clarify discrepancies between sun-eye views and floor plans.

Response

Additional shadow plans and legible sun-eye diagrams provided for each building. Discrepancies checked and clarified. Solar compliance is achieved and acceded.

References

Architectural drawings prepared by Tony Owen Architects:

1. Solar diagram Rev E FEB 2022.
2. Envelope and Building Depth Rev D Nov 2021.

Issue

Compliance with the ADG design objectives and criteria for solar access is to be clearly demonstrated for each building) not averaged over entire stage or development to achieve design excellence under HLEP clause 9.5 Part 4 (f) – (vii), (viii).

Response

Solar access diagrams and schedules provided for buildings on east side and west side of Ashford Avenue.

References

Architectural drawings prepared by Tony Owen Architects:

1. Solar diagram Rev E FEB 2022.
2. Envelope and Building Depth Rev D Nov 2021.

Issue

Analysis must demonstrate and tabulate impacts on all proposed and existing adjacent developments. Demonstrate detailed metric compliance with relevant controls. Lack of adequate documentation is inconsistent with design excellence in HLEP clause 9.5 Part 4 (f) – (vii), (viii).

Response

Additional sun-eye views and elevations provided to show impact of development on solar access of Deicorp development adjacent to the southern boundary of site. 81% of north elevation achieves solar access at mid-winter between 9.00am and 3.00pm indicating that the impact on solar access of living areas and private open space in the Deicorp development is not significant.

References

Architectural drawings prepared by Tony Owen Architects:

1. Neighbouring Property North Elevation Solar Study Rev E Feb 2022.

4.13 VENTILATION (4B-3, ADG)

Issue

Demonstrate compliance of alternative solutions to achieve natural cross ventilation in some apartments which do not fall under ADG definition.

Response

No alternative solutions required as non-standard natural cross ventilation in apartments deleted. Compliance is achieved and exceeded.

References

Architectural drawings prepared by Tony Owen Architects:

1. Ventilation Drawing Rev E Feb 2022.

Issue

Compliance with the ADG design objectives and criteria for ventilation is to be clearly demonstrated for each building) not averaged over entire stage or development in order to achieve compliance with design excellence under HLEP clause 9.5 Part 4 (f) – (vii), (viii).

Response

Ventilation diagrams and schedules showing compliance with the ADG prepared for each building.

References

Architectural drawings prepared by Tony Owen Architects:

1. Ventilation Drawing Rev E Feb 2022.

4.14 SHADOWING (4A-ADG)

Issue

Shadow diagrams clearly illustrate the impact of the bulk and massing on the development.

Response

Noted.

References

Architectural drawings prepared by Tony Owen Architects:

1. Shadow Diagram Rev E Nov 2021.

SJB Urban



Ellipse Showground Urban Design Review

Ashford Avenue
Castle Hill
2154, NSW

Prepared for
Showground Corporation Pty Ltd

Issued
23 February 2022

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Purpose of Review:

1

The key focus of this Urban Design Review is to address two items raised by the Design Review Panel and captured in the minutes dated 24th November 2021. These include the **interface with Cattai Creek and the Communal Open Space provision.**

My perspective encompasses the earliest masterplanning of the Showground Precinct, which we undertook on behalf of the NSW Department of Planning and in close consultation with Council over a number of years, beginning in 2013, and concluded with the finalisation of the Planning Precinct and associated planning controls in 2017. In the subsequent years I have watched closely as the design and planning of the precinct has incrementally evolved, and since the opening of the Metro station, accelerated to the stage where development is required to further activate the station precinct and help deliver the vision for Cattai Creek.

The subject proposal for Ashford Avenue, Castle Hill represents a critical opportunity, not only to deliver additional development, population, and amenity within close proximity to the station, but to enable the revitalisation of the Cattai Creek corridor. The value of open space and riparian corridors has always been a central focus of the masterplanning of the Showground precinct, particularly given the limited opportunities to deliver larger consolidated public open space.

Council recognises the challenges with delivering new public open spaces within the precinct, given the limited land available in public ownership. The masterplans for Cattai Creek and Showground capture the intent for these valuable open space assets. This perspective has been sharpened further through the additional policy and design guidance by the State Government around open space, urban design and tree canopy.

Within this evolving design and planning context the proposal represents a considered approach to the design and integration of development along public open space and riparian corridors. In fact, these elements sit at the heart of the application. Strict adherence to a specific policy or guidance fails to consider the merits of the design and its overall contribution to the area's future character and amenity.

The opportunities presented by a site of this scale should also be considered within the context of the planning controls, Cattai Creek Masterplan and the desired future character for this valued natural and amenity asset. The planning controls for the site seek a specific built form outcome and may not have considered the specific place-outcomes that could occur through a more nuanced and managed approach to Cattai Creek. These new outcomes, not envisaged in the current controls, but made possible through the site's amalgamation fall outside strict compliance and must therefore be considered on their merits. This requires a more subjective assessment against the objectives of the controls and requires adequate information to allow proper interpretation and consideration.

Through this review it has become clear that the form and density of information provided in support of the proposal has potentially blurred the design intent and lengths undertaken by the team to prioritise communal and public space and its amenity. Where necessary, I have extracted specific material from previous presentations, and supplemented with newly produced work by the design team, to illustrate how the current proposal has addressed the concerns raised by the Panel around the riparian interface and provision of communal open space.

Cattai Creek Interface

2

The Panel has stated (DRP, 24/11/21, P3) that 'the setbacks to the riparian corridor are not compliant with the DCP, which support the intended future landscape character of the riparian corridor public open space in the Showground residential precinct. A 7.5m primary built form setback to the riparian setback is nominated in the DCP and the Panel has previously recommended that this be adhered to as advised in Panel comments'. This comment is cross-referenced with previous feedback from 2019, 'DCP setbacks beyond the 20m Riparian zone are non-compliant and inadequate as currently presented. The proposed averaging does not provide an acceptable interface and has the effect of privatising public land (DRP 08/12/20). The Panel strongly recommends strict compliance with the DCP interface setback requirements.'

The plan shown below, prepared by Tony Owen Architects, indicates the two relevant setback alignments; 20m from top of bank, and a further 7.5m setback noted in the DCP for development along Riparian Corridors. It should be noted that the sites immediately to the south, indicated as Area C (figure 35, P43 of the DCP) only need to provide a 10m setback, rather than the 20m imposed on this site.

The proposal has been designed to ensure all built form sits outside the inner 20m setback, despite guidance from the Office of Water (July 2012), stating that some encroachment can occur, subject to this being offset by applying the averaging rule. Its recognised by the project team that strict compliance with the outermost 7.5m riparian setback has not been achieved, but rather the application of the control has focused more on its objectives, in addition to other government guidance for the design, contribution, safety and activation of public space. When considering this specific outcome, its also important to consider the sequence of design decisions that have driven the layout of the built form and configuration of the communal open space and landscape interface with Cattai Creek.

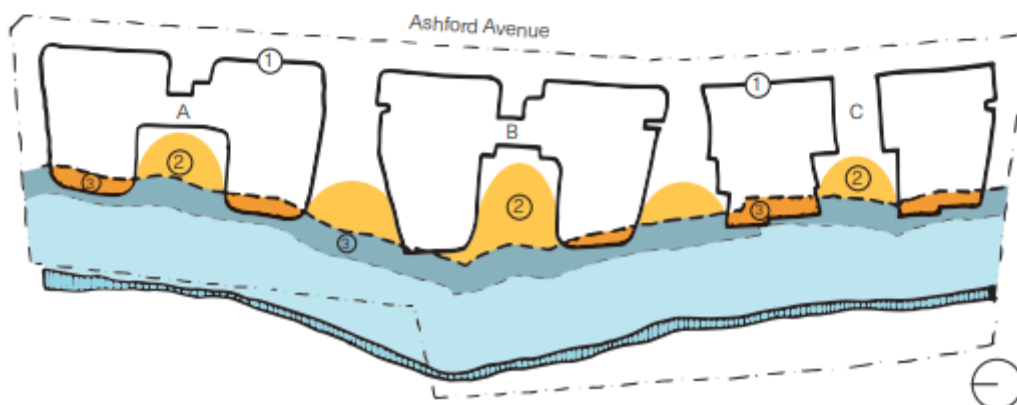


Riparian Setback, showing typical level (G-3), by Tony Owen Partners

Cattai Creek Interface

The diagram below illustrates the key concepts and controls relating to the riparian interface, and has been based on the drawing shown on the previous page. The design decisions that have driven this outcome extend beyond the relatively minor encroachments into the 7.5m DCP setback, and distilled to include:

1. Development is built up to Ashford Avenue, holding the street edge and opening-up the built form along Cattai Creek. The thin edge of each building minimises the presentation to this valuable open space
2. New open (communal) spaces are created along the creek corridor interface. The integration of Cattai Creek with these spaces will increase the shared amenity and environmental value of this green space. Design concepts by Site Image further illustrate the scale, quality and role of these spaces.
3. All built form sits outside the 20m top-of-bank setback, with limited elements sitting within 7.5m setback zone, which is over and above the generous inclusion of additional open space at the creek edge (see comments relating to NSW Office of Water)
4. Activation and surveillance of the new Cattai Creek public space by built form is balanced against the impacts on and future character of the corridor. This is delicate proposition that can be articulated and considered in a number of ways.
 - The western edge of the development will be more prominent visually, presenting a longer flat frontage to the creek corridor
 - Sense of enclosure and amenity impacts to the creek corridor will increase, driven by the elongated frontages and squared corners, which further compound the visual presence and over-shadowing (i.e. determined by the leading edge of the building's corner)
 - Throat/access to the communal space will be reduced, reducing opportunities to integrate the public with communal spaces along the corridor, and
 - Building frontages will align with the 'top of bank' setback, which fails to reflect the more nuanced relationships between the building and open space. These newly aligned frontages will open-up views to buildings, particularly when travelling north to south, rather than directing view lines towards communal open space or along the creek corridor.



Sketch diagram - indicating the push and pull of built form to create larger integrated open spaces

Cattai Creek Interface

To avoid the outcomes noted above the proposal has sought a 'place-based' response that arguably leads to a more considered outcome, aligns with the objectives of the DCP and other guidance, but which also challenges the numeric control noted in the DCP. To assist in the assessment of this particular component its crucial that the objective of the DCP control, along with other guidance, is considered on its merits.

Outlined on following pages is an urban design review of Cattai Creek interface against the key control and guidance relating to this element of the proposal. A summary of the key findings and recommendations are noted in the blue box.

DCP 2012, Part D Section 19, 4.10 Development adjoining the Cattai Creek Riparian Corridor,

Objectives (c), '... built form will provide an appropriately scaled and attractive interface with the riparian corridor' and (d), 'the public domain shall provide an attractive setting and desirable location or new development'

The proposal seeks to soften the presentation of built form along the creek interface by introducing curved elevations to Buildings A and B, and a stepped articulated form to Building C, which maintains the expressed base, middle and upper levels, to limit the overall scale. The lower level units engage with the public and communal spaces by providing direct access from the private terraces to the adjacent spaces, similar to a ground floor terrace.

Should these western edges of the development be pulled back to align with the 7.5m DCP setback along the riparian edge the treatment of this edge feature longer flat elevations, creating greater sense of enclosure to the creek corridor and compound other impacts on the public and communal spaces, including over-shadowing.

The design of the communal spaces seeks the highest quality contribution to the creek corridor - this is explored in greater detail below.

Key Findings:

The current design addresses the objectives of the controls, despite its minor encroachments into the 7.5m setback, and by pulling the western edge of the built form back to along with this setback would result in a poorer outcome.

As part of the most recent review of the proposal, greater emphasis has been given to the way in which the design is described along this crucial edge of the project, including the renders and supporting diagrams (some of which are in this document).

As noted above, the treatment of the riparian edge has been carefully considered, but the design intent has been lost in the density of documentation and iteration.

Cattai Creek Interface

Cattai Creek, Preliminary Landscape Masterplan Report, for The Hills Shire Council, by McGregor Coxall (April 2021)

The vision for Cattai Creek set-out in the masterplan clearly values this corridor as playing a number of key roles for the local area; serving as a linear park, connector for the local community, and a showcase for the area's natural beauty. This is distilled into the 'design principles (2.1) shown on Page 26, and include; **Connection, Activation and Showcasing Nature.** These are explored spatially through a number of Design Strategies, of this a number relate specifically to this proposal;

- *Connection 03:* Encourage new developments to engage with the creek corridor and provide through site links from local streets to the creek.
- *Activation 01:* Create a series of 'parklets' with unique programs along the corridor, and
- *Showcasing Nature 03:* Encourage interaction and a physical connection with the creek at select locations.

The treatment of the riparian edge seeks to address these design strategies through the placement and presentation of built form and communal spaces, which also support many of the other strategies noted in the masterplan, and further enhance the design concept for 'Cockayne Reserve'.

Key Findings:

The proposal directly responds to the vision, design principles and strategies, and preliminary masterplan for Cattai Creek and Cockayne Reserve by introducing through-site connections and public access between Ashford Ave. and the creek. The concept of 'parklets' have been reflected in the location of the communal open space at ground, along the creek edge, and supplemented by additional communal space at roof level. This allows the residents to access different types of communal space, whilst opening up the amenity value of these ground level spaces, and managing the public/private interface in more subtle ways - this is addressed in greater detail below.

NSW Office of Water, July 2012, includes a section of the 'Averaging Rule', which I've adopted on a number of projects along river and riparian corridors. It states, *'Non riparian corridor works and activities can be authorised within the outer riparian corridor, so long as the average width of the vegetated riparian zone can be achieved over the length of the watercourse within the development site. That is, where appropriate 50 per cent of the outer vegetated riparian zone width may be used for non-riparian uses including asset protection zones, recreational areas, roads, development lots and infrastructure.'*

As illustrated the architect, the relatively minor encroachment and application of the 'averaging rule' only applies to the 7.5m setback stipulated in the DCP and not the 20m setback from top-of-bank. In addition, the placement and integration of the communal spaces provided along the western edge of the proposal far exceeds these areas of encroachment. The green 'parklets' provide a valuable intersection between the green fingers that extend east into the precinct and the revitalised Cattai Creek to the west. These spaces have been carefully designed to express a clear delineation between the public domain along the creek corridor, and the more contained and managed landscape in these communal spaces. This is achieved through subtle changes in level, landscaping, containment and surveillance from surrounding built form.

Key Findings:

Guidance from the NSW Office of Water is clear, and regularly applied to development along Sydney's many harbour, river and riparian interfaces.

As noted above, the encroachment into the 7.5m DCP setback is limited, and when applying the averaging rule to these instances, there is more than adequate space along the creek interface to offset the impacts. In fact, the design and placement of the communal space offers a significant contribution to the shared amenity and environmental values of Cattai Creek.

Cattai Creek Interface

Greener Places, GANSW, 2020, represents the growing emphasis being placed on open space, beyond a metric, and with greater consideration being given to the quality of open space, its integration into green and blue networks, and its delivery and ongoing maintenance.

The guidance introduces four key principles to consider when designing open space. The implementation of these principles is also addressed in the guidance, and there are some similarities to those outlined in the Cattai Creek masterplan. The principles, and their relevant application to the proposal are outlined below;

PRINCIPLE 1. Integration - combine green infrastructure with urban development and grey infrastructure

The guide seeks the design of open space to understand the 'physical and functional synergies between urban green space and other infrastructure (e.g. built form), to create a shared vision. This applies to the relationship of the Cattai Creek Masterplan and the design intent of the proposal, which is addressed above, and seeks a expansion of the creeks amenity and environmental value by integrating the communal spaces with the revitalised creek corridor.

PRINCIPLE 2. Connectivity - create an interconnected network of open space

A key design action is the investigation and enhancement of 'physical and functional connections between different green spaces to create an interlinked system'. This action sits at the core of this spatial and built form configuration proposed.

The pursuit of larger communal open spaces at ground, which are located and designed in a way that opens-up their use and contribution to the creek edge, requires some sculpting and projection of the building footprints to achieve this outcome. This results in a non-compliance with the 7.5m setback in some areas, but its argued that the outcome is a net improvement and achieves this principle of interlinked systems - this is explored further in the next section of the review.

PRINCIPLE 3. Multi-functionality - deliver multiple ecosystem services simultaneously

The Cattai Creek Masterplan introduces three important functions to the section adjacent to the site, referred to as 'Cockayne Reserve'; ecological reserve, pedestrian and active transport link, amenity for the local community (with a new play area proposed). These elements are enhanced through the proposal, which features the through-site links from Ashford Avenue, additional passive and play areas, and adds to the tree canopy and ecological footprint of the creek by positioning these communal spaces in this location.

PRINCIPLE 4. Participation - involve stakeholders in development and implementation

As a major stakeholder in the future of the Cockayne Reserve, its hoped that the input from carefully considered inputs, like this review, are taken into account when deciding on the future of Cattai Creek and its contribution to the local area.

Key Findings:

The current design of the Cattai Creek interface reflects principles and several key design actions noted in Greener Places. This assessment is based on the deliver of substantial communal spaces at ground, that integrate, interconnect and add to the values of the creek corridor. To maximise this opportunity, the built form is protruding in limited areas of the 7.5m setback, whilst remaining entirely clear of the inside 20m setback.

The result of strict compliance with the 7.5m setback will reduce the contribution of the proposal to the future of the creek corridor - this is explored further in the next section.

Communal Open Space

3

The nature and role of communal open space on the Ashford Avenue block is unique, due to the characteristics of this western site and the opportunities presented along Cattai Creek. The design has progressed in a positive manner, where the current scheme provides communal spaces at ground along the riparian interface and additional communal open spaces at roof level – these upper level spaces play an important role in providing different managed and environmental conditions for the residents. However, in terms of the overall contribution of the site to the local community and environment, those communal spaces along the western edge are what's being questioned by the Design Review Panel in the minuted dated 24/11/21. In addition to the concerns raised around solar access to these ground floor spaces, the panel also noted, *'further clarity is required in respect of the clear separation and security of communal open space from public open space ... the central open space is now more contiguous with the level of the riparian corridor pathway'* (p 7).

The Panel's minutes also suggest fencing being required, to clearly indicate the differentiation between public and communal space. This recommendation has the potential to deliver an open space network that is severed, disconnected and reinforces land-ownership considerations that directly contradict best practice approaches to designing open space.

For example, the drawing below by Site Image indicates the planning designation of the ground floor spaces ('private/communal' in red, and 'publicly accessible' in green), but has been overlooked by the Panel is the opportunity to consider all of these spaces within a broader network, where ownership, accessibility, activation and safety can be expressed through more subtle design measures - beyond the use of fencing.

Similarly, whilst the numeric criteria of the ADG are not the subject of this review, its recognised that whilst some of the ground floor spaces don't receive substantial solar access in mid-winter, the design, programming, connectivity and role of these spaces within a broader urban and open space narrative clearly illustrates its value. Again, the merits and uniqueness of this site and its context is being overlooked through a strict compliance assessment of the proposal.



Designation of 'Public' and 'Private' (communal) site area along the creek interface (Site Image)

Communal Open Space

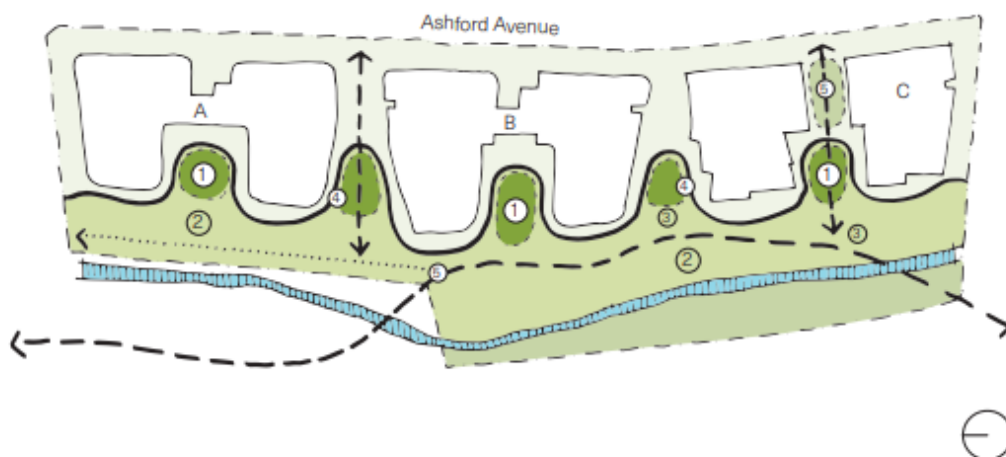
Outlined below is a brief summary of the objectives used in the review of the ground floor communal spaces and the balance that they must strike in their design and delivery. They draw from the review of the Panel's minutes, current controls and guidances, and the opportunities offered by the site. They include;

1. **For the residents** - serving the residents in the development, in line with the objectives of the planning controls and guidance,
2. **Integration** - maximising the opportunities to expand the shared amenity and environmental values offered by the close proximity to the creek corridor
3. **Inclusion** - delineating space between public and private, whilst maintaining a sense of inclusion
4. **Safety** - ensuring the spaces that are created (public, communal and private) are safe and inviting
5. **Connected** - designing open space to control and encourage public connectivity in a form that's safe, engaging, convenient and legible.

The diagram below seeks to illustrate these objectives in a clear and concise manner, reflecting the current proposal in a distilled form.

Over the following pages a review of the communal open space has been undertaken against the key planning controls noted by Council, in addition to the relevant government guidance, which serve as additional support for the approach taken by the proposal. Information prepared by Site Image (landscape architects) for the 24.11.21 design review panel has been used as the basis for this review, in addition to the interrogation of the latest drawings and investigation undertaken in the section above (2).

As noted in the opening comments, the sheer volume of documentation prepared as part of this application has possibly detracted from the strength of the design arguments put forward by the team. Where necessary I have reference sample drawings and images, but have tried to keep this review contained to avoid duplication.



Sketch diagram - integration of communal space into the creek corridor

Communal Open Space

The Hills LEP, Clause 9.5

Part 4, (f) makes reference to matters relating to 'design excellence', and the consideration of the development in relation to;

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

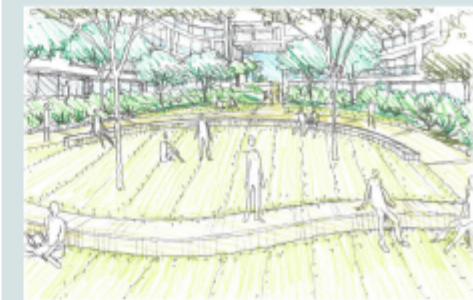
The proposed improvements to Cattai Creek, and the section of Cockayne Reserve adjacent to the site, is captured in the Preliminary Landscape Concept by McGregor Coxall, which has been reflected in the landscape plan by Site Image as part of the proposal. Its been illustrated in this review that the location, size, integration and design treatment of the proposed communal spaces seeks to enhance the public domain offer, rather than detract from this valuable attribute. The soften of the western edges of the built form are intended to reduce the sense of enclosure to this creek interface, and the treatment of levels, edge conditions, connections and landscaping all build on the principles of integration and increasing the shared amenity.

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

The majority of ground floor of each building has been elevated to provide separation and surveillance of the public domain. Where this elevation can't be achieved, due to local topography, landscaping setbacks, planting and retaining walls are used to provide separation (see sketches by Site Image to the right).

(xiii) *excellence and integration of landscape design.*

The current landscape proposal skilfully achieves integration between the communal and public spaces, so that these new landscape elements can contribute to the broader amenity and environmental setting. This approach is balanced against the subtle but effective delineation between what s considered 'public' and 'private' through changes in levels, materiality, containment and landscape design. No fence is required to achieve this outcome, and the result is a carefully integrated network of spaces that satisfies many of the principles noted in Greener Places and other guidance.



References from Site Images Landscape Presentation (Nov 21)

Communal Open Space

Draft Urban Design Guide, GANSE & DPIE

The current draft includes a section on the design of public space, noted in Objective 12.2, which seeks design proposals to;

- Provide a variety of public open space types, to respond to the overarching local character, which in this case is achieved on the site through the characterisation and programming of the individual spaces (see accompanying Site Image pack), which is in addition to those spaces and destinations proposed along Cattai Creek (i.e. the active play area adjacent to Carrington Road). Considerable thought has been given to the connectivity of these spaces to the surrounding streets and creek corridor via boardwalk and footpath that undulates and meanders with the folding landscape along the creek banks.
- Provide open space types that are inclusive and available to all (such as play spaces, youth plazas, and exercise equipment for diverse age groups), which further highlights the strength of making these communal spaces available for the broader public, as the range and quality of spaces offered on the site won't and doesn't need to be achieved on public land within the creek corridor - this is where the environmental and movement aspirations should be prioritised.

CPTED Principles

Good design will inherently be 'safe' and inclusive, particularly when referring to open space. To further address the comments by the Panel around the security and integration of the communal spaces, in addition to their integration with Cattai Creek, the principles of CPTED (Crime Prevention Through Environmental Design) have been used. They include;

1. **Natural Surveillance**, noting the important role of sight lines between the public, communal and private domains the level of the ground floor units have been amended to provide elevation and surveillance to the public domain, and more seamless integration with the communal spaces - which also feature in many instances the same elevation above the public domain. These change in levels reinforces the ownership of these 'upper' spaces, whilst maintaining sightlines.
2. **Access Controls**, use of landscaping elements (hedges, planters, garden beds, seating and

terracing) , along with Wayfinding, to control the movement through and around space. These measures can direct activity to certain areas where surveillance is more prominent, and design out 'dead spaces' where safety might be a concern.

3. **Territorial Reinforcement**, use of changes in levels, elevation and landscaping elements to clearly delineate spaces between private, communal and public. This can occur whilst maintaining clear sightlines and continuity, which avoids individual spaces becoming too granular and segregated
4. **Space Management**, the ongoing maintenance and management of space is critical to fostering a sense of pride and ownership of spaces. This is exemplified when communal spaces at ground can be accessed any used by the public (without fear of trespassing), but their maintenance is the responsibility of the development (taking the onus off Council).

Each of these principles has been addressed in the landscape design and treatment of the build form along the creek interface. The sectional sketches and perspectives by Site Image explore the place-qualities of these outcomes, which have been documented in detail in their drawings.

Key Findings:

The aspiration for open, accessible, inclusive, integrated and safe open spaces is clearly recognised in the Council's controls, government guidance and Cattai Creek Masterplan. The pursuit of these outcomes is sometimes at odds with singular definition of 'communal open space' as per the ADG. A narrow view of this component of the design will fail to make the most of the opportunities to build on the amazing potential offered by the site's relationship to Cattai Creek.

Conclusion

4

Despite the focused nature of this urban design review its clear that the opportunities presented by a site of this scale should be a significant factor when determining its contribution to the current and desired future context along Cattai Creek. Whilst the planning controls for the site seek a specific built form outcome, they will naturally fail to recognise specific place-outcomes that could occur through a more nuanced and managed approach to open space provision and integration with the riparian corridor.

What's been proposed are a series of place-specific outcome not envisaged in the current controls, but made possible through the site's amalgamation, skilled design and iterative improvements with inputs from Council. With reference to the Cattai Creek Masterplan and other government guidance its clear that this proposal can achieve 'design excellence', even if it falls outside strict compliance. This requires the proposal to be considered on its merits, where a more subjective assessment against the objectives of the controls is undertaken. This also requires adequate information to allow proper interpretation and consideration to take place.

Despite its minor encroachments into the 7.5m setback along the riparian interface the design still addresses the objectives of the controls through the provision of larger open spaces that meet a range of other objectives for open space; integration, inclusivity, safety and contribution to the shared amenity of the Cattai Creek corridor. Its also worth highlighting that pulling the western edge of the built form back to align with this 7.5m setback would result in a poorer place outcome for the development and the creek corridor, and also ignores the jarring transition to much lower setbacks for those sites to the south.

The proposal directly responds to the vision, design principles and strategies, and preliminary masterplan for Cattai Creek and Cockayne Reserve by introducing through-site connections and public access between Ashford Ave. and the creek. In particular, the concept of 'parklets' have been embraced by the design team and reflected in the location of the communal open space at ground, along the creek edge, and supplemented by additional communal space at roof level. This allows the residents to access different types of communal space, whilst opening up the amenity value of these ground level spaces, and managing the public/private interface in more subtle ways.

Lastly, the aspiration for open, accessible, inclusive, integrated and safe open spaces is clearly recognised in the Council's controls, government guidance and Cattai Creek Masterplan. The pursuit of these outcomes is sometimes at odds with singular definition of 'communal open space' as per the ADG. A narrow view of this component of the design will fail to make the most of the opportunities to build on the amazing potential offered by the site's relationship to Cattai Creek. With this in mind, the design represents a carefully crafted response to a unique set of site and contextual attributes. Where strict compliance isn't achieved, its clear that the intent of these contrls are carried through to a proposal thats considered 'design excellence' in the communal open space and integration with the Cattai Creek corridor.

ATTACHMENT 15 – GENERAL TERMS OF APPROVAL FROM THE NATURAL RESOURCES ACCESS REGULATOR



Natural Resources
Access Regulator

General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1129560
Issue date of GTA: 16 April 2021
Type of Approval: Controlled Activity
Description: Demolition of Existing Structures and Construction of Three Mixed Use and Four Residential Flat Buildings of varying heights between 8 - 12 Storeys. The development comprises of 811 Units, Lower Ground Level Neighbourhood Shops and Three Level Basement Car parking (1048 Car Spaces).
Location of work/activity: 36 CARRINGTON ROAD CASTLE HILL 2154
DA Number: 488/2021/JP
LGA: The Hills Shire Council
Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources 2011

The GTA issued by NRAR do not constitute an approval under the *Water Management Act 2000*. The development consent holder must apply to NRAR for the relevant approval **after** development consent has been issued by Council **and before** the commencement of any work or activity.

Condition Number	Details
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Design of works and structures

GT0009-00010	Before commencing any proposed controlled activity on waterfront land, an application must be submitted to Natural Resources Access Regulator, and obtained, for a controlled activity approval under the Water Management Act 2000.
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Erosion and sediment controls

GT0006-00001	The following plan(s): - Erosion and Sediment Controls Plan must be: A. prepared in accordance with Managing Urban Stormwater: Soils and Construction, Volume 1 (Landcom, 2004), as amended or replaced from time to time, and B. submitted with an application for a controlled activity approval.
GT0021-00004	The proposed erosion and sediment control works must be inspected and maintained throughout the construction or operation period of the controlled activity and must not be removed until the site is fully stabilised.

Plans, standards and guidelines

GT0002-00680	A. This General Terms of Approval (GTA) only applies to the proposed controlled activity(s) described in the plans and associated documents found in Schedule 1, relating to Development Application as provided by Council to Natural Resources Access Regulator. B. Any amendments or modifications to the proposed controlled activity(s) may render the GTA invalid. If the proposed controlled activity is amended or modified, Natural Resources Access Regulator, Parramatta Office, must be notified in writing to determine if any variations to the GTA will be required.
GT0003-00002	The application for a controlled activity approval must include the following document(s): - outlet structures; Erosion and Sediment Control Plan; Soil and Water Management Plan; Vegetation Management Plan.
GT0004-00003	A. A security deposit must be provided, if required by Natural Resources Access Regulator. B. The deposit must be: i. a bank guarantee, cash deposit or equivalent, and ii. equal to the amount required by Natural Resources Access Regulator for that controlled activity approval.

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nrar.enquiries@nrar.nsw.gov.au | <http://www.industry.nsw.gov.au/nrar>



General Terms of Approval

for proposed development requiring approval
under s89, 90 or 91 of the Water Management Act 2000

Reference Number: IDAS1129560

Issue date of GTA: 16 April 2021

Type of Approval: Controlled Activity

Description: Demolition of Existing Structures and Construction of Three Mixed Use and Four Residential Flat Buildings of varying heights between 8 - 12 Storeys. The development comprises of 811 Units, Lower Ground Level Neighbourhood Shops and Three Level Basement Car parking (1048 Car Spaces).

Location of work/activity: 36 CARRINGTON ROAD CASTLE HILL 2154

DA Number: 488/2021/JP

LGA: The Hills Shire Council

Water Sharing Plan Area: Greater Metropolitan Region Unregulated River Water Sources 2011

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| GT0010-00006 | All documents submitted to Natural Resources Access Regulator as part of an application for a controlled activity approval must be prepared by a suitably qualified person. |
| GT0012-00004 | Any proposed controlled activity must be carried out in accordance with plans submitted as part of a controlled activity approval application, and approved by Natural Resources Access Regulator. |
| GT0030-00006 | The application for a controlled activity approval must include plans prepared in accordance with Natural Resources Access Regulator's guidelines located on the website https://www.industry.nsw.gov.au/water/licensing-trade/approvals/controlled-activities . |
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Rehabilitation and maintenance

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| GT0007-00006 | When the proposed controlled activity is completed, and the rehabilitation plan has been implemented, maintenance of the site must be carried out for a period of 2 years in accordance with that rehabilitation plan submitted as part of the controlled activity approval, and approved by Natural Resources Access Regulator. |
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Reporting requirements

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| GT0020-00004 | The consent holder must inform Natural Resources Access Regulator in writing when the proposed construction of the controlled activity has been completed. |
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SCHEDULE 1

The plans and associated documentation listed in this schedule are referred to in general terms of approval (GTA) issued by NRAR for integrated development associated with 488/2021/JP as provided by Council:

- SEE
- Plans
- Riparian Update